

**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MARCH 1, 2023**

The Regular Meeting of the Zoning Board being held March 1, 2023 is scheduled for 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ. Chairman makes the public statement.

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by advertising this Regular Meeting in the Burlington County Times on January 10, 2023 and by advertising this Regular Meeting in the Courier Post on January 11, 2023.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

ROLL CALL:

Members Present – Mr. Bednarek, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. Neely, Ms. Stasko and Mr. Anninos.

Also Present: Richard Strobel, Board Attorney, James Mullan, Board Engineer, Matt Wanamaker, Board Planner and Patricia Rucci, Board Secretary.

The Board's policy is not to commence hearing a matter after 10:00 p.m., but instead to adjourn the matter to the next regularly scheduled meeting. Any matters still being heard at 10:00 p.m. may be completed that evening or may be adjourned to the next regularly scheduled meeting, at the Board's discretion.

MR. BEDNAREK: Case #19-6-1A – Milex Holdings LLC – Final Site Plan – 1705 Industrial Highway, Block 806, Lot 1.02.

MR. BEDNAREK: Case #22-8-1 – Twisted Joint, LLC – Use Variance – Preliminary and Final Site Plan with Bulk Variances and Waivers – 2401 Route 130, Block 807, Lot 1. The Applicant withdrew this Application without prejudice. This Application will not be heard on March 1, 2023. If the Applicant decides to appear before the Board again, they will need to re-notice.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Devlin to approve the Resolution for Case #23-2-1 – Francis and Mary DeLuca – Bulk Variance - 1 Purnell Avenue, Block 1503, Lot 1. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Ms. Stasko, Abstain, Mr. Neely and Mr. Anninos, no opposed motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Devlin to approve the Resolution for Case #19-6-1A – Milex Holdings LLC previously known as Specialized Industrial Associates – Conditionally granting second extension of Use Variance, Preliminary Site Plan and Bulk

Variance Approvals for Ninety (90) day period expiring June 5, 2023. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. Neely, Ms. Stasko, Mr. Anninos and Mr. Bednarek, no opposed motion passes.

MR. BEDNAREK: Case #19-6-1A – Milex Holdings LLC – Final Site Plan – 1705 Industrial Highway, Block 806, Lot 1.02.

MR. BURNS: Attorney for Milex Holdings LLC. Milex Holdings, LLC was formerly Specialized Industrial Associates.

MR. MULLAN: He referred to Pennoni’s February 8, 2023 review letter for completeness.

MR. BURNS: They are here requesting Final Site Plan approval and a sign variance approval associated with the proposed retail and restaurant use with drive through at property located at 1705 Industrial Highway, Block 806, Lot 1.02. We received a Use Variance and Preliminary Site Plan approval from the Board for the retail restaurant use with drive through that was under Resolutions 2019-16, extended under Resolution 2020-24 and tonight’s Resolution. We are here for Final approval. All required bulk variances were granted as part of the Preliminary Site Plan approval. We are requesting a variance to permit two façade signs on a principal façade where one façade sign is permitted for the purposes of identifying tenants for the building. We are asking for four façade signs where three façade signs are permitted by Ordinance. Your Engineer agreed to accept the Traffic Analysis Letter dated February 16, 2023 from Shropshire Associates for completeness purposes. Other than the requested sign variance, there has been no change from the Preliminary approvals for the property.

MR. STROBEL: He swears in Mark Malinowski, Applicant’s Engineer, Mike DeMayo, Applicant and Nathan Mosley, Applicant’s Traffic Engineer.

MR. MALINOWSKI: He gave the Board an overview of what is proposed at the site.

MR. MALINOWSKI: He agreed that there was no change in the plans from Preliminary approval except for addressing the conditions of the approval (inaudible). He agreed that the issue tonight is for the sign variance as well. He discussed the Board Engineer’s review letter with the Board Engineer and one of the issues that needed to be addressed was the landscaping waiver. He gave the Board an overview of what is proposed for the site. He presented Exhibit A-1.

Exhibit A-1 – Aerial Plan

He described the surrounding properties and the site. It is an undeveloped site. The area of the site is 2.55 acres. 0.9 acres is developable land. The approval in 2019 was a small shopping center comprising of three businesses. Two retail uses both having square footage of 1,575 square feet and a restaurant at the southern end close to the corner of Route 130 and Industrial Highway which is 1,490 square feet. The total square footage is 4,640 square feet. The parking lot has 29 parking spaces. He spoke about the traffic, circulation and a queuing lane for the drive through for the restaurant facility at the southern end of the building. There is a dumpster enclosure and a stormwater management control facility. He mentioned the infiltration basin. He spoke about the landscaping.

MR. BURNS: In your opinion Mr. Malinowski, adding that proper landscaping, not deciduous trees, but evergreen trees at a higher height will serve the purpose of addressing the headlights.

MR MALINOWSKI: That is correct.

The Board and the Applicant discussed the headlights and the trees.

Exhibit A-2 – The Building size is 4,640 square feet. There are 29 parking spaces. They are switching plantings to Evergreen.

MR. BURNS: The Applicant will work with the Engineer's office to address issues with headlight glare. We meet all DEP requirements with the Application as we did with the Preliminary Site Plan.

MR. MALINOWSKI: That is correct. That didn't change.

MR. BURNS: We can comply with the Sewer Authorities Review Letter. Is that correct?

MR. MALINOWSKI: That is correct.

MR. BURNS: We received the Fire Marshal's letter and we can comply with except for paragraph #12.

MR. MALINOWSKI: They will comply with the Fire Marshal's letter except for paragraph 12.

MR. BURNS: We are also here for a sign variance.

MR. MALINOWSKI: That is correct.

MR. MALINOWSKI: Exhibit A-2 – Site Plan

Exhibit A-3 - Foot Print and Elevation of the Building.

MR. MALINOWSKI: We are asking for the variance for the fourth sign which is above the drive through area facing Route 130.

MR. BEDNREK: Three different companies, four signs total.

MR. MALINOWSKI: Correct. He spoke about the signage.

MR. BEDNAREK: All four signs are within the total square footage of what the Ordinance (inaudible).

MR. MALINOWSKI: Since they don't have any tenants, we don't have details on the signage. If for some reason (inaudible), we would have to come back.

MR. BURNS: This is designed to comply. If they want a larger sign, they would have to come and ask for it.

MR. BEDNAREK: He referred to Paragraph #12 of the Fire Marshal's Report.

MR. MALINOWSKI: He referred to the original site plan. He explained to the Board why they can't accommodate the 20 foot.

Mr. Malinowski and Mr. Burns discussed drive through lane and drive aisle.

MR. BURNS: We can comply with the Pennoni letter, the Sewerage Authority letter and the Fire Marshal on that discussion on the 15 foot rear drive aisle.

MR. MOSLEY: He explained his Traffic Analysis Letter dated February 16, 2023.

MR. BEDNAREK: He asked if Mr. Mullan concurred on the fire lane situation.

MR. MULLAN: They concur.

MR. STROBEL: He asked about the landscaping testimony for completeness.

MR. MULLAN: Providing larger trees will prevent the glare.

MR. STROBEL: He swears in Matt Wanamaker, Board Planner from Pennoni Associates.

MR. MULLAN: They will work with the Applicant regarding the landscaping.

MR. BURNS: They are happy to work with Pennoni Associates.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to deem the site plan application complete, the Applicant and the Board Professionals will work together on the landscaping plan, stormwater waiver, the Fire Lane is accessible and appropriate, conditioned on Fire Marshal's letter except for paragraph #12 which was discussed. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. Neely, Ms. Stasko, Mr. Anninos and Mr. Bednarek, no opposed motion passes.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to grant Final Site Plan approval and a Bulk Variance for Four signs where three signs are permitted. The square foot signage will be in compliance with the Ordinance. Standard conditions. Compliance with the Engineer review letter, Fire Marshall Letter except for paragraph #12 and the Sewerage Department letter. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. Neely, Ms. Stasko, Mr. Anninos and Mr. Bednarek, no opposed motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Devlin to approve the Meeting Minutes for February 1, 2023. VOICE VOTE: ALL AYE, Abstain, Mr. Neely and Mr. Anninos, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Neely to approve the vouchers for Richard Strobel noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Neely to approve the vouchers for Cinnaminson Fire District noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

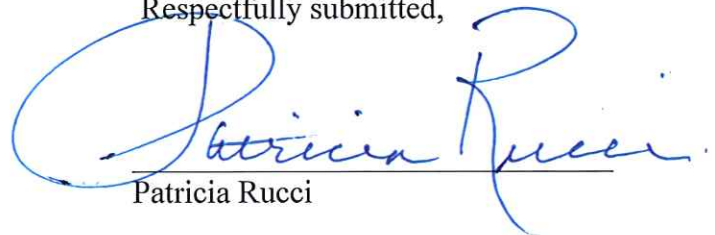
MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MS. GALOSI seconded by Mr. Neely to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

April 5, 2023

Respectfully submitted,


Patricia Rucci