

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MAY 3, 2023**

The Regular Meeting of the Zoning Board being held May 3, 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, Mrs. Galosi, Mr. Trampe, Mr. O’Donnell, Ms. Woodman, Mr. Neely and Mrs. Stasko.

Also Present: Richard Strobel, Board Attorney, Hugh Dougherty, Board Engineer, Geoffrey Gray-Cornelius, 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 #23-5-1 – Patrick and Holly McCullough – Bulk Variance – 1113 Garfield Avenue, Block 1606, Lot 6.

MR. STROBEL: He swears in Patrick and Holly McCullough.

MR. MCCULLOUGH: They have a corner house.

The Applicants presented Exhibits A-1, Exhibit A-2, Exhibit A-3 and Exhibit A-4 – Photographs of their property.

MR. MCCULLOUGH: He described the photographs to the Zoning Board. He described where they would like to install the fence.

MR. BEDNAREK: You will be placing this fence directly on your property line.

MR. MCCULLOUGH: Yes.

MR. BEDNAREK: He asked Mr. McCullough to describe the 4 foot high vinyl fence.

MR. MCCULLOUGH: It is a white vinyl picket fence. It wouldn't be a solid fence. The fence will be a 4 foot high vinyl picket fence. There will be a gate by the driveway. The gate will be a double gate.

The Board and the Applicant discussed the location of the fence.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve a 4 foot high white vinyl fence that will have a setback of zero feet where 20 feet is required on the long side of a corner lot which is the Montclair side and all standard conditions. Gates will be included in the permit process. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely. Mrs. Stasko and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #23-5-2 – Dylan Scaccetti – Bulk Variance – 10 Parry Road, Block 3106, Lot 4.03.

MR. STROBEL: He swears in Dylan Scaccetti.

MR. SCACCETTI: He wants to replace his current 4-foot fence with a 6-foot white privacy fence. He presented Exhibits A-1, Exhibit A-2, Exhibit A-3 and Exhibit A-4. The location of the fence is the same. The entire fence will be replaced. There will be a single gate and a double gate on the other side of the house.

The Applicant and the Board discussed the proposed fence.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve a 6 foot white vinyl fence that will have a front yard setback of 10 feet where 30 feet is required on the long side of a corner lot which is the Riverton Road side of the property with standard conditions. Replacing the 4-foot wooden with a 6-foot vinyl fence in the same location. Gates will be part of the permit process. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely. Mrs. Stasko and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #23-5-3 – Todd Marcus – Bulk Variance – 551 Inman Street, Block 303, Lot 3.

MR. STROBEL: He swears in Zach Marcus, son of Todd Marcus.

ZACH MARCUS: Todd Marcus wants to build a home on the side lot next to the current building that is there. Eight feet is required. They are asking for a variance of 7.27. He presented Exhibits A-1, Exhibit A-2, Exhibit A-3, Exhibit A-4, Exhibit A-5 and Exhibit A-6 – Photographs of the Property. He described where they want to build the home. They will probably build the home next year.

Mr. BEDNAEK: Currently on that lot, there are no living accommodations at all.

ZACH MARCUS: Correct.

MR. BEDNAREK: A two car garage essentially.

ZACH MARCUS: Correct.

MR. BEDNAREK: You want to turn it into a primary residence by putting a second story on the garage to make it livable.

ZACH MARCUS: Correct. There is an upstairs. It would be to make it livable. The footprint is the same. They are not expanding. He identified where they want to build a home.

MR. BEDNAREK: If this were to pass, you be agreeable as a condition that upon the new house being built, this will no longer be used as an apartment or any type of living space. The new residence is the primary residence and it can no longer be a residence.

ZACH MARCUS: Correct. He stated that it would go back to a garage not living.

MR. BEDNAREK: A condition is to meet all of the regulations regarding the sewer, water, (inaudible) and electricity. That would be a standard condition. He wanted to make sure the Applicant understood this.

ZACH MARCUS: Yes.

MR. BEDNAREK: A home is a permitted use there.

MR. MARSHALL: He gave the Board the history of the property. Now that the property is being changed to residential, it requires an 8 foot setback side yard. The Applicant is less than a foot short of 8 feet. If the Applicant had the eight feet, he wouldn't be here tonight. The Applicant is here for the setback.

MR. STROBEL: He swears in Honore Young.

MR. YOUNG: She was concerned about water runoff.

MR. MARSHALL: When someone comes in for a building permit, we do look to see where the water goes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve a detached garage conversion into a residential living unit with a side yard setback of 7.27 feet where 8 feet is required. Must meet all water and sewer protocol conditions. The CO will not be provided to the new Unit until the first property is no longer habitable. Standard conditions apply. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely, Mrs. Stasko and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #23-5-4 – Campo Verde, LLC – Bulk Variance- 2604 Route 130, Block 2701, Lot 45.01.

CHERYL LYNN WALTERS: Attorney for the Applicant. The Applicant is seeking a Bulk Variance for a second building mounted or façade sign on the secondary frontage. The property is located at the corner of Route 130 and New Albany Road. The property was the former Rite Aid Building. It is now the KED Plasma Center. They are seeking façade sign to face New Albany Road. The prior Rite Aid also had a second sign in that location. Your Ordinance permits one façade sign. We are here for the variance for the second sign.

MR. STROBEL: He swears in Mark Baumann, Project Manager and Stephen Hawk, Planner.

MR. STROBEL: He asked if the Corporate Disclosure Statement for Campo Verde, LLC was a factual statement.

MR. BAUMAN: He advised that the information on the Corporate Disclosure Statement was accurate.

MR. BAUMAN: The Applicant was interested in the building because it was a corner lot. He spoke about the improvements to the property. The façade sign would be a benefit to the tenant for visibility.

MR. HAWK: The site is at Route 130 and New Albany Road. He advised that there is one freestanding sign out front on Route 130. The other freestanding sign is way off of Route 130 on New Albany Road back by the driveway to the site. There is one façade sign. The site is really well landscaped. He spoke about the benefits of the sign. This is a beautiful site and the addition of the sign is not going to take away from it.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve a second façade sign that is not permitted. The sign will be the same exact identical sign, 105 square foot maximum sign, backlit, standard conditions. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely, Mrs. Stasko and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #23-3-1 – Taj Donuts – Use Variance and Preliminary and Final Site Plan – 285 Route 130, Block 1904, Lot 4.

MS. RENNER: Attorney for Taj Donuts.

MR. STROBEL: He swears in Timothy Kernan. Applicant's Planner.

MR. KERNAN: Applicant's Planner. He reviewed the certain Ordinances. In his opinion, it is (inaudible) permitted without conditions as a conditional use.

MR. GRAY-CORNELIUS: He believes it should go under Conditional under Section 97A.

MR. STROBEL: He gave the Board background information regarding the Ordinance for Fast Food Drive Through Restaurants.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to approve the interpretation of the Zoning ordinance application pursuant to NJSA 40-55D-75B. The Board determines that the conditional use standards found in Section 525-97A of the Code of the Township of Cinnaminson do apply to drive through restaurants in the BD Zone. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely, and Mr. Bednarek, Abstain, Mrs. Stasko none opposed, motion passes.

The Board had a lengthy discussion whether this was a conditional use or use permitted by right. After extensive discussion, it was determined to be a conditional use and to be consistent with actions taken with prior applications. Code 525-97 does apply to drive through.

MR. STROBEL: He reviewed all of the material that was submitted. The Zoning Board is hearing a different proposal than what was submitted in 2016.

MR. DOUGHERTY: He referred to his letter of March 17, 2023. He referred to the Applicant's Engineers letter of April 14, 2023. He advised that the Application can be deemed complete with testimony for two items, Solid Waste and to get testimony regarding Easements.

MR. JEFFERIES: He gave an overview of the existing conditions. He presented Exhibit A-1 – Aerial Photograph. He reviewed the plan with the Board. He described the surrounding properties.

Exhibit A-2 – Colorized Site Plan. A portion of the building will be demolished. 1,840 square feet currently. 1,478 square feet proposed. The building will be renovated and updated. There will be 10 seats inside the building. There will be 8 seats outside the building. He spoke about the parking lot and the parking. He spoke about the drive through lane. He spoke about the circulation of traffic. He spoke about the deliveries and trash. He spoke about Grading and Drainage Plan. They are proposing a Rain Garden. No new services proposed. There is an existing gas line and meter that will need to be relocated. All other existing utilities will remain. He gave an overview of the Landscaping Plan. They are proposing decorative plantings. He spoke about the Lighting.

Signage – There is an existing pylon sign and wall mounted façade sign. There is a variance required. The Ordinance permits one façade sign. We are requesting three. He identified the area for the three proposed façade signs. Internally illuminated signs currently exist. The trash is picked up twice a week. Recycles are picked up once a week.

MR. LENNIE HOHMAN: Sunrise Consulting. The store is opened from 5:00 AM to 9:00 PM seven days a week. The trash is picked up after 10:00 AM twice a week. The recycles are picked up once a week. The donuts are delivered daily. The deliveries are when the store is closed. The hours could be adjusted depending on the business.

MR. KAUSHIK PATEL: Owner of Taj Donuts. He owned Taj Donuts for 31 years. He spoke about owning the store.

MR. JEFFERIES: He reviewed the conditions and the waivers.

Mr. Jefferies and the Board spoke about the one way signs

MR. JEFFERIES: They will make sure it is appropriately signed so drivers know it is an (inaudible).

The Board and Mr. Jefferies spoke about the deliveries.

MS. TRACEY CRAIG: Project Architect  
She presented Exhibit A-4 - Elevation Plan – She explained the Elevation Plan.  
Exhibit A-5 – Floor Plan – She explained the Floor plan.

MR. SCOTT KENNEL: Traffic Engineer – He reviewed Traffic Impact Study July 13, 2022.

MR. KERNAN: He spoke about the conditional use. He gave an overview of the existing property. The site is well suited for the proposed use of adding a drive through. He spoke about the Negative and Positive Criteria. The site design meets all of the site design criteria for that conditional use.

MR. DOUGHERTY: He referred to his review letter. The initial items on completeness with regard to trash and any type of easement or deed restriction. That has been satisfied. He referred to the loading dock and the trash enclosure. That has been satisfied. The truck maneuver ability. He stated that given the size of the trucks it seems appropriate. All site issues were addressed including my comment with regard to the New Jersey Department of Transportation.

MR. GRAY-CORNELIUS: He referred to Ordinance Section 525-97.

MR. BEDNAREK: He asked Mr. Dougherty if he was satisfied. We addressed all completeness issues with the testimonies we have had here.

MR. DOUGHERTY: Correct. As well as the site plan issues.

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

MR. STROBEL: He swears in Mr. Hare.

MR. HARE: He thanked Mr. Patel for being in the Community for 30 years. He expressed his concerns.

MR. BEDNAREK: He thanked Mr. Hare.

MR. STROBEL: The Applicant is proposing 13 vehicle stacking spaces. Seven was approved for Riverton Road.

MR. STROBEL: He swears in Tom (Inaudible)

MR. TOM (Inaudible) He spoke about the beautiful Dunkin Donuts on Riverton Road. He stated that Mr. Patel was a supporter of this Community.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to approve a conditional use variance, the relief in the employee parking lot, trash enclosure and delivery (inaudible). The trash pickup during the day will be between 10:00 AM and 5:00 PM, the delivery hours will be when the store is closed, off hours between 9:00 PM to 4:00 AM. A 6 foot vinyl fence. The color of the fence will be tan or brown. On the Route 130 side, the fence will be 4 feet. If the trash is picked up outside of these hours, the Owner of the property will be held accountable. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely, Mrs. Stasko and Mr. Bednarek, none opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve the Preliminary and Final Site Plan with bulk variances and conditional bulk variances with waivers and exceptions. The second sign will go on the easterly side facing Cinnaminson Avenue, one sign in the front saying "American Runs on Dunkin", block landscape for the wall, the rod iron black fence in front of the seating area, also bollards for safety protection, outside trash receptacle, the lollipop sign staying, the sign will say Drive-Thru Area, the sign is the same size with all existing conditions and standard conditions. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely, Mrs. Stasko and Mr. Bednarek, none opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the Resolution for Case #23-4-1 – William Jr. and Kristen Park – Bulk Variance Approval– 2 Laurel Court, Block 2404, Lot 19. VOICE VOTE: ALL AYE, Abstain, Mr. Neely, none opposed, motion passes.

A MOTION IS MADE BY MS. WOODMAN seconded by (inaudible) to approve the Meeting Minutes for April 5, 2023. VOICE VOTE: ALL AYE, Abstain, Mr. Neely, none opposed, motion passes.

A MOTION IS MADE BY MS. WOODMAN seconded by Mrs. Galosi to approve the voucher for Richard Strobel noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the vouchers for Pennoni Associates noted on the Agenda. VOICE VOTE: ALL AYE, none 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.

The Zoning Board discussed and decided to cancel the July 12, 2023 and August 2, 2023 Zoning Board Meetings. The Zoning Board discussed and decided to have a Zoning Board Special Meeting on Wednesday, July 26, 2023 at 6:30 PM.

A MOTION IS MADE BY MR. NEELY seconded by Mr. O'Donnell to cancel the July 12, 2023 and August 2, 2023 Zoning Board of Adjustment Meetings and schedule a Special Zoning Board of Adjustment Meeting on July 26, 2023 at 6:30 PM. VOICE VOTE: ALL AYE, none opposed, motion passes.

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

Duly passed and adopted

June 7, 2023

Respectfully submitted,

Patricia Rucci  
Patricia Rucci