

CINNAMINSON ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
September 4, 2024 at 6:30 PM

Mr. Bednarek called the meeting to order and read the Sunshine and Public Statements.

Sunshine 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 8, 2024, and by advertising this Regular Meeting in the Courier Post on January 10, 2024.

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:**

**Present:** Mr. Bednarek, Mr. Devlin, Ms. Galosi, Ms. Stasko, Ms. Woodman, Mr. Trampe, Alternates:  
Mr. Anninos and Ms. Sherlock

**Absent:** Mr. Neely

**Also Present: Board Professionals:** Charles Petrone, Attorney; Hugh Dougherty, Board Engineer; Geoffrey Gray-Cornelius, Board Planner; Mike Minton, Zoning Officer; Beverly Russell, Temporary Board Secretary; Lori Neely, Acting Board Secretary

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

Mr. Bednarek reported the matters to be heard at this meeting and announced that the matter of 1113 Garfield Road would not be heard this evening as the Applicant requested a continuance to the October 2, 2024 meeting.

Motion by Mr. Trampe, seconded by Ms. Galosi to continue the Application for 1113 Garfield Road to the October 2, 2024 regular scheduled Zoning Board meeting.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman, Mr. Bednarek

**Those voting against:** None

**Those recusing/abstaining:** None

**Case #24-4-1 – Application to the Zoning Board of the Township of Cinnaminson Requesting Preliminary and Final Major Site Plan Approval and Use Variance Relief to International Swaminarayan Satsang Organization – 2101 Garry Road, Block 802, Lots 9 and 10**

**Hearing**

Ms. CherylLynn Walters, Applicant Attorney gave an overview of the application and submitted the affidavit of publication and notice and list of exhibits to be discussed this evening. Ms. Walters introduced the Applicant representative and witnesses who were sworn by Mr. Petrone.

Mr. Dougherty explained completeness issues listed in his April 19, 2024 letter including items 1-9 that were not applicable, and the 2 waivers for preliminary and final site plan checklists for the area of the lot acreage. He recommended the application be deemed complete.

Motion by Ms. Galosi, seconded by Ms. Woodman to declare the preliminary site plan complete.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None

**Those recusing/abstaining:** None

Motion by Mr. Trampe, seconded by Mr. Devlin to accept the final site plan as final.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None

**Those recusing/abstaining:** None

Mr. Robert R. Stout, Engineer for the applicant stated his qualifications and expertise and introduced the following Exhibits:

Exhibit A-1 aerial view showing applicant site and neighboring properties

Exhibit A-2 2020 aerial view of property

Exhibit A-3 colorized version of landscape plans

Mr. Stout began his testimony explaining the location and features of the property and discussed the current and proposed stormwater drainage, features of the property, access points, proposed improvements to relocate play areas to the park area from the parking lot, resurfacing of parking lot, creation of walking path and erection of permanent pavilion structure. Lighting and landscaping were addressed and Mr. Stout reported the dumpster will now be enclosed by a PVC fence. Traffic circulation for emergency response was explained.

Ms. Walter asked about changes to signage and Mr. Stout reported the façade sign on existing temple building would not change and no new signs are proposed. He explained the request for design waiver for 9'x18' parking stall size be granted, stating the existing parking stalls on the site are 9'x18'. Mr. Stout reported receipt of Burlington County Planning Board approval letter, Soil Conservation District letter is pending and receipt of Wetlands letter of interpretation.

Mr. Trampe asked for clarification of the location to the building entrance, the material to be used on the walking path and the location of the property in relation to the vacated section of Industrial Drive. Ms. Stasko asked for clarification of the green areas marked on the exhibit, which Mr. Stout explained were grass and pickle ball courts. She asked if there were any sound concerns and Mr. Stout explained there were none as the location is adjacent to the High School Football Field and Hunters Farm. Mr. Trampe asked if neighboring buildings were industrial with no residential homes and Mr. Stout affirmed this. Mr. Bednarek asked if the infrastructure of the existing basin is adequate and Mr. Stout explained the additional four semi-basins will provide for a 20% reduction in runoff. The ownership and responsibility to maintain the existing basin adjacent to the applicant property was discussed

Mr. Dougherty spoke to the completeness of the site plan and clarified there were no issues with the completeness of the variance portion application.

Ms. Walter introduced Mr. Vijay Patel, servant leader for the organization and secretary of the International Swaminarayan Satsang Organization (ISSO) chapter. Mr. Patel described the use of the Temple and facilities including the hours of operation, number of visitors to the site daily, weekly and during special events, noting no changes to hours of operation are being proposed. He explained the use of the proposed permanent pavilion would eliminate the need to erect large tents in the parking lot which were damaging to the surface. He stated trash collection by private trash hauler would continue with no proposed changes.

Mr. Bednarek asked what materials would be used to construct the pavilion. Mr. Stout explained the floor will be a concrete base with pole barn structure pavilion and metal roof. He reported there will be no electrical service or plumbing. Ms. Stasko inquired if the pavilion would be rented out to congregation members and Mr. Patel stated it would not.

Mr. Stephen Hawk, licensed Professional Planner, reported his credentials, qualifications and experience as an expert Professional Planner. Mr. Hawk testified the current existing non-conforming use functions well outside of special events which, when held in the parking lot, cause spillage of parking out into the surrounding streets. Therefore, the expansion of additional event area and properly designed parking will bring the site more into conformity with the zone, because all activities will take place on property. There will be the free flow of traffic with less cars parked off site. Additionally, the permanent pavilion structure, built to code, will provide a safer place than the temporary tents in the event of inclement weather. Mr. Hawk stated this expansion would pose no substantial detriment to the public good, as the character of the neighborhood will not be impacted as the use of the site will not be changing. He explained the transitional use from industrial area to the neighboring farmland and high school areas and environmentally constrained area. He explained the property is on the edge of two different zones and two different land uses. The improvement to the parking area, addition of park and landscape area will leave the trees and environmental constraints intact. Mr. Hawk stated the requirements of the zoning ordinance for lot size, lot width, max building coverage, building height and front yard, side yard and rear yard setbacks were all met. Mr. Hawk listed various other uses allowed in the commercial industrial zone.

Mr. Gray-Cornelius stated the proposed clearing of woods, comprising new growth, and proposed changes to the site will not have a negative impact on the expansion. Ms. Walter explained the site could be cleared for permitted industrial uses in the zone and she felt this plan for the site would be an improvement over what could occur there. Mr. Stout explained the change in classification of the creek running behind the property and its impact and restrictions on development of this and neighboring properties. Mr. Dougherty stated the use of this site is compatible with neighboring sites as most are operational during the day and there will be no change in the hours of operation or traffic flow for the proposed expansion of the site. He explained that there will be improvement from a traffic standpoint, as the overflow of parking on the street will be eliminated.

### **Hearing Opened to the Public**

Mr. Bednarek opened the hearing to the public.

Mr. Michael Goins was sworn by Mr. Petrone. Mr. Goins expressed his concerns regarding wetlands, asked about the location of wetlands on the site, if an environmental impact statement had been issued, if test boring was performed and witnessed by an engineer and stated a fence could not be constructed in a flood zone. Mr. Stout referenced the letter of interpretation issued by the State is valid through September 2025, reported wetlands areas were approved by DEP, environmental constraints were addressed, fencing in front of wetlands is proposed, and a geotechnical engineer will perform soil borings.

### **Hearing Closed to the Public**

Since there were no further comments or questions, Mr. Bednarek closed the hearing to the public.

Mr. Dougherty explained the testimony of the Applicant's Planner and Engineer addressed any issues brought up from an engineering standpoint. He stated that for the resolution, he had no objection to design standard waivers for smaller parking stalls, as they were previously granted and are the norm, and on the paving, as the Applicant provided an equally satisfactory paving section as is in the ordinance. Mr. Dougherty stated the Applicant's stormwater management plan complies with ordinance and DEP regulations and Mr. Stout has testified he will submit stormwater maintenance plan and show the emergency

spillway on plan. Mr. Gray-Cornelius stated that the site would conform with the standards for religious use in the RIC1 Zone permitted use.

Ms. Walter thanked the Board, concluding that sufficient evidence has been given to justify granting the D-2 variance as well as preliminary and final site plan approval. She asked for bifurcation with a vote on D-2 variance first and separate vote on the site plan. Ms. Walter reported that she had not seen the recommendations from the Fire Marshall and Mr. Stout stated that they will comply with all recommendations including posting the street number on the building.

Motion by Mr. Trampe, seconded by Ms. Galosi to grant use variance relief for D-2, allowing for expansion of existing non-conforming use to include conditional use in accordance with testimony provided by the Applicant.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None **Those recusing/abstaining:** None

Motion by Mr. Trampe, seconded by Ms. Galosi for approval of preliminary and final major site plan approval with conditions of approval outlined by Mr. Petrone.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None **Those recusing/abstaining:** None

Mr. Bednarek announced a five-minute adjournment to the meeting at 7:50P.M. Meeting called back to order at 7:55P.M.

**Case # (to be determined) Application to the Zoning Board of the Township of Cinnaminson Requesting Amended Major Site Plan Approval, Use Variance and Related Bulk Variances to Eighteen SAC Self-Storage Corporation (U-Haul) – 2101 Route 130 S., Block 805, Lot 2**

**Hearing**

Ms. Augusta M. O’Neill, attorney for the Applicant explained the purpose of the application is an amendment to an application previously approved by the Board and briefly listed the areas of revision including reduction in building sq. ft., shifting of building location and change of shape, change in truck entrance, increase in number of parking spaces, building height reduction, increased minimum parking plantings, and minimal updates to wall sign area, utility and stormwater management and lighting. Mr. Petrone swore the Applicant’s witnesses. Mr. Dan DiBuo, U-Haul representative explained the decision by Corporate to change the shape of the building to a standard rectangular shape as it will be easier to build. Mr. Stephen Cosaboon, licensed engineer for the Applicant explained his experience and credentials as an expert witness. Mr. Dougherty addressed completeness of the use variance and preliminary and final site plan. He stated he had no issue with the use variance completeness but there were minor issues with completeness of the site plan as detailed in his 8/29/2024 letter. He explained the application was before the Board previously in a different format. Waivers for the scale of drawing and for showing utility easements, which were not submitted with this application, but were submitted with previous application, were acceptable. He asked for testimony that there are no changes to solid waste management plan that had previously been approved. Architectural floor plan and elevations have been provided. Mr. Dougherty stated with waivers for scale of drawing, showing the utility easement and testimony for solid waste management plan would allow the application to be deemed complete.

Motion by Mr. Trampe, seconded by Ms. Galosi for site plan completeness with waivers for scale of drawing, utility easement, solid waste management plan details and floor plan.

**Discussion Prior to Roll Call:**

Ms. Stasko asked for testimony regarding the easement and solid waste management plan as she was not present for previous hearing. Mr. Bednarek asked Mr. Cosaboon if the easements that were previously presented and solid waste management plan were the same as previously testified. Mr. Cosaboon testified that there were no changes. Mr. Dougherty stated he was satisfied with those answers.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None

**Those recusing/abstaining:** None

Mr. Cosaboon introduced the following exhibits:

A-1 plan showing traffic circulation

A-2 revised plan

A-3 rendering of typical U-Haul retail operation showing signage

Mr. Cosaboon explained the changes from the previously approved site plan, including the shape and size of the building, it's relation to Route 130 and the property lines. He pointed out the addition of a dumpster enclosure, expansion of stormwater prevention utilizing the existing basin and addition of small bio-retention basin, and utility service from Industrial Highway. He described changes to landscape planting as recommended by the Board's planner and the reduction in size of signage on one side of the building. Ms. Stasko asked about the current state of the land. Mr. Cosaboon explained it was cleared but there was some revegetation. Mr. Cosaboon explained the one way in and out from Route 130 for customer traffic with the delivery entrance being off Industrial Highway which was better suited for truck traffic. Mr. Trampe asked about the hours of operation and amount of truck deliveries expected. Mr. DiBuo stated the hours of operation are from 7:00 A.M. to 3:00 P.M. and there are typically 3 to 4 trucks per week. Mr. Bednarek asked if there was adequate parking and Mr. Cosaboon explained the increase in parking from 108 to 114 spaces.

Mr. James Miller, Planner for the applicant, stated he was the planner for the previous application where he testified as to his expertise. He testified the previous application satisfied the use variance and the application here is the same basic use but overall scale of use is reduced. He stated the property is suited for the uses as self-storage generates lower levels of traffic and, with this scaled back use, there would be less traffic and the minor height variance with the reduction of the size of the building, adequate parking and truck circulation enhanced by the building redesign. He explained the criteria for the approval of the D-2 variance to modernize and upgrade the facility and to meet the needs of storage of the cubes. He stated the C-2 variance benefits outweigh any detriment as the height of the structure is a reduction from and the signs are identical to the previous application except with the reduction of one of the building signs. Mr. Miller stated there would be no impact on the surrounding neighborhood and no significant changes to development or land use patterns which are primarily industrial use and have been established for 30 years. He stated there is lesser impact compared to other uses that are allowed, such as noise, pollution, spillover impact and parking.

Mr. Dougherty asked about design standard waivers requested for the number of loading bays, where four are required and there is only room for two in the plan. Mr. Cosaboon explained the operation does not require more than two as the trucks are scheduled so there are no more than two at one time. Mr. Dougherty stated that is consistent with the use. A waiver for lower than minimum lighting was discussed. Mr. Cosaboon stated the lighting is a mix of new fixtures and currently installed lighting and there is 24-hour surveillance. Mr. Dougherty had no objection to a design waiver for paving, as the paving section proposed is equally as good. Mr. Dougherty pointed out the existing non-conforming design waivers for distance between entrance and exit off Route 130 and 10' buffering, and stated a design waiver is needed for

landscaping as it is just shy of the minimum requirement. He stated that traffic should be reduced due to the smaller building size.

Mr. Gray-Cornelius stated the height of signs requires a C variance for being one foot over the permitted height and the cluster of signs on the left of the building are considered one single sign which are slightly over the permitted total area. Additionally, a single façade sign is permitted and two are proposed here. He explained working with Applicant and Professionals on landscaping issues and landscaping was added in the rear and along Route 130.

Mr. Bednarek listed the items requiring waivers including total square footage of signage, landscape perimeter, location of trash dumpsters, loading dock waiver, lighting requirement, and paving materials. He clarified the building was not approved for 5 stories but rather an open block building with “5-story” referred to the height of the building. Mr. Dougherty explained the design of the building is now rectangle and typical of buildings in the area. Mr. Bednarek asked for clarification that this would be warehousing of U-boxes and not personal storage and that the public is not allowed in the space.

### **Hearing Opened to the Public**

Mr. Bednarek opened the hearing to the public.

### **Hearing Closed to the Public**

Since there were no further comments or questions, Mr. Bednarek closed the hearing to the public.

Mr. Michael Minton, Zoning Officer and Cinnaminson Director of Community Development, asked that the Applicant cooperate with the Cinnaminson Police Department by obtaining their approval of the 24-hour surveillance system. Mr. Dougherty was unable to ensure cooperation without first checking with the Corporate Legal Department. Mr. Bednarek explained at this time that cooperation is a recommendation and not a requirement.

Motion by Mr. Trampe, seconded by Ms. Galosi to grant use variance, approval of preliminary and final site plans and approval of bulk variances and with request for recommendation from Cinnaminson Police Chief regarding surveillance cameras.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None

**Those recusing/abstaining:** None

### **Case #24-9-2 – 204 Sussex Drive – Application to the Zoning Board of the Township of Cinnaminson Requesting Zoning Variance for Accessory Structure – 204 Sussex Drive, Block 2406, Lot 4**

Mr. Dominic Paoletti, applicant, was sworn by Mr. Petrone. Mr. D. Paoletti testified to the publication and notification process and distributed color copies of the plan for proposed accessory structure. He introduced Mr. Gabriel Paoletti, father of and engineer for the Applicant, who described storm management component of the plan including the proposed drainage pit and gutter system.

Mr. Bednarek advised the Applicant and Engineer of the process, requesting they speak to the specifics of the structure and its uses. Mr. D. Paoletti explained that it will be a steel frame building on a concrete pad, similar in design to a structure built at 1813 Hilltop Lane, Cinnaminson. He explained the size of the proposed building would accommodate an indoor basketball court which would facilitate exercise for his children especially his son with a physical issue that relapses without proper exercise during the colder weather months.

Mr. Bednarek explained the maximum size allowed for a garage without need for a variance under the Ordinance and asked how he arrived at the size of this accessory structure building. Mr. D. Paoletti explained he arrived at this size after laying it out in his backyard and was unaware of the size limitations. Mr. Bednarek explained an accessory structure is limited to 200 sq. ft. and the proposed building would be 1500 sq. ft., stating that he was unaware of any other residential accessory structure of this size in the Township. He further explained that any variance granted would stay with the lot and described possible future issues. Mr. D. Paoletti reported the building would be a steel building and Mr. Bednarek explained that generally accessory structures would conform to the look and materials of the home especially with larger structures. Ms. Stasko asked why there would be two garage doors if it is not to be used as a garage. Mr. D. Paoletti explained it would be for access to a golf cart. Discussion continued as to the size of the proposed building, acreage of the yard, potential drainage issues and the need for an engineer's design. Mr. Petrone explained that the Applicant, now aware of the size limitations, has the option to proceed with the application that is before the Board or may request the matter be continued to allow him to address the issues noted. Mr. D. Paoletti asked the matter be continued until the next meeting.

Motion by Mr. Trampe, seconded by Ms. Galosi for the application to be continued until the next meeting of October 1, 2024 with no further need to publish or notice.

**Those voting in favor:** Mr. Devlin, Ms. Galosi, Ms. Stasko, Mr. Trampe, Ms. Woodman,  
Mr. Bednarek, Alternate Mr. Anninos

**Those voting against:** None

**Those recusing/abstaining:** None

### **Meeting Open to the Public**

Mr. Bednarek opened the meeting to the public.

Pat Sherlock was sworn by Mr. Petrone. Mr. Sherlock expressed this has been an eye opening experience and thanked the volunteer Board members for their work. He reported that Mr. Paoletti consistently improves his property and has gone above and beyond to address concerns of his neighbors with the proposed building. He stated he was supportive of the proposed improvements.

Dan (last name inaudible) was sworn by Mr. Petrone. Dan stated he was a neighbor of Mr. Paoletti and explained the makeup of the neighborhood with a lot of children. He expressed this would allow for a place for children to play during the winter and in bad weather.

### **Meeting Closed to the Public**

Since there were no further comments or questions, Mr. Bednarek closed the meeting to the public.

### **Motion for Adjournment**

Motion by Ms. Galosi, seconded by Mr. Devlin to adjourn the meeting. The voice vote by the Board was unanimous in favor.

Prepared by:



Beverly G. Russell, RMC

Acting Secretary

Approved: October 2, 2024