

CINNAMINSON ZONING BOARD OF ADJUSTMENT REGULAR  
MEETING MINUTES  
Wednesday, June 4, 2025 6:30PM  
Cinnaminson Municipal Building, 1621 Riverton Road, Cinnaminson, NJ

Mr. Bednarek called the meeting to order and led the flag salute. He read the Sunshine and Public Statements.

Sunshine Statement: Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner: written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the January 21, 2025 editions. Written notice has been posted on the official bulletin board of the Township of Cinnaminson at least 48 hours prior to the meeting, filed with the Township Clerk and mailed to those persons who requested notice and who paid the required fee.

Public Statement: 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. Devlin, Mr. Trampe, Ms. Woodman, Mr. Bednarek.  
Alternates: Mr. Anninos, Ms. Sherlock  
Absent: Ms. Galosi, Mr. Neely, Ms. Stasko

Also Present: Mr. Strobel, Solicitor; Mr. Minton, Zoning Officer; Mrs. Russell, Board Secretary

Mr. Bednarek read the Board's policy: 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.

**Applications**

**Case #25-3-1 – Block 1915, Lot 5.01 - 1731 Jefferson Street – R-6 Zone**

Subdivision of existing 22,500 square foot lot into two (2) lots; "c" Variance for pre-existing, non-conforming conditions regarding setback of both the main dwelling and accessory structures

Kevin Diduch, Esq, KD Law Group, LLC, attorney for the applicant, Flavio Olivera, described the minor subdivision approval and request for bulk variance relief for (3) pre-existing, non-conforming conditions. Bulk variances being sought fall under section 525-37C, for minimum front yard setback of 6.83' where 30' is required; minimum front yard, long side, corner lot setback of 3.15' where 15' required; minimum sideyard setback for accessory structure of 20.7' where 20.84' is required. He introduced Sam Agresta, Agresta Engineering and Planning, Engineer for the applicant. Mr. Agresta was sworn by Mr. Stroebel.

Mr. Agresta shared his education, credentials and experience as a licensed engineer and planner in the State of New Jersey. Mr. Bednarek accepted Mr. Agresta as an expert witness. Mr. Agresta introduced the following exhibits and distributed copies to the Board:

Exhibit A-1 – aerial view of existing conditions  
Exhibit A-2 – rendition of proposed site improvements

He described the site as it currently exists, situated between Jefferson Street and Adams Street, as one 22,500 sq

ft lot with a 14,000 sq ft family dwelling, pool and garage. He explained the existing non-conforming conditions, previously reported. Mr. Agresta noted the similar layout and setback of homes on the street and reported the accessory structure setback. The far side of the lot was described as vacant, closer to Adams Street and is the area to be subdivided.

Mr. Agresta described the site improvements proposed using Exhibit A-1 and A-2. He explained that lot 5.03 is the existing lot and testified that the proposed lot, 5.04, would be completely conforming to municipal standards and would not require variances to build a home. The plans for improvements on the existing lot include demolishing the existing garage and replacing it with a 40' x 20' structure made up of 20' x 20' garage and 20' x 20' pavilion. Other improvements include a driveway along Jefferson Street, that would alleviate the issue of no onsite parking for this lot and will help to reduce on street parking. The front yard setback will increase from 1.82' to 7.83' with the demolition and rebuild of the garage would, increase the front yard setback for accessory structures. While this will not conform with the ordinance, it will be an improvement. The proposed new garage would be setback 20.7' from the proposed subdivision line, which will be conforming.

Discussion continued regarding the proposed asphalt driveway and proposed garage floor and pavilion. Mr. Agresta did not know the details of the materials to be used, but testified that they will have to conform to any building code standards. Mr. Agresta introduced Exhibit A-3 showing elevated drawings of the proposed garage and pavilion. He explained the connected pavilion will have an open-air form and will overlook the pool yard. The new garage/pavilion would be subject to building codes and standards.

Mr. Agresta testified that the second floor of the garage will be used for storage only and will not be used as living space. There exists electric service, but will not have heat and no separate utilities. Mr. Agresta testified as to the setbacks of the pavilion and fencing off the proposed new lot line. After reviewing the plan, the Board asked for verification of the fence line. Mr. Agresta explained there is existing fencing that will remain as pool protection with no new fencing. The decorative railings on the pavilion were discussed. Mr. Agresta testified that all fencing would be conforming and the applicant will meet all construction codes and requirements. One panel of fence will be replaced with new panel. The proposed driveway size and location, were discussed. Mr. Agresta testified that the existing lot would be reduced to 14,000 sq ft and the new lot would be fully conforming at 8,500 sq ft.

### **Hearing Open to the Public**

Mr. Bednarek opened the hearing to the public and since there were no comments or questions from the public, closed the hearing to the public.

### **Comments of the Board**

There were no additional comments from the Board.

Mr. Strobel reiterated that the application seeks subdivision and (3) variances of existing non-conforming conditions, and could be addressed separately or together in one motion to make it easier with reasonable conditions set.

Motion by Mr. Trampe, seconded by Mr. Anninos to approve the subdivision of existing the 22,500 sq ft lot into 2 lots; granting "c" Variance relief for preexisting non-conforming front yard setback of 6.83' where 30 feet is required; preexisting non-conforming minimum front yard corner lot setback of 3.15' where 15 feet is required; preexisting non-conforming front yard setback of accessory structure where existing is 1.82', increasing to 7.83' where 30 feet is required; providing the new garage will have no living space or separate utilities, and the siding and roofing of the garage will conform with those of the existing home.

**Roll Call**

Those voting in favor: Mr. Devlin, Mr. Trampe, Ms. Woodman, Mr. Bednarek; Mr. Anninos,  
Ms. Sherlock  
Those voting against: None  
Those abstaining/recusing: None

**Case #25-4-1 – Block 3403.03, Lot 5.11 - 5 Smethwycke Drive – R2-A Zone**

“c” Variance for construction of a 480 square foot addition to existing dwelling and reduction of side yard setback

Mr. Michael Baldwin and Mrs. Melissa Baldwin, owners of 5 Smethwycke Drive were sworn by Mr. Strobel. Mrs. Baldwin explained the application for a small, one-story 450 sq ft addition to the side of their home of 10 years on Smethwycke Drive. Mr. Baldwin explained the variance relief sought as 5’ side yard setback where 20 feet is required, and aggregate side yard of 25’ where 40 feet is required.

Mr. Bednarek reported an error in the notice published in the newspaper and sent to neighboring properties within 200’ of their residence. In the notice, the side yard set back information was listed as 5’ side yard setback where 5’ minimum is required. The variance sought for aggregate side yard was not listed in the notice. Mr. Strobel explained the possible confusion that property owners in receipt of the notice may have. He stated that under New Jersey Municipal Land Use Law, the Board lacks jurisdiction to hear this application, and that any appeals should a decision be rendered, would most likely be upheld in Superior Court. The notice should be deemed defective and renotification and publication is required in order for the case to be heard by this Board.

Motion by Ms. Woodman, seconded by Mr. Devlin to adjourn the matter until the July 2, 2025 meeting with the requirement of proper renotification.

**Roll Call**

Those voting in favor: Mr. Devlin, Mr. Trampe, Ms. Woodman, Mr. Bednarek; Mr. Anninos,  
Ms. Sherlock  
Those voting against: None  
Those abstaining/recusing: None

The application was continued to the July 2, 2025 meeting with the requirement that the Baldwins renote neighboring properties within 200’ and publish a corrected notice in the newspaper. The publication and notice deadline for the July 2<sup>nd</sup> meeting, will be June 20, 2025.

**Meeting Open to the Public**

Mr. Bednarek opened the hearing to the public.

- John and Stacy Dedonato, 1612 Pennsauken Avenue, Cinnaminson – asked if any flood mitigation or street improvements were being considered for the area of Pennsauken Avenue to alleviate the flooding. Mr. Minton reported that Township Committee is reviewing this issue and once the report is finalized it will be available to the public. Discussion continued regarding dredging and resiliency planning.

**Meeting Closed to the Public**

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

**Approval of Minutes – February 5, 2025 Regular Meeting**

Motion by Mr. Devlin, seconded by Ms. Woodman to approve the minutes of the February 5, 2025 Regular Meeting. Minutes were approved by those Board members eligible to vote.

**Resolutions - None**

**Correspondence**

Mrs. Russell reported there was no correspondence received.

**Discussion Items - None**

**Comments from the Board**

There were no comments from the Board

**Adjournment**

Motion by Ms. Woodman, seconded by Mr. Devlin to adjourn the meeting

The voice vote by the Board was unanimous in favor of adjournment.

Prepared By:



Beverly G. Russell, RMC  
Board Secretary

Approved: July 2, 2025