

CINNAMINSON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, November 5, 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. Neely, Mr. Trampe, Mr. Bednarek
Absent: Ms. Galosi, Ms. Stasko; Alternates: Mr. Anninos, Ms. Sherlock.
Late: Ms. Woodman (6:52PM)

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

Approval of Minutes – October 1, 2025 Regular Meeting

Motion by Mr. Neely, seconded by Mr. Devlin to approve the minutes of October 1, 2025 Regular Meeting. Minutes were approved by those members eligible to vote.

Correspondence

Mrs. Russell advised there was no correspondence to discuss.

Applications

**Case 25-7-1 Sean McClenathan, 2414 Branch Pike;
Block 2206, Lot 41 – R2 Zone - Variance to permit construction of a 19.5’x7’ (137 square feet) front porch to existing dwelling**

Hearing

Mr. McClenathan, owner of 2414 Branch Pike, was sworn by Mr. Strobel. Mr. McClenathan explained the application submitted is to allow him to build a front porch with roof to match the style of his home which was built in 1850. He reported the preexisting condition of front yard and side yard setbacks not meeting the minimums required.

Mr. McClenathan introduced the following exhibits:

- A-1 – Zillow/Google photos of the existing porch
- A-2 –CAD drawing of street view with proposed porch

Mr. McClenathan, using the exhibits, pointed out the current view of the front of the property and the proposed view. He believes the proposed porch would be more attractive and explained the existing porch roof is a gabled roof covering only the doorway to the home and is in disrepair, requiring replacement. He estimates the proposed porch would be 6 – 12 inches closer to the street than the existing porch and would run the full length of the house.

Mr. Strobel noted for the record that Ms. Woodman arrived at 6:52PM. He gave a brief review of the testimony given prior to her arrival, allowing her to hear the application.

Mr. McClenathan described the current existing porch consists of a concrete pad with small gable awning covering the door. Mr. McClenathan proposes demolishing the existing porch to create the new shed-style front porch that will run the full front of the house, will be made of composite decking material and will have four posts. He stated the proposed porch will fit with the character of the neighboring properties. Mr. Bednarek asked about the existing porch covering. Mr. McClenathan explained there is a small portico awning, 20 feet from house to the street and the existing concrete pad is 6' deep. The proposed new porch will be 7' from the house, 1' closer to the street than the existing porch. He provided testimony of the non-conforming, pre-existing conditions of front yard setback of 21' where 40' is required; non-conforming, pre-existing side yard setback of 13.86' where 15' is required; and side yard aggregate setback of 37.86' where 40' is required.

Mr. Bednarek asked if the new porch will match the home and Mr. McClenathan confirmed that it will. Mr. McClenathan testified that gutters will be installed across the front and will be fed from the gutters on the second story down to porch and then to driveway. Lighting was addressed. Mr. McClenathan testified there will be recessed lighting in the porch ceiling. Mr. McClenathan believes the light spillage will be less than the existing hanging light in the gable covering.

Mr. McClenathan explained that he is a carpenter by trade, and that he and his wife want to make the changes to the porch to increase the curb appeal of their home and to provide seating out front. The current roof is in bad shape and needs replacement and they believe this style will look much nicer. He testified the materials will match the current materials of the home and be aesthetically pleasing with white columns and railings and builder grade shingles on the roof.

Hearing Open to the Public

Mr. Bednarek opened the hearing to the public and as 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 Board members. Mr. Minton noted the property is on the county road and asked that county approval be considered a condition of approval.

Determination

Motion by Mr. Trampe, seconded by Mr. Neely to conditionally approve the following zoning variances: Front yard setback of 14' where 40' is required; side yard setback of 13.86' where 15' is required; side yard aggregate setback of 37.86' where 40' is required; conditions of approval: porch materials and coloring match existing home; gutters will be properly installed; recessed lighting will be installed and there will not be spotlights creating spill over onto neighboring properties; all other standard conditions will apply; approvals are conditional on approval by the Burlington Count Planning Board.

Roll Call:

Those voting in favor: Mr. Devlin, Mr. Neely, Mr. Trampe, Ms. Woodman, Mr. Bednarek
Those voting against: None
Those abstaining: None Those recusing: None

**Case SSP-2025-0081 – Shawn W. and Meghan Becker, 5B Par Drive;
Block 1201, Lot 6.02 – R2 Zone - Variance to allow a fence along side yard of property beyond front of
building line of main dwelling**

Hearing

Thomas Ehrhardt, Attorney for the Applicants, Shawn W. and Meghan Becker, explained his clients were not present as they were out of town. He introduced witnesses, Elizabeth Borek, Mr. Becker’s grandmother, and Shannon Yockel, employee of Becker Enterprise Group, whose office is in the home. The witnesses were sworn by Mr. Strobel.

Mr. Ehrhardt explained the unusual configuration of the property at 5B Par Drive, with the side yard well in front of the front line of the house. He advised exhibits will be presented which describe the layout. He reported the Applicant proposes the fence in the front yard to provide safety for his children. Mr. Ehrhardt noted issues with the original application where the Applicant indicated the zoning permit was not denied, but it was, hence the reason the matter is before the Board for a variance. In addition, the Applicant applied for a use variance, where a hardship variance is required due to shape and configuration of the property. Additionally, service of the notices was done by certified mail and not hand delivered as noted by the Applicant. Receipts were given to the Board Secretary.

Mr. Ehrhardt introduced the following exhibits:

- A-1 – photo showing property and neighboring lot 6.01 to the left of subject premises, from the view of the street
- A-2 – photo showing rebar used as a marker on lot 6.01 left in an unsafe manner

Ms. Yockel stated that Mr. Becker took the photos and made the notations on each. She described the rebar that was left in the ground along the property line between the properties. Mr. Ehrhardt explained there was a berm constructed along the property line in recent months. He and Ms. Yockel described the berm Mr. Becker had constructed along the shared property line as a way to block off the property with a natural barrier. Ms. Yockel stated that Mr. Becker received a permit from the Township to construct the berm. She stated the purpose of the berm was to create a natural barrier between the properties. Ms. Yockel clarified that the rebar was left by the surveyor hired by the owner of the vacant lot.

Mr. Bednarek asked if surveying on lot 6.01 indicated preparation to build on the lot. Ms. Yockel stated she did not know and had not received notification of that.

Mr. Minton advised that testimony may be provided as to the building plans, and if not, he is prepared to provide testimony. He recalled the inquiry into building the berm and the conversation with Mr. Becker regarding tree clearing on the neighbor’s property. Mr. Becker indicated he wanted to create a shield between the properties and a permit was not required for this type of landscaping. Mr. Becker did consult with zoning officials and was granted zoning approval to build a berm.

Mr. Ehrhardt introduced the following exhibits:

- A-3 – three photos of the constructed berm
- A-4 – photo of children playing in the front yard

A-5 – example of proposed fence material, similar to existing fence on Golf Road

Ms. Yockel described the property relative to the adjacent Riverton Country Club. She reported that PS&S, LLC provided the mark out and survey for Mr. Becker. She reported trees were removed from the adjacent property three months or more prior.

Mr. Ehrhardt explained the Becker children play in the front yard because the backyard, abutting the golf course, has no room for play due to the swimming pool. Ms. Yockel explained the photo shows the Becker children, ages 3, 6, and 9, playing in the front yard. She stated the photo was taken within the last week.

Ms. Yockel explained that A-5 shows an example of the fencing that Mr. Becker would like to use. The proposed fencing consists of stone pillars and wrought iron fence panels. Mr. Bednarek asked Mr. Ehrhardt to clarify the proposed fence location in relation to the berm. Ms. Yockel reported the fence would be installed from monument marker to monument marker. She believes the fence will be inside the monuments but was not certain. Ms. Yockel reported the Applicant finds the fence aesthetically pleasing and believes it will complement the neighborhood and will not block the line of sight of cars. She stated that Mr. Becker has concerns for his children's safety playing in the front yard of the house. She shared that he is also concerned with trespassers on the neighboring property and construction vehicles entering and exiting the property.

Mr. Strobel invited members of the public to view the exhibits, explaining the public will be invited to make comment at the end of the Applicant's presentation.

Discussion continued as to the proposed location of the fence. Mr. Ehrhardt stated the intent is to be from monument to monument and will not be in the right-of-way. He did not know how far from the street the fence would be. Mr. Strobel indicated the drawing submitted with the application shows a line where the fence would go right up to the street. Mr. Strobel also noted the survey submitted with the application reflected an incorrect address of 100 Fries Mill Road and not 5B Par Drive. Mr. Clark advised the driveways appear to be connected for lot 6.02 and the neighboring lot 6.01 on the drawing and survey. It was questioned how the fence would be installed over the driver, if a section of driveway would be removed to install the fence. Mr. Ehrhardt assured the Board that the Applicant will abide with the Board's decision as to the placement of the fence and would like it to go as far as reasonably possible. Discussion continued as to the common driveway, landscaping and how the fence would impact the driveway.

Mr. Ehrhardt explained the lots were subdivided in 2005 or 2006 and the driveway has existed since that time without change. The fence depiction shows the fence going through the driveways out to the street. Discussion once again continued regarding the placement of the fence in relation to the asphalt driveway. Mr. Ehrhardt reiterated the main issue is the safety of the children and that Mr. Becker would want the safety of the neighboring property as well.

Mr. Trampe asked how the fence would provide safety. Ms. Borek explained the fence would protect the children by separating the properties. Mr. Bednarek asked if a fence would prevent the children from walking out and onto the neighboring property. Ms. Borek replied that they would know not to do that and a fence will protect them from the construction. Mr. Trampe advised a temporary construction fence would be required during construction as added protection.

Mr. Bednarek explained the rule states a fence is not allowed past the front of the house and the Board does not like to violate that rule. He asked Ms. Borek if there are other properties in the neighborhood that have a fence in the front yard. He explained the Board must consider the character of the neighborhood when making this type of decision. He believes a berm is the best solution as it is aesthetically pleasing and does

not violate the rules. He suggested a fence in the side or rear yard. Ms. Yockel stated there is no backyard to play in because of the pool. Ms. Yockel reported Mr. Becker proposes a 4' high fence. Mr. Strobel advised a 4' fence would not solve the problem of balls leaving the yard. Mr. Clark shared his concern that the fence, although see-thru in sections, would have 3.5' large pillars that will block the site triangle. The distance from edge of driveway and site triangle were discussed.

Mr. Bednarek relayed a similar circumstance where approval for a solid fence and archway was not granted but rather landscape screening was suggested to satisfy the need of privacy. He stated the properties in question tonight are basically two triangular shaped lots. He believes anything past the bend where the leg comes out and juts over is questionable. Again the location of the fence in regards to the berm was discussed with no conclusions.

Mr. Ehrhardt suggested it would be better if the Applicant was present to address issues with fence height and proposed location. Mr. Bednarek stated that is the call of the attorney and applicant. Ms. Borek stated that Mr. Becker could give better answers as to the details of the fence. Other locations in Cinnaminson where fences are installed in front of the dwelling were discussed. Mr. Minton stated this is a very imprecise hearing without the benefit of the Applicant to provide direct testimony. He believes the Applicant could clear up these questions. Mr. Strobel advised that a request could be made for adjournment to the next meeting with the time limit waived. He suggested members of the public present be allowed to speak.

HEARING OPEN TO THE PUBLIC

- Mike Goins, 100 Purnell, Cinnaminson – stated the points on the proposed fence are prohibited by ordinance from a safety perspective requiring a variance. Mr. Minton reported this document was not part of the application so the Board is seeing the proposed fencing for first time. The Board thanked Mr. Goins for his comments.

- Randy Smith, 503 Greenwood, Cinnaminson – Mr. Smith was sworn by Mr. Strobel. Mr. Smith reported he is the owner of lot 6.01. He stated that he and his wife have lived in Cinnaminson for 45 years and purchased this lot 20 years ago. He explained he and his wife live five houses away and have paid more than \$100,000 in taxes on this lot over the years are looking forward to building a house on the property. He stated that they purchased a smaller additional parcel by way of additional minor subdivision that added 2,000 square feet in 2006. Since then, there has been no change to the property. Covid halted plans for building but he now has an agreement with a builder, surveys have been done and monuments are in place. He is awaiting engineering plans in order to submit plans for permitting. He stated he is truly opposed to a fence in the front yard. If a variance is granted it will impact his property.

Mr. Smith reported the driveway entrance is 60' wide with 30' on either lot. His lot is obstructed by a culvert in the roadway, leaving 21' to enter and exit. He explained Mr. Becker's 30' side hooks to the right and his own driveway is to left. Mr. Smith produced the 2006 survey showing the same information as the Applicant's survey. He noted the additional 2,000 square feet from the original subdivision creating a view of the house from the front.

Mr. Smith reported he viewed the application and plans for lot 6.02 at the Municipal Building and would hope to avoid having the fence in the front of the property. He spoke with Mr. Becker before the berm was constructed asked if Mr. Becker knew the location of the property lines. Mr. Smith found dirt on his property and reported the berm was partially constructed on his lot.

Mr. Smith introduced the following exhibits:

O-1 - photo of the constructed berm

O-2 photo of the rebar marker

Mr. Smith explained the 4' high berm was installed on his property a minimum of 2' to maximum of 5-1/2' in places according to the survey and monuments. Mr. Smith does not want the berm on his property and has spoken with Mr. Becker who told him the Township said it could be built that way. Mr. Smith stated that installing a fence from monument to monument would put the fence through the berm and it would need to be torn out. He advised there is a monument set in the asphalt between driveways. He stated he does not want to have the fence be his view of his front yard. He reported trying to work with Mr. Becker and knows they will need to work together regarding the entrance as it is solid asphalt.

Mr. Smith referenced the rebar pins that were installed as markers and revealed the 2' to 5' of encroachment of the berm. He stated he went out to inspect the rebar pin when Mr. Becker complained. Mr. Smith testified the rebar was driven down to the stake so he drove it completely into the ground. Mr. Smith testified that Mr. Becker told him he wants his privacy and does not want to see the construction. Mr. Strobel explained it is awkward to have a hearing without the Applicant/property owner present. He explained the application is based on safety and Mr. Smith has testified it is about privacy.

Mr. Neely asked how close Mr. Smith is to building on lot 6.01. Mr. Smith stated he is ready to start and will submit for permits once he has the plans. He estimates it will take 10 to 12 months from start to finish. He is agreeable to installing construction fencing. Mr. Smith stated that he wants to maintain the open feel of a property of the golf course. He feels a fence is not normally seen in the front yard.

The ordinance requiring a fence to be 6" off the property line was discussed. Mr. Minton clarified that 6" is not a requirement and the berm must be on Mr. Becker's property. A berm is removable and can be to property line.

Mr. Ehrhardt asked Mr. Minton if trees were removed on the vacant property. Mr. Minton reported a resident complained that the lot was being cleared and a notice of violation was sent to Mr. Smith. He then met with Mr. Smith and explained the clearing was a violation. The violation is being held in abeyance until the construction plans are submitted. Mr. Smith reported the company he hired did not take the proper steps to receive permission to take the trees down. Mr. Neely asked about the restrictions under the ordinance. Mr. Minton has not seen the permit and is waiting on the plans to determine stormwater issues if they exist. He believes the issues will be resolved.

Mr. Ehrhardt asked to see the Smith's survey from 2006 when the subdivision was done. He stated he believes it is the Applicant's best interest to request an adjournment to allow Mr. Becker to be present testimony and to allow for him to rebut testimony.

- Mr. Ken Smith, 4 Par Drive, Cinnaminson – Mr. Smith was sworn by Mr. Strobel. He stated he owns the property to the left of lot 6.01. He shared it was his understanding that Mr. Becker wanted a vinyl fence for privacy and he is not in favor of a fence in the front. He does not approve of a fence that breaks the views in the front yard.

HEARING CLOSED TO PUBLIC

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

Mr. Strobel asked if the photos and text on them was prepared by the Applicant. Mr. Ehrhardt stated Mr. Becker printed the photos and added the text.

Mr. Ehrhardt requested an adjournment to the next regularly scheduled meeting. Mr. Strobel explained that further notice would not be required. He further explained that the Applicant would need to be present. The Board members were polled to determine their availability. Board members not present this evening would need to listen to the recording in order to consider the application.

Comments of the Board

- Mr. Minton asked the Board to consider requesting the exhibits be clarified as to location of property, location of fence.

Determination

Motion by Mr. Trampe, seconded by Mr. Neely to adjourn the application to the December 3, 2025 Regular Meeting with the condition that the Applicant submit a revised application with proper exhibits noting the materials to be used and location of the proposed fence; Applicant will submit a survey listing the property address; Applicant will be present and Applicant agrees to toll the time. It was requested that the Applicant provide a week's notice if he cannot appear.

Roll Call:

Those voting in favor:	Mr. Devlin, Mr. Neely, Mr. Trampe, Ms. Woodman, Mr. Bednarek
Those voting against:	None
Those abstaining:	None
Those recusing:	None

Resolutions - None

Meeting Open to The Public

Mr. Bednarek opened the meeting to the public.

- Ms. Borek questioned the relevance of the testimony provided by Mr. Smith to the fence variance. Mr. Bednarek explained that all factors are considered when looking at a variance, including the neighborhood and similar variances granted or denied. All information out there is considered in the Board's decision.

Meeting Closed to The Public

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

Discussion Items - None

Comments from the Board - None

Adjournment

Motion by Mr. Neely, seconded by Mr. Devlin to adjourn the meeting at 8:28PM. The voice vote of the Board was unanimous in favor of adjournment.

Prepared by:



Beverly G. Russell, RMC
Board Secretary
Approved: January 7, 2026