

CINNAMINSON ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, December 3, 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, Ms. Galosi, Mr. Neely, Ms. Stasko, Mr. Trampe, Ms. Woodman, Mr. Bednarek;
Alternates: Mr. Anninos, Ms. Sherlock
Absent: None

Also Present: Mr. Strobel, Solicitor; Mr. Clark, Engineer; Mr. Geoffrey Gray-Cornelius, Planner; 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 #25-9-2 – 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 the front of building line of main dwelling**

Continued from November 5, 2025

• Mr. Strobel, Board Solicitor, reported that five Board members were present at the November 5, 2025 meeting when the Applicant's attorney, Thomas Ehrhardt, introduced exhibits and witness testimony, and as the Applicant was not present at the hearing to answer specific questions from the Board, a continuance was requested and granted by the Board. Mr. Strobel reported that a revised application and modified survey have since been submitted. Mr. Ehrhardt and the Applicant, Mr. Becker, will present the revised application tonight, allowing the full Board present to consider the matter.

Hearing

Mr. Ehrhardt introduced the Applicant, Shawn Becker, owner of the property, and witness, Tina Borek, mother of Mr. Becker. Mr. Becker and Ms. Borek were sworn by Mr. Strobel. Mr. Ehrhardt confirmed that the Applicant will present the application anew. He described the application requesting a variance to allow a side yard fence to be installed beyond the front border of the house.

Mr. Becker testified that he and his wife have lived at 5B Par Drive for 9 years. He further testified that the fence is required for the safety of his three children who play in the front yard that is shared with the vacant lot next door. He explained that the children cannot play in the back yard due to the proximity to the golf course and danger of flying golf balls. He described the neighboring lot, 6.01, as unkempt and shared his concerns regarding the children's safety. Mr. Becker described the proposed location for the front fence and shared an example of a similar fence in the neighborhood.

Mr. Ehrhardt introduced the following exhibits:

A-1 – photo of Block 1302, Lot 6.01 (5A Par Drive) showing stumps left after trees were cut down

A-2 – photo of Block 1302, Lot 6.01 showing rebar markers installed by surveyor

A-3 – photos of Block 1302, Lot 6.03 (5B Par Drive) berm constructed by Mr. Becker

A-4 – photo of Block 1302, Lot 6.02 showing stakes, installed by surveyor, and proposed fence placement

A-5 – photos of Block 1302, Lot 6.02 showing example of front yard fence in neighborhood

Mr. Becker explained the steps taken in gaining permission to construct a berm and install a fence. He referred to A-3, photos of the completed berm. He testified that he took the photos showing the mark out prior to the construction of the project which was completed within the last two months. He reported hiring PS&S, LLC. to survey the property and showed exhibit A-2, rebar stakes left by Robins Associates Surveyors, the company hired by the owner of lot 6.01. Mr. Becker testified that he alerted Robins to the dangerous condition and the property owner arrived within an hour to amend the situation. Mr. Becker showed exhibit A-4, the proposed placement of the fence in the front yard where the children play.

Mr. Bednarek asked when Mr. Becker became aware of the rebar and asked what action had been taken. Mr. Becker testified that he saw the rebar when he returned home in the evening and contacted the surveyor the next morning. He reported his surveyor used wooden stakes and the neighbor's surveyor used rebar stakes to mark out the property lines. Mr. Becker testified that the neighbor was onsite within an hour to mitigate the situation. Mr. Becker reported sharing his survey with Robins, who verified both surveys were in agreement.

Mr. Becker referenced A-5, example of a fence on Golf Road that is in the front yard and is of similar materials he proposes using.

- Mr. Bednarek called for a brief recess at 7:00PM. Hearing returned to order at 7:02PM.

Discussion continued as to the placement of the rebar stakes, the property line and the location of the berm relative to the property line. Mr. Devlin asked if part of the berm was located on the neighboring lot 6.01. Mr. Becker testified that some mulch may have spilled onto lot 6.01. Mr. Bednarek asked if the berm was built on both properties, noting the photo showing the marked out property lines with mulch present in every direction surrounding the mark out pin. Mr. Bednarek advised he expect unimproved lot where the property line is noted which instead appears to be within the berm. Mr. Becker stated the berm is not straight and suggested he could adjust the mulch as needed but the plantings are on the property line.

- Mr. Bednarek invited the public to come forward to view the exhibits that had been introduced.

Mr. Ehrhardt introduced the following exhibits:

A-6 – survey drawing of Lot 6.02 with green line added noting the existing berm and red line added showing the proposed fence location running from monument to monument

A-7 – photo of original monument – noting the fence will stop inside monument on lot 6.02, 7' to 8' from front street curbline

A-8 – photo of original subdivision of Cul-de-sac showing all lots and plots and the found fence on neighboring

property installed from rear to front yard

A-9 – photo of existing found fence noted on A-8, taken by Mr. Becker a week or so prior to hearing

A-10 – photo of front yard of lot 6.02 where children play and photo taken by Mr. Becker Thanksgiving 2025 weekend showing debris left by trespassers on lot 6.01 – Mr. Becker testified that teenagers entered the adjoining lot via the driveway

Mr. Neely asked if the photo shows where the fence will tie in with the berm. Mr. Becker stated the fence will go through the stone from monument to monument.

Mr. Bednarek asked if the trespass had been reported to the police. Mr. Becker stated it was reported to Cinnaminson Police and the Township. Mr. Strobel asked how this relates to his property and Mr. Becker stated it is the area where his children play.

Mr. Becker described the found fence on the subdivision drawing is between lot 6.01 (5A Par Drive) and 4 Par Drive.

Mr. Ehrhardt asked where Mr. Becker's property is located on the Cul-de-sac and why he feels the fence is needed in this location. Mr. Becker testified the front yard is the only place where the children can play and he would like a fence to provide safety from trespassers and future construction which matches fencing in the neighborhood.

Mr. Bednarek asked what type of fence is the found fence between lot 6.01 and 4 Par Drive. Mr. Becker testified it is a wood rail fence.

Ms. Stasko asked Mr. Becker if he is requesting variance for the fence alone, since the berm has been approved. Mr. Becker clarified the berm is approved and built and the fence example exists on the other side of lot 6.01.

Mr. Bednarek asked about the red and green lines on survey. Mr. Becker explained the green line is the existing berm and red line is the proposed location of the fence, from the found monument to monument. Mr. Bednarek asked if any part of the fence will be within the berm. Mr. Becker testified that no fence will be on or through the berm. Mr. Becker reported there is a fence dividing the golf course from lots 6.02 and 6.01.

Mr. Trampe asked how much property is behind the house. Mr. Becker estimated the space from the end of the deck is approximately the size of the court room. He stated the existing pool and pavilion take up most of the back yard and the lawn area is approximately 15' x 15' in the rear yard. Mr. Trampe asked, with all due respect, if Mr. Becker considered the safety issue of the golf balls when purchasing a home on a golf course. Mr. Becker stated he knew of the golf course and worked with the Riverton Country Club to restructure the nearby hole as his home was in the direct path of hitting. He described the fence along the rear of the property to prevent golfers from entering the property and berm installed to protect the yard. He reported at the time of purchase, the fence around the pool with two gates existed. Mr. Ehrhardt asked Mr. Becker to describe the condition of the home when it was purchased 9 years ago. Mr. Becker reported it was vacant and boarded up, with much of the roof ripped off, 19 shattered windows and siding hanging off.

Mr. Neely asked about the location of the proposed fence going from monument to monument on the shared driveway. Mr. Becker testified he bought into a subdivided lot, with the apron appearing to be shared, therefore will need to divide the property down the driveway. Mr. Bednarek asked if the fence would be down the middle of driveway. Mr. Becker explained the fence will come down to the monument in the shared driveway. Mr. Becker testified the fence will go to the monument, a few feet over asphalt, about 8' from the front curb and 2' to 3' from the stone. Mr. Bednarek again asked if the fence would be installed over paving and Mr. Becker

testified the very last part will go over a little bit of paving. Mr. Trampe noted the drawing says a distance of 6' and Mr. Becker stated it would be inside the 12"x12" monument.

Mr. Bednarek expressed the importance of having the dimensions of how much pavement is going to have fence on it. He spoke of the need to protect the character of the neighborhood. Mr. Becker stated the wooden fence on other side of lot 6.01 goes well past that lot's driveway. Mr. Bednarek advised that situation does not involve a shared driveway between two lots. Mr. Bednarek expressed concern with a fence down the middle of the driveway. Mr. Becker noted the house on Golf Road with a private gate and pillars on blacktop. Mr. Bednarek advised that also is not a shared driveway and leads to a single family home, this will be a look for both houses because of the shared aspect.

Mr. Bednarek asked if there would be any part of berm where the fence will be. Mr. Becker testified no fence will be on berm but will be a see-thru fence similar to the fence on Golf Road.

Ms. Stasko asked if the shared driveway is just one giant opening or if it is divided. Mr. Becker testified that it is not divided until farther in. He stated the fence post will determine the dividing mark. Mr. Becker reported you can see a difference between driveways, which was originally one large apron with a wrap-around drive. Once subdivided, the wrap-around was done away with and that is where the safety fence would begin. Ms. Stasko asked if his house is at the bottom of the Cul-de-sac. Mr. Becker stated it is in the back.

Mr. Strobel asked about street lighting at the apron point. Mr. Becker reported that PSEG recently updated street lighting between 5A and 4 Par Drive and installed a pole with light between 5B and 6 Par Drive providing ample street lighting on the Cul-de-sac.

Mr. Ehrhardt asked Mr. Becker to explain the marked area on exhibit A-8 to the left of his property line. Mr. Becker explained it is a 20' drainage easement required to be installed along the property line.

Mr. Ehrhardt introduced the following exhibits:

A-11 – Resolution of the Cinnaminson Planning Board regarding subdivision

A-12 – Cinnaminson Planning Board Resolution 2006-10 regarding major subdivision application between prior owners

Mr. Ehrhardt reported A-11 and A-12 were obtained through OPRA from Cinnaminson Township and the resolution approves the subdivision creating these two lots. Mr. Becker referred to paragraph 9 requiring the plan to be revised to show two separate driveways and curb to be replaced. Mr. Ehrhardt reported nothing has taken place to date and once the property is improved, the driveways will need to be separated. Mr. Bednarek advised this does not mean there needs to be a fence over asphalt as that may not be the best way to delineate the properties.

Mr. Trampe asked for more information on the 20' drainage easement. Mr. Becker explained his utilities and drainage run under lot 6.01 and in the original subdivision agreement, in order to accept the new dwelling a new drainage easement must be installed prior to any construction. The easement runs along the property line from the front all the way to the rear corner of the golf course to withhold the drainage. Mr. Becker stated the builder of lot 6.01 will need to address this.

Hearing Open to the Public

Mr. Bednarek opened the hearing to the public.

- Randy Smith, 503 Greenwood Avenue, Cinnaminson – Mr. Smith was sworn by Mr. Strobel. Mr. Smith

reported he is the owner of lot 6.01, the adjoining property to the left when facing the Applicant's property, and currently lives around the corner. He reported the front monument at the street is 9.2' from the street. Mr. Smith acknowledged Mr. Becker's concerns for the safety of his children. He explained his landscaper maintains the unimproved lot and he has paid over \$100,000 in property taxes over the years. He is now preparing to build a ranch-style home on the lot.

Mr. Smith attended the hearing on November 5th. It was his understanding that the Applicant wanted to install a 6' privacy fence, as privacy was his main concern. Mr. Smith stated he is not opposed to a simple aluminum fence with columns, but would not want it higher than 4' of 5' foot. He will be the one impacted by the fence and believes the higher the fence the harder it will be to see. Would agree to a 4' running from monument to monument as long as not on the berm and suggested the same fencing as exists around the Applicant's pool.

Mr. Smith reported that the berm was built over the property line and is on his lot a minimum of 2' and up to 5' in places. He reported small trees were planted but the portion on his property is unacceptable and will have to be dealt with.

Mr. Smith reported the driveway opening is 60' wide and there is ample room for both driveways. Suggested working with the Applicant to cut the asphalt and believes it would not be an issue if the fence ran monument to monument.

Mr. Smith reported he will be building his house on the opposite of his property from the Applicant's property and explained the wooden split rail fence on the other side of lot 6.01 is owned by his brother. He reported the yards were wider before they were subdivision.

Ms. Stasko clarified that Mr. Smith does not object to the fence running from monument to monument as long as it is see through, is not over the berm and is 4'. Mr. Smith confirmed his agreement.

Mr. Neely asked if Mr. Smith had an issue with columns. Mr. Smith stated he feels the columns would be more intrusive. He is also a father and grandfather and does not object to the fence to contain the children.

Mr. Bednarek asked if the fence runs monument to monument would be between driveways. Mr. Smith reported there is room to cut a small amount of asphalt. Mr. Bednarek asked where the fence would end. Mr. Smith reported it would end 9'2" from the curb and he believes there would be adequate line of sight as the fence would not be at the very end of the driveway. Mr. Smith stated two entrance points could be created. Mr. Strobel advised per exhibit A-7, the driveway separation and curblines are required when home is built.

- Mike Goins, 100 Purnell, Cinnaminson – Mr. Goins was sworn by Mr. Strobel. Mr. Goins noted that the fence in the example photo is a pointed fence which is not allowed under the ordinance. A variance would be required for a pointed fence.
- Mr. Bednarek asked for a 5-minute recess at 7:53PM. Hearing back in session at 7:59PM.
- Mr. Smith shared an example of fencing similar to the existing rear fence on lot 6.02. The example was introduced as exhibit P-1. Mr. Becker stated he would be okay with the style of fencing as long as it was 4' to 4-1/2' in height depending on the grading. Mr. Becker preferred the pointed style fence but could compromise with flat top aluminum panels. He is not willing to give up the stone pillars as he wants to match the masonry of the home. He reported the pillars would be located at each 12' of fence panel. Mr. Becker explained the pillars would only obstruct the view of his own house and would be aesthetically pleasing.

- Mr. Clark asked for the dimensions of the pillars. Mr. Becker stated the pillars are 16" x 16". Mr. Clark shared concerns that a child could be hidden behind a pillar at the driveway. Mr. Clark is also concerned about sight distance at the end of the driveway. Mr. Becker clarified the prefab pillars are 14" x 14" with two 6' fence sections connected with a steel post in between each stone pillars. Mr. Becker testified there would be 6 to 7 pillars for 72' of fencing. Mr. Neely also expressed concern with the sight issue near the driveway. Mr. Becker asked if the concern was with the last pillar and Mr. Neely affirmed it is because a child could be hidden and pop out in the path of a car without being seen. Mr. Becker suggested using a prefab steel post rather than a stone pillar, it would not be as aesthetically pleasing but he would be willing to compromise from a safety standpoint. Mr. Clark referenced the ordinance does address the sight distance with fences at corners where fence is limited to 24" high to address this sight issue. Mr. Becker agreed to dropping the last section down to 24" high.

Discussion continued as to the length required for the fence. Mr. Bednarek advised the plan shows 110.2' is needed on the red line. The disparity of length shown on the plan versus request was discussed. Mr. Becker testified he walked the line and measured 72' required for fence installation. The survey shows 100' to 110' along the red line and the application requests 72'. Ms. Stasko pointed out the survey at 110' is correct and the red line drawn by the Applicant appears longer than the fencing will be. Mr. Bednarek asked if the fence begins at the point of the dogleg and Mr. Becker confirmed it does. Mr. Bednarek believes 110' is required for fencing.

Mr. Becker reaffirmed that he would be okay with flat panel fencing rather than the pointed, would eliminate the last pillar at monument in driveway and would drop the last section down to 2' high.

- Mr. Bednarek allowed Mr. Smith to share final comments. Mr. Smith stated he and his wife do not want to look out and see a fence in the front yard. He understands Mr. Becker's safety concerns. Mr. Smith testified the length is 110' not 72' and he does not want the stone columns as they will obstruct the view. He is agreeable to minimal fence, as low as possible. Mr. Becker believes only the view of his own house would be blocked.

- Mr. Bednarek advised this proceeding is about putting a fence in the front yard and the Board needs to consider if this would be acceptable for this neighborhood. The Board's decision sets a precedent and must consider the uniqueness of properties. He believes these are two very unique properties and stated the Board is charged not with determining what kind of fence, but rather should the fence exist at all.

- Mr. Trampe asked Mr. Becker to clarify the distance from the curb to the end of the 24" fencing. Mr. Becker testified it is 10' from the back side of the monument to the curb.

Hearing Closed to the Public

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

Comments of the Board

Mr. Trampe commented if the decision is memorialized at a length of 72', the Applicant would not be able to go further. Mr. Becker reiterated the fence would run inside monument to monument. Mr. Trampe advised there is a discrepancy with the length.

Ms. Borek asked to be recognized. She asked what the discrepancy is if Mr. Becker wants to install a fence from inside the monument to monument. Mr. Bednarek explained Mr. Becker is requesting 72' of fence but the plan looks like 110' is needed. He explained that if 110' is needed and 72' is approved, the fence can only go 72'. Mr. Bednarek reported the application conflicts with the survey. Mr. Ehrhardt suggested the distance be the greater of 72' or monument to monument. He reported the Applicant agrees to 110' less distance from curblines. Mr. Bednarek reported the Board requires a measurable distance.

Mr. Strobel suggested the Board may want to consider requiring a revised survey as a condition of approval. Mr. Minton reported a revised survey would be a requirement of the zoning permit for a fence. He advised he would be able to interpret the Board's decision.

Determination

Motion by Mr. Trampe, seconded by Ms. Galosi to approve the variance allowing construction of a fence in the front yard with the following conditions: stone pillars be no more than 14" x 14"; panels would be black aluminum with flat tops not points; fence be 4' to 4 1/2' high depending on grading; not involve the berm; the first post at the driveway will be 3"x3" prefab steel post and last panel at the street will be 24" high and will graduate to 4' to 4.5' high; first pillar will be 10' back from curb to the dogleg of 110' or less in distance of driveway off the dogleg; fence would end on the designated spot no more than 110' or less and cannot end anywhere past the monument at the dogleg of the property; all standards conditions apply; existing berm must be corrected so no part is located on lot 6.01.

Roll Call

Those voting in favor: Ms. Stasko
Those voting against: Mr. Devlin, Ms. Galosi, Mr. Neely, Mr. Trampe, Ms. Woodman,
Mr. Bednarek
Those not voting: Alternates: Mr. Anninos, Ms. Sherlock

The Applicant, Mr. Becker, and witness, Ms. Borek, vehemently disputed the Board's decision to deny the requested variance outside of public comment section. Mr. Bednarek requested they leave the court room several times, finally under threat of removal by Cinnaminson Police. The Applicant's Attorney, Mr. Ehrhardt apologized to the Board Chair and Members for his client's behavior.

Case 25-9-1 – Kevin Enriquez, 15 Saxony Drive; Block 2602, Lot 70 – R3 Zone - Variance to construct fence beyond the front building line of the main house structure within a residential zone

- Ms. Galosi recused herself and stepped down from the dais.

Hearing

Mr. Enriquez introduced himself as the Applicant and owner of the 15 Saxony Drive. He was sworn by Mr. Strobel. Mr. Enriquez described the nature of his application to allow construction of a fence even with the existing attached garage which is situated forward of the dwelling portion of the home.

Mr. Enriquez introduced the following exhibits:

A-1 – photo of front of house, taken by him the previous summer

Mr. Enriquez pointed out the location of the proposed fence to be even with the wall of the garage closest to the street. He reported a fence existed on the left side of the house but wants to construct a new fence on the right side. Fence is allowed to the front line of the house but he would like to come forward to be in line with the garage and even with the existing fence.

Mr. Enriquez described the narrowness of the back yard being only 12' from foundation on solid ground to an incline leading to a drop off to the creek running behind his house. Mr. Enriquez explained the creek has eroded a 10' to 12' cliff drop off behind his house.

Mr. Enriquez introduced the following exhibit:

A-2 – photo showing erosion and drop off to creek bed

Mr. Enriquez stated he has owned the property for four years, and did not realize how bad the erosion was due to overgrown brush. The magnitude of the problem became obvious after clearing away brush. He stated the stream floods during rainstorms. He testified his backyard consists of 12' of solid ground, with 2' to 3' of incline to the cliff drop off. He asks for variance to bring fence 27' forward of the house to be even with front of the garage. He explained he wants the fence area to make a play area in the side yard for his children who are 1, 3 and 5 years old, for their safety and for everyone's safety. He does not want anyone to fall into the creek. Mr. Enriquez reported a 5' chain link fence was there when he bought the property. He would like to construct a 6' vinyl privacy fence, 163' to the back of the property and 12' from back of house.

- Mr. Bednarek asked for a recess at 8:41pm. Hearing back in session at 8:45pm.

Mr. Enriquez reported the loss of three or four trees in the past four years, having fallen into the creek. Public Works came out and told him it is his responsibility to remove from the creek and clear away debris. He reported the erosion continues and explained his work to determine what can be done to stop it. Mr. Enriquez reported four companies have been out regarding constructing a retaining wall and all believe only a bulkhead will work. He explained the cost to cover the width of the house in bulkhead is cost prohibitive being between \$130,000 to \$340,000 and requiring EPA and DEP permits and permissions. At this time, it is not feasible to pursue, therefore he wants to bring the yard forward to have a safe space for the children to play.

Mr. Bednarek asked what type of fencing he would use. Mr. Enriquez would like a 6' white vinyl fence that will match those of many of the neighbors. Mr. Bednarek stated this is a unique situation and not a good one. Mr. Trampe commended Mr. Enriquez for trying to solve the erosion issue. Mr. Enriquez reported the loss of multiple branches from the remaining large tree pictured in the photo. He reported 50% of the roots of the tree are undermined and there is concern the tree may fall into the house. He cannot remove the tree as the remaining roots are holding the bank. Within the last two weeks, he had the tree topped to make it safer.

Mr. Enriquez testified the fence on the left-hand side of the house runs from the corner of house straight across to the garage building line so right side is at issue. Mr. Strobel confirmed the ordinance limits the fence at the house front corner line therefore a variance is required to build it out to the length of the garage.

Hearing Open to the Public

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

Determination

Motion by Mr. Trampe, seconded by Mr. Bednarek to approve the variances as follows: to approve 6' white vinyl fence to run from front house to front corner out 14', turn and come 47', turn and come 39' and follow the back right hand side 73'; variance to allow fence forward of house on right hand side only; all standard conditions apply; noted there will be gates on left and right hand side of house and a 5' wide or double gate at back to access further clearing of debris from the creek.

Roll Call

Those voting in favor:	Mr. Devlin, Mr. Neely, Ms. Stasko, Mr. Trampe, Ms. Woodman, Mr. Bednarek;		
	Alternate: Mr. Anninos		
Those voting against:	None		
Those recusing:	Ms. Galosi	Those abstaining:	None
Those not voting:	Alternate: Ms. Sherlock		

- Mr. Neely left the meeting at 8:54PM

**Case # 25-8-1 – Phillip Villari, 905 Thomas Avenue;
Block 1113, Lot 10 – R2 Zone - Variance to allow development and use of solar array facilities on property**

- Ms. Stasko and Mr. Anninos recused themselves and left the dais.
- Ms. Galosi consulted with Mr. Strobel regarding her ability to hear the case. She explained that she works with the Applicant's brother. Ms. Galosi affirmed that she can render an unbiased decision and wanted to bring the relationship to the Board's attention. Mr. Strobel and Mr. Floyd concurred that there is no conflict and are comfortable with Ms. Galosi proceeding to hear the application.

Hearing

Mr. Floyd, Archer and Greiner, Attorney for the Applicant, circulated the exhibit list to the Board, professionals and made copies available for the public to view. He introduced the following exhibits:

- A-1 – low-altitude aerial photo of the property
- A-2 – high-altitude aerial photo of the property and surrounding uses
- A-3 - plan of survey obtained by the Applicant when property was purchased
- A-4 - site plan consisting of 9 sheets
- A-5 - five photos of the site taken in June 2025

Mr. Floyd explained the application requests bulk variance approvals for the development and use of a solar array. He described the property location as block 1113, lot 10, 905 Thomas Avenue, Cinnaminson and explained the property immediately adjacent at 903 Thomas Avenue is in the Borough of Riverton. He explained the Applicant's property is split between both municipalities with the municipal boundary between Borough of Riverton and Cinnaminson slicing through the western side of the property. Mr. Floyd explained the unusual and peculiar property conditions require variance relief for side yard setback and front yard setback for the existing, partially constructed solar array. Mr. Floyd stated the Applicant is not asking for forgiveness rather than permission in this situation. The Applicant hired Sunwise Energy who went through the process of submitting application for construction permits which were issued. After construction commenced it was discovered that a zoning permit was not submitted and a variance was needed. Bulk variance relief is needed to allow for 0' side yard and front yard setback of 70.5' where 75' is required.

Completeness

Mr. Floyd took no exception to the comments of the Board's Engineer in his Completeness Review regarding the variance check list requiring affidavit of notice. He reported the notice was published and served via certified mail and receipts were provided to the Board Secretary. He explained the survey plot plan, exhibit A-3, does not show the solar array but the site plans do show location and setbacks.

Mr. Clark confirmed the items requested in his letter of September 19, 2025, were provided. He suggested requiring an updated survey showing the solar array be a condition of approval. He had no objection to the application being deemed complete.

Motion by Mr. Trampe, seconded by Ms. Galosi to deem application complete with the understanding that an updated survey will be a condition of approval once the facility is complete.

Roll Call

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

Alternate: Ms. Sherlock
Those voting against: None
Those recusing: Ms. Stasko, Alternate: Mr. Anninos Those abstaining: None

Mr. Floyd introduced witnesses, Phillip Villari, Applicant and owner of the property, and Alexandre David representing Sunwise Energy. Mr. Villari was sworn by Mr. Strobel. Mr. Villari reported he bought the home and moved in four year ago. He explained why he wanted a solar array and its benefits, stating it could not be on the roof. Mr. Villari reported the home uses 60,000 kw of electricity each year. After speaking with other residents who are happy with solar and seeing arrays throughout the town, he contacted four companies for quotes. Mr. Villari learned that an array on the roof was not an option due to the configuration and the roof and the roof being Cedar shakes. He explained the Cedar shakes maintain the historical nature of the home, which he and his wife take great pride in. Building the array on the property would be more aesthetically pleasing and would not be offensive to neighbors. Mr. Villari hired Sunwise Energy whose proposal will offset 40,000 kw of clean energy per year, which is highly supported by both the state and township. Mr. Villari shared that clean energy is important to him and his neighbors are supportive of the project.

Mr. Floyd asked Mr. Villari if anyone would be aware that the western side yard is split between Cinnaminson and the Borough of Riverton. Mr. Villari stated that anyone would think it is one lot and one yard. Mr. Villari stated the rack system was installed and immediately landscaped. Typically landscaping would be done once construction is complete, but he takes great pride in his property and wanted to move forward with landscaping regardless of outcome of the Application. Mr. Villari reported Young's Landscaping installed (14) 20' Green Giant Arborvitaes on two sides to cover the array completely, (30) 15' Leyland Cypress on the Shrewsbury Lane side to obscure the neighbor's view, and (40) Skip Laurel to add diversity to the planting. He reported Young's Landscaping followed the guidelines for landscaping solar projects and the setbacks will have to be maintained so the Green Giants do not block the sun as they grow. Mr. Villari feels the landscaping is aesthetically pleasing and is not an eyesore for anyone who walks or drives past the property.

Mr. Floyd referenced exhibit A-1, the lower altitude aerial photo, pointing out the red dot marking the property and vacant side yard with no solar array, the semicircle driveway in front and western side with two parking spots and array in line with parking spaces. Using exhibit A-2, the high-altitude photo, he showed the property, and surrounding homes and golf course across the street. He noted that all properties on Thomas Avenue are single family homes with accessory structures such as sheds and pools. He pointed out on exhibit A-3, survey obtained from Wallace and Associates when the property was purchased, shows the boundary with Borough of Riverton and Cinnaminson and no improvements on the line that demarcates the boundary. He stated that no one would know there is a municipal boundary line there.

Mr. Floyd reported he will rely on Mr. David's testimony for exhibit A-4. Sheet 2, PV-1 shows the location of the two arrays, front and rear solar array. Mr. Floyd explained the front array is called out with setback from Thomas Avenue right-of-way at 31.5' from the edge of the Borough of Riverton side of the overall property. He reported the minimum side yard setback for accessory structure in Cinnaminson is 15' and there is 9' setback to the Cinnaminson boundary line. He stated the overall aggregate set back of 31.5' more than double the required side yard setback in Cinnaminson. Mr. Floyd stated the front yard setback for the front array is in line with the two parking spaces and slightly encroaches the front yard setback but does not look out of place. The site plans (exhibit A-4) were submitted to the Township for permit with the only difference being the modification to now include landscaping and to call out the setback.

Mr. Floyd referenced the five photos of exhibit A-5: Photo (1), taken June of 2025, from Thomas Avenue looking west at property from the corner. Mr. Villari stated it is the view driving west on Thomas, looking right. He explained there is a car parked in the parking section where the solar mounts begin, and cannot be seen

through the landscaping from the front of property; Photo (2) is on Thomas Avenue at the curb directly facing solar panels; Photo (3) is a similar view; Photo (4) is from behind the solar mounts on the property and shows how the solar array looks from Thomas Avenue and the golf course; the right side is Shrewsbury Lane showing (30) Leyland Cypress shielding neighbor's view of array; Photo (5) is taken from inside the Green Giants looking toward back of property.

Mr. Bednarek asked if there was a reason the arrays were placed farther back. Mr. Floyd stated that Mr. David will provide testimony as to the array placement.

Mr. Trampe asked if Cedar shakes were used on the roof for historical preservation and asked if the house is listed as historical. Mr. Villari testified that it was to maintain the historical aspect but was not mandated. Cedar shakes were used to keep with the character of the home.

Mr. Clark asked how the total square footage of arrays on the ground compare to what would have been on the roof. Mr. Floyd reported Mr. David will provide testimony to answer this. Mr. Villari explained his home is an old house recognized in Cinnaminson and he wanted to maintain the historic character of the roof and Cedar shakes were not compatible with roof mounted solar. Additionally, he believed solar on the roof would detract from the neighborhood.

Mr. Devlin asked how many kilowatts of energy are expected to be generated each year. Ms. Villari stated it is estimated to produce close to 40,000 kw per year. Mr. Gray-Cornelius asked if the energy generated is solely to offset use onsite. Mr. Villari testified that the PSEG interconnected agreement solely benefits the Villari's, and their home on Thomas Avenue.

Mr. Trampe asked how much of the property is in Riverton and Cinnaminson. Mr. Villari testified that approximately 8 to 10% of the property is in Riverton. Mr. Strobel advised that Riverton will need to weigh in once approvals are given in Cinnaminson. Mr. Floyd reported the application pending before Riverton Joint Land Use Board may be heard December 23rd or continued to January. The portion of solar array in Riverton is not an accessory use, but rather a primary use and the proof will be similar to this hearing tonight. Mr. Floyd explained the solar array is inherently beneficial with no detriment, does not generate noise or vibrations, and does not generate traffic. He explained could be considered by c-1 or c-2 standards. Under c-1 standards, there is proof of an extraordinary situation with peculiar undue hardship. He stated that Sunwise Energy will provide testimony why the arrays need to be where they are for sun, shade and efficiency. Mr. Strobel related this to another case where a property straddled the line between Moorestown and Cinnaminson. He explained in Riverton a use variance would be needed for permitting issue with both towns; Cinnaminson for construction since arrays are solely within Cinnaminson.

Mr. Floyd introduced Alexandre David, Sunwise Energy CO and managing partner. Mr. David was sworn by Mr. Strobel. Mr. David testified he has been with Sunwise Energy since 2001. He explained the company has extensive experience with residential and commercial projects in New Jersey, Pennsylvania and Delaware and is located in Cherry Hill. He stated all licensing, insurance and engineering are done in-house in New Jersey and reported having extensive knowledge about permitting and inspections. procedures, plans, and engineering regarding solar and roofing.

Focusing on sheet 2, PV-1 of exhibit A-4, Mr. Floyd asked Mr. David why the front and rear arrays are located where they are. Mr. David explained there are guidelines as to Cedar shake roofs and that is why it is entrenched with an aerial conduit and front array is in line with straight aerial conduit to interconnect on right side of the home. He testified this is the most efficient and safest way and has necessary height to provide safety to connect down to the road. He reported on PV-1, Thomas Avenue is called out and noted the aerial conduit

from top of pole to attic and called out where it connects to main service panel. He stated it is required at the front yard setback for safety and efficiency. The second array is located where arrays do not provide shade from one to the other. Mr. Floyd asked how the size of system would differ from ground mount to roof mount. Mr. David reiterated that they do not install over Cedar shakes due to fire hazard. He explained solar is best facing southwest, can face other directions but is most efficient facing southwest. The roof is not a simple a-frame and has many faces and would require many panels to generate the same electric as ground mounted and would be much more complex. He stated that the home may not be insurable if installed over Cedar shakes.

Mr. Floyd provided a summary stating the variance could be granted under c-1 standards due to municipal boundary slicing through the property, or c-2 where the benefits outweigh the detriments. Under Municipal Land Use Law 40:55D-2n, the purpose is to promote renewable energy resources and solar arrays are renewable energy resource and promotes the general welfare by providing an alternative energy resource and reducing pressure on the grid. Under 2c, provides adequate light and air open space shown in landscape plan to provide buffering so cannot be seen from Thomas Avenue. Mr. Floyd asked the Board to grant the front yard and side yard setbacks. A conditional use variance is required by Riverton and no other permits or approvals are required from the county or soil conservation district. It was suggested Fire Marshal review should be a condition of approval.

Mr. Trampe asked if the structure the array sits on was permitted. Mr. Minton reported the footings are considered 100% satisfactory with construction code. Mr. Minton reported this is not the Applicant's fault as it was an internal error. The Applicant sought UCC permits, which were granted and began construction. He asked the Board to note in his report that it has been a year since the permit was issued and the Applicant has not been evasive and wanted to make sure landscape and plan were in place. It has been a cooperative venture.

Mr. Clark noted comments in his review letter of September 19, 2025. Mr. Gray-Cornelius reported testimony addressed all comments and this should be considered an accessory structure. The array will power the house and electric generated will not sent off site. An accessory situation with accessory building require it be located to rear of front line of primary building and within 3' of property line. Technically, this is located on the property line at municipal boundary, but if both parcels are considered as one, would exceed side yard setback with minimal encroachment on front yard set back by 4.5'. Testimony has been provided as to extensive buffering in place.

Mr. Clark reviewed the landscape plan with the landscape architect and the plant species selected are appropriate.

Mr. Strobel asked Mr. David for the height of the solar array. Mr. David testified it is 9' to 10' to top of solar panel. Mr. Strobel asked if the landscaping was selected to cover the full height. Mr. Villari stated it is the intention to maintain the landscaping so it covers the view of the array.

Hearing Open to the Public

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

Determination

Motion by Mr. Trampe, seconded by Ms. Galosi to approve the following variances: side yard setback of 0' where 15' is required; front yard setback of 70.5' where 75' is required, conditional on Fire Marshal's review; vegetation screening must be maintained; standard conditions apply; revised survey must be submitted upon completion; conditional upon receipt of use variance from Riverton.

Roll Call

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

Resolutions

Resolution 2025-11 - Block 2206, Lot 41 – 2414 Branch Pike

Motion by Mr. Trampe, seconded by Ms. Woodman to adopt Resolution 2025-11

Roll Call

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

Approval of Minutes – November 7, 2025 Regular Meeting

Approval of the Regular Meeting minutes of the November 7, 2025 was tabled to the January 7, 2026 meeting.

Correspondence - None

Meeting Open to The Public

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

Discussion Items:

2026 Meeting Calendar

Mrs. Russell circulated a proposed meeting schedule prior to the meeting. She reported the January 2026 Reorganization and Regular Meeting have been advertised for January 7, 2026 and all meetings are to be held on the first Wednesday of each month with no holidays or other conflicts.

Comments from the Board - none

Adjournment

Motion by Ms. Galosi, seconded by Ms. Woodman to adjourn the meeting. The voice vote of the Board was unanimous in favor of adjournment.

Prepared by:



Beverly G. Russell, RMC

Approved: January 7, 2026