

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
May 6, 2020**

MR. BEDNAREK: TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the TOWNSHIP OF CINNAMINSON does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Cinnaminson Township Zoning Board of Adjustment meeting scheduled for May 6, 2020 at 6:30 p.m. at 1621 Riverton Road, Cinnaminson, New Jersey will be held electronically using Zoom audio and visual technology. Formal action may be taken. Any interested party will be able to appear and fully participate at the hearing, in accordance with the rules of the Zoning Board of Adjustment, including providing comment and offering exhibits. For members of the public who wish to attend using Zoom video and audio features on the internet, visit <https://zoom.us>, click "Join A Meeting", enter the following Meeting ID: 923 868 6246, and enter the following Password: 203375. For members of the public who wish to attend using a telephone, call one of the following numbers: +1 929 205 6099 US, +1 312 626 6799 US, +1 253 215 8782 US, +1 301 715 8592 US, +1 346 248 7799 US, +1 669 900 6833 US, and enter the above listed Meeting ID and Password. It is recommended that any interested party desiring to offer exhibits contact the Zoning Board secretary in advance for guidance.

**Zoom Meeting ID: 923 868 6246
Password: 203375**

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The Regular Zoom Meeting of the Zoning Board being held May 6, 2020 is scheduled for 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ.

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 19, 2020 and by advertising this Regular Meeting in the Courier Post on January 18, 2020 and by advertising this Regular Meeting in the Burlington County Times on April 24, 2020 and in the Courier Post on April 28, 2020.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

ROLL CALL: Members Present – Chairman Bednarek, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Devlin.
Also Present: Mr. Strobel, Board Attorney and Patricia Rucci, Secretary.

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

MR. BEDNAREK: We have three cases scheduled for tonight.

Case #20-4-2 – Tabula Rasa Homes NJ, LLC – Bulk Variance - 2801 Riverton Road, Block 3107, Lot 1.

Case #20-4-1 – Isaias L. De Souza – Bulk Variance – 218 Dolores Drive, Block 2013, Lot 9.

Case #20-3-1 – Route 73 Automall, Inc. – Use Variance – 2514 Route 73 Block 3503, Lot 19. This case will not be heard tonight. This case will be continued to the Zoning Board Meeting on June 3, 2020 Zoning Board Meeting at 6:30 PM.

A MOTION IS MADE BY MR. HARE, seconded by Mrs. Galosi to continue Case #20-3-1 – Route 73 Automall, Inc. to the June 3, 2020 Zoning Board Meeting. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

Case #20-4-2 – Tabula Rasa Homes NJ, LLC – Bulk Variance - 2801 Riverton Road, Block 3107, Lot 1.

MR. RYAN: Attorney for Tabula Rasa Homes NJ, LLC. This is a request for a bulk variance. They are seeking permission to install a fence in front yard and for an accessory building in the front yard.

MR. BEDNAREK: The Board accepted Mr. Parry and Mr. Miller as Experts

MR. STROBEL: Does anyone have any objection to for the experts? No one had any objection.

MR. STROBEL: He swears in Calvin Knowlton, Principal of Tabula Rasa Homes Jack Parry, Architect. James Miller, Planner.
He reviewed his Zoning Board Packet information.

The following Exhibits were presented:

- Exhibit A-1 – Site Plan Prepared by Stout and Caldwell
- Exhibit A-2 – Grading Plan prepared by Stout and Caldwell.
- Exhibit A-3 – Guard House Elevations
- Exhibit A-4 – Front Gate and Guard House Site Plan

Exhibit A-5 – Landscape Plan

Exhibit A-6, A-7, A-8 and A-9 – Renderings of the proposed Guard House.

MR. RYAN: Mr. Parry will walk us through the Exhibits. There are two parts to this application, the fence and guard house. The applicant was before the Board previously for setbacks. This parcel straddles the property line between Moorestown and Cinnaminson. The Board did grant variance relief in regard to the side yard setback. Now we are back before the Board for the fence and the guard house. It will not be functioning as a guard house.

MR. KNOWLTON: Mr. Knowlton and his wife own Tabula Rasa Homes. This property will be his family home. There will be no guards in the structure.

MR. RYAN: He referred to the Guard House.

MR. PARRY: We really should be calling it a Gate House. It goes with the gate. It serves as a building that will house some of the utilities.

Mr. Parry described the Exhibits:

Exhibit A-1 - He described Site Plan prepared by Stout and Caldwell.

Exhibit A-4 – Architectural Site Plan – A-6 foot high fence is proposed.

Front fence is rod iron on a curve that is limestone. The fence matches the house. When it turns, it will just be rod iron.

Exhibit A-3 – 6' high fence with a little bit of rod iron on top of a curve laminated with limestone material.

Exhibit A-5 – Landscape Plan

Exhibit A-6 through Exhibit A-9 – Renderings. He described the renderings.

MR. PARRY: He feels that fence is appropriate. A 6 foot fence is perfect.

MR. RYAN: Was there a fence in this front yard before the project was commenced?

MR. PARRY: There was.

MR. MARSHALL: The overall height of the fence including that knee wall is 6 feet maximum.

MR. PARRY: Yes. That is correct.

MR. MARSHALL: I believe the columns were 7 feet.

MR. PARRY: I think you are right.

MR. MARSHALL: The arch gate I believe is 8 feet in height.

MR. PARRY: 7' 10".

MR. MARSHALL: Let's call it 8 for when they hang it off the ground. You are asking for a 6 foot fence along the front yard within the front yard setback. You are asking for a 6 foot fence combination knee wall and a 4 foot fence in back and straight six foot fence down the sides, and 7' high columns and 8' high double drive gate. Is this fair enough?

MR. PARRY: Yes.

MR. DEVLIN: Does this encroach on the Pompeston?

MR. PARRY: No.

MR. BEDNAREK: How far back off the centerline of the road does fence sit?

MR. RYAN: I believe there was a reference to a 26 foot setback.

MR. MARSHALL: He referred to his Denial.

MR. RYAN: On the Denial, you indicate it is a 26 foot front yard setback.

MR. MARSHALL: Let's stick to that.

MR. RYAN: 26 feet minimum because it gets greater as we go towards the creek.

MR. MARSHALL: Yes.

MR. STROBEL: Where does the sanitary sewerage discharge?

MR. PARRY: He refers to Exhibit A-2. He identified where the sewer line would be.

MR. RYAN: He wanted to know if that was approved by the Sewer Authority.

MR. PARRY: It has been recommended and approved. That is the way they want us to connect.

MR. BEDNAREK: You stated that there were fire controls in the guard house. Have they been looked at by our Fire Marshall?

MR. PARRY: Yes we have been working with us all along.

MR. RYAN: There is a reference on the plan for the Fire Sprinkler backflow in the guard house.

MR. PARRY: The guard house is heated.

MR. MILLER: Planner for the Application. The property On Riverton Road contains 5.48 Acres. 3.17 Acres in Cinnaminson – R-2 Residential.
R-1A – Residential Moorestown.
The Zoning in Cinnaminson and Moorestown is uniform.

The surrounding uses are single family.
He described the surrounding properties and the zoning.

Guard House is to provide facility for different utilizes. He discussed the fence and the gate house. The fence and gate house is primarily decorative. The fence is primarily decorative. It is a large lot and has ample frontage. This fence was carefully designed and has an attractive appearance. It is unlikely to have any detrimental impact to the surrounding community. I don't see any potential detriment to this installation. The relief does satisfy the positive criteria. He thinks it will be a positive contribution to the surrounding area. I don't see adverse impact on the zone plan or zoning ordinance. I think this makes a positive contribution from an aesthetics standpoint for the surrounding community. I believe it satisfies all the prongs of the negative criteria and would merit the Board's approval.

MR. BEDNAREK: He asked about the setbacks. On the application in section B, it states that the setback is 20 feet and the setback for the gate is 26 foot. Because the gate is set back 6 feet apparently. Is the written on the application B description the correct one or is the 26?

MR. RYAN: I would defer to what is on the plan.

MR. BEDNAREK: I want to make sure we have those numbers correct.

MR. PARRY: I would agree to the 20 feet and 6 feet for the offset.

MR. BEDNAREK: The gate posts are 8' 6" high and the other piers are 7 feet high.

MR. RYAN: Thank you.

MRS. MCSTRAVICK: Did they get approvals from Moorestown?

MR. RYAN: No variance is needed for the property in Moorestown.

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

MR. STROBEL: He swears in Mr. Ben Young.

MR. YOUNG: He supports the project. The fence does not run straight across the property.

MR. BEDNAREK: He referred to the diagram.

MR. YOUNG: He suggested that the force main stays as tight to the bottom of the bridge or to the side of the base of bridge to make sure there is clearance for material that may come down the stream.

MR. PARRY: We will make sure of that.

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

A MOTION IS MADE BY MRS. MCSTRAVICK, seconded by Galosi to grant the two requested variances for the fence and guard/gate house. The fence across front property with a gate house. The fence is six feet high including the base of the fence for all the areas that are just pure fence. There is a six foot high gate fence toward the Moorestown side that is in Cinnaminson that is just 6 feet high, all fence and has no base. Piers are 7 feet tall. The center part of the main gate is set back 6 feet and it is 8 ½ feet high on the piers for the central gate. The sewerage pipe is run as advantageously for water flow in the creek as possible and standard conditions. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

Case #20-4-1 – Isaias L. De Souza – Bulk Variance – 218 Dolores Drive, Block 2013, Lot 9.

MR. STROBEL: He swears in Christina Castro – The Applicant’s Interpreter.
He swears in Isaias L. De Souza the Applicant.
When the Applicant spoke or answered questions, Christina Castro would translate what the Applicant said.

MR. BEDNAREK: Tell me and the Board why you want to obtain the variance for the fence.

MR. DESOUZA: I want the fence to be closer to the sidewalk. He has small children and they want to play in the back yard. He wants the fence for the safety of his children. He wants a six foot, solid vinyl fence.

MR. BEDNAREK: It appears on the Denial that it is a 20 foot setback, where 50 feet is required on that side. The side counts as front. Is that correct?

MR. DESOUZA: Yes

The following Exhibits were presented:

Exhibit A-1 – Survey

Exhibit A-2 – Photograph showing Dolores Drive

Exhibit A-3 – Photograph 20 feet from the sidewalk

Exhibit A-4 – Photograph from another angle 122

Exhibit A-5 – Photograph showing the area along back of property. The property with the Jeep is not his property.

Exhibit A-6 – Photograph from Branch Pike

Exhibit A-7 – Photograph

The Applicant and the Board discussed the Exhibits and the proposed fence location.

MR. BEDNAREK: There is an existing chain link fence that I believe is your neighbor’s fence.

MR. DESOUZA: He spoke to his neighbor and we agreed that I would remove the fence.

MR. BEDNAREK: Your testimony is there will only be one fence not back to back fences.

MR. DESOUZA: Just one fence.

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

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

MR. STROBEL: He swears in Jeff Kaighn.

MR. KAIGN: He said he referred to what John Marshall said earlier regarding this road was hammer headed many years ago. He spoke about the traffic. There were a few accidents in front of his house. He referred to the photo showing his Jeep. His property line is at that fence. He spoke about the location of the fence.

MR. BEDNAREK: The testimony that we are hearing tonight is that he is going to go along your chain link fence and coming out toward Branch Pike. He will be 20 feet away from the sidewalk.

MR. KAIGN: I am okay with that.

MR. BEDNAREK: So you think you will be okay on the site line.

Inaudible

MR. BEDNAREK: So if he keeps that fence 20 feet from the sidewalk and runs along your property line and removes your cyclone fence, you are okay with that.

MR. KAIGN: Yes.

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

MR. BEDNAREK: He asked if there was going to be a gates along the Branch Pike side or the back of the house.

MR. DESOUZA: He is going to put a gate. The gate is 4 feet wide. He verified that the gate is 4 feet wide and is a 6 foot high, solid white vinyl fence.

A MOTION IS MADE BY MR. HARE second by Mrs. Galosi to approve a 6 foot high vinyl fence with a 20 foot setback from the sidewalk where 50 foot is required. It is a 6 foot vinyl fence with a 4 foot wide gate facing the Branch Pike side of the property. The fence along the parting line between his property and the neighbors and replacing the cyclone fence all the way down the property line and any standard conditions It will not come out any farther than the front corner of the house. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mrs. McStravick to approve the Minutes from the March 4, 2020 Regular Meeting. VOICE VOTE: ALL AYE, no opposed, Abstain, Mr. Hare, motion passes.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

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

A MOTION IS MADE BY MRS. GALOSI, seconded by Mrs. McStravick to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci