

**TOWNSHIP OF EVESHAM
ZONING BOARD OF ADJUSTMENT**

Minutes

April 15, 2024

7:00 P.M.

Municipal Building

Call to Order

Meeting brought to order by Chair Thomas at 7:06 p.m.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chair Thomas made the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation and in accordance with the April 2, 2020 recommendations of the New Jersey Department of Community Affairs in hosting the Planning Board meeting

Roll Call

Present: Masson, Smith, Thompson (arrived at 7:12), Willmott, Ganju, Humphrey, Lynn, Carragher, Thomas

Absent: Grantner, Graterol

Staff: Wieliczko, Arcari, Hunt, Snee, Newton, Kinney

Scheduled Matters to be carried to May 13, 2024 Announced

- | | |
|---|---------------|
| 1. 150 Route 70 East
Wal-Mart Real Estate Business Trust
Applicant properly noticed
Applicant waived action date | Z23-19 |
| 2. 293 Tomlinson Mill road
N. & D. Fiorentini
Applicant properly noticed to property owners within 200'
Newspaper notice needed | Z24-04 |
| 3. 870 Route 70 East
CareOne at Evesham
Applicant properly noticed | Z23-15 |

Minutes 3-18-2024

Motion to approve – Masson

Second – Smith

Ayes: Masson, Smith, Thompson, Ganju, Humphrey, Lynn, Carragher, Thomas

Continuation of Scheduled Matters:

1. 936 Route 70 West

Z23-20

MGA Petroleum, LLC C-1/EVCO Zone
Block 4, Lot 1

Robert s. Baranowski, Jr., Attorney for Applicant

Gary Mathoan, Authorized Representation of MGA Petroleum, LLC – sworn

Kris Kluk, Engineer – sworn

James A. Miller, Planner – sworn

Stacey Arcari –sworn

Rick Hunt – sworn

Eric Snee – sworn

Applicant is seeking a Conditional Use and Bulk variances to convert the existing building on-site to a convenience store, construct a 2,224 sq. ft. walk-in cooler in the rear of the building and a proposed 1,000 sq. ft. canopy structure along the Route 70 frontage, containing the relocated fuel pumps
Convenience store to service gas customers

Gary Mathoan – has met with staff and applicant’s team since December, 2023

Amended site plans address the reviews by the Zoning Board Staff

Operation times – 6:00 a.m. to 10:00 p.m.

Convenience store will service gas customers

No hot food, no kitchen – sodas and snacks will be available

Would like to add on gas dispenser – there are 3 existing

2 employees - 1 inside – 1 outside

Auto shop to be eliminated

No tanks to be removed

Second dispenser will improve the circulation

Loading and deliveries not to be a problem

Gas tank trailer will have no problem will delivery of gas

Agrees to work with Board Professionals for landscaping and lighting

Existing shed stores equipment – remediation with the shed is still in progress – once remediation is complete, it will be removed

Mr. Baranowski – some of this property has been taken by NJDOT

Will not touch sign on Route 70 located in the ROW

Applicant will provide Board Staff with plan showing NJDOT improvements including the additional sidewalks

Applicant agrees to any COAH contribution if required

Kris Kluk – Engineer

Referred to Site Plan dated 3-18-2022 – C-2
Agrees to recommendations and comments in Zoning Board staff letters
ERI – dated 12-2-2023, CME – dated 1-11-2024, Alaimo Group – dated 1-18-2024
Landscaping to be added will improve the site
Lighting added will comply with regulation and will not spill over onto neighboring properties

James Miller – Planner
Went through surrounding land uses of the property
North – abandoned gas station, East – strip center, South – Marlton Village Apartments, West – NJDOT property (by condemnation)
Applicant's entrance and sign are now on this property
Went over the need for the Use Variance, bulk variances and waivers requested
Ms. Arcari – asked to clarify parking spaces
Mr. Baranowski – 11 spaces provided – 12 required. 2 spaces for employees
Mr. Miller reviewed the positive and negative criteria
Site has many constraints, past acquisition by the NJDOT, shape of the property, 2 front yard setbacks, etc.
Applicant to the best of its ability will bring this site up to the current zoning standards
This has been in existence since 1961, is compatible with the zone. Convenience store has a less impact on the zone and proposed changes will improve the site
Improvement will be a benefit and will substantially outweigh the detriments
Impervious coverage is a minimal increase

Richard Hunt – Alaimo Group – letter dated 1-18-2024
Applicant agrees to recommendations and comments
This will advance the zone
Mr. Hunt addressed additional variances in his letter
Sign location – existing non-conforming – need state permit or Letter of No Interest
A map showing property taken by NJDOT must be provided to Board
Any outside agency approvals must be provided to Board
All additional variances being call out have been addressed by Mr. Miller
Landscaping and sidewalk plans proposed by NJDOT must be provided to Board
Lighting plans – meet with EVCO requirements
Applicant agrees to work with staff

Stacey Arcari – ERI – letter dated 12-7-2023
Applicant agrees to recommendations and comments
Applicant will provide lighting/landscaping plan to include lighting under canopy
Will work with applicant concerning striping

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Ms. Arcari questioned the shed/fencing
Mr. Mathoan – fencing in protecting the shed. Once environmental remediation is complete shed and fence will be removed
Fence on property line will remain
Condition of approval – applicant will coordinate commercial trash pick-up in accordance with Township ordinance
Ms. Arcari referred to Fire Marshall memo dated 12-7-2023 - Title 39 – applicant agrees to obtain Title 39

Eric Snee – CME – letter dated 1-11-2024
Applicant agrees to recommendations and conditions
Underground tank will remain the same
All documentation should be provided
Applicant has agreed to retain a qualified environmental consultant/LSRP

Board Comment
Board Member Thompson – will canopy be located over pumps only and will it have signage
Mr. Mathoan – canopy to cover dispenser only and signage will be identification of brand – will conform to Ordinance

Board Member Masson – there was an application before this board in 2020
Mr. Wieliczko – it never got built
Board Member Masson – this property is the first thing you see coming from Camden County into Burlington County, Evesham
Board Member – are sidewalk proposed on Marlton Pike
Mr. Baranowski – sidewalks are proposed

Chair Thomas – with the additional dispenser do you anticipate more deliveries of fuel and is there ample space for truck to turn around
Mr. Mathoan – the fourth dispenser is for diesel fuel and yes there is ample space for turning
Chair Thomas – will you be selling lottery tickets
Mr. Mathoan – probably
Chair Thomas- is there ample security lighting for the site
Mr. Wieliczko – applicant will be providing lighting plan and will address this

Mr. Wieliczko – asked Mr. Baranowski if the applicant would like to bifurcate the vote
Conditional Use/ Use
Preliminary and Final Site Plan
Mr. Baranowski – yes

Mr. Wieliczko – summarized

Conditional Use/Use

Existing Non-conforming

1. Near gas station
2. Gas pump setbacks
3. No landscaping in front yard
4. Parking
5. Trash

Motion to approve MGA Petro Z23-20 –Thompson

Second – Thomas

Ayes: Masson, Smith, Thompson, Willmott, Ganju, Carragher, Thomas

Preliminary and Final Site Plan with Bulk Variances and Waivers

1. Parking setback
2. Impervious coverage
3. Parking requirements
4. Trash enclosures in buffer area
5. Parking in buffer area
6. Additional conditions
 - Agrees to comply will all Staff letters
 - Per Fire Marshall's memo will obtain Title 39
 - Landscaping, lighting
 - Coordinate delivery times for convenience store and fuel
 - Remove shed and fence in place once remediation is complete
 - Provide NJDOT mapping taking
 - To comply with COAH obligations is required
 - Complete parking schedule
 - Provide NJDOT permit or approval for sign in ROW
 - Provide copies of NJDOT plan for sidewalks
 - Commercial trash pick-up as per Township Ordinance
 - Agrees to retain LSRP as per CME letter
 - Agrees to provide canopy detail for signage

Motion to approve MGA Petro Z23-20 – Thompson

Second – Smith

Ayes: Masson, Smith, Thompson, Willmott, Ganju, Carragher, Thomas

Resolutions: None

Public Comment – None

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Board Comment

Chair Thomas asked if in Board Professionals could please review letters would they please identify what they acronyms they use stand for – for example LSRP

Communications/Organization - Next meeting – Board Secretary Newton – next scheduled meeting is Monday May 13th, this is an irregular meeting date due to the Board of Education Art Show. Upcoming agendas could be very busy

Vice-Chair Carragher, thanked staff for all their work

Meeting Adjourned – 9:15 p.m.