



# Township of Evesham.

<https://evesham-nj.org/departments/construction>

984 Tuckerton Road • Marlton • NJ 08053 • 856-983-2900 • Township Code Book: <https://www.ecode360.com/EV0481>

## Land Development Application Form

The application must be filed with the board at least 20-days prior to the hearing date.  
Application Fee is Nonrefundable.

RECEIVED

Application Fee (94-10): \$1,300<sup>00</sup>  
Escrow (initial deposit): \$10,054.10

Date received: JUN 13 2025  
PB or ZBA #: ZZS-16  
HPC App #: \_\_\_\_\_

If you are not familiar with the Township Zoning Code (Ch. 160), please see the Township Administrative Officer for assistance or visit the Community Development webpage: <http://www.evesham-nj.org/index.php/forms-comm-dev> or Application Checklists: Attachments to Chapter 94 Land Use Regulations

**1. SITE INFORMATION** ZONE DISTRICT: C-1  
Property Address: 741 Route 73, Evesham, NJ 08053  
Block/s: 36 Lot/s: 4.07  
Development Name: McDonald's Restaurant Home Owners Association: YES  NO   
Is the property within the Pinelands: YES  NO   
Present Use: Vacant Proposed Use: McDonald's Restaurant

Proposed Development Name: McDonald's  
Proposed Number of Phases of Construction: 1

**2. APPLICANT & OWNER INFORMATION**  
Applicant Name: ABK Real Estate, LLC  
Mailing Address: P.O. Box 1517, Vineland, NJ 08360  
Phone #: 856-794-4710 Email: john.krauser@vinelandconstruction.com  
Form of Ownership:  Individual  Partnership  Corporate  
 Government  Nonprofit  Utility

If applicant is not the owner, state applicant's authority to bring this application and specific interest in application (i.e. agent for owner, equitable interest, agreement of sale): \_\_\_\_\_

Property Owner Name: Same as Applicant  
Property Owner Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Form of Ownership:  Individual  Partnership  Corporate  
 Government  Nonprofit  Utility



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984 Tuckerton Road • Marlton • NJ 08053 • 856-983-2914 • [Township Code](#) [FAQ webpage](#)

**3. APPLICATION TYPE:** Check as many items as applicable.

- Bulk Variance/s     Use Variance     Conditional Use     Informal/Concept Review
- Appeal of Decision     Site Plan Waiver     Interpretation of Zoning Map or Ordinance
- Waiver of Development Standard     Submission Waiver     Other \_\_\_\_\_

**Subdivision Application:**

- Minor Subdivision                       Major Sub. Preliminary                       Major Sub. Final
- \_\_\_\_\_ Total Number of lots to be created                      \_\_\_\_\_ Total Proposed Dwellings

Amend Prior Subdivision Approval/s: Please provide copies of the prior resolutions of approval and any supplemental information. \_\_\_\_\_

**Site Plan Application:**

- Minor Site Plan                       Preliminary Major Site Plan                       Final Major Site Plan

Amend Prior Site Plan Approval/s: Please provide copies of the prior resolutions of approval and any supplemental information. \_\_\_\_\_

**4. ROADWAY JURISIDCTION:**                       NJ State     County Route     Municipal Road

**5. PROPERTY DIMENSIONS:**

- a. Total Area in square feet or acres: 44,966                      b. Frontage in feet: 257.4
- c. Corner property: Yes  or No

**6.A. SUBDIVISION INFORMATION:**    N/A

1. Number of proposed lots: \_\_\_\_\_
2. Average lot size in square feet or acres: \_\_\_\_\_  
Proposed: \_\_\_\_\_                      Required: \_\_\_\_\_
3. Average Street Frontage: \_\_\_\_\_  
Proposed: \_\_\_\_\_                      Required: \_\_\_\_\_
4. Will any new streets be created?    Yes                       No
5. Purpose of Subdivision:  
Residential                       Industrial                       Mixed Use                       Commercial   
Office                       Agriculture                       Other (Describe): \_\_\_\_\_



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## 7. UTILITIES: (Complete if subdivision and/or site plan are requested)

- a. What is the present source of potable water? Well  Municipal
- b. Is the present water source adequate to service the proposed development? Yes  No
- c. If the present water source is not adequate, how will the development receive potable water? N/A
- d. Is municipal water service capacity presently available? Yes  No
- e. Has application been made for municipal water connection permits? Yes  No   
If yes, how many \_\_\_\_\_ and when \_\_\_\_\_ permits already in place.
- f. Will an existing well be used? Yes  No
- g. Are any new wells to be used? Yes  No
- h. Has the potability of the well water been certified? Yes  No
- i. Is the property serviced by municipal sewer? Yes  No
- j. Will the development require additional sewer lines? Yes  No
- k. Can the existing connection service the development? Yes  No
- l. Is sewer capacity presently available? Yes  No
- m. Has application been made for municipal sewer connection permit(s)? Yes  No   
If yes, how many \_\_\_\_\_ and when \_\_\_\_\_ existing
- n. Have any municipal water connection permits been obtained? Yes  No   
If yes, how many \_\_\_\_\_ and when \_\_\_\_\_ existing
- o. Have any municipal sewer connection permits been obtained? existing Yes  No
- p. Is there any existing septic system? Yes  No
- q. Can the existing septic system service the development? Yes  No  N/A
- r. Is a new septic system proposed? Yes  No

If yes, state the type:

- Conventional
- Alternative

- Waterless toilet w/ gray water
- Other (describe) \_\_\_\_\_

- s. Has application been made for an on-site septic system(s)? Yes  No   
If yes, how many \_\_\_\_\_ and when \_\_\_\_\_
- t. Has the application been approved? Yes  No   
If yes, and when N/A

### u. Gas: (check)

- Natural  Proposed  Existing
- Propane  Proposed  Existing

### Electric: (check)

- Above ground  Proposed  Existing
- Below ground  Proposed  Existing





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**9. VARIANCES:** Complete for variance applications. **Public Notice (15-16) must be completed by the applicant in compliance with the requirements of the New Jersey Municipal Land Use Law. A copy of the public notice and proof of service are required.**

A. Briefly describe each variance requested and provide Zoning Code Section from which relief is being sought: See Addendum attached hereto and made a part hereof.

\_\_\_\_\_

B. If a "d" variance is requested, what are the special reason(s) which support your application: (This type of variance can only be heard by the Zoning Board of Adjustment) \_\_\_\_\_  
See Addendum attached hereto and made a part hereof.

\_\_\_\_\_

C. If a "c" variance is requested, what are the exceptional property conditions which prevent you from complying with the zoning ordinance? \_\_\_\_\_

N/A

\_\_\_\_\_

D. If a "c" variance is requested and you contend there are no exceptional property conditions, how will the Municipal Land Use Act be advanced if the variance were to be granted and how would the benefits of a variance outweigh any detriment? \_\_\_\_\_  
See Addendum attached hereto and made a part hereof.

\_\_\_\_\_

E. Supply a brief statement of facts showing why the requested variance can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the Township's zoning plan and zoning ordinance: See Addendum attached hereto and made a part hereof.

\_\_\_\_\_

\_\_\_\_\_

**10. WAIVERS:** (Complete if waiver/s requested) Attach additional pages if necessary.

A. Subdivision or Site Plan Filing: Briefly describe each filing requirement (submission) waiver you are seeking: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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B. Subdivision or Site Plan Filing: Briefly describe each Design Standard Waiver you are seeking:

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**11. INTERPRETATION - APPLICATION:** For Zoning Board of Adjustment only.

Attach a statement of contentions and provide Code Section(s) in question.

**12. APPEAL DECISION OF ZONING OFFICER OR BUILDING INSPECTOR - APPLICATION:**

Attach a statement which includes the following: (1) Description of the order, determination or decision being appealed (hereinafter called "adverse ruling"), (2) Name and Title of enforcing officer, (3) Date adverse ruling was issued, (4) Date applicant received adverse ruling, (5) Why you allege the adverse ruling is in error, (6) The relief you are seeking, and (7) If the adverse ruling is upheld, do you request that a variance be considered?

**13. OTHER AGENCIES OR PRIOR APPROVALS REQUIRED:**

Agency	Yes or No	Date Submitted
A. Burlington County Planning Board	Yes	N/A
B. Burlington County Soil Conservation	Yes	N/A
C. Pinelands Commission	No	
D. NJ Department of Transportation	No	N/A
E. NJ Department of Environmental Protection	No	
F. Other: (Describe)		

**14. SUBMISSION ITEMS:** Plans, surveys, reports, & other items included with application.

Item/Exhibit	Date/Last Revision	Prepared By
Preliminary & Final Site Plan submission consisting of 20 sheets labeled C-1 through C-20	2/12/2025	Dynamic Engineering Consultants

**15. SUPPLEMENTAL INFORMATION:**

A. Have there been any previous applications for this property filed with the Planning Board or Zoning Board?

Planning Board: Yes  No  Zoning Board: Yes  No

If yes, state the nature, date and disposition of each prior application: \_\_\_\_\_

Prior Preliminary & Final Site Plan application - approved by Evesham Twp. Planning Board

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B. Describe any deed restrictions affecting the property: \_\_\_\_\_  
See Addendum attached hereto and made a part hereof.

C. Describe any proposed deed restrictions: \_\_\_\_\_  
None are proposed.

D. Describe any easements or rights of way affecting the property: \_\_\_\_\_  
See Addendum attached hereto and made a part hereof.

E. Describe any easements or rights of way proposed by the applicant: \_\_\_\_\_

**16. CORRESPONDENCE:** In addition to the applicant, to whom should Township and/or the Board Professional/s correspondence be sent?

Name: Jeffrey I. Baron, Esquire Address: 1307 White Horse Road, F-600, Voorhees, NJ  
Name: Dynamic Engineering Consultants Address: 245 Main St., Suite 110, Chester, NJ 07930  
Name: \_\_\_\_\_ Address: \_\_\_\_\_

**17. APPLICANT PROFESSIONAL & EXPERT WITNESS LIST:**

A. Name & Profession (Attorney, Engineer, Planner etc): Jeffrey I. Baron, Esquire  
Attorney  
Mailing Address: 1307 White Horse Road, F-600, Voorhees, NJ 08043  
Phone #: 856-627-6000 ext. 305 Email: JBaron@baronbrennan.com

B. Name & Profession (Attorney, Engineer, Planner etc): Tiago F. Duarte - Engineer  
Dynamic Engineering Consultants  
Mailing Address: 50 Park Place, Suite 901, Newark, NJ 07102  
Phone #: 973-755-7200 ext. 2501 Email: tduarte@dynamiccec.com

C. Name & Profession (Attorney, Engineer, Planner etc): Paul Grygiel, P.P. - Planner  
Mailing Address: 70 Hudson Street, Hoboken, NJ 07030  
Phone #: 201-420-6262 Email: \_\_\_\_\_

D. Name & Profession (Attorney, Engineer, Planner etc): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Email: \_\_\_\_\_



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## 18. CERTIFICATIONS:

### A. TAX COLLECTOR CERTIFICATION (Proof of Payment)

It is hereby certified that all taxes, municipal liens, and utility charges for the address and block and lot below are paid and current as of 6-13-25.

Address: 741 Route 73, Evesham

Block/s: 36

Lot/s: 4.07

Property Owner: ABK Real Estate, LLC

Devin McMalley, CTC 6-13-25  
Evesham Township Tax Collector Signature and Date  
Deputy Tax Collector

### B. APPLICANT CERTIFICATION:

The undersigned certify they are the applicant(s) named in the foregoing application or the undersigned certify they are legally authorized to submit the foregoing application and may sign this Certification on behalf of the applicant. The undersigned certify the information stated in the foregoing application and submissions made therewith are true and correct. If any of the foregoing statements are willfully false, the undersigned understand they are subject to punishment.

Anne Koons 6/5/25  
Applicant Signature                      Date

\_\_\_\_\_  
Applicant Signature                      Date

Print Name: Anne Koons

Print Name: \_\_\_\_\_

Print Title: Member

Print Title: \_\_\_\_\_

### C. OWNER CERTIFICATION:

The undersigned hereby certify that he/she/it/they is/are the owner(s) of the property which is the subject of the foregoing application and that the applicant named therein has been authorized to submit said application to the Planning Board or Zoning Board of Evesham Township. The undersigned certify he/she/it/they is/are said owner(s) or is/are legally authorized to sign this certification on behalf of the owner. The undersigned realize that if any of the foregoing statements are willfully false, he/she/it/they is/are subject to punishment

Anne Koons 6/5/25  
Owner Signature                      Date

\_\_\_\_\_  
Owner Signature                      Date

Print Name: Anne Koons

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Print Title: \_\_\_\_\_



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### CERTIFICATION OF CORPORATE/PARTNERSHIP

To be completed if the applicant is a corporation/partnership and if the application seeks permission to subdivide a parcel of land into six (6) or more lots, or seeks a variance to construct a multiple dwelling of twenty-five (25) or more family units, or seeks site plan approval of a site to be used for commercial purposes in accordance with N.J.S.A. 40:55D-4B.1.

The undersigned hereby certifies that he/she is an authorized representative of the applicant named in the foregoing application and that the applicant is a corporation [ X ] partnership [ ]. The undersigned hereby certifies that the name and address of all shareholders or individual partners owning at least 10% of the stock of the corporation or at least 10% of the interest in the partnership is:

Print Name:

Anne E. Koons  
Benjamin Koons Brown  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Print Address:

228 W. Landis Ave., Ste. 300, Vineland, NJ 08360  
228 W. Landis Ave., Ste. 300, Vineland, NJ 08360  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned realizes that if any of the foregoing statements are willfully false, he/she is subject to punishment.

Anne E. Koons  
Signature

Print Name: Anne E. Koons  
Print Title: Manager  
Date: \_\_\_\_\_

If any of the above owners is a corporation or partnership, the applicant is required to disclose the name and address of each individual holding a 10% interest, or greater, in the named corporation or partnership which shall be divulged in the same format as the above pursuant to N.J.S.A. 40:50D- 48.2). (Attach separate sheet if needed).

This application was prepared by: Jeffrey I. Baron, Esquire  
Print Name



**ADDENDUM TO CONDITIONAL USE AND SITE PLAN APPLICATION  
ABK Real Estate, LLC**

**9. VARIANCES**

*A. Briefly describe each variance requested and providing Zoning Code Section from which relief is being sought:*

Conditional Use Requirements:

Code Section 160-32 – 55 parking spaces required, 20 parking spaces proposed.

Code Section 161-1.C.(20)(1) – Restaurant either situated as one of stores in an existing shopping center or newly constructed such that it physically attached to the existing shopping center structure.

Code Section 161-1.C.(20)(h)(4) - Board sign in addition to other permitted signs not to exceed 24 square feet.

Code Section 161-1.C.(20) – drive-thru lanes proposed to be buffered from adjacent properties with evergreen trees.

Code Section 160-68B – rear yard setback from drive-thru 50 feet required, 4.9 feet proposed.

Minimum front yard setback - 100 feet; 76.9 feet proposed.

Code Section 161-1C1 – parking setback required 100 feet, 29 feet proposed.

Code Section 160-32.D – loading area - one required, no loading area provided.

**B. *Special reason(s) which support your application***

The special reasons for a Conditional Use Variance are established by the Supreme Court decision in Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. at 297-298 (1994). Specifically, the Supreme Court stated in Coventry:

We hold that the proof of special reasons that must be adduced by an applicant for a “d” variance from one or more conditions imposed by ordinance in respect of a conditional use shall be proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant’s proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. Thus, a conditional-use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does

not comply with the conditions the ordinance established to address those problems.

***D. How will the Municipal Land Use Act be advanced if the Variance were to be granted and how would be benefits of the variance outweigh any detriment?***

The requested variances can be granted “without substantial detriment to the public good” (N.J.S.A. 40:55D-70) because the focus is on the effect on surrounding properties of the grant of the variance for the specific deviations from the conditions imposed by the ordinance. The impact of the proposed conditional use variance[s] upon the adjacent properties will not cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”. Specifically, a substantial wooded buffer exists to the rear of the property and the other properties surrounding the site are fully developed and will not be adversely affected by the proposed conditional use. In regard to the proofs that the conditional use variance will not “substantially impair the intent and purpose of the zone plan and zoning ordinance” [N.J.S.A. 40:55D-70(d)], the grant of the use variance for the specific project at the designated site is reconcilably with Evesham Township’s legislative determination that the condition should be imposed on all conditional uses in the zoning district. In other words, the proposed conditional use is permitted under Code Section 161A(20) on all fast-food restaurants with drive-thru or window facilities in this zone. And therefore the “negative criteria” of N.J.S.A. 40:55D-70c is satisfied.

***E. The requested variances can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the Township’s Zoning Plan and Zoning Ordinance because:***

The proposed McDonald’s can be granted without substantial detriment to the public good because the development is consistent with the surrounding commercial development and uses and is consistent with and permitted by the C-1 Zone. The proposed McDonald’s can also be approved without impairment of the intent and purpose of the Zone Plan and Zoning Ordinance since the proposed use as a fast-food restaurant is consistent with the Conditional Uses in the underlying C-1 Zone.

15. **SUPPLEMENTAL INFORMATION**

**B. *Deed Restrictions***

1. Slope and grading rights of the State of New Jersey a set forth in Deed [Book 774, page 301](#);
2. Drainage and grading rights of the State of New Jersey as set forth in Deed [Book 920, page 75](#);
3. Utility easement to Atlantic City Electric Company as set forth in Deed [Book 1958, page 563](#);
4. Declaration of Restriction for Modified Transition Area by Target Corporation as set forth in Deed [Book 5851, page 225](#);
5. Reservation of Access Easement and Deed Restrictions as set forth in Deed [Book 6357, page 711](#);
6. Terms and conditions of Access Easement Agreement as set forth in Deed [Book 6357, page 675](#), as amended by First Amendment to Access Easement Agreement as set forth in Deed [Book 6603, page 872](#), and further affected by a re-recording of Access Easement Agreement, or Amendment thereto, set forth in Book ~~~, page ~~~.

**D. *Easements or rights of way affecting the property***

1. Reservation of Access Easement and Deed Restrictions as set forth in Deed [Book 6357, page 711](#).
2. Terms and conditions of Access Easement Agreement as set forth in Deed [Book 6357, page 675](#), as amended by First Amendment to Access Easement Agreement as set forth in Deed [Book 6603, page 872](#), and further affected by a re-recording of Access Easement Agreement, or Amendment thereto, set forth in Book ~~~, page ~~~.
1. Declaration of Easements, Covenants, Conditions and Restrictions by UG Marlton NJ, LP as set forth in [Book 13436, page 8955](#). (Affects Easement Parcel)