

**TOWNSHIP OF EVESHAM**

**Planning Board**

**Minutes**

**November 17, 2022**

**7:00 P.M.**

**Municipal Building**

**Call to Order**

Meeting brought to order by Chairperson Friedman at 7:05 P.M.

**Flag Salute**

**Statement of Conformance with Open Public Meetings Act**

Chairperson Friedman made the statement that this meeting is being conducted in accordance with the New Jersey Open Public Meetings Act and all other applicable laws of the State of New Jersey. Notice of the conduct of this meeting has been posted in the Evesham Township Municipal Building and published in a newspaper of general circulation within the time required by law. All proceedings will be in accordance with the Open Public Meetings Act, the Municipal Land Use Law, and any other applicable laws of the State of New Jersey.

**Roll Call**

**Present:** Higginbotham, Killion-Smith, Everhart, Sullivan, Kavalkovich, Costello, Friedman

**Absent:** Mayor Veasy, Councilman Freeman, Smith

**Staff:** Karp, Darji, Snee, Taylor, Freedman, Newton, Kinney

**Continuation of Scheduled Matters - None**

**New Business**

**1. 90 Old Marlton Pike**

**P22-08**

Block 22.02, Lots 38 & 39 (C-1/Olga's Diner Vicinity Redevelopment Plan/EVCO)  
Highway 90

Richard Wells, Attorney for Applicant

Alex Lahn, Applicant – sworn

Randy Lahn, Property Owner – sworn

Ryan Harvey, Engineer – sworn

Applicant request approval of conditional use and site plan waiver

Applicant proposes renovation and reuse of the existing Lahn Real Estate office into a Cannabis Retail Establishment

Mr. Alex Lahn gave an overall view of the application and his experience in business

Mr. Lahn feels this application meets the use conditions set for the Section 161-1(C)(22)

Camera coverage will be inside and outside the building

Access for exterior doors and interior doors will be card swipe

Product storage will be in back storage room and is secured and not visible to the public  
Cash storage will be in different safe centrally located and will be picked up daily  
Employees will be trained in delivery, cash handling, product handling per State regulations  
Waste disposal – distributor does the disposal  
Regular trash – dumpster that will be gated and locked  
Will comply with Order control as per State regulations, filters on air conditioning units  
There will be no on-site consumption  
Operations – walk in front door, lobby area, decide on product, then to back room to pay for product  
ID checks by trained employees  
Volume control – online and pre-order will be available, scheduled time for pick up – all this will go through the ID process  
Deliveries will be made by secured vans Tuesdays and Thursdays – deliveries should take about 20 minutes  
Hours of operations 10:00 a.m. to 10:00 p.m. – 5 employees  
During initial weeks of opening will work with Evesham Township Police  
Will obtain Title 39

Mr. Randy Lahn – Property Owner, President of Lahn Real Estate gave information on the current status of the building  
As it stands the building in gutted – waiting to fit-out – no change to footprint  
Referenced Exhibit A-4 – signage – replacing existing sign – new monument sign – monument sign will not be changeable – will submit for permit approval  
Will re-stripe parking lot – there will be one-way circulation – will add handicap signage as required

Ryan Harvey – Site Engineer – Taylor Wiseman Taylor  
Numerous conditions on site are existing non-conforming  
Sidewalks were discussed  
Grading will be adjusted around dumpster location and ADA space – applicant will comply  
Increase in impervious coverage will take it to 80.4%  
Site lighting – 4 wall mounted lights and 1 pole lights similar to what is now at the property  
3 façade signs and new monument signs are proposed – monument sign is in ROW and will be moved  
Board has requested sidewalks – north-Route 73 and south-Old Marlton Pike  
Applicant will work with both NJDOT and County

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Landscaping – will replace foundation plantings and around monument sign  
Trash Enclosure – applicant asking for design waiver – asking to use fencing – chain link with fabric slates  
Will provide turning template to Fire Marshal  
Bike racks – do not see this as foot traffic – and feels it would attract teens  
Stormwater management not required  
Fire lanes will be shown on plans as requested by Fire Marshal

Scott Taylor – Taylor Design Group – letter dated 11-15-2022

Applicant has met the use conditions

Bulk variances requested for loading zone and front yard setback

Applicant complies with impervious coverage

Mr. Taylor strongly recommends sidewalks be installed – applicant agrees

Masonry trash enclosures are required – applicant agrees to work with staff on location and size

Mr. Taylor recommends trees and low landscaping around site – applicant will work with Mr. Taylor

Mr. Taylor is okay with lighting proposed

Rakesh Darji – ERI – letter dated 11-11-2022

Applicant has provided testimony requested

Applicant agrees to comments and recommendations

Mr. Darji – asked that some landscaping be installed along Route 73 – applicant will work with Mr. Darji

Mr. Darji will work with applicant concerning the sidewalks

Eric Snee – CME – letter 11-11-2022

Applicant has addressed most concerns

Mr. Snee asked if applicant has any survey showing asbestos on property

Mr. Wells – not required by Township

Mr. Snee – is required by State and Federal

Mr. Wells – will submit information on any test done in past and any other documentation available

Deputy Chief Freedman – Fire Marshal – memo dated 9-26-2022

Applicant has addressed all items

Board Comment

Board Member Killion-Smith – is this application pre-mature, items that should be addressed – lack of parking, deliveries, sidewalk issues

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Board Member Everhart – supports Board Member Killion-Smith – needs more information, concerned about optics, should consider bike racks

Board Member Costello – has a concern with using the word cannabis in the signage  
Mr. Karp- the requirement of cannabis is by the CRC, sign must be the licensed name  
Mr. Wells – applicant has no objection removing the word

Board Member Killion-Smith – wants to see what was discussed at this meeting  
Mr. Wells – if changes are substantial will come back to the board. Comply with parking ordinance, enclosed loading zone is not required. If loading behind building is preferred applicant will do that  
Sidewalks on State and County roads can take a long time and applicant would like to proceed with this application

Chairman Friedman asked the number of customers anticipated per hour  
Mr. Lahn – about 100/150 per day, approximately 10 per hour; peak time – 12p.m to 8 p.m.  
Chairman Friedman asked Mr. Taylor to clarify parking ordinance calculations  
Mr. Taylor – parking is based on type of use which is retail and square footage of building  
Mr. Lahn also explained that spoiled or expired product is returned to distributor

Board Member Sullivan asked about experience being that this is a new business and who will be training  
Mr. Lahn - Training employees using the standard operation procedures in terms of the cannabis business – very regulated

Board Member Kavalkovich – getting a license is a very extensive process

Board Member Killion-Smith – we are here for the best interest of the town

Mr. Randy Lahn – will have security and will have police presence  
Mr. Alex Lahn – knows the importance of training and security

Chairperson Friedman – will you have a delivery service?  
Mr. Lahn – not at this time

Board Member Killion-Smith – do you plan on deliveries?  
Mr. Lahn – yes – at some time is the future

Chairman Friedman – if the parking lot is full, where would customers park?  
Mr. Wells – they can park in other places

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Board Member Costello – referenced to where sidewalks come in

Board Member Killion-Smith – would like to applicant come back with revised plans

Board Member Kavalkovich – can this be approved with all conditions stated?

Mr. Karp – yes, there can be conditions of approval

Board Member Killion-Smith wants to hear from professional and would rather see the changes

Testimony was given that delivery vehicle will only take 15-20 minutes – morning hours before opening for business – 2 times a week

Mr. Alex Lahn gave testimony concerning parking - visited the Bellmawr site since they have opened and it has worked very efficiently and feels he will be able to move customers in a timely fashion

Board Member Kavalkovich – concerned about property next door and will there be overflow parking

Mr. Lahn – has attempted to talk with the neighbor

Chairperson Friedman – asked if the applicant will do the asbestos inspection

Mr. Lahn – will do what is needed

Board Member Costello – what is the impact

Mr. Snee – not showing any concerns at this time

Public Comment – None

Motion to approve P22-08 – 90 Old Marlton Pike – Highway 90 – Kavalkovich  
Second – Higginbotham

Ayes: Higginbotham, Sullivan, Kavalkovich, Costello, Friedman

Nays: Killion-Smith, Everhart

Chairman Friedman called for a break – 9:25 p.m.

Chairman Friedman resumed meeting 9:30 p.m.

**2. 3 East Stow Road**

**P22-13**

Block 2.05, Lot 11 (IP Zone)

Briarwood Lane/3 East Stow Road LLC

Robert Baranowski, Jr., Attorney for Applicant

Applicant is requesting Preliminary and Final Site plan approval

Applicant proposes to construct a 35,350 sq. ft. warehouse office addition adjacent to an existing warehouse

Mike Brennan, CO, Briarwood Lane – sworn  
Brian Polka, Technical Coordinator – sworn  
Brad Barker, Architect – sworn  
Justin Provencher, Civil Engineer – sworn  
Louis Mueller, Contractor – sworn

Mr. Brennan gave testimony on the business. Premium home and garden décor  
Hours of operation – 7 days a week, Monday to Friday, 6 a.m. to 5 p.m., Saturday  
and Sunday, 6 a.m. to 3:30 p.m.

30 employees

Moving operation to Evesham from West Berlin

Two container deliveries a week

Daily pick-ups from FEDEX and UPS

Trash pick-up – 2 days a week

Recycle pick-up – 4 days a week

Justin Provencher – Civil Engineer

Referred to Exhibit A-3 – Photos of existing conditions

Parking lot is in good condition, will re-stripe

Stormwater is in good condition and if lacking will address

Will preserve as much landscaping as possible

Proposing 35,350 sq. ft warehouse addition – will add all information requested in  
the ERI letter

155 parking spaces, 6 loading areas, proposing 6 ADA van accessible spaces, and  
electrical vehicle spaces

Information on grading, drainage and utilities was provided

Applicant will send application to MUA – expect a decrease because of usage

Addressed green infrastructure – moving of parking spaces and native trees

Applicant will provide stormwater management

Some landscaping will be removed – 3 trees and will be replaced with 5

Lighting – parking lot lighting for safety and security

Trash enclosure material will match existing building

Environmental Assessment is requested – does not feel it is needed – this is the  
same use

Louis Mueller -Construction Manager

Phase I – to convert existing building to office warehouse

Phase II – addition with improvements – will separate construction site from  
operation site

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Brad Barker – Architect

Goal is to create new look to front of building and coordinate with addition

Will need number on façade on Stow Road

Existing monument sign will be refaced to match the look of building

Loading doors will match building

Trash enclosure material will match building

Directional signs on drive aisles will comply with ordinance

Mr. Baranowski – there is an Environmental Report from 2020, he asked Board to waive any additional information

Rakesh Darji – ERI – letter dated 11-11-2022

Applicant has addressed comments and concerns

Green infrastructure is incorporated

Mezzanine should be included in gross floor area

Scott Taylor – Taylor Design – letter dated 11-15-2022

Applicant has addressed comments and concerns

Applicant agrees to plant evergreen trees

Applicant agrees to time trash pick up times

Eric Snee – CME – letter dated 11-14-2022

Highly recommends that a site assessment should be submitted

Removal of soil from heliport pad should be tested

Applicant will submit an asbestos survey

Mr. Baranowski does not feel an environmental assessment if necessary – this is the same use

Applicant agrees to comply with any environmental issues as they present themselves.

Deputy Chief Freedman – memo dated 11-3-2022

Applicant has addressed comments and concerns

Applicant should address comment #5 – fire flow

Mr. Mueller – as part of the project is replacing new fire system to verify fire flow and will provide information to Deputy Chief Freedman

Board comment

Board Member Costello – are the environmental questions satisfied

Mr. Baranowski – questions the necessity of a Phase I and asking a waiver, if state law requires, it will be done

Mr. Snee – will work with applicant

Public – None

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Mr. Karp summarized

Applicant is requesting Preliminary & Final site plan, variance for an existing non-conforming condition – paving of driveway to the property line, waiver for sidewalk, will comply with any environmental requirements applicable and Fire Marshal comments

Motion to approve P22-13 – 3 East Stow Road-Briarwood Lane/3 East Stow Rd., LLC – Killion-Smith

Second – Higginbotham

Ayes: Higginbotham, Killion-Smith, Everhart, Sullivan, Kavalkovich, Costello, Friedman

**Minutes – 11-3-2022**

Motion to approve – Killion-Smith

Second – Higginbotham

Ayes: Higginbotham, Killion-Smith, Everhart, Sullivan, Kavalkovich, Costello, Friedman

**Memorialization of Resolution**

2022-PB-18 – Singas Famous Pizza - Tabled

**Public Comment - None**

**Board Comment – None**

**Communication/Organization**

Scott Taylor gave a status update on the Open Space Recreation Plan – working with the Township Engineer who are wrapping up information and hope to present to Board in December or January

**Next Meeting – 12-1-2022**

**Meeting Adjourned – 10:55 p.m.**