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November 25, 2024  
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RECEIVED

NOV 25 2024

Re: Cherry Valley Tractor Sales  
**Major Site Plan**  
35 West Route 70  
Block 25.01, Lots 15, 16, & 17  
Application #P24-07

Ms. Jennifer Newton, Administrative Officer  
Evesham Township Zoning Board  
984 Tuckerton Road  
Marlton, NJ08053

Dear Ms. Newton:

We are in receipt of an application for a Major Site Plan for the above referenced property. The applicant, Cherry Valley Tractor Sales, is proposing a 2,600 SF building expansion to the existing building. No other site improvements are proposed.

The site currently contains the aforementioned Cherry Valley Tractor Sales, parking, landscaping, signage and lighting. Access to the site is through a shared driveway from NJ State Highway Route 70. No changes to site access are proposed.

The parcel is located in the Highway Commercial (C-1) Zone within the Evesham Crossroads Overlay (EVCO). Directly north of the parcel contains the Residential Medium Density (MD) Zone.

Our office has reviewed the following documents in support of this application:

1. Township of Evesham, Land Development Application.
2. Checklist Waiver Summary List.
3. Boundary, Location and Partial Topographic Survey, dated September 3, 2024, prepared by Dynamic Survey, LLC.
4. Site Plan, dated October 2, 2024, prepared by Dynamic Engineering Consultants, PC, consisting of:
  - a. Cover Sheet, sheet 1 of 4.
  - b. Aerial Map, sheet 2 of 4.
  - c. General Notes, sheet 3 of 4.
  - d. Demolition Plan, sheet 4 of 4.

**General Information**

Applicant/ Owner: Cherry Valley Tractor Sales  
35 Route 70 West, Marlton, NJ 08053  
[brian@cherryvalleytractor.com](mailto:brian@cherryvalleytractor.com)

Engineer: Joshua M. Sewald, PE, PP, Dynamic Engineering Consultants, PC  
[jsewald@dynamiccec.com](mailto:jsewald@dynamiccec.com)

Attorney: Steven E. Slaven, Esq., Prime Tuvel & Miceli  
[sslaven@primelaw.com](mailto:sslaven@primelaw.com)

### **Zoning**

The site is located within the Commercial-1 Zoning district within the Evesham Crossroads overlay. Tractor sales and service is a permitted use within this zoning district. A summary of the bulk and area regulations are provided below.

**Zoning Chart**  
Commercial-1, Evesham Crossroads overlay  
§160-68-E(3) & §160-68.1-F(1)

<b>Zone Requirement</b>	<b>Zone C-1</b>	<b>Zone EVCO</b>	<b>Existing</b>	<b>Proposed</b>	
Min. Lot Area	2 AC	1.5 AC	2.82 AC	2.82 AC	Conforms
Min. Lot Width	200 FT	N/S	300 FT	300 FT	Conforms
Min. Lot Frontage	200 FT	150 FT	300 FT	300 FT	Conforms
Min. Lot Depth	200 FT	200 FT	409.90 FT	409.9 FT	Conforms
Min. Front Yard Setback	100 FT	20 FT	30.3 FT	30.3 FT	Conforms
Min. Rear Yard Setback	50 FT	N/S	236.5 FT	236.5 FT	Conforms
Min. Side Yard Setback	30 FT	25 FT	5.5 FT	5.5 FT	<b>Variance</b>
Min. Setback to other Building on Same Site	N/S	20 FT	109.3 FT	109.3 FT	Conforms
Max. Building Height	40 FT	40 FT / 3 STORIES	13 FT	13 FT	Conforms
Max Building Coverage (By Buildings & Canopies)	15%	N/S	11.7%	13.8%	Conforms
Max. Impervious Coverage	55%	60%	72.9%	72.9%	<b>ENC</b>
Max FAR	0.22	0.15	0.117	0.138	Conforms

ENC – Existing Non-Conforming Condition

### **Variances**

1. Per §160-68.1-F(1), the minimum side yard setback in the Evesham Crossroads Overlay (EVCO) district is 25 FT. The proposed building expansion will be 5.5 FT from the western property line. A variance will be required.
2. Per §160-68-E(3), the maximum impervious coverage in the Commercial C-1 district is 55%. The lot in the existing and proposed conditions contains 72.9% of impervious coverage. This is an existing non-conforming condition and is not affected by the proposed improvements.
3. Our office defers to the Board Planner for further discussion regarding the variances and waivers that may be required.

The Applicant has the burden of proof to justify the variance, by testimony or other means, by using either the c(1) or c(2) proofs.

For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variances the Applicant must demonstrate that:

- a. The purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. The variance can be granted without substantial detriment to the public good;
- c. The benefits of the deviation would substantially outweigh the detriment; and
- d. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

### **General Comments**

1. The applicant should provide testimony regarding the proposed addition and if it will affect the following:
  - a. Total number of employees.
  - b. Hours of operation.
  - c. Trash and recycling operations.
  - d. Types of vehicles/trucks anticipated.
2. The applicant should provide testimony regarding the following:
  - a. If signage is proposed for the building expansion. Any exterior signage should be discussed.
  - b. If lighting is proposed for the building expansion. It appears that a light pole will be removed as a result of the proposed improvements.
  - c. A residential use is located to the back of the site. Proposed lighting should not affect these residents.
3. Testimony should be provided regarding the existing site improvements. This includes sidewalk, parking lot, curbing, etc. in the vicinity of the building.
  - a. The applicant is responsible for working with the property owner to ensure that all ADA facilities are up to date with the current regulations. This would include parking spaces and an accessible path to the building entrance. It is not clear if accessible parking is available on-site.
4. The Applicant should address if there is adequate space or an area maneuvering of larger deliveries. A circulation plan should be provided for typical vehicles using this area in addition to the Township Fire Apparatus.
5. The Applicant should provide testimony on the existing standing tank proposed to be removed. The contents of the standing tank should be noted, and any environmental constraints for clean-up be considered.
6. The Applicant should verify if the existing concrete is sufficient to handle expected loads from vehicles accessing the proposed overhead door.
7. Our office recommends adding a 5 FT x 5 FT concrete pad outside of the proposed personnel door equipped with bollards so safe and ready access/egress is provided.
8. Although the project does not propose to increase the impervious coverage, the type of flow will change from sheet flow to concentrated flow out of a roof drain. The Applicant should provide testimony to the changed hydraulic conditions and provide the proposed roof drain locations on the plan.
9. This office defers to the Fire Marshal for further comment regarding site safety and circulation.

### **Demolition Plan**

10. The total disturbance area should be provided on the plan. It appears the disturbance area will be greater than 5,000 SF and will therefore meet the definition of a soil disturbance “project”. Compliance with the Standards is required by N.J.S.A. 4:24-39 et seq. for all construction sites in New Jersey which meet the definition of a soil disturbance ‘project’ as defined in the Act.

**Site Plan**

11. This project proposes greater than 1,000 square feet of floor area and therefore is defined as a “Major Site Plan” per §160-5, Definitions.
12. Spot grades at the corners of the proposed building expansion should be provided.

**Permits and Approvals**

13. The applicant shall secure any and all approvals, licenses, permits and letters of no interest as required by any other board, agency or entity jurisdiction over the subject application or property. The following permits and approvals may be required:
  - a. Burlington County Planning Board
  - b. New Jersey Department of Transportation
  - c. Any and all others that may be required

**Administrative**

14. All future resubmissions of the plans shall clearly indicate a revision date and be accompanied by a response letter addressing all comments from the Township staff in a point-by-point fashion.
15. We reserve the opportunity to make further comments in our review of plans should additional information become available to address this initial review.

Should you or the applicant have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,



Stacey Arcari, PE, PP, CME, PTOE  
Board Traffic Engineer



Rakesh R. Darji, PE, PP, CME  
Board Engineer

RRD/mbs/djw

cc: Kevin Rjis, Director of Community Development, ([rjisk@evesham-nj.gov](mailto:rjisk@evesham-nj.gov))  
Michele Taylor, AICP, PP, Board Planner ([staylor@tdgplanning.com](mailto:staylor@tdgplanning.com))  
Eric Snee, PE, LSRP, Board Environmental Consultant, ([bturan@emeusa1.com](mailto:bturan@emeusa1.com))  
Ronald Cucciaro, Esq., Board Solicitor ([rcucchiaro@weiner.law](mailto:rcucchiaro@weiner.law))  
Cherry Valley Tractor Sales, Applicant ([brian@cherryvalleytractor.com](mailto:brian@cherryvalleytractor.com))  
Joshua Sewald, PE, PP, Applicant's Engineer ([jsewald@dynamiccecc.com](mailto:jsewald@dynamiccecc.com))

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