



# 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

RECEIVED

The application must be filed with the board **at least 20-days prior** to the hearing date.

Application Fee is Nonrefundable.

JUL 24 2025

Application Fee (94-10): \$1,200.00  
Escrow (initial deposit): \$3,850.00

Date received: \_\_\_\_\_  
PB or ZBA #: P25-14 (PB 88-27)  
HPC App #: \_\_\_\_\_ (PB 00-02 A7)

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: 500 Route 73 South, Suite

Block/s: 33.11 Lot/s: 1

Development Name: The Promenade Home Owners Association: YES  NO

Is the property within the Pinelands. YES  NO

Present Use: Shopping Center Proposed Use: No change

Proposed Development Name: Same as above; The Promenade at Sagemore

Proposed Number of Phases of Construction: 1

**2. APPLICANT & OWNER INFORMATION**

Applicant Name: Davis & Associates, LLC DBA Davis Enterprises

Mailing Address: 8000 Sagemore Drive, Suite 8201, Marlton, NJ 08053

Phone #: 856.985.1200 Email: mdavis@davisenterprises.com

Form of Ownership:  Individual  Partnership  Corporate  Limited Liability Company  
 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): \_\_\_\_\_  
Same as applicant

Property Owner Name: Same as applicant

Property Owner Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Form of Ownership:  Individual  Partnership  Corporate  
 Government  Nonprofit  Utility



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www.evesham-nj.org

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

*Amended conditions of Approval for Prelim + Final Major Site Plan*

#### 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. \_\_\_\_\_

*approval*

### 4. ROADWAY JURISDICTION:    NJ State    County Route    Municipal Road

### 5. PROPERTY DIMENSIONS:

- a. Total Area in square feet or acres: 43.68 acres    b. Frontage in feet: 2,000±
- c. Corner property: Yes  or No

### 6.A. SUBDIVISION INFORMATION:

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) *Waiver N/A*

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? \_\_\_\_\_

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 \_\_\_\_\_

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 \_\_\_\_\_

n. Have any municipal water connection permits been obtained? Yes  No

If yes, how many \_\_\_\_\_ and when \_\_\_\_\_

o. Have any municipal sewer connection permits been obtained? Yes  No

p. Is there any existing septic system? Yes  No

q. Can the existing septic system service the development? Yes  No

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 \_\_\_\_\_

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 attached rider for entire page.

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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) \_\_\_\_\_

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

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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? \_\_\_\_\_

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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: \_\_\_\_\_

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**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. <u>Burlington County Planning Board</u>          |           |                |
| B. <u>Burlington County Soil Conservation</u>       |           |                |
| C. <u>Pinelands Commission</u>                      |           |                |
| D. <u>NJ Department of Transportation</u>           |           |                |
| E. <u>NJ Department of Environmental Protection</u> |           |                |
| F. <u>Other: (Describe)</u>                         |           |                |

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

| Item/Exhibit                      | Date/Last Revision | Prepared By |
|-----------------------------------|--------------------|-------------|
| <u>See attached cover letter.</u> |                    |             |
|                                   |                    |             |
|                                   |                    |             |
|                                   |                    |             |
|                                   |                    |             |
|                                   |                    |             |
|                                   |                    |             |

**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: Site Plan approval 4/06/89  
Amended Site Plan approval on 11/01/01; 05/03/01; 6/21/01; 1/16/03; 10/20/05  
Site Plan approval 12/17/09  
Amended site plan approval on 5/1/14



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B. Describe any deed restrictions affecting the property: N/A

C. Describe any proposed deed restrictions: None

D. Describe any easements or rights of way affecting the property: N/A

E. Describe any easements or rights of way proposed by the applicant: None

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

Name: Robert S. Baranowski, Jr., Esq. Address: See below.  
Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Name: \_\_\_\_\_ Address: \_\_\_\_\_

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

A. Name & Profession (Attorney, Engineer, Planner etc): Attorney  
Robert S. Baranowski, Jr., Esq., Hyland Levin Shapiro LLP  
Mailing Address: 6000 Sagemore Drive, Suite 6301, Marlton, NJ 08053  
Phone #: 856.355.2900 Email: Baranowski@hylandlevin.com

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

C. Name & Profession (Attorney, Engineer, Planner etc): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ 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 7-29-25.

Address: 500 Route 73 South

Block/s: 33.11

Lot/s: 1

Property Owner: Davis & Associates, LLC DBA Davis Enterprises

Brianne McMalley, CTC 7-29-25  
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.

[Signature] 7-23-25  
Applicant Signature Date

Print Name: Robert S. Baranowski, Jr., Esq.  
Print Title: Attorney for Applicant

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

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

[Signature] 7-23-25  
Owner Signature Date

Print Name: Robert S. Baranowski, Jr., Esq.  
Print Title: Attorney for Applicant/Owner

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

Print Name: \_\_\_\_\_  
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 [ ] 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:  
Mitchell Davis  
\_\_\_\_\_  
Patricia Davis Lahn  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Print Address:  
8000 Sagemore Drive, Suite 8201, Marlton, NJ 08053  
\_\_\_\_\_  
450 SE 5th Ave, 102N, Boca Raton, FL 33432  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

  
\_\_\_\_\_  
Signature

Print Name: Robert S. Baranowski, Jr., Esq.  
Print Title: Attorney for Applicant  
Date: 7-23-25

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: Robert S. Baranowski, Jr., Esq., Hyland Levin Shapiro LLP  
Print Name

JUL 24 2025



# Township of Evesham.

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**D. AGREEMENT TO PAY FEES:** This agreement, made and entered on July 20<sup>25</sup>, by and between the Township of Evesham, a Municipal Corporation of the State of New Jersey (hereinafter TOWNSHIP) and Davis & Associates, LLC DBA Davis Enterprises (hereinafter DEVELOPER), is made upon the following terms and conditions.

**INFORMATION AND CONTACT/S** Entity responsible for escrow-Property Owner or Developer

**Project Name:** The Promenade at Sagemore - Amendment to Conditions of Approval

**Applicant Name:** Davis & Associates, LLC DBA Davis Enterprises Escrow Contact Name: Mitchell Davis

Applicant/entity name responsible for the escrow must match the name submitted on the W9

Phone #: 856.985.1200 Email: mdavis@davisenterprises.com

Applicant Mailing Address: 8000 Sagemore Drive, Suite 8201, Marlton, NJ 08053

**Notice:** DEVELOPER agrees that all notices or refunds shall be mailed to the following address (note if different to above): \_\_\_\_\_

**1. Agreement to Pay Fees:** DEVELOPER hereby covenants and agrees to pay all charges and fees imposed by the TOWNSHIP in connection with the application for development filed contemporaneously herewith. Such fees include, but are not limited to, application fees, attorney review fees, engineer review fees planner review fees, copy costs and postage applicable to this application.

**2. Escrow Deposit:** TOWNSHIP hereby acknowledges receipt of \$3,850.00, said sum being a cash deposit to be placed in a TOWNSHIP trust account to cover the cost of the aforementioned review and inspection fees. Such sum shall be charged periodically as fees and charges accrue and the balance of the escrow sum, if any, after all charges and fees have been paid shall be returned to DEVELOPER.

**3. Additional Payments:** The DEVELOPER agrees to pay any additional sum required to pay charges and fees not covered by the escrow deposit within fifteen (15) days after the date of receipt of a notice of deficiency by the appropriate Township Office. The DEVELOPER understand and agrees to pay such sum notwithstanding any dispute as to the reasonableness of the fees and charges.

**4. Contest of Reasonableness:** DEVELOPER agrees that the reasonableness and/or accuracy of any fee or charge may be challenged within seven (7) days of receipt of the professional's billing advice copy and in accordance with the Code of the Township of Evesham. DEVELOPER understands and agrees that the aforesaid procedures shall be the sole and exclusive method of challenging the reasonableness and/or accuracy of charges and fees and hereby waives any longer statute or limitations.

**5. Notice:** See Developer information and contact/s above

**6. Transferability:** DEVELOPER understands and agrees that this contract agreement is not transferable, in whole or in part, nor can the DEVELOPER relieve himself/herself from obligation as stated in this contract agreement until such time as said DEVELOPER provides an acceptable dated replacement contract agreement to relieve said DEVELOPER of any further obligation as stated in this contract agreement. This transfer of obligation shall commence on the later of the date of the acceptance by the TOWNSHIP of this replacement contract agreement.

**7. Collection:** Should the DEVELOPER fail to pay any amount required to be paid hereunder when due, TOWNSHIP shall be entitled to pursue all remedies at law or equity. Interest shall accrue at rate of 18% per annum simple interest on all sums unpaid after the due date. The TOWNSHIP may collect a reasonableness attorney fee which shall not be less than \$300.00 should litigation for the purpose of collecting any sum be commenced.

\_\_\_\_\_  
Signed Developer Date

RIDER TO DAVIS & ASSOCIATES, LLC DBA DAVIS ENTERPRISES  
500 ROUTE 73 SOUTH (THE PROMENADE AT SAGEMORE) A/K/A BLOCK 33.11, LOT 1  
AMENDMENT TO A CONDITION OF SITE PLAN APPROVAL  
WITH BULK VARIANCE RELIEF AND A SITE PLAN WAIVER

**Background**

Davis & Associates, LLC DBA Davis Enterprises (The “Applicant”) is the owner of 500 Route 73 South (the “Site”), which is home to a successful and high end shopping center, known as The Promenade at Sagemore (the “Promenade”). The Applicant first obtained site plan approval on January 16, 2003, to develop the Site and further received amended site plan approvals on October 20, 2005, and May 1, 2014. The developed, existing building area on the Site, broken down by each type of permitted uses within the shopping center, currently consists of the following: 185,927 square feet of retail only building space; 5,903 square feet of warehouse building space, i.e. storage areas; 36,124 square feet of restaurant (with bar) building space; 16,848 square feet of restaurant (without bar) building space; and 21,109 square feet of vacant building space. The total building area within the Promenade shopping center of all use types combined is 265,911 square feet.

**Application**

Demand for brick and mortar retail space within shopping centers has experienced a steady decline since the advent and prevalence of online shopping. The presence of a variety restaurants within the Promenade provides an amenity to retail customers with a range of options from high end dining to quick and fresh prepared food. Restaurants within shopping centers also benefit retailers by acting as a draw, and the availability of multiple dining options has what is known as a “halo effect,” meaning patrons of a restaurant often end up visiting more retailers within a shopping center before or after dining, boosting the performance of the center.

Under the existing site plan approvals, there is a cap of 20% on the total square footage of building area that may be occupied by restaurants, and currently restaurants occupy 52,972 square feet of restaurant area, which is approximately 19.9% of the Site. Since the Promenade has 21,109 square feet of vacant space, the Applicant is seeking to amend the condition of the prior site plan approval to allow for a total of 25% of the building square footage within the shopping center to be utilized for restaurant uses, which is equivalent to an increase of 5% restaurant building area which would permit an additional 13,296 square feet of restaurant space.

In connection with this request, the Applicant is seeking bulk variance relief to permit 1,275 parking spaces (existing) where 1,909 parking spaces would be required based on the additional restaurant use, as per Township Code §160-32. A parking analysis is enclosed in support of this request, indicating that the utilization of the existing parking areas demonstrates that the Site can accommodate the proposed increase in square footage of restaurant uses, with room to spare.

The Applicant also seeks a site plan waiver as the proposed increase in permitted square footage of restaurant use will not alter or affect the Site's building, drainage, landscaping, use, or other considerations generally reviewed in connection with a full site plan review.

The Applicant also requests submission waivers from providing utilities information, and application checklists as they are not applicable to this application.

No further bulk variances have been identified for this Application. However, the Applicant hereby reserves the right to seek such other such variances, waivers, exceptions and other forms of relief as may be required as a result of the review and recommendations of the Township of Evesham Planning Board and/or its professional review staff.

Prepared by:  
Robert S. Baranowski, Jr., Esq.  
Hyland Levin Shapiro LLP  
6000 Sagemore Drive, Suite 6301  
Marlton, NJ 08053  
July 21, 2025

LAND USE REGULATIONS

94 Attachment 1

|                       |       |
|-----------------------|-------|
| <b>For Staff Use:</b> |       |
| Application No.       | _____ |
| Block/Lot             | _____ |
| Date Submitted        | _____ |

Township of Evesham  
Land Development Checklist

|                       |                          |
|-----------------------|--------------------------|
| <b>For Staff Use:</b> |                          |
| Applicant: _____      | Zoning Board _____       |
|                       | Planning Board _____     |
| Plan Name _____       | Application fee \$ _____ |
|                       | Collected by _____       |
|                       | Escrow fee \$ _____      |
|                       | Collected by _____       |

General Submission Requirements for All Plans

- A. Nineteen copies of application reports and plans for development required to be submitted:
  - Zoning Board of Adjustment \_\_\_\_\_
  - Planning Board   X
- B. All applicable entries on the application form are completed   X
- C. Application form is signed by applicant and owner   X
- D. Escrow agreement is signed and submitted   X
- E. Certification from Tax Collector that taxes are paid   X
- F. Completed checklist submitted   X
- G. Plans are folded to 12" x 15" size and collated for each set   X