Township of Gloucester  
Zoning Board of Adjustment  
Wednesday, May 22, 2019  
7:00 P.M.

Agenda

Salute to the Flag  
Commencement Statement

General Rules  
Meeting will start at 7:00P.M.  
No applications will be heard after 09:30P.M.  
All persons testifying before the board must be sworn in.  
The Board Chairperson reserves the right to hear applications in any order.

MINUTES FOR ADOPTION

Zoning Board Minutes - Wednesday, May 8, 2019

RESOLUTIONS FOR MEMORIALIZATION

#192018C  
Anthony Stagliano  
Bulk C  
Block: 2905 Lot: 10

#192014CD  
Auto Images, LLC  
Bulk C & Use D Variance  
Block: 12509 Lots: 1

APPLICATIONS FOR REVIEW

#192016CPMSFMS  
S J Dining, Inc  
Zoned: HC  
Bulk C/Use D Variance; Prelim/Final Major Site Plan  
Block: 13303 Lot: 2  
Location: 1370 Blackwood-Clementon Rd., Clementon

Burger King w/drive thru (1,000 from another fast food)

Meeting Adjourned
GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
WEDNESDAY, MAY 8, 2019

Chairman McMullin called the meeting to order. Mr. Lechner read the commencement statement.

Roll Call:

Vice Chairman Simiriglia Present
Mr. Bucceroni Present
Mr. Scarduzio Absent
Mrs. Chiumento Present
Mr. Rosati Present
Mr. Acevedo Present
Mr. Treger Present
Mr. Rosetti Present
Mrs. Kelly Present
Chairman McMullin Absent

Chairman McMullin had the professionals sworn in:
Also, Present: Mr. Anthony Costa, Zoning Board Solicitor
Mr. James Mellett, P.E., Churchill Engineering
Mr. Ken Lechner, Township Planner

Mr. Rosetti will sit in for Mr. Scarduzio.

MINUTES FOR ADOPTION

Zoning Board Minutes – Wednesday, April 24, 2019

A motion to approve the above-mentioned minutes was made by Mr. Bucceroni and seconded by Mrs. Chiumento.
Roll Call:

Vice Chairman Simirigia  Yes
Mr. Bucceroni          Yes
Mrs. Chiumento         Yes
Mr. Rosati             Yes
Mr. Rosetti            Yes
Mrs. Kelly             Yes
Chairman McMullin      Yes

Minutes Approved.

RESOLUTIONS FOR MEMORIALIZATION

#182030CDSPWMSP
Dr. Mem, LLC
Minor Site Plan
Block: 13102 Lot: 18,19.01,19.02 & 20

#182056CD
Empire Investment Ent. LLC
Bulk C & Use D Variance
Block: 10902 Lot: 12

#182044D
Maria Cruz
Use “D” Variance
Block: 19103 Lot: 1

A motion to approve the above-mentioned resolutions was made by Mr. Rosati and seconded by Mrs. Kelly.

Roll Call:

Vice Chairman Simirigia  Yes
Mr. Bucceroni          Yes
Mrs. Chiumento         Yes
Mr. Rosati             Yes
Mr. Rosetti            Yes
Mrs. Kelly  Yes
Chairman McMullin  Yes

Resolutions Approved.

APPLICATIONS FOR REVIEW

#192018C
Anthony Stagliano
Zoned: R3
Bulk C Variance
Block: 2905 Lot: 10
Location: 411 Plantation Dr., Glendora
10' x 19' open porch with an "A" frame; 28' setback.

Mr. Costa swears in Mr. Stagliano.
Mr. Stagliano states the front porch is 26' from the front setback instead of 30' because he is extending it a little. It's just a landing right now. The landing will be extended too (19' x 10'). The "A" frame roof will not be enclosed.

Open to the Professionals:
No Comments:

Open to the Public:
No Comments:

A motion to approve the above-mentioned application was made by Mr. Rosati and seconded by Mrs. Chiumento.

Roll Call:
Vice Chairman Simiriglia  Yes
Mr. Bucceroni  Yes
Mrs. Chiumento  Yes
Mr. Rosati  Yes
Mr. Rosetti  Yes
Application Approved.

#192014CD
Auto Images, LLC
Zoned: NC/R3
Bulk C & Use D Variance
Block: 12509 Lot: 1
Location: 401 S. Blackhorse Pike, Blackwood
Continued use as Auto Body repair; expansion of existing w/a 60’ x 50’ (3,000 sq. ft.) addition.

Mr. Costa swears in: Mr. Norman Rogers (PE), Mr. Jack Smith (architect), Ms. Tiffany Morrissey (Planner), Mr. Addison Bradley (Planner), Mr. Chad Milstein (owner).

Mr. Rinaldi (ESQ) introduces the application: A use variance D2, for an expansion of a previous non-conforming use in a R3 zone. There are several bulk variances: the application is just for those issues. They will come back with a full site plan if the application is approved.

Mr. Costa states suggests holding off on the bulk variances until the site plan.

Mr. Rinaldi states they will review them tonight but will deal with the details at site plan.

Mr. Milstein (owner since 2014):
- Auto repair business when he bought it,
- It’s been used for auto body work but it’s not up to date,
- The paint booth is from the 90’s,
- He has 5 employees & will probably add 4 or 5 more with the expansion,
- Hours of Operation: M – F 8am to 5:30pm/Saturday 9am to noon,
- Mr. Milstein did clear the lot because it had 200 to 300 old tires, which were removed by Tire Corral, along with unkept brush. It was totally overgrown.
- Cars were moved over there after clearing,
- He will be an auto body repair not a junk yard,
- He does do some towing for GT police dept.; those cars are from DUI's and accidents. The cars are not there long, 2 to 3 months in the worse case scenario, if people don't pay,
- Impounded and accident cars will be stored; fluids will be maintained,
- A pinch line is used if they aren't dry. Most fluids are gone at the accident scene. They try to recycle the fluids during repair if possible.
- Recycle the paint with the new paint machine, it turns the paint into a hockey puck that you can throw away.
- They are regularly inspected by the state, they check fresh air masks, maintenance, disposables, & an annual inspection by the Fire Marshall.
- They will not be selling vehicles,
- Construct the addition and the sole reason is for the new paint booth. It will give them room to prep the car inside along with the new paint booth. There will be a separate bay to clean cars, down draft paint booth with a more controlled environment. The fumes are recycled and cleaned in the unit.
- Auto body and paint supplies are delivered by a work van or 18' box truck. The box truck comes about once a week. The daily trucks are small van trucks.
- He will re do the façade of the building along with expansion all at once.

Mr. Lechner asks how long he's been towing for the township.
Mr. Milstein states about 3 years.
Mr. Lechner asks if they have a zoning permit for township tow.
Mr. Milstein states he's not sure.
Mr. Lechner states that may be a 2nd Use Variance. The 2014 Certificate states: legal non-conforming auto repair shop.
Mr. Rinaldi states they will look into the zoning for the towing.
Requests addition to D2.
Mr. Milstein states he's been towing for the town since 2014.
Mr. Costa asks the applicant if he would like to amend the application to include the towing (Dual Use).
Mr. Mellett states towing for the township police department it isn't an ancillary use.
Mr. Rinaldi states 1 use couldn't exist w/o the other, it wouldn't be profitable enough.

Mr. Rogers (PE):
- Zoned neighborhood commercial,
- The remaining portion of the lot may be R3 zone,
- The building will be attached to the existing building and will be 3,000 sq. ft...
- There will be a new access drive; 10' wide/60' long. It won't be large enough for a large loading area. Asphalt and stone now and the stone will be replaced with aggregate.
- Parking is 1 space for every 250 sq. ft., 8 service bays, 5 spaces per bay = 40 spaces. 40 to 41 spaces required; there are 101 spaces available.
- All other vehicles are tows,
- Traffic arrow for a one-way direction in the front.

Various improvements:
- will install concrete sidewalks on Grand Ave. along with shade trees. Trash receptacles and a bench for pedestrians.
- Drexel to frontage: new sidewalks,
- 4 spaces along Drexel Ave. will be removed and concrete curbing to the east side of the exit. There is a significant species tree. Curbing and sidewalk on Drexel Ave.

Traffic:
- AM and PM peak and Saturday Peak:
   Now AM = 9 New = 16  7 extra trips
   Now PM = 21 New = 28  7 extra trips
   Saturday Now: 13 New: 2  11 extra trips

Lighting: will use shoebox with a rear shield to eliminate illumination onto adjoining properties. Shade trees will be planed every 50' along Grand Ave. Evergreen shrubs will be planted along the vinyl fence along Black Horse Pike and Grand Ave. The fence will be equal to the fence on lot 2.
Storm water: bio swale infiltration trench.

Mr. Lechner:
- Review comments for the site plan
- Parking on Drexel and Black Horse Pike are not compliant,
- Concern loading area against the residential properties.

Mr. Rogers: lot 2 will have a new vinyl fence and the wooden fence extends to parallel the rear of the building. In addition, there is a green mesh fence.

Mr. Lechner: who is going to maintain the vegetation between the fences. The vinyl and wood fence are on residential properties. You should buffer them (residents) not vice versa. To park a wrecked vehicle with fluids next to a residential property isn’t good.

Mr. Rogers: understands they have to deal with the ordinances and hope they can deal with that at site plan. The intent will be to request a variance for the 25' buffer, since they don’t have 25'.

Mr. Lechner: lot depth variance is something you can’t change and the Use variance. Lot depth: 171.47' vs. 300' required.

Mr. Mellett: use variance and site plan letter:
- 2 different uses,
- Not just auto body vs. junk yard,
- There is a great disparity in parking; 101 spaces,
- This plan doesn’t meet needs of the proposed facility,
- More spaces for general public to pull in to.

Mr. Rogers: discusses the parking as a pre-existing issue.

Mr. Mellett states you are doubling the size of the business.
Mr. Rogers states they aren’t doubling the size of the business with a one new paint booth. He is just trying to show what storage is available.

Mr. Rinaldi states Mr. Milstein said the expansion is not going to increase his customer base (volume).

Mr. Lechner asks if there is a floor plan yet?

Mr. Milstein states the paint booth will be ¼ to ½ of the new area.
Mr. Lechner states a picture is worth a thousand words.

Mr. Costa ask if Mr. Milstein tows just for Gloucester Township?
Mr. Milstein states he tows for Washington Twp. Maybe once a month.
Mr. Costa states if the towing is approved it will be limited to Gloucester Twp. And Washington Twp.
Mr. Lechner discusses a separate area for "tow" vs. "repair" vehicles.
Mr. Milstein agrees with Mr. Lechner for a separate area for both.
Mr. Lechner states it will be a condition to know which are tow and which are repair vehicles. Mr. Lechner asks if Mr. Milstein will be stacking cars on top of one another.
Mr. Milstein states "no".
Mr. Lechner asks if the tow trucks are parked on site.
Mr. Milstein states No, they are parked at Bernie's in Blenheim.
Mr. Mellett: He is concerned the plan provided shows maximum spaces available on site. But not the needs to help this new business (auto body). Storing the vehicles in the rear next to the residential area doesn’t have enough buffering. The storm water management should be a condition. Removing the vegetation, even though there were tires there, still provided some drainage. Need to see a storm water management that meets the existing conditions, and what are the existing conditions?
Mr. Rinaldi states removing the 200 to 300 tires was the only area cleared.
Mr. Mellett states: yes, but only that area had run off potential, now its going to be graveled.
Mr. Bucceroni asks if there will be a junk yard.
Mr. Milstein states: No junk yard.
Mr. Bucceroni states to cut the sidewalk back and don’t cut that specimen tree. A buffer is existing by the resident and can be modified through compromise.
Vice Chairman Simiriglia states the auto body and auto repairs are the only pre-existing conditions. Towing doesn't fall into that category.
Mr. Lechner states he agrees with the non-conforming letter. But the buffering was there until it was cleared, even if there were old tires within that buffer. The board is supposed to look at all ordinances and buffers and figure out the best-case scenario for all involved.
Mr. Rinaldi states but if you buy the residence after the fact you know what you’re getting.
Vice Chairman Simiriglio states the towing is causing the issues.
Mr. Milstein states he will designate the parking for tow vs. repair.
Mr. Smith (architect):
- A2 – elevation: The building is now updated and more aesthetically pleasing. The new building is better for the employees, mechanic shops, paint booth. Gray and red is the logo and has been worked into the design. 20’ is elevation well under the 40’ mark. The floor plans are coming.
Mr. Lechner asks if the stucco will be on the north and south side of the building too.
Mr. Smith states Yes, it will look uniform on the front and side.

Ms. Morrissey (planner):
- Expansion and secondary use for towing.
Pre-existing facility looking for improvement in a paint booth and the larger facility.
- Prepping cars inside now vs. outside out of the public eye.
- Updating the outside façade of the building,
- Enhanced landscaping,
- New sidewalks,
- Updated parking,
- The property is a split zone: NC and R3,
- The NC line follows the property line and goes all the way to the back.
- Permitted uses: auto facility, gas station or vehicle repair,
- Gas station can not enclose all uses like this use,
- Historically used for storage,
- Cleared area used for 200 to 300 tires, it was used for storage whether or not it was legal.
- Tow facilities to store accident vehicles is necessary,
- The owner will better screen and buffer.
- Expanded storage,
- Other Existing auto facilities in the area,
- Various commercial properties all around the area,
- Residence in rear of property,
Site Suited for storage and secondary use (tow):
- This car facility is already existing and you don't want to build another one.
- Will maintain the property well,
- Eliminate bad parking,
- Normal car facility functions, will screen the use including storage.

Negative Criteria:
- Zoning requirements,
- 200' lot depth not possible,
- Permitted use of auto facility,
- Create new jobs,
- Over 30 years auto use.

Public Good: overall good even with new tow spaces.
New sidewalks and paint booth.

Mr. Rosati: parking question about the body shop vs. towing.
Ms. Morrisey: parking for the auto shop is 40 spaces. Tow spaces will be contained and fenced in.
Mrs. Kelly: New paint machine in the new building what is going in the old building.
Mr. Milstein state it will be work space to detail the cars.
Mr. Lechner states the 171.47 lot depth is non-conforming to uses not permitted. Mr. Lechner asks if towing is part of the facility in auto repair in Galloway twp.
Ms. Morrissey states she has had auto repair facilities approved as tow facilities in Galloway Twp.
Mr. Rinaldi states it is better to approve the towing to this operation as an ancillary use. If the Auto Body ends so does the towing.
Mr. Costa states if it was an ancillary use any auto body shop could tow.
Mr. Costa states if towing is approved and the property is sold the towing would have been included. It isn't ancillary.
- Cap the number of parking spaces for towing so it can't turn into a tow garage solely.

Vice Chairman Simiriglio: The numbers have to be flexible with the site plan.
Mr. Lechner states the parking has to be separated:
- Customer parking
- Repair parking
- Auto parking
- Tow parking
Mr. Costa states if approved there will be a condition that the auto repair must be there for the tow part of the business.

Conditions:
- Expansion of non-conforming
- Towing w/ auto body only
- Tow Gloucester Twp. And Washington Twp. Only
- Max a vehicle can be stored is 3 months
- No stacking cars,
- No selling auto parts,
- Floor plan
- Site plan
- Storm water management

Open to the Professionals:
No Additional Comments:

Open to the Public:
No Comments:

A motion to approve the above-mentioned application with the above-mentioned conditions was made by Mr. Rosati and seconded by Mrs. Chiumento.

Roll Call:

<table>
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<tr>
<th>Name</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Vice Chairman Simiriglia</td>
<td>Yes</td>
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<tr>
<td>Mr. Bucceroni</td>
<td>Yes</td>
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<td>Mrs. Chiumento</td>
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<td>Mr. Rosati</td>
<td>Yes</td>
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<td>Mr. Acevedo</td>
<td>Yes</td>
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<td>Mr. Rosetti</td>
<td>Yes</td>
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<td>Chairman McMullin</td>
<td>Yes</td>
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Application Approved.

A motion to Adjourn was made by Vice Chairman Simiriglia and seconded by Mr. Treger.

Respectfully Submitted, Jean Gomez, Recording Secretary.
RESOLUTION OF FINDINGS AND CONCLUSION

BOARD OF ADJUSTMENT

TOWNSHIP OF GLOUCESTER

APPLICATION # 192018C
Anthony Stagliano
Block 2905, Lot 10

WHEREAS, Anthony Stagliano is the owner of the land and premises located at 411 Plantation Drive in the Glendora section of the Township of Gloucester, New Jersey having made application to the Zoning Board of Adjustment of the Township of Gloucester, Camden County, for a variance to permit a 10’x 19’ porch with a front yard setback of 28’ instead of the required 30’ for the property located upon Block 2905, Lot 10, as shown on the Official Map of the Township of Gloucester, located in a R-3 Zone, said application being Pro Se.; and

WHEREAS, the Board after carefully considering the representations made by the applicant at the public hearing held on May 8, 2019 as well as having reviewed the application and evidential exhibits at said hearing, has made the following factual findings and conclusions based thereon;

1. The applicant Anthony Stagliano is the owner of the land and premises located at 411 Plantation Drive in the Glendora section of Gloucester Township, New Jersey, as shown on Block 2905, Lot 10, on the Official Tax Map of the Township of Gloucester, located in an R-3 Zone.

2. Proper notice was afforded all adjacent property owners as provided by the applicable statutes and ordinances, and the applicant provided proof of said notice.

3. All property taxes were paid to date.
4. After being sworn, the applicant testified he is extending the current landing 2' and adding an A framed roof and this conforms to others in the area.

5. There were no objections to the application.

**UPON MOTION** duly made and seconded to grant the applicant the aforesaid variances to construct a 10' x 19' porch with a setback of 28', the Board voted seven (7) in favor, none (0) against and zero (0) abstentions, thus granting the relief requested; and

**WHEREAS**, the Board has determined that the relief requested by the applicant may be granted without substantial detriment to the public good and otherwise without impairing the intent and purpose of the Zoning Plan and Ordinances of the Township of Gloucester because of the size and shape of the lot and the Board was of the opinion that the benefits exceed any detriment; and

**WHEREAS**, the statutory purposes will be advanced by the granting of the relief requested;

**NOW THEREFORE BE IT RESOLVED**, by the Zoning Board of Adjustment of the Township of Gloucester on this 8th day of May, 2019, the applicant Antony Stagliano is hereby granted the aforesaid variance for the property located upon Block 2905, Lot 10 as shown on the Official Tax Map of the Township of Gloucester, consistent with the testimony, application and exhibits, same of which are incorporated herein.
ROLL CALL:

LIST NAMES

Kevin Bucceroni       Yes
Rich Rosetti          Yes
Arlene Chiumento      Yes
Mike Acevedo          Yes
Andy Rosati           Yes
Frank Simiriglia      Yes
Jay McMullin          Yes

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF GLOUCESTER

Jay McMullin                     Chairperson

I, Ken Lechner, Secretary of the Board of Adjustment of the Township of Gloucester, do hereby certify the foregoing Resolution is a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Gloucester on the 22nd day of May, 2019.

Ken Lechner, Secretary

Prepared by:
ANTHONY P. COSTA, Esquire
RESOLUTION OF FINDINGS AND CONCLUSION

BOARD OF ADJUSTMENT

TOWNSHIP OF GLOUCESTER

APPLICATION # 192014 CD
Auto Images, LLC
Block 12509, Lot 1

WHEREAS, Auto Images LLC is the tenant of the land and premises located at 401 S. Black Horse Pike in the Blackwood section of the Township of Gloucester, New Jersey having made application to the Zoning Board of Adjustment of the Township of Gloucester, Camden County, for a Use Variance to allow towing of motor vehicles and an expansion of a non-conforming use to allow an auto body repair shop and a variance for lot depth for the property located upon Block 12509, Lot 1, as shown on the Official Map of the Township of Gloucester, located in a R-3 and NC Zone, said application being represented by Mark A. Rinaldi Esq.; and

WHEREAS, the Board after carefully considering the representations made by the applicant at the public hearing held on May 8, 2019 as well as having reviewed the application and evidential exhibits at said hearing, has made the following factual findings and conclusions based thereon;

1. The applicant Auto Images, LLC is the tenant of the land and premises located at 401 S. Black Horse Pike in the Blackwood section of Gloucester Township, New Jersey, as shown on Block 12509, Lot 1, on the Official Tax Map of the Township of Gloucester, located in an R-3 and NC Zone.

2. Proper notice was afforded all adjacent property owners as provided by the applicable statutes and ordinances, and the applicant provided proof of said notice.

3. All property taxes were paid to date.
4. After being sworn, Chad Milstein, owner of the business, testified he has been at this location since 2014 and has been repairing vehicles and towing for Gloucester Township from that time until the present. He said the reason for the expansion was that he will be installing state of the art equipment and needs the additional 3000 square feet. The addition will enable him to repair and prep vehicles inside rather than outside. He stated he has 5 employees and will increase to 10. The hours of operation are 8A.M.to 5:30 P.M. Monday to Friday and 9 to 12 on Saturday. He testified this is not a junkyard and vehicles would stay on site no longer than 3 months. He said deliveries would be by van daily and a box truck once or twice a week. He also stated the previous owner buried tires on site and he cleared the property to remove the tires and poison ivy.

Norm Rodgers, a Professional Engineer, testified the applicant will be attaching the new 3000 square foot addition to the existing 3684 square feet. He said the site has 285 foot frontage on Black Horse Pike and they will improve the access drive to 25’ on Grand Avenue and explained the drive aisle and access, parking buffering, sidewalk and fencing. He went on to say according to ITE there would only be a total of 16 A.M peak hour turns and 28 P.M. and this would have no impact on existing traffic. The Board had concerns about the number of parking spaces and buffering and storm water and Mr. Rogers said he will address those issues and any other at Site Plan. He introduced into evidence A-1, a site layout.

Jack Smith an Architect introduced A-2 into evidence, which shows the facade of the building and said it would be an improvement to the area.

Tiffany Morrissey, a Professional Planner, testified the work that was done outside will now be done inside and this is one justification for the variance. It will be an attractive facility and the applicant will be improving the curbing and sidewalks. She said the Zoning is split between R-3
and NC and was of the opinion it should all be NC because of the location of the boundary lines. She stated auto services are permitted in the NC Zone and there are other commercial uses in the area. She testified the site is particularly suited because there is already an auto facility there and towing is part of that business and the vehicles are in the rear of the property and screened from view and the applicant will be dressing up the property. She did not see any substantial detriment. She stated the lot depth is pre-existing.

The applicant agreed to address at Site Plan both Mr. Lechner and Mr. Mellet’s letters.

5. There were no objections to the application.

UPON MOTION duly made and seconded to grant the applicant the Use Variance for towing vehicles and an expansion of the non-conforming use of an auto body repair facility and a variance for lot depth of 171.47’, the Board voted seven (7) in favor, none (0) against and zero (0) abstentions, thus granting the relief requested upon the following conditions: Towing will be limited to vehicles from Gloucester and Washington Township only, vehicles will be stored no longer than 3 months, no stacking of vehicles, no selling of auto parts, a floor plan will be submitted to the Board, Site Plan approval, Storm Water Management Plan to be submitted and the towing business is only allowed as long as there is an auto body repair business on site; and

WHEREAS, the Board has determined that the relief requested by the applicant may be granted without substantial detriment to the public good and otherwise without impairing the intent and purpose of the Zoning Plan and Ordinances of the Township of Gloucester because of the size and shape of the lot and the Board was of the opinion that the benefits exceed any detriment; and

WHEREAS, the statutory purposes will be advanced by the granting of the relief requested;
NOW THEREFORE BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Gloucester on this 8th day of May, 2019, the applicant Auto Images, LLC is hereby granted the Use Variance, expansion of the non-conforming use and Bulk Variance for the property located upon Block 12509 Lots 1 as shown on the Official Tax Map of the Township of Gloucester, consistent with the testimony, application and exhibits, same of which are incorporated herein.
ROLL CALL:

LIST NAMES

Arlene Chiumento     Yes
Mike Acevedo         Yes
Kevin Bucceroni      Yes
Frank Simiriglia     Yes
Andy Rosati          Yes
Rich Rosetti         Yes
Jay McMullin         Yes

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF GLOUCESTER

Jay McMullin  Chairperson

I, Ken Lechner, Secretary of the Board of Adjustment of the Township of Gloucester, do hereby certify the foregoing Resolution is a true and accurate copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Gloucester on the 22nd day of May, 2019.

Ken Lechner, Secretary

Prepared by:
ANTHONY P. COSTA, Esquire
TOWNSHIP OF GLOUCESTER
Chews-Landing Clementon Road at Hider Lane
P.O. Box 8 Blackwood, NJ 08012
(856) 374-3511 Planning (856) 374-3512 Zoning (856) 232-6229

For Office Use Only
Submission Date: Application No. 198016 (DM 
\( \text{Taxes Paid Year/No.} \) 
\( \text{Fees} \) 
\( \text{Project No.} \) 13008 
\( \text{Escr} \) 1735 
\( \text{Escr#} \) 13008

Upon receipt of all fees, documents, plans, etc:

LAND DEVELOPMENT APPLICATION

1. Applicant
Name: S.J. Dining, Inc.
Address: 1780 Swede Road
City: Blue Bell
State, Zip: PA 19422
Phone: Fax: Email: Greg@usrinc.com

2. Owner(s) (List all Owners)
Name(s): ESM/Gloucester, Inc.
Address: 1780 Swede Road
City: Blue Bell
State, Zip: PA 19422
Phone: Fax:

3. Type of Application. Check as many as apply:

- [ ] Informal Review
- [ ] Minor Subdivision
- [ ] Preliminary Major Subdivision
- [ ] Final Major Subdivision
- [ ] Minor Site Plan
- [ ] Preliminary Major Site Plan
- [ ] Final Major Site Plan
- [ ] Conditional Use Approval
- [ ] General Development Plan
- [ ] Planned Development
- [ ] Interpretation
- [ ] Appeal of Administrative Officer's Decision
- [ ] Bulk "C" Variance
- [ ] Use "D" Variance
- [ ] Site Plan Waiver
- [ ] Rezoning Request
- [ ] Redevelopment Agreement
- [ ] d(3) Conditional Use Variance

Legal advertisement and notice is required to all property owners within 200 feet.

4. Zoning Districts (Circle all Zones that apply)

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5. The following applicants are required to be represented by a New Jersey Attorney: Corporation, Partnership, Limited Liability Corporation and Limited Liability Partnership

Name of Attorney: Damien O. Del Duca
Address: 21. E. Euclid Ave., Suite 100
City: Haddonfield

Firm: Del Duca Lewis, LLC
State, Zip: NJ, 08033
Phone: Fax:

Email: dod@delducalewis.com

1 of 4
6. Name of Persons Preparing Plans and Reports:

<table>
<thead>
<tr>
<th>Name: Ahmad Tamous, PE</th>
<th>Name: John Harter, PE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address: 10000 Midatlantic Dr. Suite 410W</td>
<td>Address: 35 Technology Drive</td>
</tr>
<tr>
<td>Profession: Engineer</td>
<td>Profession: Traffic Engineer</td>
</tr>
<tr>
<td>City: Mt. Laurel</td>
<td>City: Warren</td>
</tr>
<tr>
<td>State, Zip: NJ, 08054</td>
<td>State, Zip: NJ, 07059</td>
</tr>
<tr>
<td>Phone: (___) 930-4000</td>
<td>Phone: (___) __________</td>
</tr>
<tr>
<td>Fax: (___) 930-4001</td>
<td>Fax: (___) __________</td>
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<tr>
<td>Email: <a href="mailto:atamous@bohlereng.com">atamous@bohlereng.com</a></td>
<td>Email: <a href="mailto:jharter@atlantictraffic.com">jharter@atlantictraffic.com</a></td>
</tr>
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</table>

7. Location of Property:

| Street Address: 1370 Blackwood-Clementon Road | Block(s): 13303 |
| Tract Area: 1.3 acres | Lot(s): 2 |

8. Land Use:

Existing Land Use: **Vacant**

Proposed Land Use (Describe Application): Burger King restaurant with drive thru facilities

See enclosed Summary of Application.

9. Property:

<table>
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<th>Proposed Form of Ownership:</th>
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<tr>
<td>Are there proposed deed restrictions?</td>
<td>□ No  □ Yes</td>
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10. Utilities: (Check those that apply.)

- [ ] Public Water  - [ ] Public Sewer  - [ ] Private Well  - [ ] Private Septic System

11. List of Application Submission Materials:

List all additional materials on an additional sheet.

12. List Previous or Pending Applications for this Parcel:

List all applications on a separate sheet.
### 13. Zoning

<table>
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<tr>
<th>All Applications</th>
<th>Proposed</th>
<th>Fence Application</th>
<th>Proposed</th>
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<tbody>
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<td>Front setback 2</td>
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<td>Setback from E.O.P.2</td>
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<td>Rear setback</td>
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<td>Fence type</td>
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<td>Pool Requirements</td>
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<td>Lot depth</td>
<td>271.2'</td>
<td>Setback from R.O.W.1</td>
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<tr>
<td>Lot area</td>
<td>57119 sq ft</td>
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<tr>
<td>Building height</td>
<td>1 Story</td>
<td>Setback from property line 1</td>
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</table>

#### Garage Application
- Garage Area
- Garage height
- Number of garages
- Number of stories

#### Shed Requirements
- Shed area
- Shed height
- Setback from R.O.W.1
- Setback from R.O.W.2
- Setback from property line 1
- Setback from property line 2

### 14. Parking and Loading Requirements:

- Number of parking spaces required: 40
- Number of parking spaces provided: 40
- Number of loading spaces required: 0
- Number of loading spaces provided: 0

### 15. Relief Requested:
- ☐ Check here if zoning variances are required.
- ☐ Check here if exceptions to the application or municipal requirements are requested (N.J.S.A. 40:55D-51).
- ☐ Check here if exceptions to the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.1) are requested.
- ☐ Check here if waivers from the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.2) are requested. [Such waivers require application to, and approval of the N.J. Site Improvement Advisory Board].

**NOTE:** If any of above are required, attach hereto separate exhibit(s) for each category of relief sought, stating the factual basis, legal theory, and whether they have been previously granted.

### 16. Signature of Applicant

[Signature]

**Date:** 3/17/2019

---

**Signature of Co-applicant**

[Signature]

**Date:**
17. Consent of Owner(s):
I, the undersigned, being the owner(s) of the lot or tract described in this application, hereby consent to the making of this application and the approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency. (If owned by a corporation, attach a resolution authorizing application and officer signature).

Signature
3/13/2019
Date
ESM/Gloucester, Inc. Gregory Wines, Chief Operating Officer
Print Name
Signature
Print Name

Complete each of the following sections:

A. Is this application to subdivide a parcel of land into six or more lots?
   □ No □ Yes

B. Is this application for a variance to construct a multiple dwelling of 25 or more family units?
   □ No □ Yes

C. Is this application for approval on a site or sites for commercial purposes?
   □ No □ Yes

D. Is the applicant a corporation?
   □ No □ Yes

E. Is the applicant a limited liability corporation?
   □ No □ Yes

F. Is the applicant a partnership?
   □ No □ Yes

IF YES TO ANY OF THE ABOVE:
1. List the names and addresses of all stockholders or individual partners owning at least 10 percent of its stock of any class or at least 10 percent of the interest in partnership, as the case may be. (Use additional sheets as necessary).

2. Does a corporation or partnership own 10 percent or more of the stock in this corporation or partnership?
   □ No □ Yes

IF YES:
List the names and addresses of the stockholders of that corporation holding 10 percent or more of the stock or 10 percent or greater interest in that partnership, as the case may be. This requirement is to be followed by every corporate stockholder or partnership, until the names and addresses of the non-corporate stockholder and individual partners with 10 percent or more ownership have been listed. (Use additional sheets as necessary).

Signature of Applicant
Gregory Wines, COO
Print Name
3/13/2019
Date

19. Survey waiver certification:
As of the date of this application, I hereby certify that the survey submitted with this application, under the date of
shows and discloses the premises in its entirety, described as Block Lot
and I further certify that no buildings, fences or other facilities have been constructed, installed or otherwise located on the premises after the date of the survey with the exception of the structures shown.

State of New Jersey
County of Camden
Gregory Wines of full age, being duly sworn to
law, on oath and says that all of the above statement
herein is true.

Name of property owner or applicant

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Sara Boniface, Notary Public
Whitpain Twp., Montgomery County
My Commission Expires March 9, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES
State of Pennsylvania
County of Montgomery

This record was acknowledged before me on March 13, 2019 (date)
by Gregory R. Winkler (name(s) of individual(s))
as Chief Operating Officer (type of authority, such as officer or trustee)

who represent that (he, she or they) are authorized to act on behalf of
ESM Gloucester Inc. (name of party on behalf of whom record was executed).

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Sara Boniface, Notary Public
Whitpain Twp., Montgomery County
My Commission Expires March 9, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

This certificate is attached to the document dated 3/13/2019 for S.J. Dining, Inc.
OWNERSHIP DISCLOSURE STATEMENT

S.J. Dining, Inc.
1780 Swede Road
Blue Bell, PA 19422

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above-referenced corporation, partnership, limited liability company (LLC) or limited liability partnership (LLP):

<table>
<thead>
<tr>
<th></th>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Vernon W. Hill</td>
<td>1780 Swede Road Blue Bell PA 19422</td>
</tr>
<tr>
<td>2</td>
<td>Steven M. Lewis</td>
<td>1780 Swede Road Blue Bell PA 19422</td>
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</tbody>
</table>

*If a corporation, limited liability company or partnership owns 10% or more of the stock or interest of the applicant entity, that entity shall list the names and addresses of its stockholders, members or partners owning 10% or more of that entity, and this requirement shall be followed until the names and addresses of the individual stockholders, members or partners, owning 10% or more of the entity or entities have been listed.

Name: Gregory R. Winans
Title: COO

State of Pennsylvania
County of Montgomery
This record was acknowledged before me on March 13, 2019 by Gregory R. Winans as Chief Operating Officer, who represent that he is authorized to act on behalf of S.J. Dining Inc.

Notary Public
Whitpain Twp., Montgomery County
My Commission Expires March 9, 2020

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Sara Boniface, Notary Public
Whitpain Twp., Montgomery County
My Commission Expires March 9, 2020

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES
Proposed Burger King
Summary of Application
Gloucester Township Zoning Board of Adjustment
S.J. Dining, Inc.
Block 13303, Lot 2
1370 Blackwood-Clementon Road

The applicant, S.J. Dining, Inc., leases real property located at 1370 Blackwood-Clementon Road, designated as Block 13303, Lot 2 on the municipal tax map. The property is approximately 1.3 acres and is currently vacant. It is located at the corner of Blackwood-Clementon Road and Columbia Drive. The property was the former location of East Side Marios Restaurant. The applicant seeks a conditional use variance and preliminary and final major site plan approval to construct a new 4,228 sf Burger King restaurant with two drive thru lanes and associated improvements. A Burger King restaurant currently exists along westbound Blackwood-Clementon Road approximately 2,000 feet west of the site, and is proposed to relocate to this property. The property is located in the Highway Commercial zoning district.

Fast food restaurants with drive thru facilities are a conditional use in the Highway Commercial zoning district under Section 416.D.8 of the ordinance.

Section 416.D.8 lists the following condition required for fast food restaurants with drive thru facilities:

1. No closer than one thousand (1,000 ft.) to any other similar establishment, residential use district, school or house of worship.

The proposed Burger King is approximately 230 feet from a Wendy’s restaurant across the street and 50 feet from the Senior Citizen Residential zoning district, which is to the south of the property. The applicant seeks a d(3) conditional use variance from the Gloucester Zoning Board along with preliminary and final site plan approval.

The applicant also seeks approval of the following variances:

1. Section 416.F – Minimum ROW Parking Setback – 25 feet required; 25.2 feet existing along Blackwood-Clementon Road and 9.1 feet existing along Columbia Drive; 19.3 feet along Blackwood-Clementon Road and 9.8 feet along Columbia Drive proposed;
2. Section 416.F – Minimum Side Yard Parking Setback – 10 feet required; 5.4 feet existing; 9.6 feet proposed;
3. Section 426.AA.2 – Maximum Number of Freestanding Signs – 1 freestanding and 1 menu board permitted; 7 signs proposed (1 pylon, 2 digital menu boards; 2 clearance bars and 2 order station canopies);
4. Section 426.R.1 – Maximum Sign Area – freestanding sign, 50 sf permitted and menu board, 64 sf permitted; 131.6 sf total for site proposed (pylon sign, 61 sf; digital menu board, 22.3 sf each; clearance bars, 4 sf each; order station canopies, 9 sf each);
5. Section 426.R.1 – Minimum Lettering Height – 10” minimum permitted; less than 10” proposed;
6. Section 426.R7 & 426.AA.14 – Maximum Height Above Grade – freestanding sign, 8’ permitted; menu board sign, 7’ permitted; pylon sign, 23’ proposed; clearance bars, 9’ proposed; and order station canopies, 9’8” proposed;
7. Section 426.Q.2 – Maximum number of Façade Signs – 2 façade signs permitted; 4 proposed;
8. Section 426.AA.4 – Maximum Area of Façade Signs – 100 sf permitted; total of 102.9 sf proposed.
The d(3) standard of review set forth in the *Coventry Square v. Westwood Zoning Bd. of Adjustment* case reflects that conditional uses, even when they do not comport with the requisite conditions, are nonetheless essentially compatible uses in the zone. Therefore, the focus in considering the d(3) variance application must be on the deviation from the required conditions in the context of the total proposed development and that the site will accommodate any problems typically associated with the use even though the proposal does not comply with the conditions. This site is an appropriate site for this conditional use notwithstanding the deviation from the one condition, the required 1000-foot setback from any other similar establishment and residential use district.

The bulk (c) variances can be granted under both N.J.S.A. 40:55D-70(c)(1) (hardship) and (c)(2) (where a deviation from the zoning ordinance advances a purpose of zoning the benefits of the deviation substantially outweigh the detriments). This corner lot is uniquely situated at the corner of multiple streets, including Blackwood-Clementon Road. Strict application of the ordinance requirements would result in an undue hardship upon the applicant. In addition, deviations from the ordinance requirements will advance purposes of zoning such as the safe and free flow of traffic, and promotion of a desirable visual environment through creative development techniques, good civic design and arrangement. The benefits of granting the variances substantially outweigh any detriments.

Granting the variance relief will not change the nature and character of this neighborhood nor result in any material adverse impact on any neighbors. The Burger King and proposed signage is consistent with development along Blackwood-Clementon Road. The variances will not substantially impair the intent and the purpose of the zone plan or zoning ordinance.

The applicant also seeks any other variances, waivers and approvals that may be required.
TOWNSHIP OF GLOUCESTER
1261 Chews Landing-Clementon Rd., at Hider Lane
P.O. Box 8, Blackwood, New Jersey 08012
(856) 226-4000 • FAX: (856) 374-3527 (Clerk)
FAX: (856) 374-3528 (Finance)

To whom it may concern:

This is to certify that the below resident does not have any tax or sewer liens on their property or any outstanding balances.

Name ESM/Gloucester Inc.
Address 1370 Blackwood-Clementon Rd.
Block 13303 Lot 2

3-25-19
Date

Maryann Bliss
Asst. Gloucester Township Tax Collector
Welcome to
GLoucester Township, NJ
A great place to live, work and play

<table>
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<tr>
<td>Owner Name/Address:</td>
<td>ESM/GLOUCESTER INC. 1780 SWEDE ROAD BLUE BELL, PA 19422</td>
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Balance Includes any Adjustments to Your Account

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Last Payment: 01/24/19

Return to Home
TOWNSHIP OF GLOUCESTER
ZONING BOARD TRANSMITTAL

DATE: March 28, 2019
APPLICATION No. #192016CDPMSFMS

APPLICANT: S.J. DINING, INC.
PROJECT No. 13008

BLOCK(S): 13303 Lot(S): 2
LOCATION: 1340-1320 BLACKWOOD-CLEMENTON RD., CLEMENTON, NJ 08021

TRANSMITTAL TO:
☐ Township Engineer
☐ Camden County Planning Board
☐ N.J. American Water Co.
☐ Taxes
☐ Zoning Board Planner
☐ Traffic Officer
☐ Aqua N.J. Water Co.
☐ Construction
☐ Tax Assessor
☐ G.T.M.U.A.
☐ Fire District 123456
☐ GT EMS

STATUS OF APPLICATION:
☒ New Application - Bulk C / Use "D" Variance / Prelim Major Site Plan/Final Major Site Plan
☐ Revision to Prior Application

PURPOSE OF TRANSMITTAL:
☒ For Your Review. Please Forward Report by April 22, 2019
☐ For Your Files.

ENCLOSED: VARIANCE PLAN ENCLOSED

☒ 2 Copies - Minor Subdivision Plat, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Minor Site Plan
☒ 1 Copy - Minor Subdivision Plat
☒ 3 Copies - Preliminary Site Plan, 2 County Apps and 1 Twp. App.
☒ 3 Copies - Major Subdivision - Preliminary Plat, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Major Subdivision - Preliminary Plat
☒ 1 Copy - Preliminary Site Plan
☒ 1 Copy - Major Subdivision - Final Plat
☒ 1 Copy - Final Site Plan
☒ 3 Copies - Major Subdiv. - Final Plat, 1 Dev. Plan, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Amended Site Plan
☒ 1 Copy - Major Subdivision - Amended Plat
☒ 1 Copy - Traffic Report
☒ 1 Copy - Development Plan
☒ 1 Copy - Drainage Calculations
☒ 1 Copy - E.I.S.
☒ Recycling Report

☒ Bulk C & Use D Variance
☒ Prelim Major Site Plan
☒ Final Major Site Plan

Signature: [Signature]
Date: 4/1/19

NOTE: No major issues - except closing other BK for relocation ... will that building be demo? Old site has BK + other Bldg. What will happen to that site? Same owner.
THE GLOUCESTER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

401 W. Landing Road, Blackwood, NJ 08012
P.O. Box 216, Glendora, NJ 08029-0216
Phone: (856) 227-8666 • FAX: (856) 227-5668

April 3, 2019

Township of Gloucester
Dept. of Community Development
P.O. Box 8
Blackwood, New Jersey 08012

Re: Application #192016CDPMSFMS
S.J. Dining, Inc.
1340-1320 Blackwood-Clementon Road, Clementon, NJ 08021
Block 13303, Lot 2

Gentlemen:

In response to your letter regarding the above application, a Form “F” Application is required.

Should you have any further questions, please feel free to contact me.

Very truly yours,

THE GLOUCESTER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Raymond J. Carr
Executive Director

RJC: mh
TOWNSHIP OF GLOUCESTER
ZONING BOARD TRANSMITTAL

DATE: March 28, 2019
APPLICANT: S.J. DINING, INC.

APPLICATION No. #192016CDPMSFMS
PROJECT No. 13008

BLOCK(S): 13303 Lot(S): 2
LOCATION: 1340-1320 BLACKWOOD-CLEMENTON RD., CLEMENTON, NJ 08021

TRANSMITTAL TO:
- Township Engineer
- Camden County Planning Board
- N.J. American Water Co.
- Taxes
- Zoning Board Planner
- Traffic Officer
- Aqua N.J. Water Co.
- Construction
- Tax Assessor
- G.T.M.U.A.
- Fire District 1 2 3 4 5 6
- GT EMS

STATUS OF APPLICATION:
- New Application - Bulk C / Use "D" Variance / Prelim Major Site Plan/Final Major Site Plan
- Revision to Prior Application

PURPOSE OF TRANSMITTAL:
- For Your Review. Please Forward Report by April 22, 2019
- For Your Files.

ENCLOSED: VARIANCE PLAN ENCLOSED
- 2 Copies - Minor Subdivision Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Minor Site Plan
- 1 Copy - Minor Subdivision Plat
- 3 Copies - Preliminary, Site Plan, 2 County Apps and 1 Twp. App.
- 3 Copies - Major Subdivision - Preliminary, Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Major Subdivision - Preliminary, Plat
- 1 Copy - Preliminary Site Plan
- 1 Copy - Major Subdivision - Final Plat
- 1 Copy - Final Site Plan
- 3 Copies - Major Subdiv. - Final Plat, 1 Dev. Plan, 2 County Apps. 1 Twp. App.
- 1 Copy - Amended Site Plan
- 1 Copy - Major Subdivision - Amended Plat
- 1 Copy - Traffic Report
- 1 Copy - Development Plan
- 1 Copy - Drainage Calculations
- 1 Copy - E.I.S.
- Recycling Report

- Bulk C & Use D Variance
- Prelim Major Site Plan
- Final Major Site Plan

Signature
Application #192016CDPMSFMS

☐ Plans as shown along with available information do not reveal any anticipated traffic problems.

☐ Stop signs/traffic control signs as shown must be installed upon or prior to any occupancy.

✓ Traffic Control signs as shown on plans are not enforceable by police unless properly included by Municipal Ordinance made through application of the site owner under New Jersey 39:5-1.

☐ Emergency contact numbers for site issues with twenty-four human contact should be provided to Police prior to start of construction.

☐ Other

Reviewed By: Lt. T. Kohlmyer #206 Signature: Date: 4/16/19
TOWNSHIP OF GLOUCESTER
ZONING BOARD TRANSMITTAL

DATE: March 28, 2019
APPLICATION No. #182016CDPMSFMS
APPLICANT: S.J. DINING, INC.
PROJECT No. 13008
BLOCK(S): 13303 Lot(S): 2
LOCATION: 1340-1320 BLACKWOOD-CLEMENTON RD., CLEMENTON, NJ 08021

TRANSMITTAL TO:

☐ Township Engineer
☐ Zoning Board Planner
☐ Tax Assessor
☐ Camden County Planning Board
☐ Traffic Officer
☐ G.T.M.U.A.
☐ N.J. American Water Co.
☐ Aqua N.J. Water Co.
☐ Fire District 1235
☐ Taxes
☐ Construction
☐ GT EMS

STATUS OF APPLICATION:
☒ New Application - Bulk C / Use "D" Variance / Prelim Major Site Plan/Final Major Site Plan
☐ Revision to Prior Application

PURPOSE OF TRANSMITTAL:
☒ For Your Review.  Please Forward Report by April 22, 2019
☐ For Your Files.

ENCLOSED: VARIANCE PLAN ENCLOSED

☒ 2 Copies - Minor Subdivision Plat, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Minor Site Plan
☒ 1 Copy - Minor Subdivision Plat
☒ 3 Copies - Preliminary Site Plan, 2 County Apps and 1 Twp. App.
☒ 3 Copies - Major Subdivision - Preliminary, Plat, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Major Subdivision - Preliminary, Plat
☒ 1 Copy - Preliminary Site Plan
☒ 1 Copy - Major Subdivision - Final Plat
☒ 1 Copy - Final Site Plan
☒ 3 Copies - Major Subdivision - Final Plat, 1 Dev. Plan, 2 County Apps. 1 Twp. App.
☒ 1 Copy - Amended Site Plan
☒ 1 Copy - Major Subdivision - Amended Plat
☒ 1 Copy - Traffic Report
☒ 1 Copy - Development Plan
☒ 1 Copy - Drainage Calculations
☒ 1 Copy - E.I.S.
☒ Recycling Report

☒ Bulk C & Use D Variance
☒ Prelim Major Site Plan
☒ Final Major Site Plan

Reviewed
DATE: 4/23/19
By: P.K. W.S.

[Stamp] BUREAU OF FIRE PREVENTION
FIRE DEPARTMENT No. 4
BLACKWOOD FIRE COMPANY
P.O. Box 541
BLACKWOOD, N.J. 08012

Signature
TOWNSHIP OF GLOUCESTER
Interoffice Correspondence

TO: Zoning Board of Adjustment
FROM: Kenneth D. Lechner, PP, AICP, Director/Planner
       Dept. of Community Development & Planning
RE: APPLICATION #192016CDPMSFMS Escrow #13008
       S.J. Dining, Inc.
       BLOCK 13303, Lot 2
       1370 Blackwood-Clementon Road
DATE: April 23, 2019

The Applicant requests use variance of a conditional use and preliminary and final major site plan
approval to "construct a new 4,228 sf Burger King restaurant with two drive thru lanes and
associated improvements" within the HC – Highway Commercial District. The project is located on
the southwest corner of Blackwood-Clementon Road and Columbia Drive.

The plans have been reviewed for conformance to the Land Development Ordinance of Gloucester
Township and the following comments are offered for your consideration.

• Applicant: S.J. Dining, Inc., 1780 Swede Road, Blue Bell, PA 19422.
• Owner: ESM/Gloucester, Inc., 1780 Swede Road, Blue Bell, PA 19422.
• Engineer: A. Tamous, PE, Bohler Engineering, Inc., 10000 Midlantic Drive,
       Suite 410W, Mount Laurel, NJ 08054 (telephone #856-930-4000).
• Architect: SCF Architecture, 3515 Sunnyside Road, Center Valley, PA 18034 (telephone #610-297-0140).
• Attorney: Damien O. Del Duca, Esq., Del Duca Lewis, LLC, 21 E. Euclid Avenue, Suite 100, Haddonfield, NJ (telephone #856-427-4200).

I. INFORMATION SUBMITTED
   a. ESM/Gloucester, Inc., Chief Operating Officer Owners Consent certificate dated 3/13/19.
   b. Ownership disclosure statement dated 3/13/19.
   c. Summary of Application.
5. Architectural plans, as prepared by SCF Architecture consisting of the following:

<table>
<thead>
<tr>
<th>Sheet</th>
<th>Plan Description</th>
<th>Date / Latest Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1</td>
<td>Floor Plan</td>
<td>3-06-19</td>
</tr>
<tr>
<td>A3.1</td>
<td>Exterior Elevations</td>
<td>3-06-19</td>
</tr>
<tr>
<td>A3.2</td>
<td>Exterior Elevations</td>
<td>3-06-19</td>
</tr>
<tr>
<td>A3.1</td>
<td>Exterior Elevations (color)</td>
<td>01-25-19</td>
</tr>
<tr>
<td>A3.2</td>
<td>Exterior Elevations (color)</td>
<td>01-25-19</td>
</tr>
</tbody>
</table>


8. Engineering plans, as prepared by Bohler Engineering, Inc. consisting of the following:

<table>
<thead>
<tr>
<th>Sheet</th>
<th>Plan Description</th>
<th>Date / Latest Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-01</td>
<td>Cover Shoe</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-02</td>
<td>Demolition Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-03</td>
<td>Site Layout Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-04</td>
<td>Grading Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-05</td>
<td>Drainage &amp; Utilities Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-06</td>
<td>Lighting Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-07</td>
<td>Landscape Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-08</td>
<td>Landscape Notes &amp; Details</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-09</td>
<td>Soil Erosion &amp; Sedimentation Control Plan</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-10</td>
<td>SESC Notes and Details</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-11</td>
<td>Detail Sheet</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-12</td>
<td>Detail Sheet</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-13</td>
<td>Detail Sheet</td>
<td>02-12-19</td>
</tr>
<tr>
<td>C-14</td>
<td>Profiles</td>
<td>02-12-19</td>
</tr>
<tr>
<td>Truck Turning Exhibit</td>
<td>02-12-19</td>
<td></td>
</tr>
</tbody>
</table>

II. ZONING REVIEW

1. Fast-Food Restaurants with associated drive-thru facilities is permitted as a conditional use as [§416.D(8)].

§416.D(8) – HC – Highway Commercial District (Burger King).

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size (min.)</td>
<td>20,000 sf</td>
<td>57,119 sf</td>
<td>yes</td>
</tr>
<tr>
<td>Lot frontage (min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackwood-Clementon Road</td>
<td>80 ft.</td>
<td>200 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Columbia Drive</td>
<td>80 ft.</td>
<td>271.20 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Plaza Drive</td>
<td>80 ft.</td>
<td>202.06 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Lot depth (min.)</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Building Coverage (max.)</td>
<td>20%</td>
<td>7.4%</td>
<td>yes</td>
</tr>
<tr>
<td>Lot coverage (max.)</td>
<td>75%</td>
<td>69.3%</td>
<td>yes</td>
</tr>
<tr>
<td>Description</td>
<td>Required</td>
<td>Proposed</td>
<td>Conforms</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Front yard (min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackwood-Clementon Road</td>
<td>20 ft.</td>
<td>68.2 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Columbia Drive</td>
<td>20 ft.</td>
<td>62.8 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Plaza Drive</td>
<td>20 ft.</td>
<td>105.2 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Side yard (min.)</td>
<td>10 ft.</td>
<td>87.8 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Rear yard (min.)</td>
<td>25 ft.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Building Height (max.)</td>
<td>40 ft.</td>
<td>24 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Floor Area Ratio (max.)</td>
<td>0.25</td>
<td>0.074</td>
<td>yes</td>
</tr>
</tbody>
</table>

### PARKING AREA SETBACK

| From any right-of-way (min.)                    |          |          |          |
| Blackwood-Clementon Road                        |          |          |          |
| From Side Property Line (min.)                  |          |          |          |
| From Rear Property Line (min.)                  |          |          |          |

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking (min.)</td>
<td>40 spaces</td>
<td>43 spaces</td>
<td>yes</td>
</tr>
<tr>
<td>From any right-of-way (min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackwood-Clementon Road</td>
<td>25 ft.</td>
<td>19.3 ft.</td>
<td>no'</td>
</tr>
<tr>
<td>Columbia Drive</td>
<td>25 ft.</td>
<td>9.8 ft.</td>
<td>no'</td>
</tr>
<tr>
<td>Plaza Drive</td>
<td>25 ft.</td>
<td>±21 ft.</td>
<td>no'</td>
</tr>
<tr>
<td>From Side Property Line (min.)</td>
<td>10 ft.</td>
<td>9.6 ft.</td>
<td>no'</td>
</tr>
<tr>
<td>From Rear Property Line (min.)</td>
<td>10 ft.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

1 = Scaled data.
' = Variance required

**Variance Expiration:** The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

### CONDITIONAL USE REQUIREMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance from similar establishment (min.)</td>
<td>1,000 ft.</td>
<td>±200 ft.</td>
<td>no'</td>
</tr>
<tr>
<td>Distance from residential district</td>
<td>1,000 ft.</td>
<td>50 ft.</td>
<td>no'</td>
</tr>
</tbody>
</table>

' = Variance required

**Variance Expiration:** The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

---

**APPLICATION #192016CDPMSFS**
S. J. Dining, Inc. (Burger King)
BLOCK 13303, Lot 2
1370 Blackwood-Clementon Road
2. FREE-STANDING SIGNS

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (max.) - §426.AA(2)</td>
<td>2</td>
<td>1</td>
<td>yes</td>
</tr>
<tr>
<td>Area (max.) - §426.R(1) – 4 travel lanes.</td>
<td>50 sf</td>
<td>61 sf</td>
<td>no*</td>
</tr>
<tr>
<td>Height (max.) - §426.AA(2)</td>
<td>8 ft.</td>
<td>23 ft.</td>
<td>no*</td>
</tr>
<tr>
<td>Pylon skirting required - §426.R(7)</td>
<td>Yes</td>
<td>No</td>
<td>no*</td>
</tr>
<tr>
<td>Property line setback - §426.AA(3)</td>
<td>10 ft.</td>
<td>15 ft.</td>
<td>yes</td>
</tr>
</tbody>
</table>

* = Variance required

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

3. PROPOSED FACADE SIGNS

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (max.) - §426.Q(2)</td>
<td>2</td>
<td>3</td>
<td>no*</td>
</tr>
<tr>
<td>Area (max.) - §426.Q(4) - Logo</td>
<td>46.5 sf</td>
<td>19.6 sf</td>
<td>yes</td>
</tr>
<tr>
<td>Sign 1 – Blackwood-Clementon Road elevation¹</td>
<td>80 sf</td>
<td>19.6 sf</td>
<td>yes</td>
</tr>
<tr>
<td>Sign 3 – West elevation¹</td>
<td>98.77 sf</td>
<td>47.22 sf</td>
<td>yes</td>
</tr>
</tbody>
</table>

¹ = This includes the "logo" + "Home of the Whopper."

* = Variance required.

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

4. PROPOSED MENU SIGNS

<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (max.) - §426.AA(14)</td>
<td>1</td>
<td>2</td>
<td>no*</td>
</tr>
<tr>
<td>Area (max.) - §426.AA(14)</td>
<td>64 sf</td>
<td>24.29 sf</td>
<td>yes</td>
</tr>
<tr>
<td>Height - §426.AA(14)</td>
<td>7 ft.</td>
<td>5.33 ft.</td>
<td>yes</td>
</tr>
<tr>
<td>Not legible from public R.O.W. - §426.AA(14)</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
</tbody>
</table>

* = Variance required.

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.
<table>
<thead>
<tr>
<th>Description</th>
<th>Required</th>
<th>Proposed</th>
<th>Conforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>“FLAME GRILLING Since 1954” – (2 at 9 sf)</td>
<td>N.P</td>
<td>yes</td>
<td>no*</td>
</tr>
</tbody>
</table>

N.P. = Not permitted.

* = Variance required.

**Variance Expiration:** The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

### III. APPLICATION SUBMISSION CHECKLIST

The Applicant has provided the checklist items in accordance with §817, Submission Checklist for a minor subdivision, preliminary, and final major site plan.

The Applicant is required to provide the following checklist items or request a waiver.

1. Four (4) copies of the Recycling Report. [Checklist #8].
2. No application for development shall be considered complete until the applicant has calculated and delineated the area of wetlands based upon the methodology established by the New Jersey Department of Environmental Protection regulations [Checklist #9].
3. Expansion plans incorporated into the building design. [Checklist 41].
4. The site in relation to all remaining lands in the applicant’s or owner’s ownership [Checklist #54].
5. Locations of all existing and proposed watercourse, i.e., lakes, streams, ponds, swamps or marsh areas, or under drain [Checklist #60].
6. Flood plain limits as determined by the Master Plan and onsite evaluations by a licensed professional engineer [Checklist #61].
7. The total upstream acreage in the drainage basin of any water course running through or adjacent to development including the distance and average slope upstream to the basin ridge line, where applicable. [Checklist #63].
8. For all existing or proposed lakes or ponds on or within 500 feet of the development, show the location and water level elevations. [Checklist #65].
9. Acceleration/deceleration lanes. [Checklist #75].
10. Traffic channelization [Checklist #76].
11. Sidewalks and bike routes [Checklist #83].
   a. **The plans should be revised to provide concrete sidewalks along the frontage of Columbia Drive and plaza Drive as per §516, Sidewalks, Curbs, Gutters, & Pedestrian Ways.**
12. Any related facility for the movements and storage of goods, vehicles and persons [Checklist #84].
13. Streetlights. [Checklist #90].
14. Cross Sections. [Checklist #94].
15. Fire hydrants. [Checklist #101].

### IV. WAIVER COMMENTS

The Applicant is requesting a waiver from the following checklist requirements.

1. Four (4) copies of the Environmental Impact Statement (See §816) [Checklist #5].
2. **The names, addresses, block and lot numbers of all property owners within 200 feet of the development [Checklist #33].**
   a. **The plans should be revised to provide the certified property list of owners within 200’.**
3. Locations of all existing structures and their uses within 200 feet of the tract. [Checklist #34].
4. Loading areas and number thereof [Checklist #80].
   a. The Applicant shall provide testimony to address the absence of loading areas.
5. Center line profiles at horizontal scale not less the 1" = 50' for all existing adjoining streets and proposed streets [Checklist #96].

The Applicant is requesting a waiver from the following Performance and Design Standards.
7. From the requirement to not allow a diversion of stormwater across property lines not unless within an existing drainage system as per §502.C, Drainage.
8. From the requirement to not grade within 5 feet of an adjacent property as per §506.A.7, Grading specifications.
9. From the requirement to provide a loading space as per §509.B(1), Required Number.
10. To exceed the maximum six (6) stacking spaces for the drive-thru as per §510.C(2), Drive Through Lanes.
11. From the requirement to provide at least a 10-foot driveway setback from the side property line as per §510.K(3), Entrance/Exit Drives.
12. From the requirement to provide at least a 10-foot between pipelines and existing and proposed trees as per §517.C(5), Pipelines.

V. VARIANCE COMMENTS

The application as submitted requires the following variances:

§416.D(8), Permitted Uses (“D3” – conditional use variance)
1. To allow a fast food restaurant with drive-thru closer than the minimum one thousand (1,000) foot requirement from another similar use or residential use district.
   a. The proposed restaurant is ±200 feet across from Wendy’s.
2. To allow a fast food restaurant with drive-thru closer than the minimum one thousand (1,000) foot requirement from residential use district.
   a. The proposed restaurant is 50 feet across from the SCR – Senior Citizen Residential District.

§416.F, Area, Yard, Height and Building Coverage – Parking Setback
3. Blackwood-Clementon Road: (19.3 ft. provided v. 25 ft. minimum required).
4. Columbia Drive: (9.8 ft. provided v. 25 ft. minimum required).
5. Plaza Drive: (±21 ft. provided v. 10 ft. minimum required).
6. Side Property Line: (9.6 ft. provided v. 10 ft. minimum required).

§426, Signs
Free-Standing Sign
7. Area: (61 sf provided v. 50 sf maximum allowed).
8. Height: (23 ft. provided v. 8 ft. maximum allowed).
9. Pylon skirt: (Not provided v. required).

Facade Signs
10. Number: (3 provided v. 2 maximum allowed).

Menu
11. Number: (2 provided v. 1 maximum allowed).

Order Station
12. “Flame Grilling since 1954” f: (2 provided v. not permitted).
POSITIVE CRITERIA ("C1" and "C2" variances)

The Applicant must address and the Board consider the following in satisfying the positive criteria for the requested bulk variances:

13. The Board has the power to grant a variance where by reason of exceptional narrowness, shallowness, shape, or topographic conditions or physical features, or an extraordinary and exceptional situation affecting a specific property, the strict application of the zoning regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the development of such property (basis 40:55D-70c(1)).

Also, the Board has the power to grant a variance when the purpose of the Municipal Land Use Law would be advanced by the deviation of the zoning ordinance and the benefits would substantially outweigh the detriments (basis N.J.S.A. 40:55-70c(2)).

POSITIVE CRITERIA ("D3")

The Applicant must address and the Board consider the following in satisfying the positive criteria for the requested "D3" variance:

14. The Board has the power to grant a variance for a deviation from a specification or standard pertaining solely to a conditional use (basis N.J.S.A. 40:55-70d(3)).
   a. The Applicant must prove the site will accommodate the proposed use even though the application does not comply with the conditions of the ordinance.

NEGATIVE CRITERIA

15. The Board should not grant a variance unless it is clearly demonstrated that said variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (basis N.J.S.A. 40:55D-70).

VI. SITE PLAN DESIGN REVIEW COMMENTS

1. The plans must be revised to provide two permanent benchmarks and symbol in the legend as per §506.A(4), Grading.

2. It's recommended the plans be revised to provide a row of Leyland Cypress evergreen trees ten (10) feet on-center or the functional equivalent within the rear westerly side parking area to buffer the proposed drive-thru lanes to enhance scenic vistas of the development and Township as per §507.A, Landscaping.

3. Plant evergreen tree along the and south and east sides of the trash enclosure to enhance the aesthetics of the development and the Township as per §507.A, landscaping.

4. The plan must be revised to indicate underground irrigation for the proposed non-residential use as per §507.A(4)(b).

5. The plans must be revised to correct Landscape Specifications, Guarantee, #12 notation to provide for a guarantee of two (2) years as per §507.F, Guarantee.
6. It's recommended consideration be given to revising the plans to provide the following light poles and luminaires that are consistent with existing and planned lighting along Blackwood-Clementon Road as per the Blackwood Clementon Road Redevelopment Plan and as per §508, Lighting.
   a. The HACO. PSE&G Signature Series Light Fixture and Pole for Luminaires A including the "GT" brand, banner posts, and an electrical outlet at the following locations as per §508.D, Lighting:
      i. Blackwood-Clementon Road Entrance/Exit (2 lights).
      ii. Intersection of Blackwood –Clementon Road and Columbia Drive (1 light).

7. The plans shall be revised to provide sight triangles for the entrances on Columbia Drive and Plaza Drive as per §515.N, Street Design.

8. The plans must be revised to provide concrete sidewalks along Columbia Drive and Plaza Drive as per §516, Sidewalks, Curbs, Gutters, & Pedestrian Ways.

9. The plans must be revised to provide a concrete sidewalk access link and a "piano key" striping pattern cross walk from Blackwood-Clementon Road to the proposed restaurant as per §516, Sidewalks, curbs Gutters & Pedestrian ways.

VI. TRAFFIC IMPACT STATEMENT COMMENTS
The applicant must provide professional testimony and/or revise the Traffic Impact Statement to address the following omitted items as per §815, Traffic Impact Report.

1. The location of transit routes, and stops and transit facilities, including on-street, off-street, and private facilities and service frequency as per §815.A(2)(c).

2. The location of school bus routes and stops as per §815.A(2)(d).

3. The location of pedestrian crosswalks, sidewalks, and bicycle pathways as per §815.A(2)(e).

4. Recommendations for automobile reduction techniques as per §815.A(4)(c).

5. Schematic plan for any recommended improvements as per §815.A(4)(d).

VII. LAND DEVELOPMENT ORDINANCE COMMENTS
The Applicant is advised of the following additional requirements of the Land Development Ordinance:

1. A soil removal plan if soil is to be removed from the site for use or sale other than the premises subject to this application as per §801.C, Soil Removal.

2. A grading plan prepared and sealed by licensed professional engineer as per §814, Grading Approval.

3. Affordable housing requirement as per §902, Affordable Housing Fees and Procedures.

4. Before recording final subdivision plats or as condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:50D-65d the furnishing of a performance guarantee, maintenance guarantee, and inspection fees as per §903, Guarantees and Inspections and §904, Certification or Guarantee Required; Estimate of Guarantee.

5. Requirements precedent to construction as per §905, Pre-conditions to Commencement of Construction.

6. Construction of off-tract improvements as per §906, Off-tract Improvements Recapture.

APPLICATION #192016CDPMSFS
S. J. Dining, Inc. (Burger King)
BLOCK 13303, Lot 2
1370 Blackwood-Clementon Road
7. A zoning permit is required prior to the issuance of any construction permits and prior to the issuance of a Certificate of Occupancy by the Construction Official the Applicant must acquire a Certificate of Zoning Conformity from the Zoning Officer as per §1102, Permits, General, §1103, Zoning Permit and §1104, Certificate of Zoning Conformity.

VIII. RECOMMENDATIONS

1. The applicant must address the underlined items listed above on the site plan.

I have no further comments regarding the application at this time; however, reserve the right to provide additional comments during the Planning Board meeting to advance the planning process. Should the Applicant have any questions or wish to schedule a meeting to review the concerns, please contact my office at (856) 374-3511.

cc: Damien O. Del Duca, Esq.
A. Tamous, PE
Anthony Costa, Esq.
James Mellett, PE