

**RESOLUTION OF THE COMBINED LAND USE BOARD OF THE BOROUGH OF
BELLMAWR MEMORIALIZING SITE PLAN APPROVAL AND RELATED RELIEF
FOR SPEED GAS BELLMAWR, LLC, 132 NORTH BLACK HORSE PIKE,
BLOCK 83, LOT 12.01**

WHEREAS, on September 9, 2024, consideration was given to the application of Speed Gas Bellmawr, LLC, for site plan approval; and

WHEREAS, Alan Fox, Esquire, appeared on behalf of the application, standing in for attorney, George Botcheos, Esquire, due to illness. Testifying was the owner and operator Sukhjinder Singh, managing member of the LLC; and the Board having heard testimony from Lawrence DiVietro, applicant's planner who prepared the plans and testimony from Messrs. Bach and Bishop, the Board's engineers, and no public having appeared and testified and the Board having reviewed documentation submitted with the application during the hearing; and for good cause shown;

NOW THEREFORE, the Board makes the following factual findings in conditionally approving the subject application:

SUBMISSIONS

1. The application has been properly noticed and applied for, and all conditions precedent to the Board's jurisdiction and action at an open public meeting have been satisfied.

2. The Board had before it the following items:

- Borough of Bellmawr Joint Land Use Board Land Development Application.
- Deed dated June 23, 1952.
- Plan entitled "Minor Site Plan for Retail Store, 132 North Black Horse Pike, Block 83, Lot 12.01, Situate Borough of Bellmawr, Camden County, New Jersey", prepared by Land Dimensions Engineering, dated October 2023, revised 11-06-23.

3. The proposed use is permitted, and the following represents the zoning requirements:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Conforms</u>
Min Lot Size (SF)	15,000	30,401	30,401	Yes
Min Lot Width (Ft)	125	200	200	Yes
Min Setbacks (Ft)				
Front	55	35.96*	35.96*	No
Side	15	15.03	15.03	Yes
Rear	10	10.89	10.79	Yes
Occupied Area %	80	88*	87.4*	No
Max Bldg Ht. (Ft)	35	<35	<35	Yes
Trash Enclosure Setback (Ft)	5	<5	<5	Yes

*Indicates existing non-conformance requiring no relief as the non-conformities are not exacerbated.

TESTIMONY

4. The Board heard from Mr. Singh. By way of background, the Board approved an application at the subject property for the applicant on April 24, 2022 for relief regarding propane sales. At that time, the Board imposed various conditions, some of which had not yet been complied with. The applicant explained that this was due to difficulties with an existing tenant at the subject property, who was operating the auto repair aspect of the facility under lease, while Mr. Singh operated the petroleum sales and propane sales at the same property.

5. Mr. Singh had determined to eliminate entirely the auto repair uses in the existing structure. The applicant proposes that the garage and the connected structure would be consolidated into a single convenience store retail use of 1,550 square feet. Mr. Singh testified to his assent to a substantial number of conditions being imposed on this conversion, as hereinafter stated, and further indicated that his professional planner was authorized to make appropriate revisions to the plan to reflect the same.

6. Mr. Singh provided operational testimony that indicated that while there may be prepared foods offered in the convenience store, it would be anticipated that the customers would be mainly customers who utilized the convenience store while getting gas, and as such, they did not expect a substantial amount of food purchases. There would be no eat in. There would be no deliveries. The hours of operation were as follows: 6:00 a.m. to 10:00 p.m., 7 days a week. He indicated that there would be no new site signs and that the gas station would continue to utilize the existing pylon sign in its present location and without expansion, although copy may change. A conforming façade sign was proposed. He also testified that he was the sole owner of the LLC, and during the hearing, counsel provided a signed disclosure statement to that affect. He described a sufficient security system. He anticipated that there would only be two employees at any one time; one to man the pumps, and two to man the convenience store.

7. He indicated that he accepted as a condition of approval that he would remediate the poor site maintenance, repair, and approval compliance problems, and he described these would be resolved permanently by virtue of the unified ownership and operation of the gas station/convenience store. The Board deems this as a necessary adjunct of the approval, so as to obviate the need for use variances for two primary uses on the same site, which is prohibited. Accordingly, a condition of approval is that there will always be a single owner and a single operator for both businesses. The convenience store being accessory to the primary business of gasoline sales. Propane gas would also be sold at the subject site.

8. Lawrence DiVietro testified regarding the application, and generally opined that the site improvements were adequate to handle the proposed uses and improvements and observed that the required parking (13 spaces), was exceeded by the provision of 20 spaces. Both Mr. DiVietro and the applicant accepted as a condition of approval that there would be no

cars offered for sale from the subject lot, nor cars kept on the lot that were not cars of employees or customers.

9. Mr. DiVetro was then questioned by Board members and went over the extensive report of Steven Bach, the Board engineer, dated September 4, 2024 (8 pages with photographs attached). The applicant agreed to comply with all terms and conditions of the Board engineer's report, together with other issues that resolved by agreement during the hearing.

These issues include, but are not limited to, the following agreed upon conditions of approval:

1. There will be additional landscaping provided on the subject lot to be added to the plan subject to the review and approval of the Board Engineer.
2. With respect to lighting, the applicant agreed to mirror the existing lighting and provide a plan that would show all existing and necessary supplemental lighting.
3. The parking lot would be paved by base repair and topcoat of asphalt, then striped per the Engineer's comments.
4. The existing outdoor trash and debris would be immediately removed and there would be no outdoor storage of any kinds of goods or materials.
5. The applicant would submit all the checklist items that were waived for completeness purposes only.
6. The applicant will produce either a New Jersey access permit or a letter of no interest from NJDOT.
7. The applicant will provide for all deliveries to the front door in support of the waiver granted hereby for a loading zone.

8. With respect to the existing propane cage, it would be relocated to the back of the property, and the relocation shall be shown on the compliance plan.

9. All conditions imposed upon the 2022 approval that had not yet been implemented will continue unless specifically modified herein.

10. The applicant acknowledged the necessity of compliance with all other permits concerning food handling, including any Camden County approvals for a food handling permit.

11. The applicant agreed to remove excess dirt from the rear of the property, adjacent to Lot 13.

12. The applicant agrees to provide additional egress to the building in the area near the dumpster to be shown on the compliance plan.

13. The applicant agreed to provide a unified architectural elevation to the subject property that does not depict simply "bricking up" the garage doors and the plate glass window, such elevations to be reviewed and approved by Mr. Bach.

14. The applicant agreed to provide two public restrooms, one inside and one outside.

15. The applicant agreed that there would be no outdoor storage of merchandise or goods of any kind.

16. The applicant agreed to remove the existing trailer on the subject property immediately.

17. The applicant agreed to provide a revised plan that would depict concrete bollards and other improvements along the front of the building, where previously were located the garage door entrances.

18. The compliance plan shall show an accurate and legible truck turning template, pinned concrete wheel stops, appropriate striping, a handicapped parking space, a sidewalk that measures 6 feet in width, a relocation of wheel stops in front of the light pole, as referenced on Paragraph 17 of the engineer's report, the relocation of the clothing drop bin out of the main drive area and into a location approved by the Board Engineer, the relocation of the propane tank from out of the front yard in a location to be reviewed and approved by the Board engineer, and in addition to the new landscaping to be provided, a general removal of overgrowth and general cleanup of the existing landscaping.

NOW, THEREFORE BE IT RESOLVED, considering the foregoing facts, and the applicant's acknowledgments of responsibility, the Board concludes that the site plan application has substantial merit and should be approved subject, however, to all conditions memorialized herein and subject, however to the following additional conditions:

1. The applicant must contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
2. Approval of all appropriate reviewing agencies.
3. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
4. Compliance with the Board Engineer's report and comments at the public hearing.
5. Compliance with all representations made by the applicant at all public hearings, including the testimonies and agreements set out above.
6. Provision of a compliance plan depicting all improvements with subsequent amendments identified by date of approval.
7. Posting any required additional performance and maintenance bonding.
8. Compliance with the conditions of approval set forth in this resolution.

Those Eligible to Vote

Those in Favor

Those Opposed

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Kenneth Murray
Josh Haas
Mark DeBerardinis
John Scarborough
Ray Staszak
Emil Andrae
Harry Corcoran
Mayor Charles Sauter

ATTEST:



MARK DEBERARDINIS, SECRETARY

JOINT LAND USE BOARD:



KENNETH MURRAY, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Joint Land Use Board at a meeting held on the 7TH day of October, 2024.



MARK DEBERARDINIS, SECRETARY