

04-2022 (1)
RESOLUTION# 03-2022

A RESOLUTION OF THE OF THE COMBINED LAND USE BOARD OF BELLMAWR
MEMORIALIZING APPLICATION FOR SITE PLAN AND VARIANCE APPROVAL FOR
SPEED GAS TRADING AS SPEED GAS BELLMAWR LLC, 132 NORTH BLACK HORSE
PIKE, BLOCK 83, LOT 12.01.

WHEREAS, on April 4, 2022, consideration was given to the application of Speedy Gas Station trading as Speed Gas Bellmawr LLC for site plan and variance approval; and

WHEREAS, George J. Botcheos Esquire on behalf of the applicant, testifying was the owner-operator Sukhjinder Singh, managing member, Douglas Frohock representing Allen Oil the applicant's subcontractor for a propane gas dispenser and enclosure and James Clancy, applicant's engineer. No public appeared to testify. Testimony was taken from the board planner/engineer Steven Bach.

Initially, the application sought site plan approval and variances required by the installation of a 1,000-gallon propane refill station with an enclosure sized 17 feet by 22 feet which intruded into the 25-foot setback. It was revised during the hearing as detailed below:

The applicant produced substantial credible testimony that the setback relief was appropriate on the following bases:

1. Promotes the general welfare because the proposed is particularly suited for the proposed use and poses no detriment to the public good.

2. It was not inconsistent with the intended purpose of the master plan and zoning ordinance and would not impair the intent and purpose of the zone plan.

3. The property is located within the Borough of Bellmawr's Commercial 'C' Zoning District. The following sets forth the bulk standards for the zone:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Conforms</u>
Min Lot Size (SF)	15,000	30,520	30,520	Yes
Min Lot Width (Ft)	125	200	200	Yes
Min Setbacks (Ft)				
Front	55	36.1*	36.1*	No
Side	15	12.0*	12.0*	No
Rear	10	10.6	10.6	Yes
Occupied Area %	80	87.87*	87.87*	No
Max Bldg Ht. (Ft)	35	<35	<35	Yes
Trash Enclosure Setback (Ft)	5	<5	<5	Yes

*Indicates existing non-conformance

4. The board imposed reasonable conditions to reduce the detrimental effects, if any.
5. The state regulations of the proposed use were proven to be intensive and pervasive although they did not preempt the board's legitimate planning and zoning prerogatives.

6. The present use of the premises is as a gas station and the proposed use augments that and is a customary accessory use for tank refilling at gas stations.

7. James Clancy, the applicant's engineer, described the site plan and answered questions from the board. He agreed to satisfy all conditions of the Board Engineer's report of March 24, 2022.

8. Mr. Bach commented regarding his report.

9. A substantial discussion ensued concerning issues particularly related to the existence of two non-permitted storage trailers on the subject property. Ultimately, it was decided that these trailers would have to be removed forthwith as a condition of the amended site plan approval which condition was accepted by the applicant. Other conditions were likewise agreed to as follows:

- a. The dumpster would require a trash enclosure.
- b. The enclosure would be a chain link fence with vinyl slats for opacity. The details for which would be subject to the review and approval of the Board Engineer.
- c. Both storage trailers would be removed.
- d. The storage trailer to the immediate rear of the existing building was presently being used for storage of parts, tires, et cetera.
- e. As a further condition of the approval, the applicant was permitted to amend their site plan application to provide for and allow a single-story structure on the exact footprint as the existing trailer with an external finish consistent with the existing building all subject to revised plans subject to the review and approval of the Board Engineer and further subject to all other necessary permits.
- f. The applicant agreed as a final condition of the approval to provide all the documentation and reviews from the state regulatory agency testified to by Mr. Frohock which shall be subject to the review and approval of the board engineer for substantial consistency with the terms and conditions of this approval.

NOW, THEREFORE BE IT RESOLVED, considering the foregoing facts the Board concludes the applications have substantial merit and shall both be approved subject however to the following conditions:

1. The applicant's engineer must make appropriate revisions to the subdivision plan pursuant to the Planning Board action.
2. Ten (10) copies of the final site plan shall be submitted to the Board Engineer's Office for review, approval and signature.
3. The applicant is notified that if an inspection escrow and performance bond is required for this application and an estimate for all on/off site improvements (excluding structures) must be reviewed and approved by the Planning Board Engineer. The inspection escrow must be posted prior to the issuance of any building permits.
4. The applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
5. No work is to start until a preconstruction conference is held. The preconstruction conference shall be scheduled with the Borough Engineer's office.
6. Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department, Water and Sewer Department. (If required).
7. Compliance with all Borough, County, State and Federal rules, regulations and ordinances.
8. Compliance with the Board Engineer's reports and comments at the public hearing.
9. Compliance with all representations made by the applicant at all public hearings, including but not limited to the factual findings in Paragraphs 1-9 above.
10. Compliance with all terms and conditions of all prior approvals except as is specifically modified herein.
11. Provision of a compliance plan depicting all original improvements with subsequent amendments identified by date of approval.
12. Posting of any required additional performance and maintenance bonding.

The Board further concludes that the request for C-Variances is appropriate based upon the testimony aforesaid. Accordingly, the applicant has satisfied the positive criteria of N.J.S.A. 40:55D-70(c) with respect to variances and further there is no evidence whatsoever in the record that would indicate a substantial detriment to the public good or substantial impairment of the intent and purpose of the zoning plan or zoning ordinance. Hence, the Board concludes that the applicant has satisfied the negative criteria of N.J.S.A. 40:55D-70(c).

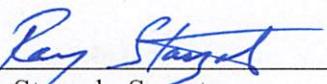
Those Eligible to Vote

Those in Favor Those Opposed

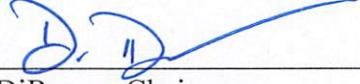
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ATTEST:

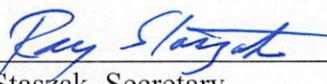

Ray Staszak, Secretary

BOROUGH OF BELLMAWR
PLANNING BOARD:


Dan DiRenzo, Chairman

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Bellmawr Planning Board at a meeting held on the 2nd day of May, 2022.


Ray Staszak, Secretary