

## RESOLUTION 2025-11

### TOWNSHIP OF WILLINGBORO PLANNING BOARD RESOLUTION MEMORIALIZING THE GRANT OF A MINOR SUBDIVISION WITH BULK VARIANCES AND WAIVERS FOR PROPERTY KNOWN AS 320 BEVERLY RANCOCAS ROAD, BLOCK 16, LOT 8

**WHEREAS, BK VESMIN, LLC** (hereinafter, the “Applicant”), submitted an application to the Township of Willingboro Planning Board (hereinafter, the “Board”), for a minor (2-lot) subdivision, along with bulk “c” variances and waivers (the “Project”), for the property known as Block 16, Lot 8 on the Official Tax Map of the Township of Willingboro, being commonly known as 320 Beverly Rancocas Road (hereinafter, the “Site”), and

**WHEREAS,** the Board held a public hearing on the application at its regular meeting of November 10, 2025, for which the Board provided notice in compliance with the New Jersey Open Public Meetings Act, and the Applicant provided notice in compliance with N.J.S.A. 40:55D-12; and

**WHEREAS,** the Applicant was represented by Jay Mintzer, Esquire of Cherry Hill, New Jersey; and

**WHEREAS,** the Board reviewed and considered the materials submitted by the Applicant, including:

1. The Application form, checklists and cover letter.
2. February 3, 2025 “Plan of Survey” by Scott D. Brown, P.E., P.L.S.
3. March 10, 2025 “Plan of Minor Subdivision”, prepared by Mr. Brown.
4. Proposed “Cross Access and Utility Easement Agreement” between the Applicant and the Site Owner.
5. A two-page “List of Variances and Waivers Requested”, enumerating the specific Land Use Ordinance sections and submission requirements from which the Project would require relief; and

**WHEREAS,** the Board also reviewed and considered Planning Board Resolution 9-1988, which approved the development of a Burger King restaurant on the portion of the Site now proposed for subdivision as Lot 8.01, Mr. Mintzer’s September 18, 2025 correspondence regarding the development and operations at the Site since the late 1960s, Board Engineer Carl Turner’s November 5, 2025 Review Letter and Board Counsel Richard DeLucry’s Review Letter of that same date; and

**WHEREAS,** the Applicant presented sworn testimony from Mr. Mintzer and from the Project Engineer Scott D. Brown, P.E., P.L.S., and introduced one Exhibit “A-1”, which was a rendering of the March 10, 2025 “Plan of Minor Subdivision”; and

**WHEREAS,** Mr. Mintzer began by providing the Board with the relevant history of the development of the Site and the circumstances leading to the present application. The Site was

organized as a condominium pursuant to a Master Deed filed in 1967, and developed over the next several years with three similar buildings containing a total of 39 condominium units. In 1988, the Planning Board approved the development of a Burger King restaurant on a leased portion of the Site nearest Beverly-Rancocas Road. That building was incorporated as Building 4 of the condominium. Mr. Mintzer explained that over time, it became obvious that the condominium association was unable to provide proper services to Building 4, and issues arose between the association and the Burger King tenant, about the amount and allocation of condominium dues. Mr. Mintzer testified that the condominium association and the Applicant have concluded that the best solution would be to subdivide the "Burger King" portion from the rest of the Site, removing it from the condominium regime and creating a separate and self-sufficient lot. He further testified that the condominium association has authorized all elements of this application and the contemplated transaction; and

**WHEREAS,** Mr. Brown was recognized by the Board as an expert in civil engineering, and described the physical features of the Site and the existing improvements. He noted that the proposed subdivision would create two lots from the one existing lot, but that there would be no physical changes to the Site or to the improvements now in place. He testified that the association and the owner of the proposed new lot 8.01 would enter into an appropriate form of easement agreement for continuation of their shared access, utilities and parking; and

**WHEREAS,** Mr. Brown addressed the standards governing the grant of the requested relief, noting in particular that the variances requested can be viewed under the standards of NJSA 40:55D-70c(1)c, as the strict application of the subject bulk standards would create an undue hardship in light of the shape and size of the fully-developed Site and the number and location of its buildings and other improvements. He further testified that the subdivision would have no detrimental impact to the public good or to the Township's zone plan and ordinance, as the overall site will be physically and operationally unchanged, and the transaction between the parties will lead to better maintenance and upkeep of both subdivided parcels; and

**WHEREAS,** one person spoke during the public portion. Patricia Lindsay-Harvey thanked the Board for its diligence, questions and analysis of the Application; and

**WHEREAS,** the Board after due consideration of the testimony and documentary materials described above, makes the following findings of fact:

1. The Site is located in the B-2 (business) zoning district, where the existing commercial uses are permitted.
2. The existing lot is undersized. While the proposed subdivision will result in lots which are also undersized, the other resulting bulk variances are either existing non-conformities, or affect only the two subdivided lots-there are no new variance conditions impacting properties adjoining the Site.
3. The proposed subdivision will not result in any changes to the nature, location or size of any existing uses, buildings or other improvements, and the Site post-subdivision would continue to operate the same as before. The Applicant and the

Site Owner can continue sharing of existing infrastructure and services through an appropriate form of easement agreement.

4. The proposed subdivision will allow the condominium association to resolve a long-standing dispute about the level of maintenance provided to the Applicant's portion of the Site. That will free association assets to better maintain the remaining condominium property, while the Applicant can provide enhanced maintenance and upkeep to its newly-subdivided portion of the Site.
5. The variances and submission waivers requested are reasonable in light of the fact that there will be no changes to the existing uses, improvements or methods of operation for the Applicant, or for any of the other business owners or tenants on the Site.
6. The other concerns expressed by the Board, the Engineer and the public, can be addressed through the imposition of appropriate conditions on the approval.

**NOW THEREFORE**, upon consideration of the evidence presented, the Willingboro Township Planning Board finds that the Applicant has satisfied the requirements for the grant of minor subdivision approval to create two new lots 8 and 8.01 from existing Lot No. 8 in Block 16, and the resultant variances and waiver requests as contained in the Applicant's "List of Variances and Waivers Required", which is attached as Exhibit 1 to this resolution and incorporated by this reference. The Board concludes that the application will promote the general welfare of the community by facilitating enhanced upkeep, maintenance and operational efficiency of a significant commercial property, and that the proposed subdivision will not present any substantial detriments to the public good or to the Township's zone plan and ordinance, and accordingly the Board upon motion by Mayor Samantha Whitfield, seconded by Darryl Curtis hereby APPROVES the application of BK Vesmin, LLC, subject to the following Conditions:


1. Applicant and/or the Site Owner, as appropriate, will advise the Board of any planned changes to the uses, building footprint(s) or other improvements at the Site, and must obtain all necessary approvals for such changes. Applicant shall obtain and provide the Board with the Site Owner's written confirmation that it will be bound to this condition.
2. Applicant will perfect the subdivision by Deed, and will provide the Board's Engineer and Counsel with a copy of the Deed for their review and approval before recording.
3. Applicant will enter into and record a Cross Access and Utility Easement agreement with the Country Club Plaza Association in a form approved by the Board's Engineer and Counsel.
4. Applicant will obtain and provide the Board's Counsel with a statement from the President or other authorized representative of the Country Club Plaza Association, and such other documentation as Board Counsel may require, to confirm that the Association approved all aspects of the Application and has fully complied with all substantive and procedural requirements of the applicable condominium documents.

5. Applicant shall obtain all other required approvals.
6. Applicant shall be bound by all representations made on its behalf at the hearing.

Board Member	YES	NO	N.V.	A.B.	MOT	SEC
D. CURTIS	x					x
K. DAVIS , Chair	x					
M. TURNER	x					
S. WHITFIELD	x				x	
G. LAWERY III				x		
M. NOCK, Vice Chair				x		
K. McINTOSH				x		
A. AVANT	x					
<b>X – Indicates Vote    NV – Not Voting    AB – Absent    MOT – Motion    SEC - Second</b>						

Approved: November 10, 2025

Memorialized: December 8, 2025

  
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 Kimbrali Davis, Chairwoman

Attest:

  
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 Planning Board Secretary

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