

RESOLUTION
TOWNSHIP OF CHERRY HILL ZONING BOARD OF ADJUSTMENT
APPLICANT'S NAME: S&P Cherry Hill, LLC
APPLICATION NO.: 19-Z-0026 (PBC 9999)

WHEREAS, the Applicant, S&P Cherry Hill, LLC, as equitable owner of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located at 1900 Route 70 East, 1803 and 1807 Springdale Road, and designated as Block 470.01, Lots 14, 15, 16, and 18 on the tax maps of the Township of Cherry Hill, has filed a bifurcated application for a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit a 13,111+/- square foot CVS Pharmacy.

WHEREAS, after a public hearing held on September 19, 2019, the following initial findings of facts were made, to wit:

1. The Applicant has requested a bifurcated use (d)1 variance to permit a 13,111+/- square foot CVS Pharmacy, which is classified as a retail use in the Limited Office (O1) Zone, where such use is specifically prohibited pursuant to §411.D of the Zoning Ordinance.
2. The sites are all located in the Limited Office (O1) Zone and are approximately 1.873 acres in aggregate size.
3. The sites are located in the northeastern portion of the Township at the intersection of New Jersey State Highway (N.J.S.H.) Route 70 and Springdale Road (County Route [CR]-673). Most other users in the vicinity of the site are also zoned Limited Office (O1) and are used for offices including small offices to the east and the entrance to the Executive Mews Office development to the north. Properties to the south and across Route 70 are also zoned Limited Office (O1). Camden County College is located caddy-corner to the site and is zoned Institutional (IN). The properties east of Springdale Road are zoned Highway Business (B2) and include an Exxon Gas Station and a mix of office and retail uses.
4. A detailed account of the sites' history is set forth on pages 1 and 2 of the Department of Community Development review letter dated August 13, 2019, which is incorporated herein by reference.
5. The Applicant has requested a use variance pursuant to N.J.S.A. 40:55D-70d(1) and from Section 411.B to permit a 13,111+/- SF CVS Pharmacy, which is classified as a retail use, in the Limited Office (O1) Zone, where such use is specifically prohibited per §411.D in the Zoning Ordinance.
6. The Applicant was represented by Jeffrey I. Baron, Esquire of Baron & Brennan, P.A.
7. The Applicant presented the testimony of the following witnesses at the public hearing:
 - a. Ahmad Tamous, PE, Engineer;

- b. Nathan Mosley, PTOE, PE, Traffic Engineer;
 - c. Creigh Rahenkamp, PP, AICP, Planner;
 - d. Greg DiBona; and
 - e. John Cogan, a representative of CVS.
8. A complete list of the plans and documents submitted by the Applicant in support of this application is specified on pages 2 and 3 of the Department of Community Development review letter dated August 13, 2019. In addition, the Applicant introduced the following exhibits at the public hearing:
 - a. A-1 - Aerial of Site and Surrounding Properties;
 - b. A-2 - Proposed Site Plan;
 - c. A-3 - Architecture Elevations; and
 - d. A-4 - ALTA Survey of Property (subsequently withdrawn).
 9. Comprehensive review letters were issued by the Department of Community Development dated August 13, 2019, and by Environmental Resolutions, Inc., the Zoning Board Engineer, dated August 26, 2019. Said letters are on file with the Zoning Board Secretary and are incorporated herein by reference.
 10. The Zoning Board presented the testimony of Lorissa Luciani, PP, AICP, Director of the Department of Community Development, and C. Jeremy Noll, PE, CME, the Zoning Board Engineer, both of whom testified with regard to their respective review letters which were made a part of the record in evidence in this matter.
 11. Christopher Norman, Esquire of Platt & Riso, P.C. appeared on behalf of 1908 Marlton Pike East, LLC, and its owner, Ari Goldberg, of the adjacent property located at 1908 Route 70 East. Mr. Goldberg presented testimony in opposition to the application, as well as expert testimony from Mr. Al Litwornia, PE, PP and Mr. Michael Kauker, PP.
 12. Public notice of the hearing was provided in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12.

WHEREAS, Mr. Baron, attorney for the Applicant, introduced the application and provided an overview of the relief requested, including that the Applicant seeks a use variance to permit a retail pharmacy (CVS) on properties located within the Limited Office (Ol) zone.

WHEREAS, Mr. Baron further noted that the Applicant has chosen to bifurcate the application and apply for preliminary and final major site plan approval at a later time should it receive an approval for the use variance.

WHEREAS, Mr. Baron further noted that the current use of the site is a mixture of retail and office and that the existing buildings would be demolished and a new building and parking lot would be constructed.

WHEREAS, Ahmad Tamous, P.E., testified that he is a professional engineer licensed in New Jersey, and provided an overview of his background, education, and qualifications. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Tamous testified that the Applicant seeks to consolidate four (4) existing parcels of land into one (1) parcel.

WHEREAS, Mr. Tamous testified that to the north and east of the site were existing office uses, to the west was a gas station, and to the south was a bank.

WHEREAS, Mr. Tamous testified that two (2) existing access points on Route 70 would be consolidated to one (1) access point, and that three (3) existing access points on Springdale Road would be consolidated into one (1) access point. He stated that this constituted an improvement over the existing conditions.

WHEREAS, Mr. Tamous testified as to the proposed lot consolidations, the construction of a 13,000+/- square foot CVS store, and the parking lot, all of which are compliant with all of the Township Zoning Ordinances. Mr. Tamous further testified that there would be an overall increase in open space and landscaping as compared to the existing conditions.

WHEREAS, Mr. Tamous testified that the number of parking spaces totaled 53 where 45 parking spaces are required, and that while a lighting plan has not yet been prepared the Applicant proposes to utilize wall pack lights on the building and light poles in the parking lot that would also be compliant with the Township zoning ordinance.

WHEREAS, Mr. Tamous testified that there would be a drive through pharmacy and by pass lane located along the side of the building (east elevation), a loading area would be provided along the rear of the building (north elevation), and the majority of the parking would be located in front of the building (south and west elevation). Mr. Tamous further testified that the parking behind the building would generally be reserved for employees.

WHEREAS, Mr. Tamous testified with regard to the architectural elevations for the site noting that CVS made a departure from their standard building design for this site and proposed a prototype to meet the Township's request that the building have a more colonial design that was similar to the design of buildings on surrounding properties.

WHEREAS, Mr. Tamous testified that they had reduced the amount of signage on the building and added more windows, and that the proposed building would also be brick and vinyl as opposed to the all brick buildings which they typically design. Mr. Tamous further testified that the trash enclosures would be attached to the building.

WHEREAS, Nathan Mosley, PTOE, PE, testified that he is a professional traffic engineer licensed in New Jersey, and provided an

overview of his background, education, and qualifications. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Mosley testified as to the traffic impacts of the proposed use, noting again that the two curb cuts currently located on Route 70 would be reduced to one right in/right out only access point and that three existing curb cuts on Springdale Road would be reduced to one left in, right in/right out only access point.

WHEREAS, Mr. Mosley testified that all of the frontage associated with the lot is under NJ DOT jurisdiction and that there was a pre-approval meeting held with NJDOT where the Applicant's proposal to consolidate the access points was favorable to the NJ DOT and that it would likely allow the left turn in from Springdale Road since it was an existing condition.

WHEREAS, Mr. Mosley testified that the left turn in on Springdale Road was safe because there is very little northbound traffic when the Route 70 light is active and there is a dedicated left turn lane for turns onto Route 70 so there is also no northbound traffic when the left turn lane light is active.

WHEREAS, Mr. Mosley testified that the traffic counts were conducted in June 2019 during peak traffic hours on weekdays and on Saturdays. He added that trip generation for retail pharmacies like CVS are approximately 50 trips in the AM peak hours and 120 trips during the PM peak hours and on Saturday peak. Mr. Mosley further testified that many of these trips are pass-by trips as well, not specific trips to CVS; that is, customers stop on their way to another destination.

WHEREAS, Mr. Mosley testified that this is an increase of about 0.5% to the existing traffic counts in the AM; just over 1% during the PM peak on Route 70; just under 1% during AM peak and just over 1% during the PM peak on Springdale Road. Mr. Mosley further testified that the impact was similar on the weekend, and when compared to a general retail use and to a general office use that is permitted in the O1 zone, that there was no comparable difference.

WHEREAS, Mr. Mosley testified that there would be minimal stacking even during peak hours out onto Route 70 with a maximum of one car queuing to turn onto Route 70. Mr. Mosley further testified that there would be little to no queuing out of the Springdale Road access point because there is very little northbound traffic there, especially if the Route 70 light is active.

WHEREAS, Mr. John Cogan provided factual testimony regarding the operations of CVS on the site.

WHEREAS, Mr. Cogan testified that the store would have the standard hours of 8am to 10pm, and that the peak number of employees would be 10-12, with fewer in the morning and the evening.

WHEREAS, Mr. Cogan testified that deliveries are typically made once per week by tractor trailer, with smaller deliveries made by outside vendors periodically throughout the week. Mr. Cogan further testified that CVS deliveries usually take about 30 to 45 minutes to unload and smaller vendors usually take about 15 to 20 minutes.

WHEREAS, Mr. Cogan testified that deliveries are only made during open hours and that should more than one vendor at a time be on the site, the loading zone can accommodate a full tractor trailer and a small vendor truck could que behind it without blocking anything or other vehicles.

WHEREAS, Mr. Cogan testified that truck traffic would enter from Route 70 and use the drive through bypass lane to access the rear of the property, pull into the loading zone in the rear of the building, and then leave by turning right onto Springdale Road.

WHEREAS, Mr. Cogan testified that maintenance of the site is contracted out and supervised by the store manager and regional manager.

WHEREAS, Mr. Cogan testified that the closest pharmacy is located about 1 mile from this site at the intersection of Route 70 and Covered Bridge Road, but it is a small, locally owned store, that is only a pharmacy and does not provide the array of products found in a CVS.

WHEREAS, Mr. Cogan testified that noise during deliveries is negligible as the trucks are not refrigerated and do not otherwise idle.

WHEREAS, Mr. Cogan testified that there are a variety of security measures used by the stores, such as cameras inside and outside of its buildings.

WHEREAS, Mr. Cogan testified that employees would park in the spaces furthest from the front of the store.

WHEREAS, Mr. Cogan testified that while they were providing more parking than required, the parking amount is actually reduced from past CVS design requirements in order to be able to provide for less impervious surface.

WHEREAS, Mr. Cogan testified that the parking lot lights would turn off in compliance with the Township Ordinance.

WHEREAS, Mr. Cogan testified that they do provide carts for customers, but they are small carts that are not really meant to go outside, though they periodically clear the parking lot just in case someone has taken a cart outside the building.

WHEREAS, Creigh Rahenkamp, PP, AICP, testified that he is a professional planner licensed in New Jersey, and provided an overview of his background, education, and qualifications. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Rahenkamp testified that he relies upon and incorporates by referenced as if fully stated all of the information presented by other experts and witness in support of the use (d) variance request.

WHEREAS, Mr. Rahenkamp testified that he agreed with any planning testimony that was put on the record by Mr. Tamous and Mr. Mosley.

WHEREAS, Mr. Rahenkamp testified that there are benefits for granting the use variance, including the consolidation of a number of small non-conforming lots into one lot that conforms within the requirements of the zone, as well as a reducing the number and variety of the uses on those lots.

WHEREAS, Mr. Rahenkamp testified that the improvements on the lot are a classic site improvement argument as the new building and landscaping on the lot will replace four older buildings that are non-conforming and will lead to an improved aesthetic at a major intersection in Cherry Hill.

WHEREAS, Mr. Rahenkamp testified that there will be a reduced amount of lot coverage from 75% to 62% and there will be improvements to stormwater management on the site.

WHEREAS, Mr. Rahenkamp testified that they are requesting a use variance for a retail use and stated that the current use on the site has been retail uses which have been there for over 50 years.

WHEREAS, Mr. Rahenkamp testified that the reduction in the number of driveways would improve circulation and safety at this intersection.

WHEREAS, Mr. Rahenkamp testified that constructing a retail pharmacy here enriches the network within the community so local residents and drivers already on the road do not need to travel as far or drive out of their way to reach a similar use, so it helps to reduce overall vehicle miles travelled.

WHEREAS, Mr. Rahenkamp testified that the number of medical offices located in the area and the recent increase in such uses increases the need for uses such as a pharmacy.

WHEREAS, Mr. Rahenkamp testified that the willingness of the Applicant to adapt the building design to be more in context with the surrounding architecture, creates a site that integrates well into the community.

WHEREAS, Mr. Rahenkamp testified that as to the potential detriment of the proposed use, noting that there are no adjacent residential uses that would be impacted by such a use; there are no violations of the performance standards of the Township Zoning Ordinance that may cause a nuisance to the surrounding properties, and the proposed user has

provided for a diligent maintenance plan to ensure that the site remains clean and safe for its patrons and surrounding properties.

WHEREAS, Mr. Rahenkamp testified that the application meets a number of the public purposes of zoning as provided for in the MLUL, including N.J.S.A. 40:55D-2.i., to promote a desirable visual environment by improving the conditions on the site; N.J.S.A. 40:55D-2.h., to encourage the location and design of transportation routes which will promote the free flow of traffic, which is accomplished by reducing the number of curb cuts on Route 70 and Springdale Road creating less confusion for drivers and reducing the number of turning movements; and N.J.S.A. 40:55D-2.m., to encourage the coordination of the various public and private procedures shaping land development, and the more efficient use of land, which is accomplished by consolidating a number of non-conforming lots and proposing a use that is suitable to this location despite the existing zoning.

WHEREAS, Mr. Rahenkamp testified with regard to the positive criteria required for a use (d) variance. He stated that the site is particularly suited to the use, the aesthetics of the site will be significantly improved which can be considered as part of the positive criteria, and the proposed improvements correct a number of existing bulk (c) variances currently existing on all four properties.

WHEREAS, Mr. Rahenkamp testified with regard to the negative criteria for use (d) variances and stated that there is no detriment to the surrounding properties as it is in conformance with the bulk requirements of the ordinance and is aligned with existing uses surrounding the property. Mr. Rahenkamp further testified that the site will become more visually similar to surrounding sites which furthers the goals of the master plan.

WHEREAS, the Applicant, by and through its attorney, represented that it would comply with all the comments and conditions of approval noted by the Department of Community Development and the Zoning Board's Engineer, Environmental Resolutions, Inc.

WHEREAS, Christopher Norman, Esquire, on behalf of the objector, provided an overview of the arguments and testimony that would be presented. Specifically, Mr. Norman stated that the Township's new Master Plan made a strong statement about the O1 zone when it noted that no changes were recommended to the zone, which must mean that retail is still strongly discouraged in the O1 zone.

WHEREAS, Mr. Norman further stated that retail was only approved through a use variance in 1975, that no testimony was put on record in regard to the enhanced criteria, and that his client was approached to share a curb cut and then the Applicant withdrew the request.

WHEREAS, Mr. Goldberg testified that he has been operating his law firm in the adjacent property for 10 to 11 years and that he only has 8 parking spaces, that there is a high traffic in that area, that it is difficult to make a right turn onto Route 70 from exiting the site, that

his parking lot has been used by customers of many of the adjacent uses, especially the Executive Mews, that he believes a CVS will add significantly to the traffic at this intersection, and that the testimony of the Applicant is nonsense.

WHEREAS, Mr. Goldberg testified that he believes this development will be a detriment to his property value, that it is unsafe due to the many traffic accidents at this intersection, and that there is no need for another CVS in Cherry Hill.

WHEREAS, Mr. Al Litwornia, PE, PP testified on behalf of 1908 Marlton Pike LLC, that the master plan spoke specifically in regard to not allowing drive through uses in this area. Mr. Litwornia further testified that the proposed curb cut is not a safe distance from the curb cut for access to 1908 Route 70 East, that a general office use which is permitted in the O1 zone would create much fewer trips than the proposed CVS, and that the truck traffic going adjacent to Mr. Goldberg's property would create a noise violation due to the proximity of the bypass lane to the structure on 1908 Route 70 East.

WHEREAS, Mr. Michael Kauker, PP also testified on behalf of 1908 Marlton Pike LLC, that the proposed use does not reconcile with the 2018 Master Plan adopted by the Planning Board and does not meet the use (d) variance proofs as required.

WHEREAS, Mr. Norman was given an opportunity to cross-examine the Applicant's witnesses.

WHEREAS, Mr. Baron was given an opportunity to cross-examine the objector's witnesses.

WHEREAS, Lorissa Luciani, P.P. and Director of the Department of Community Development testified on behalf of the Department of Community Development and confirmed all of the comments and conditions contained in the Community Development review letter dated August 13, 2019.

WHEREAS, Mr. C. Jeremy Noll, P.E., testified as to the Environmental Resolutions, Inc. review letter dated August 26, 2019, which sets forth his conditions and comments that are required in order to approve this application.

WHEREAS, the Applicant testified that it will comply with all of the proposed conditions set forth in said Department of Community Development and Environmental Resolutions, Inc. review letters and will agree to the proposed conditions imposed by the Zoning Board; all of which will be included in the Resolution.

WHEREAS, the development plans have been reviewed by the Department of Community Development (whose findings and reports are incorporated herein and made a part hereof), and have been found to be in compliance with the Development Control Regulations of the Township except as noted in the Community Development report of August 13, 2019, and the Environmental Resolutions, Inc. report of August 26, 2019.

WHEREAS, from the submissions made by the Applicant, the testimony and evidence presented by the Applicant, the testimony and evidence of all interested parties, and based upon the entire record, the following further findings of facts and conclusions of law were made:

1. All of the initial findings of facts as set forth in Paragraphs 1-12 are hereby incorporated by reference herein as further findings of facts.
2. Based upon the testimony and evidence presented by the witnesses and experts, the Zoning Board makes the following further findings of facts and conclusions of law and imposes the following conditions as set forth herein below.
3. The Zoning Board has considered all of the testimony set forth in the foregoing "WHEREAS" paragraphs contained on pages 2 through 8 and have given appropriate weight to said testimony in making its findings of facts.
4. The Zoning Board has reviewed and considered the relevant portions of the Zoning Ordinance, Municipal Land Use Law, exhibits, testimony, and other pertinent documents and authority submitted in this matter and has considered the requested use variances, including the positive and negative criteria as set forth in the MLUL, and in the relevant court decisions and as testified to creditably by the Applicant's professionals.
5. The Zoning Board finds and accepts as credible the testimony of Lorissa Luciani, its Professional Planner, and C. Jeremy Noll, its Professional Engineer and adopts in full all of the conditions and comments set forth in their respective review letters.
6. The Zoning Board finds and accepts as credible the testimony of the Applicant's professionals and in making its decision, gives substantial weight to said testimony including the Applicant's Planner who summarized the positive and negative criteria which included the consolidation of four (4) small non-conforming lots into one (1) lot, increasing the amount of open space, eliminating numerous existing curb cuts and access points to and from the existing site, improving site circulation and safety at a busy intersection and constructing a new building to replace four (4) older non-conforming buildings.
7. The Applicant has sustained its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden regarding the negative criteria of the statute which includes that the benefits of granting the variances substantially outweigh the detriments to the public good and that the variances can be granted without any substantial impairment to the zone plan or Zoning Ordinance of the Township.

8. The Applicant has affirmatively proved, produced and introduced sufficient testimony and evidence to sustain its burden of proof regarding the positive and negative criteria of the statute to justify the requested use variance and that the impact of the proposed application on the Township, the adjacent properties, and the surrounding area will not constitute a substantial detriment to the public good or the surrounding area.
9. The Zoning Board has reviewed and considered the relevant portions of the Zoning Ordinance, Municipal Land Use Law, exhibits, testimony of all of the witnesses and other pertinent documents and authority submitted in this matter including the positive and negative criteria as set forth in the MLUL and has found that the site is particularly suited for this proposed use, and the relevant Sica balancing test to be applied as required by the legal authorities have been satisfied.
10. The individual members of the Zoning Board have set forth their specific reasons on the record in this matter as to the basis for granting the use variance as requested by the Applicant. These reasons include, but are not limited to, the fact that this site is particularly suited for the proposed use; that, on balance, the positive factors substantially outweigh any detriment to the public good; that the Applicant has represented and has provided testimony concerning the proposed architectural elevations, aesthetic designs of the buildings, types of material to be used in construction, landscaping and lighting, improvements to the access to the site and eliminating numerous existing curb cuts. These representations as well as the other on-site improvements are all an integral and critical component of the Zoning Board's deliberations with regard to the requested use variance and have been relied upon by the Zoning Board as placed on the record by the Applicant.
11. With regard to the application for a use variance to permit a retail use in the 01 Limited Office Zone where such a use is not permitted, the Zoning Board finds:
 - a. The Applicant has satisfied its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden requiring the special reasons to grant the requested use variance, to wit the site promotes the general welfare in that:
 1. this use will promote a desirable visual environment by improving the conditions on site;
 2. it will promote the free flow of traffic by reducing the number of curb cuts on Route 70 and Springdale Road creating less confusion for motorists;

3. it will promote more efficient use of the land by consolidating a number of non-conforming lots;
 4. it will improve the ingress and egress to the site as existing and it will not create any substantial impairment or negative impact to the site; and
 5. the site is particularly suitable for a retail use inasmuch as it promotes several specific purposes of zoning set forth in the MLUL, including N.J.S.A. 40:55D-2.1, 2.h and 2.m.
- b. The Applicant has sustained its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden regarding the negative criteria, that the application can be granted without a substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance, to justify the requested use variance, to wit:
1. there are no adjacent residential uses in the vicinity that are impacted by this use; and
 2. this site is currently used as retail uses for over 50 years; and
 3. the traffic impact from the proposed development will be nominal and that the two (2) curb cuts on Route 70 will be reduced to one (1) and three (3) curb cuts on Springdale Road will be reduced to one (1).

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all the testimony and proofs presented at the hearing, **BE IT RESOLVED** by the Zoning Board of the Township of Cherry Hill, New Jersey that Application No. 19-Z-0026 by S&P Cherry Hill, LLC for a use variance pursuant to N.J.S.A. 40:55D-70d(1) and Sections 411.B and 411.D to permit a 13,111+/- SF CVS Pharmacy is hereby **GRANTED** by a vote of seven (7) in favor and none (0) opposed, for the reasons set forth on the record in this matter and subject to the following terms and conditions:

1. The use variances from N.J.S.A. 40:55D-70d(1) and Sections 411.B to permit a 13,111+/- SF CVS Pharmacy, which is classified as retail, in the Limited Office (01) Zone, where such use is specifically prohibited per §411.D in the 01 Zone, is hereby granted.
2. The Applicant must obtain preliminary and final major site plan approval together with any bulk variances that may be required together with all supporting documentation.
3. All agreements, conditions, and/or representations made by the Applicant or imposed upon the Applicant as set forth at the hearing

in this matter and/or as contained in the "WHEREAS" recital paragraphs of this Resolution must be fully satisfied by the Applicant in accordance with their terms and the Applicant shall be bound by, including at any subsequent site plan application when submitted, all exhibits introduced, all representations made and all testimony given before the Board at the public hearing in this matter.

4. Any and all other conditions imposed by the Zoning Board at the public hearing must be satisfied by the Applicant.
5. The Applicant shall comply with all of the comments and conditions contained in the August 13, 2019 review letter issued by the Department of Community Development including but not limited to pages 3 and 4, paragraphs B 39, 58, 65, 67 and 68 and the August 26, 2019 review letter issued by Environmental Resolutions, Inc., including, but not limited to, the comments on page 2, General Comments 1-4; Site Circulation/Layout/Parking, paragraphs 1 A-G; page 3 Traffic Assessment, paragraphs 1-6, General Comments for Site Plan Submission, paragraphs 1-11, all of which are incorporated herein and made a part hereof at length by reference.
6. The Applicant understands that the granting of this use variance does not assure the Applicant that the Zoning Board will grant any bulk variances or relief from conditions that may be necessary for its site plan approval.
7. The Applicant understands that since it requested bifurcation of the Application and thereby deprived the Zoning Board from having full submission of the Applicant's site plan; that the Zoning Board is not obligated to grant any further bulk variances.
8. The Applicant shall submit architectural elevations, including front, side and rear elevations, and renderings acceptable to the Department of Community Development and the Zoning Board at the time of submitting for site plan approval.
9. The Applicant shall consolidate all lots and provide a deed of consolidation to the Department of Community Development, Zoning Board Engineer and Zoning Board Attorney for their advance review and approval. A lot consolidation plan, legal descriptions, and easements, including any required cross access and parking easements, of the consolidated lot shall be required with the filing of any site plan application. Any new lot number and/or address shall be assigned by the Cherry Hill Tax Assessor.
10. The Applicant shall, along with its site plan application, submit a landscape plan with plantings sufficient to buffer the view of any parking accommodations from the roadway and adjacent non-residential uses.
11. No sign variances are requested or granted as part of this use variance application.

12. If requested by the Department of Community Development, the Applicant shall meet with the Department of Community Development, Zoning Board Engineer and Zoning Board Attorney for a concept workshop prior to submission with its site plan application.
13. The Applicant shall obtain all outside agency approvals, including New Jersey Department of Transportation.
14. The Applicant is hereby notified that prior to the issuance of any zoning permits:
 - a. All taxes and assessments shall be paid on the property for which this application is made. The Applicant shall submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made.
 - b. Any and all conditions made a part of this approval, including those noted by reference in any reports of any consultants to the Zoning Board or as set forth on the record at the Zoning Board hearing must be satisfied.
 - c. Zoning approval must be obtained from the Department of Community Development.
 - d. The Applicant shall pay all required escrows, costs and professional fees associated with the application to the Department of Community Development within fourteen (14) days of receipt of a written request for payment of escrow funds. The failure to pay the required escrow funds within the fourteen (14) day period after receipt of written notice may result in the voiding of this approval. Negative escrow account balances shall incur interest at the rate of 1½% per month.
 - e. Any required sign permits shall be obtained by the Applicant.
15. The Applicant shall obtain all necessary and required outside agency permits and approvals including, but not limited to the following:
 - a. New Jersey Department of Transportation;
 - b. NJ Department of Environmental Protection;
 - c. Camden County MUA;
 - d. Camden County Soil Conservation District;
 - e. Cherry Hill Township Fire Marshal;
 - f. Cherry Hill Police Department;
 - g. Cherry Hill Code Enforcement;
 - h. Cherry Hill Engineering and Public Works;
 - i. New Jersey American Water; and
 - j. Any other agencies deemed necessary

16. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Zoning Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Township to revoke any permits which have been issued to the Applicant.

DATED: October 17, 2019

ZONING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By: Jacob Richman
Jacob Richman, PP, AICP
Alt. Zoning Board Secretary

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Zoning Board on this 17th day of October, 2019, is a true copy of the action taken by the Board at its meeting held on September 15, 2019.

Jacob Richman
Jacob Richman, PP, AICP
Alt. Zoning Board Secretary