

RESOLUTION
TOWNSHIP OF CHERRY HILL PLANNING BOARD
APPLICANT NAME: LIBERTY PROPERTY LIMITED PARTNERSHIP
APPLICATION NO: PBC-04-P-0025-V

WHEREAS, Liberty Property Limited Partnership, as owners of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located at 7 Carnegie Plaza and designated as Block 468.03, Lot 2 on the tax maps of the Township of Cherry Hill, has filed an application for preliminary and final major site plan approval with variances.

WHEREAS, after a public hearing held on July 6, 2004, the following initial findings of facts were made, to wit:

1. The Applicant has proposed to renovate an existing 90,206 square foot warehouse/office and convert it to office use. Said renovation is to be accomplished in two phases. In Phase One, the prospective tenant, GMAC, will occupy 67,337 square feet for office use in the building. Phase Two, which will be accomplished at a later date, will utilize the remainder of the space, approximately 22,689 square feet. In addition, the Applicant proposes to increase the parking on site from the current 358 parking spaces to a total of 600 parking spaces. The Applicant further proposes other supporting site improvements including the construction of storm water management facilities.
2. The existing building is situated on a 17 acre site which is presently vacant.
3. The property is located in the IR Restricted Industrial Zone.
4. The adjacent properties are also located in the IR zone and contain mixed office, institutional, commercial and warehouse uses.
5. The Applicant has requested variances for the following relief:
 - a. From Article XXIV, Section 2407 to provide a parking setback from the right-of-way on Carnegie Avenue of 16 feet where 20 feet is required. This represents an existing condition.
 - b. From Article XXIV, Section 2407 to provide for a parking setback from non-residential of zero feet to Lot 4 where 5 feet is required. This represents an existing condition.

- c. From Article XXIV, Section 2407.D to provide for one off-street loading dock where 3 loading docks are required.
- d. From Article XXIII, Section 2307.1.A to provide for 2 freestanding signs where one freestanding sign is permitted.
- e. From Article XXIII, Section 2303.1.C to provide for the sign setback of 10 feet where 50 feet from the driveway is required.

WHEREAS, the Applicant testified that it has secured a tenant, GMAC, to occupy 67,337 square feet of space for office use in the existing warehouse building that it intends to renovate for the specifications of GMAC.

WHEREAS, the Applicant has testified that it will create a new entrance in the rear of the building for GMAC which will include one loading dock.

WHEREAS, the Applicant testified that it will expand the parking lots, it will create a discharge basin for storm water and it will install sidewalk along the north side of the building and on Carnegie and Springdale Roads.

WHEREAS, the Applicant testified that it will renovate the existing building to include 32 new windows, provide for the main entrance in the rear of the facility and add 3 new doors.

WHEREAS, the Applicant testified that it will eliminate 4 loading docks and will leave one loading dock which it testified would be sufficient for the entire facility.

WHEREAS, the Applicant testified that as part of Phase Two of the construction, it will complete the renovation to the existing 22,869 square feet for a second tenant to be obtained at a later date, in approximately 18 months.

WHEREAS, the Applicant has testified that there are currently 358 parking spaces on the site and that it proposes to increase parking to a total of 600 parking spaces. In addition, the Applicant testified that it has an agreement with Kings Christian Church to use 70 spaces on the Church lot.

WHEREAS, the Applicant testified that GMAC intends to consolidate 4 other locations into this facility, the purpose of which will be to service mortgages.

WHEREAS, the Applicant testified that GMAC will maintain 2 fully staffed 8-hour shifts from 8:00 a.m. to 9:00 p.m. which will be

comprised of 360 employees. There will also be between 20 to 40 employees on-site from 10:00 p.m. to 11:00 p.m.

WHEREAS, the Applicant testified that the GMAC employees do not double up at a work station and that everybody maintains their own individual work stations.

WHEREAS, the Applicant testified that the GMAC facility will have a total of 464 work stations with an additional 90 or more to be added in the future.

WHEREAS, the Applicant testified that it will immediately install as part of Phase One a small parking lot addition containing 100 spaces in the area of the location of the new front door for GMAC. This parking area will be outside the flood plain.

WHEREAS, the Applicant provided testimony with regard to the traffic situation at the site and made suggestions as to how the increase in traffic can be accommodated, including changing the timing on the existing traffic signal at Springdale Road; prohibiting a left turn onto Springdale from Carnegie during peak hours; no turn on red on Estherbrook to promote gaps in traffic.

WHEREAS, the Applicant testified that it will agree to withdraw, without prejudice, its variance request from Section 2307.1.A to permit 2 freestanding signs.

WHEREAS, the Applicant testified that there will be no façade signs on the building.

WHEREAS, the Applicant testified as to the need for the requested variances.

WHEREAS, the Applicant testified that it will agree to all of the comments and conditions contained in the Department of Community Development report of June 22, 2004.

WHEREAS, the development plans have been reviewed by the Planning Board Engineer and 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 engineering criteria and Development Control Regulations of the Township except as noted in the reports of July 2, 2004 and June 22, 2004, respectively.

WHEREAS, from the submissions made by the Applicant, the testimony and evidence presented, 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 through 5 are hereby incorporated by reference herein as further findings of facts.

2. The Applicant has secured a tenant, GMAC, to occupy 67,337 square feet of space for office use in the existing warehouse building and it intends to renovate for the specifications of GMAC.
3. The Applicant will create a new entrance in the rear of the building for GMAC which will include one loading dock.
4. The Applicant will expand the parking lots, will create a discharge basin for storm water and will install sidewalk along the north side of the building and on Carnegie and Springdale Roads.
5. The Applicant will renovate the existing building to include 32 new windows, provide for the main entrance in the rear of the facility and add 3 new doors.
6. The Applicant will eliminate 4 loading docks and will leave one loading dock which will be sufficient for the entire facility.
7. As part of Phase Two of the construction, the Applicant will complete the renovation to the existing 22,869 square feet for a second tenant to be obtained at a later date, in approximately 18 months.
8. There are currently 358 parking spaces on the site and the Applicant proposes to increase parking to a total of 600 parking spaces. In addition, the Applicant has an agreement with Kings Christian Church to use 70 spaces on the Church lot.
9. GMAC intends to consolidate 4 other locations into this facility, the purpose of which will be to service mortgages.
10. GMAC will maintain 2 fully staffed 8-hour shifts from 8:00 a.m. to 9:00 p.m. which will be comprised of 360 employees. There will also be between 20 to 40 employees on-site from 10:00 p.m. to 11:00 p.m.
11. GMAC employees do not double up at a work station and everybody maintains their own individual work stations.
12. The GMAC facility will have a total of 464 work stations with an additional 90 or more to be added in the future.
13. The Applicant will immediately install as part of Phase One a small parking lot addition containing 100 spaces in the area of the location of the new front door for GMAC. This parking area will be outside the flood plain.

14. The Applicant provided testimony with regard to the traffic situation at the site and made suggestions as to how the increase in traffic can be accommodated, including changing the timing on the existing traffic signal at Springdale Road; prohibiting a left turn onto Springdale from Carnegie during peak hours; no turn on red on Estherbrook to promote gaps in traffic.
15. The Applicant will withdraw, without prejudice, its variance request from Section 2307.1.A to permit 2 freestanding signs.
16. There will be no façade signs on the building.
17. The Applicant testified as to the need for the requested variances.
18. The Applicant has agreed to all of the comments and conditions contained in the Department of Community Development report of June 22, 2004.
19. The development plans have been reviewed by the Planning Board Engineer and 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 engineering criteria and Development Control Regulations of the Township except as noted in the reports of July 2, 2004 and June 22, 2004, respectively.
20. The Applicant has sustained its burden to support the requested variances in accordance with the statute, N.J.S.A. 40:55D-70c(2), to wit: The demonstrated benefits of the application with respect to the property are advanced by a deviation from the Zoning Ordinance requirements and this deviations serves one or more of the following purposes as set forth in the Municipal Land Use Law:
 - a. To encourage municipal action to guide the appropriate use or development of all lands in a manner which will promote the public health, safety, moral and general welfare;
 - b. To provide adequate open space;
 - c. To promote the free-flow of traffic to and from the site;
 - d. To provide sufficient space and appropriate locations for a variety of agricultural, residential,

recreational, commercial and industrial uses in open space.

21. 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 any detriments to the public good and that the variances can be granted without any substantial impairment to the zone plan of the Township.
22. The Applicant has testified as to the need for its requested variances as well as the justification for the variances. These justifications include substantially improving the site, providing additional landscaping, improving circulation, providing additional parking, providing for appropriate drainage and providing appropriate signage to help with identification, safety and circulation at the site.
23. The Applicant has agreed to the proposed conditions as suggested by the Planning Board.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony presented at the hearing; **BE IT RESOLVED** by the Planning Board of the Township of Cherry Hill, New Jersey, that Application No. PBC-04-P-25-V by Liberty Property Limited Partnership for the following variances are hereby **GRANTED** by a vote of nine (9) in favor and none (0) opposed for the reasons set forth on the record in this matter, and subject to the following conditions:

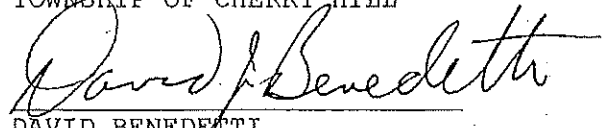
1. The variance requested from Article XXIII, Section 2307.1.A to provide for 2 freestanding signs where one freestanding sign is permitted is withdrawn without prejudice.
2. The variances requested from Article XXIV, Section 2407 to provide a parking setback of 16 feet to Carnegie Avenue from the right-of-way where 20 feet is required and parking setback of zero feet from non-residential to Lot 4 where 5 feet is required are recognized as pre-existing conditions not created by this application; thus said variances will not be required.
3. The variance requested from Article XXIV, Section 2407.D to provide for one off-street loading dock where 3 loading docks are required is granted.
4. The variance requested from Article XXIII, Section 2303.1.C to provide a sign setback of 10 feet where 50 feet from the driveway is required is granted.

5. The Applicant must obtain preliminary and final major site plan approval.
6. The Applicant shall revise its plans to satisfactorily address the comments of the Planning Board Engineer and Department of Community Development as set forth in their respective review letters of July 2, 2004 and June 22, 2004.
7. All agreements and representations made by the Applicant as set forth at the hearing in this matter and/or as contained in the "WHEREAS" Recital paragraphs of this Resolution and the Site Plan Resolution must be fully satisfied by the Applicant.

DATED: August 2, 2004

PLANNING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By:


DAVID BENEDETTI,
PLANNING BOARD ADMINISTRATOR

