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COMMUNITY DEVELOPMENT

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February 14, 2020

Cherry Hill Township
Department of Community Development
820 Mercer Street
Cherry Hill, New Jersey 08002

Attn: Cosmas Diamantis, Esquire – Director of Community Development

**RE: Application for Certificate of Non-Conformity or in the Alternative Use
a Variance and Minor Site Plan
Our File No. 20-0042**

Dear Mr. Diamantis:

Please be advised that this Law Firm represents Eagle One Real Estate Properties, LLC (“Applicant”) the owner of property located at 312 Kresson Road, Cherry Hill, New Jersey also known as Block 409.01, Lot 7 on the official tax map of the Township of Cherry Hill (“Property”). The Applicant is proposing to construct a 575 square foot addition to the existing restaurant kitchen and a concrete pad for a 10 foot by 18 foot walk-in freezer. The Applicant also requests a Certificate of Non-Conformity for the continued use of an existing two-bedroom apartment on the second floor of the building or in the alternative a use variance, if required. This Property is located in the Highway Business (B2) Zone.

Attached with this cover letter is the following:

1. Completed Land Use Development Application to the Zoning Board of Adjustment (“ZBA”);
2. Signed Escrow Agreement and W-9 Tax Form;
3. A check in the amount of \$1,050.00 representing the application fees;
4. A check in the amount of \$6,500.00 representing the escrow fees;
5. A check in the amount of \$10.00 representing the request for the property owner’s list;
6. The required number of copies of the Minor Site Plan, prepared by Joseph Mancini, PE, PP; and
7. The required number of copies of Floor Plans and Elevations (architectural plans), prepared by David Brand, RA.

Historically, the building at the Property was a house which was later converted to the former La Campagne Restaurant in which the second floor was a two-bedroom apartment. The Applicant seeks to obtain a Certificate of Non-Conformity for the continuing use of a portion of the second floor as a two-bedroom apartment due to its historical use and its maintained physical condition as a two-bedroom apartment. In the alternative, if the Applicant is unable to receive a Certificate of Non-Conformity from the ZBA, it will seek a use variance under Section 70(d) of the MLUL.

With respect to the minor site plan, the Applicant seeks an expansion to its kitchen area as aforesaid. As a result of the expansion, the following variances are applied for:

1. A variance from Ordinance Section 415.F to permit a **side yard setback** of approximately 8.16-feet where 10-feet minimum is required. The plan requires a minor deviation from the existing non-conforming condition of 8.40 feet;

2. A variance from Ordinance section 415.F to permit an existing non-conforming **lot depth** of approximately 97.34-feet where 150-feet is required. No change is proposed;

3. A variance from Ordinance section 511.B to permit 34 existing **parking spaces** where the Ordinance requires a total of 37-spaces based on the combination of restaurant seats and employees and the existing apartment. The number of parking spaces is existing and no expansion of the dining area is proposed; and

4. A variance from Ordinance section 517.D.23 to permit an **LED message sign** where the ordinance prohibits changeable copy signs unless the sign relates to a movie theatre, religious institution, public school, or gas station. The proposed LED sign is 15 feet high x 66 feet wide. The total area of the free-standing sign, including the LED sign, is approximately 25 square feet where the Ordinance would permit a sign area of approximately 70.5 feet based on the building frontage.

With respect to signs, please be advised of the following:

1. Two facade signs are proposed, a 12 foot high x 125 foot wide sign with internal lit channel letters and a flat 18 foot diameter unlit aluminum circle. The total sign area of both signs is approximately 12.2 square feet. Ordinance Section 517.G.3.a.ii permits one facade sign for each street frontage with a size of 15% of the principal facade on which they are displayed or

150 square foot maximum. The proposed sign represents less than 2% of the Arbor Avenue facade area. Therefore, the facade sign complies; and

2. One freestanding sign is proposed, a 32 foot high x 78 foot wide, 2-sided sign with a 15 feet high x 66 foot wide LED message sign. The total sign area of both signs is approximately 25 square feet Ordinance Section 517.G.3.c.i permits one freestanding sign on each street frontage of each least 50-feet equal to 0.5 square feet per lineal foot frontage of the building or 150 square feet maximum. The building has frontage on three streets including Arbor Avenue, Kresson Road, and South Lantern Lane. The total building frontage is 141-feet which would permit a maximum sign area of 70.5 square feet. The proposed sign represents about 35% of the maximum permitted sign area. Therefore, the proposed freestanding sign complies, with the exception of the LED message sign.

The Applicant is also the operator of the current Amici's Restaurant in the shopping center two properties over along Kresson Road. If approval is granted, the Applicant will move its current restaurant operations to the Property and convert the existing restaurant in the shopping center to a catering facility.

The Applicant and its professionals believe this is a positive project for Cherry Hill Township inasmuch as it will result in the adaptive reuse and the redevelopment of the now vacant former La Campagne restaurant while at the same time converting the existing restaurant into a catering facility thus establishing a new business in the Township. Because of the minor nature of this application and the need to coordinate the relocation of the restaurant to the

Cherry Hill Township
Department of Community Development
Attn: Cosmas Diamantis, Esquire – Director of Community Development
February 14, 2020
Page 5

Property and the conversion of the existing restaurant to a catering facility, the Applicant requests this application be placed on the next available agenda for consideration by the ZBA.

Please advise when this application is complete and the assigned hearing date so I can advertise and serve notice of the hearing.

Respectfully submitted,

STUART A. PLATT
For the Firm

SP/kfj

Enclosures

cc: Alex Daku (w/o encl.) (via e-mail)
David Brandt, RA (w/o encl.) (via e-mail)
Joseph Mancini, PE, PP (w/o encl.) (via e-mail)

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