



Department of
Community Development

TO: Cherry Hill Township Zoning Board Members
FROM: Cosmas Diamantis, Esq., Director
Natalie Shafiroff, PP, AICP, Supervisor
Jacob Richman, PP, AICP, Planner
RE: **COMPLETENESS REVIEW**
Eagle One Real Estate Properties, LLC
312 Kresson Road
Cherry Hill, New Jersey 08003
Block 409.01 Lot 7
Application No. 20-Z-0006 (Site Plan Waiver)
DATE: **March 26, 2021**

I. GENERAL INFORMATION

- A. **Applicant & Owner.** Eagle One Real Estate Properties, LLC, 303 Independence Blvd., Lawnside, NJ 08045.
- B. **Proposal.** A site plan waiver to allow for a previously approved 575 sf kitchen expansion to increase the height of the approved structure from 14'-9" to 17'-6" a difference of 2'-9".
- C. **Zone.** Highway Business (B2) Zone.
- D. **Site Area.** The subject property is located in the southwestern portion of the Township on the south side of Kresson Road, just east of Brace Road. With regard to the surrounding zoning districts, the properties adjacent to the site along Kresson Road are zoned Highway Business (B2); directly across the street the site, Bortons Mill Trails and Soccer Fields, is zoned Institutional (IN) zone. The nearby residential neighborhoods include, Batesville, Kresson Woods, and Evans Mill Apartments. The subject site is approximately 0.72 acres in size.
- E. **History.** On August 6, 2020 the Zoning Board of Adjustment heard application #20-Z-0006 and approved a minor site plan with a use (d)1 variance and bulk (C) variances for a 575 sf kitchen expansion, 180 sf walk-in freezer, and use of the second floor as a two bedroom apartment, as well as bulk (c) sign variances for façade signage and a changeable copy LED sign. The applicant subsequently applied for permits to construct the approved site plan. However, changes were made to the height of the structure during construction that necessitate that the bulk (c) variance granted for the setback of the structure be evaluated and voted on again by the Zoning Board.

II. COMPLETENESS REVIEW

- A. **Submitted Items.** The following information has been submitted in support for this application and reviewed by the Cherry Hill Township Department of Community Development for conformance to the Zoning Ordinance:
1. Plot Plan, prepared by *Joseph A. Mancini, PE, of Tristate Engineering & Surveying, LLC* dated January 22, 2020, last revision date of September 1, 2020
 2. Floor Plans and Elevations prepared by *David Brand Architecture* dated January 9, 2020, last revised July 14, 2020.
 3. Architectural Elevations prepared by *David Brand Architecture* dated January 1, 2020, last revised March 15, 2021.
 4. Project Narrative.

- B. **Checklist.** The applicant has submitted all necessary site plan waiver submission items.
- C. **Determination.** The Department of Community Development has reviewed the aforementioned application and it has been **deemed complete**. The above and below-referenced items shall be addressed on revised plans and items submitted for conformance review.

III. DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

- A. **Zoning Requirements.** The proposed use as a restaurant is a permitted in the Highway Business (B2) Zone per §415.B.9. Signs are permitted per §517 via §415.D.11 of the Zoning Ordinance. Residential uses are not a permitted use in the B2 zone. Should a certificate of non-conformity not be issued, a use d(1) variance will be required.

CODE SECTION	MINIMUM REQUIREMENTS	REQUIRED (Corner)	EXISTING	PROPOSED	CONFORM
§415.F	Lot Area (square feet)	20,000 SF	31,217 SF	No Change	C
§415.F	Lot Frontage (feet)	120'	174.52'	No Change	C
§415.F	Lot Depth	150'	97.34'	No Change	ENC
§415.F	Front Yard	25'	30.2'	No Change	C
§415.F	Secondary Front Yard (to restaurant)	25'	58.34'	42.75'	C
§415.F	Secondary Front Yard (to shed)	25'	25	25	C
§415.F	Side Yard	10'	66.98'	No Change	C
§415.F	Rear Yard (to restaurant)	20'	8.4'	8.16'	V
§415.F	Rear Yard (to shed)	20'	2.18	8.82'	Variance Approved w/ Minor Site Plan
§415.F	Maximum Height	35'	<35'	No Change	C
§415.F	Maximum Building Cover	30%	7.2%	9%	C
§415.F			2,247 SF	2,809 SF	
§415.F	Maximum Lot Cover	70%	64.3%	64.7%	C
§415.F			20,072.5 SF	20,197.4 SF	
§415.F	Open Space	25%	35.7%	35.5%	C
§415.F			11802 SF	11,082 SF	
§511.B.2	Parking Minimum	37 ^A	34	34	Variance Approved w/ Minor Site Plan
§511.B.5	Parking Maximum	48			

^V Variance

^{ENC} Existing Non-conformance

^C Conforms

^A Parking Calculation: Restaurants require one (1) parking space per three seats + one (1) per every two employees. 90 seats and 10 employees requires 35 parking spaces. Two bedroom apartment requires 2 parking spaces per RSIS, for a total of 37 parking spaces. No new parking is proposed.

^B No variance is required as §511.H.2.c of the Zoning Ordinance exempts this requirement where a cross easements exist. In this case, a shared parking easement exists between Lot 1 and Lot 2.

- B. **Bulk (C) Variances.** Justification should be provided for the requested variance in accordance with N.J.S.A. §40:55D-70, where the Township recommends that the burden of proof be provided by a licensed New Jersey Professional Planner (P.P.):
1. From §415.F, to permit a rear yard setback of 8.16' to the restaurant expansion, where a minimum rear yard setback of 20' is required. ***This variance was previously granted (Minor Site Plan Approval per #20-Z-0006), but due to the increase in height, it is considered a new variance request.***
- C. **Design Waivers.** The following design waivers are required:
1. Any Design Waivers deemed necessary by the Zoning Board or Zoning Board professionals.
- D. **Comments.**
1. "Building Height" is defined in the Cherry Hill Township Zoning Ordinance as, *"the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and **the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.**"* The building height increase for this structure is an increase of 2'-9". This expansion includes an increase in the wall height from 11'-0" to 12'-0" and an increase in the ridgeline height from 18'-6" to 23'-0".
 2. The applicant shall provide testimony regarding the circumstances that led to the increased building height from what was originally considered by the Zoning Board during the Minor Site Plan portion of the application.
 3. Justification for the requested bulk (c) variance must be provided, in accordance with the M.L.U.L. Section 40:55D-70c. In considering a request for a bulk (c) variance, the Zoning Board of Adjustment must be assured that the Applicant has demonstrated either that:
 - a. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
 - b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
 - c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon, the developer of such property ((C1) Variance);

OR THAT:

- d. In an application relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the requirements of the zoning ordinance; that the variance can be granted without substantial detriment to the public good; that the benefits of the deviation will substantially outweigh any detriment; and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance ((C2) Variance).

IV. APPROVAL PROCESS

If approved, the following items are required to complete the approval process (notwithstanding any other needed items due to the unique nature of the application):

1. After the Resolution is memorialized, a **Notice of Decision** will be published in the Courier Post by the Department of Community Development.
2. After comments from the Department of Community Development been provided, revise (if needed), and **submit six (6) copies of the revised Architectural Plans for Field Modification signature along with an electronic copy.**
3. Payment of any outstanding **Review Escrow**.
4. Complete and submit a modified **Zoning Permit**, if deemed necessary.

Cc: *Eagle One Real Estate Properties, LLC (via email)*

Joseph A. Mancini (via email)

Allen Zeller, Esq. (via email)

Kevin McCormack (via email)

Danielle Mocerri (via email)

Fred Kuhn (via email)

Sharon Walker (via email)

Tom SHEMELEY (via email)

Katherine Malgieri (via email)

Kathleen Gaeta (via email)

AN ORDINANCE VACATING ARBOR AVENUE

BE IT ORDAINED, by the Township Council of the Township of Cherry Hill in the County of Camden, State of New Jersey;

Section 1. That all public rights, except drainage and utility rights which are specifically reserved, be and the same are hereby vacated for Arbor Avenue, as described in the following:

Beginning at the intersection of the southwesterly line of Haddonfield-Kresson Road (a.k.a. County Route 671, 49.5 feet wide) with the southeasterly line of Arbor Avenue (32 feet wide) as shown on Plate 46 of the official tax map of Cherry Hill Township; and extends thence, (1) along said southeasterly line, S. 27° 59' 24" W., a distance of 831.09 feet to a point in line common to Lots 4 & 6, Block 409; thence, (2) along said common line, N. 86° 20' 56" W., a distance of 35.12 feet to a point in the northwesterly line of aforementioned Arbor Avenue; thence, (3) along said northwesterly line N. 27° 59' 24" E., a distance of 843.47 feet to a point in the aforementioned southwesterly line of Haddonfield-Kresson; thence, (4) along said line, S 65° 45' 36" E., a distance of 32.07 feet to a point and place of beginning.

Section 2. This vacation of rights shall be in accordance with the terms and conditions as specified in an agreement between the Township of Cherry Hill and Kimco of Cherry Hill, Inc. said agreement having been authorized by Township Council by Resolution 84-1-15, adopted January 9, 1984.


Section 3. That all ordinances or parts of ordinances inconsistent herewith to the extent of such inconsistencies only be and the same are hereby repealed.

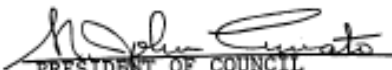
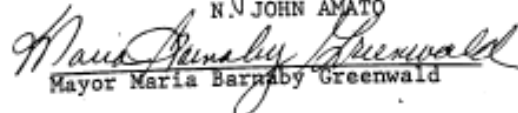
Section 4. This ordinance shall become effective twenty (20) days after its passage when published as required by law.

Introduced: May 16, 1984

Adopted: May 29, 1984

Attest:


Township Clerk


PRESIDENT OF COUNCIL
N. JOHN AMATO

Mayor Maria Barabiy Greenwald



312 KRESSON ROAD

BLOCK 409.01 LOT 7



PREPARED BY:
 NATALIE K. SHAFIROFF, PP, AICP, SUPERVISOR
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 LICENSE NO. 33L00643200

Legend

-  Flood
-  Wetlands
-  Stream
-  Bus Stop