

RESOLUTION
TOWNSHIP OF CHERRY HILL ZONING BOARD OF ADJUSTMENT
APPLICANT'S NAME: VR PHILLY, INC.
APPLICATION NO.: 18-Z-0038 (PBC 9967)

WHEREAS, the Applicant, VR Philly, Inc., as equitable owner of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located at 2101 Route 70 West and designated as Block 41.01, Lots 2, 3, 4 and 5 on the tax maps of the Township of Cherry Hill, has filed an application for a use variance pursuant to N.J.S.A. 40:55D-70d(1) to permit off-site parking on Lots 3, 4 and 5 as a principal use in conjunction with the Applicant's indoor amusement center located on Lot 2. The Applicant has requested that the use variance application be bifurcated from its proposed preliminary and final major site plan application to include improvements to Block 41.01, Lots 2, 3, 4 and 5 as well as the adjoining property, Block 41.01, Lot 1 which is owned separately by Track Town Investors, LP (Track Town).

WHEREAS, after a public hearing held on April 18, 2019, the following initial findings of facts were made, to wit:

1. The Applicant has requested a bifurcated d(1) use variance application from its proposed major site plan application wherein the Applicant will seek to convert an existing vacant building, last used as a computer repair business, into an e-sports/indoor amusement center venue located on Block 41.01, Lot 2. Said proposed e-sports/indoor amusement center is a permitted use. To accommodate that use, the Applicant also proposes to utilize Lots 3, 4 and 5, which do not directly adjoin Lot 2, for off-street parking for its business located on Lot 2. Off-street parking as a principal use for Lots 3, 4 and 5 is not permitted in the B2 Zone. Accordingly, a use variance is required to permit off-street parking as a principal use on Lots 3, 4 and 5 which are not adjacent to Lot 2 where the business will be situated.
2. The Applicant, by way of a supplemental preliminary and final major site plan application, proposes to renovate the exterior and interior of the existing building on Lot 2, construct a parking lot on Lots 3, 4 and 5 and proposes to make improvements on the adjacent Lot 1 currently occupied by Track Town. Said improvements will include a cross-access easement for ingress and egress, reciprocal drainage, lighting, a trash enclosure and landscaping on Lots 1, 2, 3, 4 and 5. As well, Lots 3, 4 and 5 will be consolidated into one lot.
3. The subject properties, Lots 2, 3, 4 and 5, are located in the Highway Business (B2) Zone and are approximately 0.55 acres in size. Existing lot 1 is also in the B2 Zone and has a total size of approximately 1.15 acres.
4. Lot 2 is located in the western portion of the Township at the southwestern corner of Route 70 West and South Washington Avenue. Lots 3, 4 and 5 are located along South Washington Avenue but are

not directly adjacent to Lot 2. Lot 1 is located adjacent to the west and south of Lot 2 with frontage on Route 70 West and Beideman Avenue. Lot 1 also has an access driveway in the rear of the property with frontage along South Washington Avenue. That access driveway divides Lot 2 from Lots 3, 4 and 5. Said Lots 1, 2, 3, 4 and 5 are all located in the Highway Business B2 Zone as are surrounding properties to the west and east. The Park Place neighborhood which is located to the south of the property, is located in the Residential R2 Zone. The Garden State Park development is located across Route 70 to the north and the Mercedes Benz dealership is situated to the west; both of which are located in the Regional Business B4 Zone.

5. The history and prior applications relating to the properties comprising this application are set forth in detail on pages 1 and 2 of the Department of Community Development review letter dated April 1, 2019.
6. The Applicant has requested a use variance pursuant to N.J.S.A. 40:55D-70d(1) and Section 415.B of the Zoning Ordinance to permit off-street parking as a principal use on Block 41.01, Lots 3, 4 and 5, where such uses are prohibited in the Highway Business (B2) Zone.
7. The Applicant has represented that should the use variance be approved, the Applicant shall submit an application for preliminary and final major site plan approval with bulk variances to the Zoning Board for consideration together with Track Town, the owner of Block 41.01, Lot 1, which shall be included in said application as a co-applicant.
8. The Applicant has also represented and agreed that should the use variance application be granted, the Declaration of Easements and Cross-Easement entered into between VR Philly, Inc. and Track Town Investors, LP dated February 26, 2019 and which was recorded in the Camden County Clerk's Office in Deed Book 11115, Page 1307 on April 18, 2019, shall be modified, consistent with the comments of the Zoning Board attorney as a condition of any site plan approval relating to Block 41.01, Lots 1, 2, 3, 4 and 5.
9. The Applicant was represented by Robert Baranowski, Esquire of Hyland, Levin & Shapiro.
10. The Applicant presented the testimony of the following witnesses at the public hearing:
 - a. Victor Stott, Jr., Principal of the Applicant;
 - b. Joseph Mancini, PP, PE;
 - c. Andrew Feranda, Professional Engineer - Traffic;
 - d. Enrico Fumo, Architect.

11. A complete list of the plans and documents submitted by the Applicant in support of this application is specified on Page 2 of the Department of Community Development review letter dated April 1, 2019. In addition, the Applicant introduced the following exhibits at the public hearing:
 - a. A-1 - Sector X Operational Plan
 - b. A-2 - Concept Plan color rendering, revised to 1-1-19
 - c. A-3 - Rendering of exterior elevations
 - d. A-4 - Rendering of design of building
 - e. A-5 - Floor Plans of building
 - f. A-6 - Existing building elevations
 - g. A-7 - Existing floor plans
12. Comprehensive review letters were issued by the Department of Community Development dated April 1, 2019 and by Environmental Resolutions, Inc., the Zoning Board Engineer, dated April 11, 2019. Said letters are on file with the Zoning Board Secretary and are incorporated by reference herein.
13. The Zoning Board presented the testimony of Lorissa Luciani, PP, AICP, Director 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 this matter.
14. No members of the public testified at the public hearing with regard to this application.
15. 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, Robert Baranowski, Esquire, the attorney for the Applicant, represented to the Board that the Applicant seeks a use variance to permit Lots 3, 4 and 5 to be used as off-street parking as a principal use for the Applicant's business which is located on Lot 2, since said lots do not adjoin Lot 2. He stated that Lots 3, 4 and 5 will be consolidated and utilized as shared off-site parking to accommodate parking for patrons and employees for the businesses located on Lots 1 and 2.

WHEREAS, Mr. Baranowski represented that if the requested use variance is granted, a separate application for preliminary and final major site plan approval will be submitted to the Zoning Board to permit site improvements to Lot 2, 3, 4 and 5 as well as to the adjoining Lot 1 which is owned by Track Town. He acknowledged that the owner of Track Town will be required by the Cherry Hill Zoning Board to participate as a co-applicant with regard to the site plan application to be submitted. He further represented that VR Philly, Inc. and Track Town have entered into a Declaration of Easements and Cross-Easements which permit cross-access, shared parking, vehicular and pedestrian traffic, cross-drainage, snow removal, landscaping and common use of a solid waste enclosure, lighting and landscaping associated with Lots 1-5.

WHEREAS, Mr. Baranowski represented that the Applicant has agreed to comply with all of the comments and conditions contained in the April 1, 2019 review letter issued by the Department of Community Development and the April 11, 2019 review letter issued by Environmental Resolutions, Inc. as specifically set forth on the record and as contained in this Resolution, except as specifically set forth on the record herein.

WHEREAS, Mr. Victor Stott, Jr., a Principal of the Applicant, testified that he intends to operate this business, which is called Sector X, is a virtual reality e-sports indoor amusement center/venue. He stated that this will be technology based business, that it is his intention to enhance the site and make improvements to both the interior and exterior of an old and obsolete building that has been vacant for some time. He stated that the front façade facing Route 70 will be updated and improved and the rear façade will be turned into the entrance for the building. The rear façade will be given a three-dimensional makeover since the intent is the beautification of the building.

WHEREAS, Mr. Victor Stott introduced an Operational Manual which was marked as Exhibit A-1, and which described the background of his business enterprises as well as the specifics of his intention in creating Sector X as an e-sports and indoor amusement center. The facility will include virtual reality, augmented reality, e-sports and indoor netted drone activity. He stated that the drones are 3 inches and 5 inches wide, are made of plastic and fly at a height limit of 8 feet. The Operational Manual also included renderings of the proposed elevations of all four sides, including the rear which will be the main entrance. He also provided a description of the types of equipment to be used, the reservation schedule as well as the internal layout.

WHEREAS, Mr. Stott testified as to the hours of operation of the facility which will be on Sunday from 12:00 p.m. - 8:00 p.m., on Tuesdays through Fridays from 3:00 p.m. - 11:00 p.m. and on Saturday from 10:00 a.m. - 11:00 p.m. The facility will be closed on Mondays. He also testified that the patrons will make a reservation in advance to have a time to play the various events offered.

WHEREAS, Mr. Stott testified that the activities will take place on both floors of the building, that they typically host events such as birthday parties, corporate functions, charity events and the like and that they will use vans for these events to shuttle people from their site to the facility on Route 70.

WHEREAS, Mr. Stott testified that there are no catering facilities on-site, no alcohol will be served on premises, that food will be brought to the facility from a separate vendor and there will be vending machines at the facility for their patrons' use. He stated that he expects that there will be a maximum of eight (8) employees and 56 patrons at the facility at any one time.

WHEREAS, Joseph Mancini, PE, PP, testified that he is a professional engineer and professional planner licensed in New Jersey and

that he is familiar with the proposed site plan and the requested use variance. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Mancini introduced Exhibit A-2 which was a color rendering of the Concept Plan reflecting Lot 2 which fronts on Route 70, Lots 3, 4 and 5 which front on South Washington Avenue as well as a portion of Lot 1 which contains the drive aisle to Washington Avenue which is owned by Track Town and which is the subject of the Cross-Access Easement entered into by the Applicant and Track Town.

WHEREAS, Mr. Mancini testified that the existing parking spaces in the front of the building on Lot 2 will be eliminated, that a small addition will be constructed in the rear of the building for the entranceway and that there will be improvements to the parking lot with Track Town including landscaping, buffering, lighting, trash collection and stormwater management improvements at both this site and the Track Town site.

WHEREAS, Mr. Mancini testified that in addition to the existing 30 parking spaces in the front of Track Town which will remain, there will be a total of 55 shared parking spaces in the rear of the site.

WHEREAS, Mr. Mancini testified that the pavement in the front of the existing building will be removed and landscaping will be installed, that the second access onto Washington Avenue will be eliminated pursuant to the Department of Community Development's request and that the Applicant will increase the buffer in the rear to 25 feet adjacent to the existing residents.

WHEREAS, Mr. Mancini testified that the site is surrounded by other businesses, that the Applicant will add landscaping, a new trash enclosure for joint use by Track Town and the Applicant, that sidewalk will be added along South Washington Avenue and that lighting will be installed consistent with Ordinance requirements.

WHEREAS, Mr. Mancini testified that an existing encroachment in the rear will be eliminated and that the proposed stormwater management system will accommodate this site as well as the Track Town site.

WHEREAS, Mr. Mancini testified that the Applicant will agree to all of the comments and conditions in the Department of Community Development and Environmental Resolutions, Inc. review letters with the sole exception related to the modification of the Easement as set forth in Paragraph 8 above.

WHEREAS, Mr. Mancini, in his capacity as the professional planner, testified with regard to the justification for the use variance. He stated that this site was particularly suited to allow a parking lot as a principal use on Lots 3, 4 and 5. He testified as to the statutory special reasons to justify the use variance and stated that the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2(a), (g), (i) and (m) are all met by this application.

WHEREAS, Mr. Mancini testified that the proposed site was particularly suited for this use because there is parking directly adjacent to Lots 3, 4 and 5 and that the only reason a use variance is required is because said lots are separated by the Track Town driveway in the rear of the property.

WHEREAS, Mr. Mancini testified that the surrounding development patterns make this location particularly suited for parking and that the parking lot will be screened to protect any residential areas to the rear of this site.

WHEREAS, Mr. Mancini testified that the negative criteria of the statute is met since there is no substantial detriment and the proposed use does not impair the intent of the Zoning Ordinance and that the impacts of this parking are equal to or less than other permitted uses that can be included on lots 3, 4 and 5.

WHEREAS, Mr. Mancini testified that the Applicant is agreeable to the reasonable conditions being imposed and that the positive reasons, which include updating and modernizing an old building that has been vacant for a substantial time, adding landscaping, lighting and stormwater management, all substantially outweigh any potential negative criteria.

WHEREAS, Andrew Feranda, testified that he is a traffic engineer licensed in New Jersey and that he issued a report dated February 27, 2019, which was made a part of the Zoning Board application package. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Feranda testified that there is sufficient access to the site which currently contains 23 parking spaces in the rear and 30 parking spaces in the front of Track Town which are used exclusively by Track Town. He further stated that 32 additional spaces will be added to the rear for shared use by the Applicant and Track Town.

WHEREAS, Mr. Feranda testified that he did a trip analysis for the site and that this site creates less of an impact than if it were to be used for office or retail uses. He stated that the use solely as a parking lot will be a less intensive use.

WHEREAS, Mr. Feranda testified that his parking analysis shows that there are sufficient parking spaces since the Track Town property and this property have different peak hours of operation.

WHEREAS, Mr. Feranda stated that the site is particularly suited for this use and that there are no negative impacts. His analysis reflected that 87 parking spaces will be provided and a total of 90 parking spaces are required. He further stated that he will contact the owners of the surrounding office use to inquire as to whether parking can be shared with those facilities, however, he

acknowledged that the Applicant will not enter into any parking agreement without prior approval of the Zoning Board.

WHEREEAS, Enrico Fumo, testified that he is a licensed and registered architect in New Jersey and that he prepared the floor plans and the renderings of the elevations for the building on Lot 2 which were marked A-3, A-4 and A-5.

WHEREAS, Mr. Fumo testified that the Applicant proposes to change the façade on all four (4) sides and add an elevator to the site, which will require a tower with aluminum siding. He also stated that the Applicant will upgrade the interior stairways and will retrofit the entire interior of the site.

WHEREAS, Lorissa Luciani, PP, Director of Community Development testified on behalf of the Department of Community Development and stated that the Applicant has adequately addressed all of the comments and conditions contained in the Community Development review letter inasmuch as they have agreed to all of the proposed conditions, except as specifically noted on the record.

WHEREAS, Jeremy Noll, PE, of Environmental Resolutions, Inc., the Zoning Board Engineer, testified that he is satisfied with the testimony provided by the Applicant with regard to his review letter and to the Applicant's stated compliance with all of the conditions contained in his review letter.

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 reports of April 1, 2019 and April 11, 2019.

WHEREAS, from the submissions made by the Applicants, 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 1-15 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 findings of facts and conclusions of law and imposes the following conditions as set forth herein below.
3. All of the foregoing "WHEREAS" paragraphs contained on pages 3 through 7 are hereby incorporated by reference herein as findings of facts made by the Zoning Board.

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 use variance request, including the positive and negative criteria as set forth in the MLUL as well as in the relevant court decisions.
5. The Zoning Board has acknowledged that the proposed use variance on Block 41.01, Lots 3, 4 and 5 to permit off-site parking in the B2 Zone as a principal use is not permitted; however, said use is a permitted use in the zone if the parcel were not divided by the drive aisle for Lot 1. Thus, based upon the testimony and evidence, the Zoning Board finds that the Applicant has satisfied its burden of proof with regard to the requested suitability, the need for and justification for the use variance.
6. The Applicant has sustained its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden regarding both the negative and positive 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 to the surrounding area.

NOW, THEREFORE, based upon the foregoing findings of facts, determinations and conclusions of law, including all the testimony presented at the hearing, **BE IT RESOLVED** by the Zoning Board of the Township of Cherry Hill, New Jersey that Application No. 18-Z-0038 (PBC 9967) by VR Philly, Inc. for a use variance regarding Block 41.01, Lots 3, 4 and 5 is hereby **GRANTED** by a vote of six (6) 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 variance from N.J.S.A. 40:55D-70d(1) and Section 415.B of the Zoning Ordinance to permit off-site parking as a principal use on Lots 3, 4 and 5 in the B2 Highway Business Zone, is granted.
2. The Applicant shall consolidate Block 41.01, Lots 3, 4 and 5 into one lot and shall submit a deed of consolidation to the Zoning Board Attorney, Engineer and Department of Community Development for their advance review and approval and The Applicant shall obtain the correct block and lot number for the consolidated lot from the tax assessor.
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 all exhibits introduced, all representations made and all testimony given before the Board at the public hearing in this

matter, including the renderings of the exterior of the building on Lot 2.

4. The Applicant shall comply with all of the comments and conditions set forth in the April 1, 2019 review letter issued by the Department of Community Development and the April 11, 2019 review letter issued by Environmental Resolutions, Inc. with the sole exception that the easement modification requested shall be a condition of any site plan approval granted and that the Track Town owner must also be a co-applicant with VR Philly, Inc. in the site plan application.
5. The Applicant shall be required to submit a site plan application and obtain preliminary and final major site plan approval from the Zoning Board.
6. The Applicant shall provide a signed escrow agreement which references the 2013-18 Zoning Ordinance.
7. All outside agency approvals shall be provided as part of the site plan portion of the application.
8. The Applicant shall submit an approval letter from the Camden County Soils Conservation District (CCSCD).
9. The Applicant shall revise the site plans to reflect the correct zoning schedule and verify that appropriate variance relief, if any, is being requested.
10. The Applicant shall revise the site plans to clarify if open space in lieu of the existing asphalt is being provided on Lot 2 since the zoning schedule notes an increase in open space.
11. The Applicant shall revise the site plans to verify the open space calculation for Lots 3 through 5.
12. The Applicant shall revise the site plans to eliminate any encroachments caused by the proposed addition to the rear of the building on Lot 2 into the Right-Of-Way (ROW) along South Washington Avenue since such an encroachment is not permitted.
13. The Applicant shall provide an updated zoning schedule on the site plan to indicate the existing and proposed height of the building on Lot 2.
14. The Applicant shall amend the zoning schedule to indicate parking setbacks and basin setbacks per Ordinance Section 511.H.2 and 516.H.4, respectively.
15. The Applicant shall remove the second access point along Washington Avenue South (closest to the residential) and restore the right-of-way, curb and park strip, and extend the sidewalk to Lot 6.

16. The Applicant shall revise the site plans to provide a conforming 25 foot residential buffer without stormwater management basin and locate basin north of residential buffer, realign parking to maximize parking spaces and create a more efficient parking area.
17. The Applicant shall revise the site plans to show how the fence will be installed with preservation of existing vegetation. The Applicant shall ensure that all existing vegetation is preserved where feasible and in good/valuable condition, and supplemented with the required landscaping planting density as required by the Zoning Ordinance.
18. The Applicant shall revise the site plans to reconstruct and, if necessary, expand the size of the trash enclosure and depict size of containers for refuse and recycling in conformance with the Township's Revised General Ordinance and the Zoning Ordinance, particularly Section 511.M.
19. The Applicant shall revise the site plans to realign circulation to include a 22 foot north-south connecting drive aisle with parallel landscape island at end of parking area to provide two-way clockwise circulation within parking area.
20. The Applicant shall revise the site plan to show that no signage, directional, functional or otherwise, shall be located within the right-of-way of Washington Avenue South or Route 70.
21. The Applicant shall revise the site plans to eliminate the use of a vinyl fence in the front yard. If this area is intended to be utilized, it shall be determined for what purpose. It shall either be grassed or landscaped, as per the requirements of site plan and at minimum be lined with a decorative block wall, especially if intended for use by customers.
22. The Applicant shall revise the site plan to show that the proposed improvements along each elevation (Route 70, South Washington Avenue and the rear shall be improved to become more aesthetically pleasing.
23. The Applicant shall revise the site plans to show additional elements tying the overall building upgrades be integrated into the eastern elevation along Washington Avenue South, as it is difficult to tell what that façade will look like. Color renderings and testimony on the building improvements shall be provided at the Zoning Board site plan hearing.
24. At the site plan hearing, the Applicant shall provide conceptual renderings of what the signage for the site will look like and it is recommended that the signage have context to the building design and/or use the building, as opposed to freestanding signage to attract visitors. (e.g. - marquee signage as an architectural element.)

25. As a condition of any site plan approval, the Applicant shall revise the Declaration of Easement and Declaration of Cross-Access Easement to include the comments of the Zoning Board Attorney as follows:
- a. Paragraph 1, Ingress and Egress, Line 1: shall be expanded to state: "...grant to the other and declare and reserve, unconditionally, perpetually and non-interfering use...";
 - b. Paragraph 1.a.(i): The utility easement shall be shown on the plan, as it is not clear;
 - c. Paragraph 1.b: The Applicant shall indicate if there are designated parking spaces on Tracktown's lot for VR Philly, Inc's use and if so, these parking spaces shall be designated on all plans;
 - d. Paragraph 1.d: The temporary easement should not begin until after the site plan application is approved and shall be noted in the language provided herein;
 - e. Paragraph 2: Both parties are required to enter into a storm water management agreement with the Township, as well as record said agreement along with an approved storm water maintenance plan. These storm water issues must meet all New Jersey Department of Environmental Protection (NJDEP) regulations, as well as Township Ordinances;
 - f. Paragraph 5: The Zoning Board approvals shall require that a performance bond be posted with the Township for all site improvements on both properties;
 - g. Paragraph 8: The following language must be added to the Easement: "After construction is completed, VR Philly, Inc. and Track Town Investors, LP shall each be responsible for and shall maintain their property in commercially good condition consistent with Township Ordinances and shall not obstruct the interference in any way with the reasonable use of their property for vehicular or pedestrian movements, parking and control except to the extent necessary for repairs and maintenance to the Easement Area,";
 - h. Paragraph 14: Shall include an additional sentence that states: "This Easement and the obligations contained therein may only be changed or amended with the written approval of the Developers and/or their successors in interest or assigns and with the written approval of the Township of Cherry Hill."; and
 - i. Additional paragraphs shall be included that provide: (1) that this easement shall be recorded in the Camden County Clerk's Office and a recorded copy provided to the Township; (2) a warranty clause stating that both parties own their respective

properties and have the authority to execute this Easement; and (3) include a paragraph that the Recitals are incorporated by reference into the Easement.

26. The Applicant shall amend the Variance Plan included as part of the site plan to provide the physical setback dimensions for the proposed basin(s) and to clarify the setback dimensions for the addition to the building on Lot 2 to all property lines.
27. The Applicant shall revise all the site plan submissions to show all setback dimensions as noted in the comments under Checklist Item #32.
28. The Applicant shall revise the site plans to show the configuration of an alternative design to handle stormwater that conforms to the Ordinance.
29. The Applicant shall prepare a grading plan, in accordance with the Grading Plan Checklist, for review as part of the bifurcated site plan application.
30. The Applicant shall prepare landscaping plan, in accordance with Section 508 of the Zoning Ordinance, for review as part of the bifurcated site plan application.
31. Checklist Item #64 and all related waiver requests will be considered at the time of the site plan submission.
32. The Applicant shall prepare a lighting plan, in accordance with Section 509 of the Zoning Ordinance, for review as part of the bifurcated site plan application.
33. Should the Applicant receive use variance approval, all construction details and notes not already included (such as paving, striping, lighting, landscaping, stormwater, utilities, etc.) shall be identified and included on future site plan submissions. Legal documents shall also be provided to the Zoning Board professionals for their advance review and approval.
34. Should the Applicant receive use variance approval, the application for preliminary and final major site plan shall provide further testimony related to any requested variances and/or design waivers. At minimum, the Applicant shall satisfactorily address the site plan comments noted above.
35. Provided the Applicant receives use variance approval, all conditions provided in Section II.B of the April 1, 2019 Department of Community Development review letter shall be incorporated as part of the use variance approval.

36. The Applicant shall be required as part of the site plan application to provide a full buffer to Lot 7 which is used as a single family residence and obtain any required variances for the buffer if it is to contain the basin.
37. The Applicant shall provide as part of the site plan, curbing and sidewalks on South Washington Avenue.
38. Additional striping should be added to the rear of the Track Town Mall building to define the edge of the drive aisle and to prohibit parking against the back wall of the building.
39. As part of the site plan, the Applicant appears to be reducing the impervious area on Lot 2, which is a small lot, in an awkward location; however, due to existing conditions, a variance will still be required.
40. As part of the site plan, a Lot Coverage variance will be required for Lot 1.
41. Cross access and parking easements are required as a condition of Site Plan approval since the parking lots and access are all interconnected.
42. A lot consolidation plan, legal descriptions, easements, etc. will all be required for Lots 3, 4 and 5 as a condition of Site Plan approval. All deeds, legal descriptions, easements and restrictions shall be submitted to the Zoning Board Attorney, Engineer and Department of Community Development for their advance review and approval.
43. As part of the site plan it, the Applicant shall submit a traffic assessment/trip generation/parking study and submit for any required variances for the number of parking spaces provided.
44. As part of the site plan, a variance for the number of parking spaces must be requested consistent with the analysis set forth on page 3 of the Environmental Resolutions, Inc. review letter of April 11, 2019.
45. The Applicant will work with the Zoning Board Engineer to modify the conceptual layout.
46. As part of the site plan, the Applicant shall provide actual counts of Track Town parking to determine how parking will be impacted. Each use appears to be broken out for parking for Track Town Mall.
47. The following items will be required at the time of Preliminary and Final Site Plan submission:
 - a. All checklist items should be addressed;
 - b. Additional variances and design waivers should be addressed;

- c. All existing and proposed easements should be shown on the plans;
 - d. All outside agency approvals, including NJDOT, NJDEP and Camden County approvals as necessary, are required as a condition of Site Plan Approval.
 - e. All utility, grading and stormwater designs should be finalized.
 - f. The Final Architectural elevations should be presented. Elevations of all sides should be provided to ensure architectural elements extend are seen from all sides.
 - g. The plans should indicate the proposed building signage and direction signage within the complex and details should be provided for any proposed signage.
 - h. All environmental documents should be provided for review. An environmental assessment (which should be signed by an LSRP) will be required for the site, including the wooded area, to determine if there are any environmental issues that may interfere with the proposed construction.
 - i. All lighting and landscaping designs should be finalized.
 - j. All signing, striping and construction details should be finalized.
48. The site plan to be submitted shall eliminate the encroachment in the rear of the site and the proposed second access onto Washington Avenue shall be eliminated from the site plan.
49. The Applicant may contact the owner of the surrounding office use to determine if additional shared parking can be accommodated on that site, however, the Applicant cannot enter into any agreement without prior approval of the Zoning Board.
50. The Applicant is hereby notified that prior to the issuance of any zoning or building permits:
- a. All taxes and assessments shall be paid on the property for which this application is made. The Applicants 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.

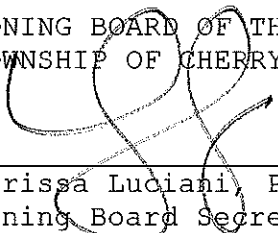
c. The Applicants shall pay all required escrows, costs and professional fees associated with the application to the Department of Community Development within fourteen (14) days of receipt of a written request for payment of escrow funds. The failure to pay the required escrow funds within the fourteen (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.

51. 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 approval being granted by this Resolution and/or to advise the Township to revoke any permits which have been issued to the Applicant.

DATED: May 2, 2019

ZONING BOARD OF THE
TOWNSHIP OF CHERRY HILL

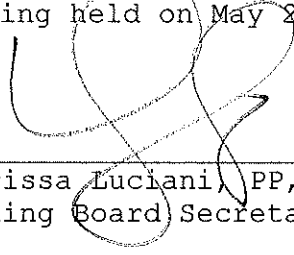
By:



Lorissa Luciani, PP, AICP
Zoning Board Secretary

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Zoning Board on this 2nd day of May, 2019, is a true copy of the action taken by the Board at its meeting held on May 2, 2019.



Lorissa Luciani, PP, AICP
Zoning Board Secretary