CHERRY HILL township

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Department of
Community Development

TO: Cherry Hill Township Planning Board Members
FROM: Cosmas Diamantis, Esq., Director
Natalie Shafiroff, PP, AICP, Deputy Director
Jacob Richman, PP, AICP, Senior Planner
RE: **COMPLETENESS REVIEW**
Cherry Hill Partners at Haddonfield Phase III, LLC
Block 54.02 Lot(s) 5.04
Application No. 8752.009 (Phase 2B7)
DATE: **October 22, 2021**

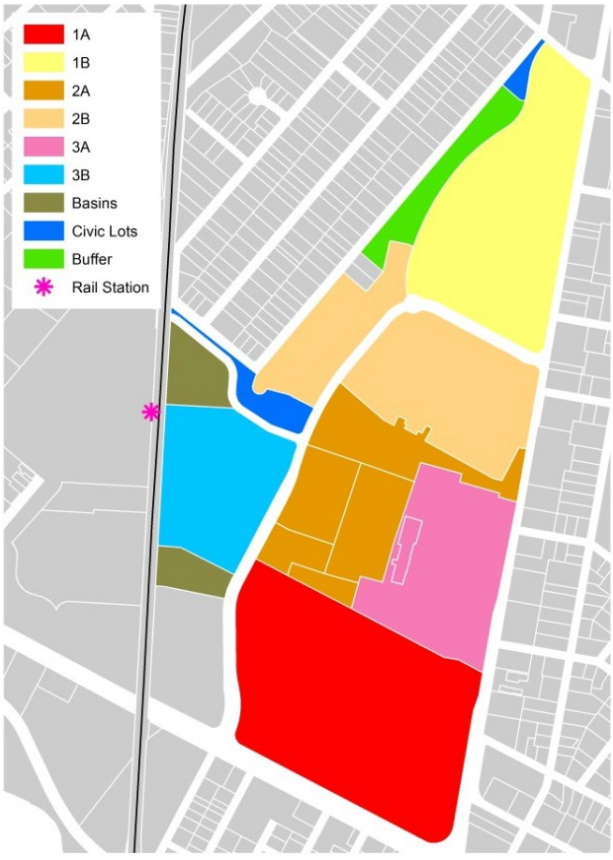
I. GENERAL INFORMATION

A. **Applicant & Owner.** Cherry Hill Partners at Park Place, 1260 Stelton Road, Piscataway, New Jersey 08854.

B. **Proposal.** A preliminary and final major site plan with bulk (C) variances for lot 5.04 (former Pier One) to add a drive through pick up lane (counter service window) for Chopt and loading zone along the south side of the building, add additional parking spaces to the rear of the building, and add additional signage to the building requiring a number of variances.

C. **Zone.** Regional Business (B4) Zone.

D. **Site Area.** This property is centrally located on the former Garden State Racetrack site, on Haddonfield Road (C.R. 644) midway between New Jersey Route 70 and Chapel Avenue (C.R. 626). The large-scale retail (Phase 1A) is located south of this small commercial lot, 608 age-restricted condominiums are located in the north (Phase 1B), 691 apartments, known as Village Place Apartments (Phase 2A) are located along Garden Park Boulevard north of Phase 1A and west of the small-scale retail (Phase 3A), known as Town Center, which is immediately east, with 360 townhomes (Phase 2B) located to the north, and a vacant parcel planned for additional retail (Costco and Duluth) (Phase 3B) located across Garden Park Boulevard to the west. All surrounding properties are permitted uses in the Regional Business (B4) zone.



E. **History.** Numerous approvals have been granted for Garden State Park over the years and are itemized in the corresponding resolutions of approval. This history will be cross-referenced with the final conformance plans prior to signature. Most applicable to the is application is the recently approved amended GDP (see application 8752.3A5) that amended the uses permitted in Phase 2B to allow for a more varied mix of uses of the existing 14,695 square feet of retail to include 3,872 square feet of retail space, 4,073 square feet of restaurant (95 seats), and 3,117 square feet of medical office. A full history can be provided to the applicant, Planning Board members, and/or the public upon request.

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. Land Use Application and Checklist;
   2. Rider #1 – Zoning and Parking Schedule;
   3. Operations Report for Chopt (*preparer is not identified)*;
   4. Aerial Photograph;
   5. Proposed Signage Elevations;
   6. Preliminary and Final Major Site Plan Phase 2B prepared by *Bradford J. Aller, PE* of *EP Design Services, LLC* dated *November 6, 2021, last revised August 17, 2021*:
      a. Title Sheet, Sheet 1 of 13;
      b. General Notes, Sheet 2 of 13;
      c. Proposed Overall Site Plan, Sheet 3 of 13;
      d. Existing Conditions and Demolition Plan, Sheet 4 of 13;
      e. Proposed Site and Geometry Plan, Sheet 5 of 13;
      f. Proposed Grading and Utility, Sheet 6 of 13;
      g. Proposed ADA Grading Plan, Sheet 7 of 13;
      h. Landscaping Plan and Details, Sheet 8 of 13;
      i. Proposed Lighting Plan, Sheet 9 of 13;
      j. Soil Erosion Control & Sediment Control Plan and Details, Sheets 10 of 13;
      k. Construction Details, Sheet 11 of 13;
      l. Construction Details II, Sheet 12 of 13;
      m. Truck Turning Plan, Sheet 13 of 13;

B. **Checklist.** The following checklist items should be shown on revised plans for completeness. All waiver requests shall include a written justification of the requested waiver:
   4. *Three (3) copies of Traffic Impact Study (see §817).* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver, however, testimony shall be provided as to the impacts of the proposed site alterations, specifically in regard to the proposed drive thru pick up window. Testimony regarding the circulation improvements to accommodate the drive-through pickup lane and the stacking/queuing capacity shall also be provided.**
   5. *Three (3) copies of Environmental Impact Report (see §818).* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
   6. *Three (3) copies of Environmental Assessment (see §819).* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
   7. *Three (3) copies of Drainage Calculations.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
   8. *Three (3) copies of Stormwater Management Report.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
   9. *Three (3) copies of Basin Maintenance Manual.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver as no new basins are being proposed.**
   15. *Required Approvals. List and provide applications and permits of regulatory agencies (NJDOT, NJDEP, CCSC, etc.).* **The applicant shall secure approvals or a letter of no interest from the Camden County Planning Board. Camden County Planning Board. All connection fees for sewer (Camden County Municipal Utilities Authority [CCMUA] and Cherry Hill Township**

Municipal Utilities Authority [CHTMUA]) and water shall be required. All outside agency approval shall be a condition of planning board approval.

16. *Summary. A written description of the proposed use(s) and operation(s) of the building(s), i.e., the number of employee or users of non-residential buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, expected truck traffic, noise, glare, radiation, heat, odor, safety hazards, air and water pollution.* **An operations report for the proposed drive through has been provided. Additional testimony shall be provided via testimony before the Planning Board including how the drive-through pickup window operates. Please utilize the performance standards established in §502, which details air quality, emissions, drainage, glare, heat, noise, odor, waste, ventilation, vibration and sight triangle visibility.**
32. *Zoning Schedule showing required, existing, and proposed lot & yard requirements for relevant zone(s) including, area, frontage, depth, setbacks, height, etc.* **The zoning schedule shall be updated to include the bulk requirements for parking lots as per §511.H.2 that require variances as per §401.B. It should be noted that no variance is required for parking setbacks when easements or shared parking exists. However, the setbacks should still be indicated on the zoning schedule and a note shall be added to indicate that there are existing cross access easements or if the applicant intends to provide new cross access easements.**
37. *Signs. Existing and proposed signs, including the location, size, height and necessary measurements and a Sign Location Plan.*
    - **The applicant shall confirm that the tenant panels for off-site tenants proposed as part of the multi-tenant monument sign have been withdrawn for consideration**.
    - **The multi-tenant sign requires a number of variances for height and square footage. The applicant shall provide the amount of linear feet of the building to correctly establish the permitted square footage for the text on the sign. They shall also show how the square footage is being calculated. The Garden State Park logo and text shall be included in this calculation. Square footage should be measured in accordance with §517.C.4.**
    - **The applicant should consider reducing the size of the functional signage to be compliant unless they can show that the size of the sign proposed is required to provide for safe traffic movements on the site. For example, the text on the bang bar could be reduced to read *Mobile Pick Up – Clearance 9'-0"* to reduce the copy area to 3'. In addition, the mobile phone could be removed from the directional signage to reduce the changeable copy area. Square footage should be measured in accordance with §517.C.4, not as a calculation of the entire sign area.**
    - **The sign plan includes an awning with the Chopt logo to be included on the building, but no information has been provided regarding the awning, which requires a variance to be located on the side of the building. The branding sign would be considered another façade sign which would require another variance and as would the functional blade sign as it exceeds size restrictions for functional signage. It is recommended that the logo signage be removed from the awning and the functional sign reduced to 3 square feet.**
    - **The sign plan also includes a canopy over the Wild Fork Foods which may require a variance due to the size of the canopy and the wrap around to the side of the building. The size of the canopy also needs to be provided and unless the applicant wants to request additional façade variances, the branding should be removed.**
    - **There are several façade variances that the applicant shall provide testimony on, as part of its request for relief.**

- **A separate sign plan has been submitted, however, the site plan shall be updated to remove any proposed signage that is no longer part of this application and the sign plan shall be corrected to remove the proposed variances identified on the plan, as many of them are incorrect, and replace them with the applicable sign variances identified in this review. This shall be a condition of approval.**

39. *Easements & ROW. Name, width, and location of existing and proposed easements, right-of-ways, deed restrictions or covenants with reference source.* **A number of cross-access, cross-parking, utility, and other easements will be necessary. All easements shall be added to the plan as a condition of approval. Prior approval by the Planning Board Solicitor, Planning Board Engineer and the Department of Community Development of all easements shall be required before any filing or recordation occurs. Review and approval of these easements shall be a condition of approval.**
56. *Flood Plain limits as determined by most recent FEMA FIRM maps and onsite evaluations by a licensed professional engineer.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
57. *Freshwater Wetlands & transition area boundaries, and stream buffer with NJDEP or accepted reference.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
59. *Design Calculations showing proposed drainage facilities in accordance with the appropriate drainage runoff requirements. Calculations must be accompanied by pre- and post-development drainage shed maps, and soil types as shown by Soil Conservation Survey Map.* **A submission waiver has been requested and the Department <u>does not object</u> to the granting of this waiver.**
61. *Utilities. Plans and profiles for all storm lines, underdrains and ditches whether onsite or off-tract, affected by the development including:*
    a. Location of each inlet, manhole or other appurtenance.
    b. Slope of line.
    c. Pipe material type.
    d. Strength, class or thickness.
    e. Erosion control and soil stabilization methods.

    The Department defers to ERI's review letter regarding utilities.
64. *Streets. Plans for all proposed streets or road improvements, whether onsite or off-tract, showing:*
    c. *Fire lanes.* **The Department defers to the Cherry Hill Township Fire Department for review of the fire lanes and other facilities. The Fire Marshall has requested the proposed locations for the fire hydrants. Please coordinate with the CHFD and MPWC on that request.**
    d. *Driveway aisle widths and dimensions.*
    f. *Loading areas.* **The applicant shall provide testimony as to the hours of delivery for the proposed restaurants and verify that they are in accordance with Camden County and Cherry Hill Township Noise Ordinance regulations.**
    i. *ADA ramps, signage, striping, etc. ADA ramps, signage, striping, etc.* **All ADA facilities on site shall be brought up to code if not currently. An accessible route should be designated on the plans and should be shaded on the plans. Provision of parking facilities for handicapped persons shall be in accordance with the requirements of the Barrier-Free Subcode of the New Jersey Uniform Construction Code N.J.A.C. 5:23-7.13 and 5:23-7.14 and the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.**

j. *Sidewalks and bicycle routes.* **Testimony shall be provided to show how the interior sidewalks connect to exterior system on Haddonfield Road and with the interior shopping and housing developments.**

q. *Fencing, railroad ties, bollards, and parking bumpers.* **Bollards shall be utilized in front of the ADA parking spaces in lieu of parking bumpers to eliminate tripping hazards.**

65. *Lighting Plan showing photometric patterns, isolux, footcandles, etc.* **The applicant shall provide testimony that all proposed lighting is the same or similar to the existing lighting fixtures on the site. All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the U.S. Energy Policy Act of 1992 as it may be amended or superseded. A night light function test shall be conducted by the Planning Board Engineer to ensure lighting levels conform to approved plans, which shall be required prior to the issuance of any Certificate of Occupancy.**

66. *Sewer & Water. Plans and profiles of water, and sewer layouts whether onsite, offsite or off-tract showing:*
    a. *Size and types of pipes and mains.*
    b. *Slope.*
    c. *Pumping Stations.*
    d. *Fire hydrants.*
    e. *Standard details.*
    f. *Trench repair details for street crossings.*

    The Township defers to ERI review of the Utility Plan.

C. **Determination.** This application has been **deemed technically complete**. The above-referenced items should be addressed on revised plans and items submitted for conformance review.

III. DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

A. **Zoning Requirements.** Retail and medical offices, are permitted in the Regional Business (B4) zoning district per §417.C.2.b of the Zoning Ordinance and the density standards required in the Regional Business (B4) zone are applied to the entirety of the GDP. Restaurants are permitted in the B4 zone per §417.C.3.a with Drive-Through/Counter Service Windows (for Chopt in this instance) are permitted accessory uses in the B4 Zone per §417.D.22 of the Zoning Ordinance (with design requirements noted in §511.E). In addition, all variances previously granted under application prior applications are not shown below, as those variances still apply. Parking standards for both lots are compliant. For all other bulk requirements created by the proposed site development, only the new variances being created are shown in the following tables:

Lot 5.01

CODE SECTION	MINIMUM REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	CONFORM
§417	Open Space	25%	14.7%	14.65%	**V***
§511.H.2.c	Non-residential Parking Setback	5'	0’	0’	**V (technical)****

Lot 5.04

CODE SECTION	MINIMUM REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	CONFORM
§417	Maximum Lot Cover	30%	75.3% 1.142 ac	80.4% 1.219 ac	**V**
§417	Open Space	25%	27.64% 18,255 sf	21.91% 14,470	**V***
§511.H.2.c	Non-residential Parking Setback	5'	0'	0'	**V (technical)****

**Open Space for the entirety of the Garden State Park Site is determined based on the overall GDP, is in compliance, and not impacted by this application.*

***Non-residential parking setbacks do not require variance should cross access easements be utilized.*

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 §417.H.1, to permit a minimum open space of 21.91% where a minimum of 25% is required. (**Block 54.01, Lot 5.04)**.
2. From §417.H.1, to permit a lot coverage of 80.4%, where a maximum of 70% lot coverage is permitted (**Block 54.01, Lot 5.04)**.
3. From §432.B.2.b. to permit an awning to be greater than 12' in width where that is the maximum width permitted on a multiple use structure. **(Wild Fork Foods Canopy)**
4. From §432.B.5, to permit a canopy to be located on the principal structure where there is no street frontage. **(Chopt Canopy)**
5. From §511.H.2.c, to permit a non-residential parking setback of 0' where a minimum of 5' is required. (**Block 54.01, Lot 5.01)**.
6. From §511.H.2.c, to permit a non-residential parking setback of 0' where a minimum of 5' is required. (**Block 54.01, Lot 5.04)**.
7. From §517.C.1, to permit a business establishment to have more than four (4) signs where business establishments are not permitted to have more than four (4) signs. **(Wild Fork Foods on the west, north and east façade, on the canopy, and on the freestanding sign)**
8. From §517.C.3.b, to permit three functional signs to be greater than three (3) square feet in area (bang bar sign and mobile pick up directional signs).
9. From §517.C.5.a, to permit a monument sign to have a height of 13'-3 ½" where a maximum height of 10' is permitted.
10. From §517.G.3.a.i, to permit four (4) façade signs on the west façade which does not have street frontage, one (1) façade sign on the south façade, two (2) façade signs on the north façade which does not have street frontage, where street frontage is required for façade signage.
11. From §517.G.3.a.i, to permit a business establishment to have more than one façade sign on the principal façade of said establishment **(Wild Fork Foods canopy signage).**
12. From §517.G.3.c.ii, to permit a multi-tenant freestanding sign where such signs are not permitted.
13. From §517.G.3.c.ii, to permit the total square footage of the freestanding sign to be 82 sf where a maximum square footage of 76 square feet is permitted.
14. Any other variances deemed necessary by the Planning Board.

C. **Design Waivers & Exceptions.** Plans should be revised to eliminate as many design waivers, per Article V, as possible. Any remaining design waivers and/or exceptions should be specifically requested. Please revise the Cover Sheet to reflect any requested design waivers. The township defers to ERI's review for the identification of all proposed design waivers and is subject to any additional design waivers deemed necessary by the Planning Board.

D. **Comments.** The applicant shall address the following comments:

1. Drive through uses require the addition of a bypass lane. A design waiver, per §511.E, has been requested to not include a bypass lane. Testimony shall be provided as to the type of drive through lane being installed (pick-up only) to justify this request.
2. A number of sign proposals have been submitted during the course of the review of this application. All plans shall be updated to remove any signage that is not being requested as part of this application.
3. The property line for lot 5.01 appears to extend into the Camden County right of way on Haddonfield Road. The applicant shall determine the correct location of the property line and provide an updated setback measurement to the proposed freestanding sign. However, it appears that the freestanding sign is still in a compliant location as it is at least 50' from the side of any street or driveway. This calculation should be shown on the sign plan.
4. All easements and land use restrictions shall be recorded with the Camden County Recording Officer as deeds of easements or shall be placed on revised site plans, as appropriate. **This shall be a condition of approval.**
5. All rooftop mechanical and electrical equipment, including elevator penthouses, shall be screened from view at ground level by a parapet wall, within the roof structure itself, or properly screened. **This shall be a condition of approval.**
6. No lighting shall be directed towards traffic, shining directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision; or creating glare as a visual obstruction. **This shall be a condition of approval.**
7. Lighting systems shall be designed so that they can be reduced or turned off when they are not necessary. Controls shall be provided on all new lighting systems that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system, such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system. All site lighting shall be illuminated for safety and security reasons one hour after close of business or before 10pm, whichever occurs earlier, until sunrise at no more than forty (40%) percent of the standard lighting. Motion activated lighting systems and 24-hour operations shall be exempt from this requirement. **This shall be a condition of approval.**
8. All light fixtures shall be uniform throughout a site. Lighting levels, lamp color, and fixture type shall be consistent throughout the subject parcel, which shall complement building architecture and landscaping. **This shall be a condition of approval.**
9. A night light function test shall be conducted by the Zoning or Planning Board Engineer to ensure lighting levels conform to approved plans, which shall be required prior to the issuance of any Certificate of Occupancy. **This shall be a condition of approval.**
10. 'No Idling' signs, as recommended by NJDEP (www.stopthesoot.org), shall be wall-mounted and maintained in prominent locations at reasonable intervals to be readily visible to vehicles subject to the idling restrictions within all loading areas. **This shall be a condition of approval.**
11. Bus Stop. If the development abuts an existing or proposed bus route, bus stop easements may be required in suitable locations as determined by NJ Transit and the Township provided that safe and accessible conditions are met. The applicant shall work with the Department of

Community Development to install bus shelters at all bus stop locations within the Racetrack development. **This shall be a condition of approval.**

12. The application may be subject to additional comments and conditions by members Planning Board, the Cherry Hill Department of Community Development, the Township's planning board consultants, and/or the public.
13. The statements, opinions, and conclusions contained within this Completeness Review are based upon the information, plans, and other documents provided to the Department as of the date of its issuance. The Department reserves the right to supplement or amend any of the statements, opinions, and/or conclusions contained herein at any time up to, and including, at the time of the hearing of this application.

E. **Conditions**. Should the Zoning Board consider and grant the requested bulk variance(s) to permit the proposed structure, they may impose reasonable conditions, as they deem necessary, in addition to the following recommended conditions of approval:

1. 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.
2. Any and all conditions made a part of any approval, including those noted by reference in this or any other reports of any consultants to the Zoning Board, or as set forth on the record at the Zoning Board hearing, must be satisfied.
3. 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 1.5% per month.
4. Any and all outside agency reviews and/or approvals shall be obtained, if applicable.
5. 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 any Resolution of Approval and/or to advise the Township to revoke any permits which have been issued to the Applicant.

IV. APPROVAL PROCESS

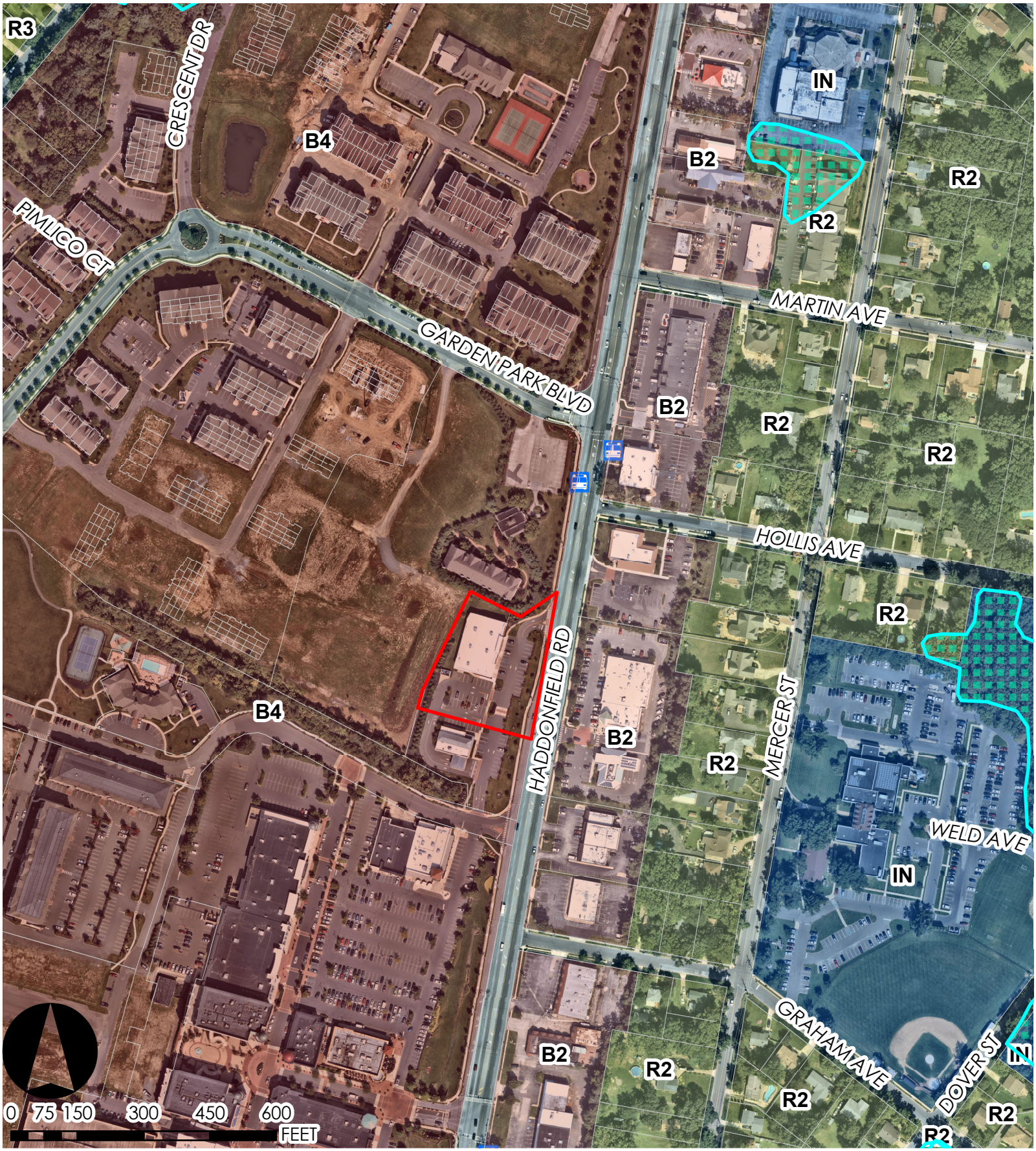
If approved, the following items are required to complete the approval process (notwithstanding any other needed items due to the unique nature of the application):

1. After the resolution is memorialized, a **Notice of Decision** will be published in the Courier Post by the Department of Community Development.
2. **Three (3) copies of revised site plans along with an electronic copy**, which provide completeness items and all conditions of approval, should be submitted to the Cherry Hill Department of Community Development for review.
3. Submit any **draft legal documents** (agreements, deeds, easements, etc.) for review by the Planning Board Engineer and Solicitor and revise as necessary.
4. After comments from the Cherry Hill Township Department of Community Development and the Board Engineer have been provided, revise (if needed), and submit **ten (10) copies of finalized plans for signature**.
5. Submission of the required **Performance Guarantee(s)**.
6. Payment of **Inspection Escrow**, based on the finalized cost estimate.

7. Payment of any outstanding **Review Escrow**.
8. After comments from the Department of Community Development and the Board Engineer have been provided, **revise (if needed), and submit six (6) copies of finalized plans for signature along with an electronic copy**.
9. Completion and submission of the **Non-Residential Development Form (N-RDF)** and **fee**, if applicable.
10. Complete and submit a **Zoning Permit** and applicable **Sign Permit applications** (for all façade, free-standing, and functional signs).
11. Schedule a **pre-construction meeting** with the Department of Engineering at (856) 424-3203. Prepare a construction schedule to present at the meeting.

Cc: *Cherry Hill Towne Center Partners, LLC (via email)*
Douglas Wolfson, Esq. (via email)
Ron Aulenbach (via email)
Bradford J. Aller, PE (via email)
John Taikina (via email)
Karl Penkhe, PE, PTOE (via email)
Francisco Lado (via email)
Stacey Arcari, PE, PTOE, CME, PP (via email)
Steve Musilli, CPWM (via email)
Kevin McCormack (via email)
Danielle Moceri (via email)
Matthew MaGill, PE (via email)

Fred Kuhn (via email)
Sharon Walker (via email)
Sgt. James Weist (via email)
Joe Cornforth (via email)
James W. Burns, Esq. (via email)
Kathleen Gaeta (via email)
Katherine Malgieri (via email)



801 HADDONFIELD ROAD

BLOCK 54.02 LOT 5.04

Legend

- Flood
- Wetlands
- Stream
- Bus Stop

PREPARED BY:
NATALIE K. SHAFIROFF, PP, AICP, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT
LICENSE NO. 33LI00643200