

**RESOLUTION**  
**TOWNSHIP OF CHERRY HILL PLANNING BOARD**  
**APPLICANT'S NAME: LAND APPROVALS GROUP, LLC**  
**APPLICATION NO.: 06-P-0065**

WHEREAS, Applicant, Land Approvals Group, LLC, has filed an application for Final Major Site Plan approval to construct seventy-five (75) townhome units as Phase I and Phase II of the larger Centura Development Plan for the property designated as Block 433.20, Lot 1 on the Tax Maps of the Township of Cherry Hill; and

WHEREAS, after a public hearing held on May 21, 2012, the following initial findings of fact were made, to wit:

1. The Applicant has submitted a Final Major Site Plan application to permit the construction of seventy-five (75) townhome units as Phase I and Phase II of the larger Centura Development Plan for the property located at Block 433.20, Lot 1, Cherry Hill, New Jersey.
2. The Applicant received Preliminary Major Site Plan approval with variances on or about September 20, 2010.
3. Centura is an existing multi-family residential condominium and townhouse gated community and the Applicant is proposing to construct seventy-five (75) townhome units as Phase I and Phase II of a potential four (4) Phase Development. Under the four (4) phases of development, approximately 175 townhouses/condominium units will be constructed, essentially completing the development of 250 units for the overall site.
4. Phase I and II is located on the west side of the property, adjacent to the rear of the Woodcrest Shopping Center and the Chinese Christian Church. The site is located on the north side of Browning Lane between Haddonfield Berlin Road (C.R. 561) and where Browning Lane turns north. Browning Lane is a two lane municipal highway which has a posted speed limit of 25 miles per hour and a cartway width of 30 feet.
5. The adjacent Woodcrest Shopping Center is zoned Shopping Center Business (B3) and the vacant land owned by NJ Turnpike Authority and the Cherry Hill Baptist Church located to the north is zoned Institutional (IN).
6. Wooded land and other single family homes on large lots which are zoned Residential (R1) are located to the north and east side of the subject property. The Woodcrest Residential neighborhood consisting of existing family dwellings is zoned Residential (R2) and is located immediately south. There are NJDEP - delineated wetlands and flood plains on the property.
7. By way of history, the development was approved by the Planning Board in 1988 (P.B.C. #9181). Preliminary Major Site Plan approval with variances was granted on September 20, 2010 there were also several design waivers granted at that time.
8. There are no variances requested or required with this application as all variances were granted as part of Preliminary approval.
9. A requested waiver was missed at the time of Preliminary approval pursuant to Ordinance Section 513-A.a, regarding concrete sidewalks and curbs being installed on both sides of the street for interior roadways.
10. 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; and

WHEREAS, the Planning Board made its decision in this matter based on the documentation and plans submitted by the Applicant and all of the testimony of the

Applicant, and the Applicant's professionals made at the time of the hearing and on each of the following:

1. The comments of the Cherry Hill Township Planning Board Engineer made at the time of the hearing and in her review letter dated April 26, 2012.
2. The completeness review letter dated May 11, 2012 as prepared by Cherry Hill Township Department of Community Development; and

**WHEREAS**, the Applicant has submitted as Exhibit A-1 a project summary identifying prior approvals and identifying currently built and proposed units; and

**WHEREAS**, the Ralph Ford, Project Manager of the Applicant appeared and testified in support of the application. Mr. Ford testified that the plan as submitted reflects the Preliminary approval and the Cherry Hill Department Community Development review comments received by the Applicant. Photos were submitted by the Applicant showing proposed exterior facades. Mr. Ford testified that all of the proposed townhomes will be 3 to 4 bedrooms with one car garages and that all COAH units will be 1 or 2 bedroom units and will match the aesthetics of the larger townhome units; and

**WHEREAS**, Mr. Ford testified that the proposed lots will have available parking for 2 cars on site and that additional overflow lots will be built throughout the development. Mr. Ford testified that the Applicant will comply with the Cherry Hill Township Department of Community Development review letter including all of the affordable housing obligations set forth in paragraph 4a of said review letter; and

**WHEREAS**, the Applicant testified that it will also comply with the Cherry Hill Township Planning Board Engineer's review letter dated April 26, 2012. The Applicant did request however that any passive open space amenity such as a woodchip walking path connecting Phases I and II to natural areas as set forth in subparagraph 1C under the heading "General Comments" be deferred to Phase III of the development; and

**WHEREAS**, the Applicant also requested that the Title 39 Certification as required under Section 1E of the Planning Board Engineer's review letter under the heading of "General Comments" also be deferred to Phase III. It was the Applicant's opinion that Title 39 enforcement was a Homeowners Association decision that needed to be addressed by all members of all Homeowners Associations within the development; and

**WHEREAS**, the Applicant requested that the installation of the dam as referenced in paragraph 2 of the Engineer's review letter dated April 26, 2012 under the heading of "Administrative" also be deferred to Phase III; and

**WHEREAS**, the Applicant testified that it will comply with all of the comments and conditions of the Planning Board Engineer's review dated April 26, 2012 under the heading "Environmental"; and

**WHEREAS**, the Applicant agreed that as a condition of approval that it will comply with the May 21, 2012 Memorandum from the Planning Board Engineer to Mark Selover which Memorandum, was entered into the evidence as Exhibit A-2; and

**WHEREAS**, the Applicant engaged the Planning Board into a general discussion of the proposed development including but not limited to review of the Townships Department Community Development review letter and the Planning Board Engineer's review letter; and

**WHEREAS**, the Applicant agreed to comply with all the terms and conditions of the resolution granting preliminary site plan approval for Phase I and Phase II as approved by the Planning Board in September 2010; and

**WHEREAS**, the Planning Board opened the hearing to the public and public comment was received on the application. The full names and addresses of all members of the public commenting on the application are more accurately set forth on the record. Issues discussed with the public concerned the time frame for development of the project, questions and concerns associated with the proposed dam, Title 39 enforcement and the better distribution of proposed COAH units on site.

**NOW, THEREFORE**, based on foregoing findings of fact and conclusions of law, including all testimony and evidence presented at the hearing, **BE IT RESOLVED**, by the Planning Board of the Township of Cherry Hill, New Jersey that application number 06-P-0065 by Land Approvals Group, LLC a/k/a Centura Condominiums Phases I and II for final site plan approval is hereby **GRANTED** by a vote of seven (7) in favor and none opposed for the reasons set forth on the record in this matter and subject to the following conditions:

1. The Applicant shall revise its plans to satisfactorily address all of the comments and conditions contained in the Department of Community Development review letter dated May 11, 2012, except as specifically noted on the record.
2. The Applicant shall revise its plans to satisfactorily address all of the comments and conditions contained in the Planning Board Engineer's review letter dated April 26, 2012, with the exception of "General Comment" 1C regarding the passive open space amenity and paragraph 1E regarding Title 39 Certification. It was agreed that these issues would be deferred to Phase III of the development.
3. All arguments and representations made by the Applicant as set forth at the hearing in this matter and/or as contained in the "**WHEREAS**" recital paragraphs in this Resolution must be fully satisfied by the Applicant.
4. All of the initial findings of fact as set forth in the "**WHEREAS**" paragraphs of this Resolution and in paragraphs 1 through 10 as set forth above are hereby incorporated as further findings of fact.
5. The Applicant's request waiver regarding the installation of concrete sidewalks and curbs on both sides of the streets for interior roadways is granted in order to maintain consistency within the existing development.
6. The Applicant agreed as a condition of approval that any significant deviation from the proposed architectural elevations will require Department of Community Development Administrative approval. The applicant further agreed as a condition of approval that the location and number of affordable housing units to be constructed on site shall be subject to the review and approval of the Cherry Hill Township Department of Community Development.
7. The Applicant agreed that as a condition of approval that it will comply with the Planning Board Engineer's review Memorandum of May 21, 2012 from Mark Selover, LSRP, which Memorandum, was entered into evidence as Exhibit A-2.
8. The Applicant agreed that as a condition of approval and in response to concerns raised by members of the public that it will trim the trees, clear all debris and repair the existing gate along Browning Road within 3 to 4 weeks of May 21, 2012.
9. Regarding the issue of the proposed dam, the Applicant agreed that as a condition of approval the Applicant will work within 1 year to determine if the dam will be constructed or decommissioned. The Applicant will then diligently work during the next year to carry out its decision of construction or decommission. The Applicant will be required to advise the Department of Community Development on a regular basis of its progress regarding its decision

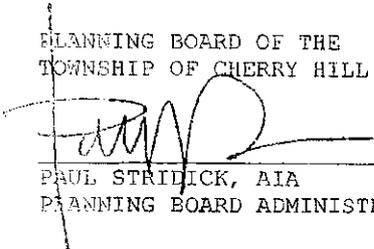
to either construct or decommission the dam and the Applicant's progress moving forward with construction or decommission.

10. The Applicant is hereby notified that prior to the issuance of any zoning permits:
- a. 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.
  - b. Any and all conditions that are made part of this approval, including those noted by referenced in the report of the consultants to the Board must be satisfied.
  - c. Any and all outside agency approvals that are required must be obtained by the Applicant.
  - d. 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 a rate of 1.5% per month.
  - e. Zoning permits must be obtained from the Zoning Officer.
  - f. Signed approvals must be obtained from the Department of Community Development.
  - g. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Planning Board at its sole option to rescind the approvals being granted by this Resolution and/or advise the Township to revoke any permits which have been issued to the Applicant.

DATED: June 15, 2012

PLANNING BOARD OF THE  
TOWNSHIP OF CHERRY HILL

BY:

  
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PAUL STRIDICK, AIA  
PLANNING BOARD ADMINISTRATOR

**RESOLUTION**  
**TOWNSHIP OF CHERRY HILL PLANNING BOARD**  
**APPLICANT'S NAME: LAND APPROVALS GROUP, LLC (CENTURA)**  
**APPLICATION NO.: 11-P-0002**

WHEREAS, Land Approvals Group, LLC ("Land Approvals") is the developer of certain lands and premises in the Township of Cherry Hill, County of Camden and State of New Jersey, located at Browning Lane, and designated as Block 433.20 and Lot 1 on the Tax Map of the Township of Cherry Hill; and

WHEREAS, Land Approvals has filed an application for preliminary major site plan approval; and

WHEREAS, after a public hearing held on December 19, 2011, the following findings of facts were made, to wit:

1. The applicant is proposing to construct a total of 170 townhouse units to complete the build out of Centura, an existing residential condominium and townhouse gated community. Phases I and II of a potential four (4) phase development proposes the construction of 75 townhouse units. The Board granted preliminary approval for Phases I and II by a Resolution memorialized on September 20, 2011, under Application No. 06-P-0065. The application currently before the Board is for the construction of 65 townhouse units in Phase III. The Applicant also will propose, in the future, thirty (30) additional units in Phase IV of the development.
2. The site in question is 40.48 acres.
3. The site is located on Browning Lane, east of Haddonfield-Berlin Road (Camden County Route 561).
4. The site is designated on the official Tax Map of the Township as Block 433.20, Lot 1.
5. The development proposed is located in the Multi-Residential (R10) zone.
6. The site is bounded on the west by *Woodcrest Shopping Center*, zoned Shopping Center Business (B3), and designated as a Redevelopment Zone, to the north by the *Chinese Christian Church*, zoned Institutional (IN), and to the south and east by single-family residential areas, zoned Residential (R1 & R2).

The following information was submitted in support of the application by Clancy & Associates, Inc.:

- a. Title Sheet, Sheet 1 of 15.
- b. Overall Plan Sheet 2 of 15.
- c. Site Plan of Existing Conditions Sheet 3 of 15.
- d. Development Plan Sheet 4 of 15.
- e. Grading & Drainage Plan, Sheet 5 of 15.
- f. "Blowup" Grading & Drainage Plan, Sheet 6 of 15.
- g. Drainage Divide Plan, Sheet 7 of 15.
- h. Utility Plan Sheet 8 of 15.
- i. Landscaping and Lighting Plan Sheet 9 of 15.
- j. Tree Protection Plan, Sheet 10 of 15.
- k. Soil Erosion and Sediment Control Plan, Sheet 11 of 15.
- l. Soil Erosion and Sediment Control Notes and Details, Sheet 12 of 15.
- m. Profiles, Sheet 13 of 15.
- n. Construction Details 1, Sheet 14 of 15.

- o. Construction Details 2, Sheet 15 of 15.
  - p. Stormwater Management Report, dated March 2010.
  - q. Inspection, Maintenance & Repair Plan for Stormwater Management Facilities, revised to November 2011.
  - r. Traffic Impact Study, prepared by Horner & Canter Associates, dated April 5, 2010.
  - s. Plan of Survey and Topography, prepared by Taylor, Wiseman and Taylor, revised to May 24, 2010.
  - t. Environmental Site Assessment, prepared by Ingram Engineering Services, dated February 8, 2011.
  - u. Pesticide and ICP Metals Analysis, prepared by Ingram Engineering Services, dated September 10, 2010, unsigned.
  - v. NJDEP LSRP Required Letter, April 15, 2011.
  - w. NJDEP No Further Action Letter, June 16, 2011.
  - x. Site Remediation Letter prepared by Planland, LLC, dated October 5, 2011.
  - y. Project summary, submitted by the Applicant at the time of the December 19, 2011 hearing and marked Exhibit A-1.
  - z. Trash/recycling narrative, submitted by the Applicant at the time of the December 19, 2011 hearing and marked Exhibit A-2.
  - aa. Department of Code Enforcement Memorandum of December 12, 2011.
  - bb. Memorandum from Cherry Hill Township Police, dated March 11, 2011, prepared by Sgt. Michael Rann #282.
7. The applicant was represented by Richard Goldstein, Esquire. The applicant offered testimony by James Clancy, a professional engineer, Deanna Drumm, a licensed professional engineer who acted as the applicant's traffic consultant, and Ralph Ford, the project manager for the applicant.
  8. The Board accepted James Clancy, PE, PP, Deanna Drumm, PE, PTOE, and Ralph Ford, a retired planner, as expert witnesses.
  9. The applicant is requesting a Design Waiver/RSIS Exception from RSIS standard 5:21-4.19(c) to permit an alternative pavement design.
  10. The applicant is also requesting a design waiver from Section 2407 so that sidewalks do not have to be provided along Roads "I" and Road "J", as it is the Applicant's position that such sidewalks are not consistent with the remainder of the development.
  11. The applicant has requested that the Board defer consideration of the following design issues until such time that final major site plan approval is requested:
    - a. General building and floor plans of each of the units proposed. Signed and sealed architectural plans, sites specific to the application, must be provided at the time of final major site plan approval. Architectural elevations may be deferred until the time of final approval.
    - b. Ownership and home-owner's association restrictions of the use of the back yards of the proposed units.
    - c. COAH requirements, including, but not limited to the number of COAH units required.
    - d. The recommendation for a Title 39 dedication will be deferred to allow the applicant to discuss Title 39 dedication implications with the homeowner's associations involved.

- e. The applicant is responsible for a 1.4% contribution of the total costs of the total costs of improvements to the intersection of Browning Lane and Burnt Mill Road. Based upon the preliminary cost estimate submitted by the applicant to the County, their fair share costs are \$2,344.23 of the total estimate of \$167,445.00.
  - f. Any installation of recreational amenities in and about the project are to be agreed upon with the various homeowners associations in Centura, and the Applicant will advise the Board about the recreational amenities to be installed at the time of final approval.
  - g. Any bedroom distribution and income requirements for COAH Units must comply with all COAH regulations. The dispersal of affordable housing units will be determined at the time of final site plan approval. The court Order entered by the Honorable L. Anthony Gibson, JSC, on January 19, 1995, will be addressed at the time of final approval. The Board does not concede that said Order is controlling.
  - h. Draft of any required legal documents (agreements, deeds, easements, etc.) may be deferred until the time of final approval.
  - i. A draft cost estimate for review and revision by the Board engineer, may be deferred until the time of final approval.
  - j. The payment of inspection escrows will be deferred until the time of final approval.
  - k. Submission of a zoning permit and applicable sign permit applications shall be deferred until the time of final approval.
  - l. Submission of Environmental Impact Statement (E.I.S.).
  - m. Basin Maintenance Manual.
  - n. Required applications and permits of regulatory agencies (NJDOT, NJDEP, CCSC, etc.). NJDEP approvals are required as a condition of any final approval.
  - o. Landscaping Plan showing number, size, species and location per §508-A.
  - p. Letter from the *New Jersey-American Water Company* indicating that water service is available before occupancy of any proposed structures.
  - q. Soil Erosion & Sediment Control Plan, per County Soil Conservation.
12. The Applicant has represented to the Board that there will be curbside trash pick-up for the project in question.
13. While there were members of the public present, no members of the public spoke either in support or against the Application.

WHEREAS, the plans proposed have been examined by Stacey E. Arcari, PE, CME, PTOE, Planning Board Engineer and were discussed in Ms. Arcari's review letter of December 12, 2011 (the findings of which letter are incorporated hereir and made a part hereof, a copy of which letter is attached hereto and made a part hereof as Exhibit "A"), and which letter has been reviewed by the Planning Board; and

WHEREAS, the plans proposed have been examined by Alexander Litwornia, PE and Arnold Garonzik, PP, AICP as the Planning Board Traffic consultant, and were discussed in the December 5, 2011 memorandum prepared by Litwornia Associates, Inc., (the findings of which memorandum are incorporated herein and

made a part hereof, a copy of which memorandum is attached hereto and made a part hereof as Exhibit "B"), and which memorandum has been reviewed by the Planning Board; and

WHEREAS, the plans proposed have been examined by David J. Benedetti, PP, AICP, Director, and Nicole Hostettler, PP, AICP, Senior Planner, of the Township's Department of Community Development, and were discussed in the December 5, 2011 memorandum prepared by the Department of Community Development, (the findings of which memorandum are incorporated herein and made a part hereof, a copy of which memorandum is attached hereto and made a part hereof as Exhibit "C"), and which memorandum has been reviewed by the Planning Board; and

WHEREAS, Deanna Drum, the Applicant's Traffic Engineer, has represented to the Board that the Applicant has remitted the sum of \$2,344.00 to the Camden County Planning Board representing the Applicant's fair share contribution for traffic access and/or intersection improvements for the intersection of Browning Lane and Haddonfield-Berlin Road (County Route 561), said fair share contribution covering the entire Centura development including Phases I, II, III, and IV; and

WHEREAS, based upon the submissions made by the applicant, the reports of the Board's professionals, the testimony of all interested parties and based upon the entire record, the following findings of facts and conclusions were made by the Board; and

NOW, THEREFORE, based upon the foregoing, be it resolved by the Planning Board of the Township of Cherry Hill, New Jersey, that application number 11-P-0002 by Land Approvals Group for preliminary site plan approval is hereby granted subject to the following conditions:

1. The plans will be revised to satisfactorily address the comments of the Planning Board Engineer as set forth in her review letter of December 5, 2011, a copy of which letter is attached hereto and made a part hereof as Exhibit "A", and the findings of which letter are incorporated herein and made a part hereof, except for General Comments 1(b), 1(e), Development Plan items 6 and 9, Parking Item 3, Stormwater Management Item 10, Maintenance of Stormwater Facilities Item 1, Utility Plan Item 1; the foregoing exception items to be addressed at the time of Final Approval.
2. The plans will be revised to satisfactorily address the comments contained in the December 5, 2011 memorandum prepared by Litwornia Associates, Inc., a copy of which memorandum is attached hereto and made a part hereof as Exhibit "B", and the findings of which memorandum are incorporated herein and made a part hereof, except for the requirement under Site Plan Comments, (D) Sheet 4 Development Plan (3), requiring that sidewalk should be provided along Road "J" and Road "I". The Applicant is granted a waiver from that requirement provided that the Applicant provides satisfactory proofs and/or explanation to the Board's Professionals substantiating the Applicant's position that the installation of sidewalks along Road "I" and Road "J" are inconsistent the remainder of the Centura Development.
3. The plans will be revised to satisfactorily address the comments contained in the December 5, 2011 memorandum prepared by the Township's Department of Community Development, a copy of which memorandum is attached hereto and made a part hereof as Exhibit "C", and the findings of which memorandum are incorporated herein and made a part hereof, except as otherwise noted on the record.

4. There are no variances requested and/or required in connection with the application for Phase III. The references in the Department of Community Development review dated December 5, 2011, under III, (B), (1), (2), and (3), relate to the variances previously granted in connection with Phases I and II, under application No 06-P-0065. The variance referred to in item 4, under bulk variances, relating to height of the townhomes proposed, is no longer necessary because of an ordinance change.
5. The design waiver/RSIS exception from RSIS standard 5:21-4.19(c) to permit an alternative pavement design is hereby granted provided that the Applicant provides satisfactory proofs and/or explanation to the Board's Professionals substantiating that the grant of the waiver will not have any negative impact on drainage issues nor any other negative impact to the Centura Development.
6. The Applicant will submit those Homeowner Association documents deemed necessary, by the Board, to allow the Board and its Professionals to make certain that the documents contain restrictions sufficient to prevent the deterioration and/or destruction of any component of the underground drainage system in and about the project.
7. All agreements and/or representations made by the applicant during the hearing of this matter which took place on December 19, 2011, and/or as are contained in the prefatory language of this Resolution shall be fully satisfied by the Applicant. All prefatory language and recitals of this Resolution are hereby made a part of this Resolution and are hereby adopted by the Board.
8. The applicant is hereby notified that prior to the issuance of any building permit:
  - a. Any and all conditions made a part of this approval, including those noted by reference in the reports of the consultants to the Board must be satisfied.
  - b. Any and all outside agency approvals that are required must be obtained by the applicant.
  - c. Zoning permits must be obtained from the Zoning Officer.
  - d. Applicable sign permits must be obtained from the Department of Community Development.
  - e. Review and inspection escrows must be posted with the Department of Community Development.
  - f. The failure of the applicant to comply with any of the conditions contained in this Resolution will allow the Board, at the sole option of the Board, to rescind the approval being granted by this Resolution and/or to advise the Township to revoke any Certificate of Occupancy which has been issued to the applicant.

DATED: January 17, 2012

  
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PAUL STRIDBECK  
PLANNING BOARD SECRETARY

**CORRECTING RESOLUTION**  
**TOWNSHIP OF CHERRY HILL PLANNING BOARD**  
**APPLICANT'S NAME: CHERRY HILL LAND DEVELOPMENT GROUP, LLC**  
**APPLICATION NO.: 17-P-0041 (PBC 9925)**  
**and**  
**APPLICATION NO. 18-P-0002 (PBC 9927)**

**WHEREAS**, the Applicant, Cherry Hill Land Development Group, LLC, as owner of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located on Browning Lane and designated as Block 433.20, Lot 1 for Phases I and II and Block 433.20, Lot 1 (Phase III) on the tax maps of the Township of Cherry Hill, has filed an application for preliminary and final major site plan approval with bulk (c) variances to construct 159 townhouse units at the existing Centura Development together with other site improvements including stormwater facilities, lighting, landscaping and roadway improvements.

**WHEREAS**, after a public hearing held on December 3, 2018, the following initial findings of fact were made, to wit:

1. The overall Centura Development, as this community is known, was initially approved by the Planning Board in 1975, however, only 70 units were constructed under said approvals. The overall Centura Development is comprised of three (3) sections, Centura, Cotswold and Normandy. Subsequent amendments were granted by the Planning Board in 1980, 1981, 1982 and 1987. The 1987 approvals permitted an additional 309 units to be constructed in addition to the existing 72 units. Thereafter in 1988, the Planning Board approved a re-subdivision of the site into four (4) lots. A Subdivision Deed was recorded in 1988. Pursuant to the Applicant's submission, there are 155 units currently within the Centura Development, of which 72 units are located in the Centura section, 49 units are located within the Cotswold section and 34 units are located within the Normandy section. A complete history of the Centura Development is set forth in the Department of Community Development review letter dated November 3, 2018, as revised.
2. The Applicant has now proposed substantial changes to the previous approvals which require the submission of a new application for preliminary and final major site plan approval with bulk variances. The Applicant has chosen to proceed by submitting two (2) separate applications to the Planning Board seeking preliminary and final major site plan approval with bulk variances for Phases I and II under Application No. 17-P-0041 and Phase III under Application No. 18-P-0002, which also requires bulk (c) variances. Inasmuch as these applications are interrelated, have the same owner, are interconnected, are interdependent, the Planning Board has elected, with the consent of the Applicant, to consolidate both applications and permit the Applicant to make its presentation of all three (3) phases at the same public hearing. The Applicant has also agreed to proceed and request solely preliminary major site plan approval for all three (3) phases together with bulk (c) variances and return to the Planning Board seeking final major site plan approval at a subsequent time.
3. Under the current combined application, the Applicant has proposed to construct 145 units of which 124 units are subject to new approvals. A total of 79 new units will be constructed in Phases I and II, 45 new

units will be constructed in Phase III and there will be 21 in-fill units which were previously approved. Originally, 35 in-fill units were proposed and previously approved; however, 14 previously approved in-fill units are being abandoned by the Applicant. Included in the 145 units, the Applicant will construct a total of 32 low and moderate income units which will be interspersed throughout the Applicant's Cotswold and Normandy sections to supplement three (3) affordable units which currently exist and which are located in the Cotswold section. Thus, the entire development will have a total of 35 low and moderate income units, which will more than satisfy the requirements of a court order entered in or about 1993 which required a total of 32 affordable units within the entire Centura Development.

4. In addition to the construction of the dwelling units, the Applicant has also proposed to completely redesign the stormwater management system which was previously approved and which will now include three (3) new stormwater infiltration basins which will serve the entire site, in addition to the existing pond. The new basins and supplemental system will be constructed consistent with current NJ DEP regulations. Basin No. 1 and Basin No. 2 will be installed during the construction of Phases I and II. Basin No. 2 and Basin No. 3 are located within Phase III. Other site improvements for the Centura Development include the reconstruction of the existing emergency access road from Browning Lane which, upon completion of construction, will be opened and will operate as an additional gated access road for the residents. During construction, said access road will be utilized solely for construction purposes. As well, the Applicant proposes other site improvements, including additional lighting, landscaping, paving and improvements to existing amenities.
5. The property is located in the Multifamily Residential (R10) Zone. The proposed use is a permitted use in said zone.
6. The property is a 28.36 acre site and is located on the north side of Browning Lane east of Haddonfield-Berlin Road (C.R. 561). Browning Lane is a two-lane municipal roadway with a cartway width of 30 feet. Adjacent uses consist of the Woodcrest Shopping Center, which is located in the Shopping Center Business (B3) Zone. Vacant land owned by the New Jersey Turnpike Authority and the Cherry Hill Baptist Church are located to the north of this site and which are both zoned Institutional (IN). Wooded land and older single family homes on large lots are located to the north and east of the site in the Residential (R1) Zone. Wooded land north of the site which was zoned R1 and IN was purchased by the Township in 2006 and is part of the Township's Green Acre inventory. The Woodcrest residential neighborhood of existing single family homes is located immediately to the south in the Residential (R2) Zone. There are delineated wetlands and flood plains on the subject property, including a dam which is under the jurisdiction of NJ DEP's Bureau of Dam Safety and Flood Control.
7. As noted, a complete history of the approvals accorded the Centura Development over the years is set forth in detail on pages 2 and 3 of the review letter issued by the Department of Community Development, dated November 3, 2018. Said history is incorporated herein by reference.

8. As part of the combined applications, the Applicant has requested new bulk (c) variances for the following relief:
  - a. From Section 401.K and Section 408.E.1 to allow open space of 49% in Phases I and II and 47% in Phase III where a minimum of 50% is required. It should be noted, however, that the overall Centura Development meets the 50% open space requirement.
  - b. From Section 408.E.2 to permit a unit to be 70.22 feet from a single family zone where a minimum setback of 75 feet is required.
9. The Applicant has also requested variances for the following relief, all of which were previously approved variances which run with the land and can be recognized as such by the Planning Board:
  - a. From Section 408.E.1 to permit 29.37 feet side yard setback where 50 feet is required relating to Building 1-E;
  - b. From Section 408.E.1 to permit 45.82 feet rear yard setback where 50 feet is required relating to Building 1-E;
  - c. From Section 408.E.1 to permit 30.09 feet rear yard setback where 50 feet is required relating to Building 1-K;
  - d. From Section 408.E.2.e to permit construction of all townhouse/condo dwelling units where the ordinance requires a mixture of townhouse and apartment unit types;
  - e. From Section 401.E.1 to permit 55.46 feet front yard setback where a minimum of 75 feet is required. This relates to six (6) future in-fill units.
  - f. From Section 408.E.2.b to permit less than 25 feet between structures where 25 feet is required.
10. The Applicant has requested the following variances which are all internal to this site and which were never requested previously, despite numerous approvals since the 1988 minor subdivision relating to this property:
  - a. From Section 408.E.1 to permit a 0.15 foot front yard setback where a minimum of 75 feet is required relating to Building 1-A;
  - b. From Section 408.E.1 to permit a 4.90 foot side yard setback where a minimum of 50 feet is required relating to Building 1-C;
  - c. From Section 408.E.1 to permit a 49.54 foot rear yard setback where a minimum of 50 feet is required relating to Building 1-J;
  - d. From Section 408.E.1 to permit a 39.41 foot rear yard setback where a minimum of 50 feet is required relating to Building 1-K;
  - e. From Section 408.E.1 to permit a 30.25 foot front yard setback where a minimum of 75 feet is required relating to Building 2-A;

- f. From Section 408.E.1 to permit 8.88 foot side yard setback where a minimum of 50 feet is required relating to Building 2-A;
  - g. From Section 408.E.1 to permit a 9.83 foot side yard setback where a minimum of 50 feet is required relating to Building 2-B;
  - h. From Section 408.E.1 to permit a 35.25 foot front yard setback where a minimum of 75 feet is required relating to Building 2-C;
  - i. From Section 408.E.1 to permit a 24.09 foot side yard setback where a minimum of 50 feet is required relating to Building 2-C;
  - j. From Section 408.E.1 to permit a 45.80 foot rear yard setback where a minimum of 50 feet is required relating to Building 2-C;
11. The Applicant has requested a design waiver for landscaping within the basins as required by ordinance
12. The Applicant will request an RSIS exemption to permit sidewalks on only one side of the street on Canterbury and Provence Drives where sidewalks on both sides of the road are required by RSIS.
13. The Applicant was represented by Jeffrey I. Baron, Esquire.
14. In support of the application, the Applicant provided the testimony of the following people:
- a. Ralph Ford, Project Manager;
  - b. Michael Ward, Representative of owner;
  - c. Tiffany Morrissey, Professional Planner licensed in New Jersey;
  - d. Richard Clemson, Professional Engineer licensed in New Jersey;
  - e. Deanna Drumm, P.E., Traffic Engineer licensed in New Jersey.
15. A complete list of the plans and documents submitted by the Applicant in support of its application are specified on pages 3 - 6 of the review letter issued by the Department of Community Development dated November 3, 2018, as revised. Said plans and documents are on file with the Planning Board Secretary and are incorporated by reference herein. In addition, the Applicant marked the following exhibits in evidence in this matter:
- a. A-1 - aerial photo exhibit dated December 3, 2018;
  - b. A-2 - Landscape Plan rendering Phases I and II dated December 3, 2018;
  - c. A-3 - Landscape Plan rendering Phase III dated December 3, 2018;
  - d. A-4 - Site Plan Phases I and II, sheet 5 of plans;
  - e. A-5 - Site Plan Phase III;
  - f. A-6 - Variance Plan.
16. Comprehensive review letters were issued by the Department of Community Development dated November 3, 2018, as revised, and the Planning Board Engineer, Environmental Resolutions, Inc. dated November 27, 2018 related to Phases I and II and November 27, 2018 relating to Phase III. Said letters are on file with the Planning Board Secretary and are

incorporated by reference herein.

17. The Planning Board presented the testimony of Lorissa Luciani, PP, AICP, Director of the Department of Community Development; Jacob Richman, PP, AICP; and C. Jeremy Noll, PE, CME, Planning Board Engineer, who testified with regard to the application and both review letters dated November 27, 2018. Said letters are made a part of the record in this matter.
18. Four (4) members of the public testified at the public hearing with regard to the within application, most of whom were residents within the Centura Development.
19. 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; and

**WHEREAS**, Jeffrey Baron, Esquire provided the background and the history with regard to the Centura Development. He stated that the first section within the Centura overall development commenced with the construction of the Centura section, which began in the late 1970s. A total of 72 units were constructed in that section. Thereafter, a Master Homeowners' Association named the Hamlets was formed along with two (2) Sub-Homeowners' Associations, Cotswold and Normandy, which received Planning Board approval for an additional 309 units, not including the Centura units. The Centura section was not part of the Hamlets Master Association ("Hamlets"). To date, 49 residential units have been constructed within the Cotswold section and 34 residential units have been constructed within the Normandy section. The Master Deed for the Hamlets Association requires that the buildout of the Cotswold and Normandy units be undertaken in phases.

**WHEREAS**, Mr. Baron represented that under the established overall development, all three (3) sections, Centura, Cotswold and Normandy, have the right to utilize common elements and amenities located within the overall development including the roadways, the gate access entry system, the tennis court, pool and other open space. He further represented that under the current Master Association, the Hamlets receives one overall water bill for all of the units in Cotswold and Normandy sections and the Hamlets then prorates the water usage among the homeowners in those two (2) sections.

**WHEREAS**, Mr. Baron represented that as part of the present applications, the Applicant will seek to de-commission the existing dam and construct the Phases I and II additional units, which are in the Cotswold section, and will also construct the Phase III additional units which are in the Normandy section.

**WHEREAS**, Mr. Mike Ward, a representative of the owner, testified that in 1988 for financing purposes, the then owner was granted a minor subdivision to create four (4) separate tracts within the Cotswold and Normandy sections. A Subdivision Deed was then recorded with the Camden County Clerk's Office and remains of record.

**WHEREAS**, Mr. Ward testified that the Hamlets Master Association handles all costs for the Cotswold and Normandy Associations and it has a license agreement with Centura to maintain the road, gatehouse, tennis court and swimming pool.

**WHEREAS**, Mr. Ward testified that the first phase of the Normandy section which has already been constructed contains 34 units and the first phase of the Cotswold section that was already constructed contains 49 units.

**WHEREAS**, Mr. Ward testified that in 1993, a settlement agreement was entered into in the Cherry Hill Affordable Housing litigation which required that a total of 32 low and moderate income units be constructed as part of the remaining Normandy and Cotswold sections. To date, three (3) affordable units exist in the Cotswold section. The current proposal requires that 18 new low and moderate income units be constructed in the proposed future re-aligned Normandy section and a total of 17 low and moderate units, inclusive of the three (3) existing units will be constructed in the proposed future re-aligned Cotswold section, for a total of 35 low and moderate income units. These units will be interspersed throughout the Cotswold and Normandy sections.

**WHEREAS**, Mr. Ward testified that the remaining 32 affordable units will be stacked units rather than townhouse units and that the plan calls for these units to be interspersed throughout the Cotswold and Normandy sections.

**WHEREAS**, Mr. Ward testified that the current application seeks to abandon 14 in-fill units that were approved but were never built.

**WHEREAS**, Mr. Ward testified that the Applicant will separately meter all water and sewer for the new units to be constructed and that the Applicant will attempt to separately meter the water and sewer of all of the existing units within the Cotswold and Normandy sections. He stated that this will eliminate the need for the Hamlets to pro-rate the bills to each existing homeowner.

**WHEREAS**, Mr. Ward testified that the Applicant has met on numerous occasions with the officers of the existing Cotswold and Normandy Homeowners' Associations to explain all aspects of the proposed development which is intended to finally build out the remaining units in the Centura Development.

**WHEREAS**, Richard Clemson, Professional Engineer licensed in New Jersey, testified as to the site plan being proposed by the Applicant.

**WHEREAS**, Mr. Clemson testified that the Canterbury Way entrance road will be improved as will be the ingress and egress through the main gateway to the site from Browning Lane so as to provide better access to residents, visitors and service people.

**WHEREAS**, Mr. Clemson testified that the previous stormwater management system which included underground drainage will be totally revised and replaced with a conventional above-ground stormwater management facility comprised of three (3) basins. Basin No. 1 is near the existing recreational area and will service Phase II. Basin No. 2 will service Phase I and part of Phase III and Basin No. 3 which is along Road I will serve part of Phase III.

**WHEREAS**, Mr. Clemson testified that the existing pond is located on the north edge of the property and will remain in use. Basin No. 3 will discharge into the pond which will continue to discharge into the Tinsdale

Run stream. He stated that the basins are combination basins which provide infiltration and will meet all New Jersey water quality and ground water recharge and will comply with all NJ DEP regulations for basins.

**WHEREAS** Mr. Clemson testified as to the proposed lighting to be installed at the site and stated that it will be decorative lighting on 12 foot high poles scattered along Canterbury Way and along Roads A through I. He stated that the lights proposed are at 100 feet rather than 300 feet intervals and that the light may exceed Code requirements.

**WHEREAS**, Mr. Clemson testified as to the parking requirements for the proposed development and stated that pursuant to RSIS standards, they are technically short a total of 16 spaces, 10 in Phases I and II and six (6) in Phase III.

**WHEREAS**, Mr. Clemson testified that the Applicant will revise the plans to provide for all required parking on-site and will not seek a waiver from RSIS requirements for the shortage. He stated that the Applicant will work with the Planning Board Engineer to comply with all RSIS parking requirements and ADA handicap spaces.

**WHEREAS**, Mr. Clemson testified as to the Landscape Plan for Phases I and II and stated that all roads will have shade trees, landscape groupings will be included for screening purposes, there will be landscaping around the stormwater management basins and that the Applicant will plant 73 shade trees, 51 ornamental trees, 238 evergreen trees, 272 shrubs as well as more than 200 small plants.

**WHEREAS**, Mr. Clemson also testified as to the landscaping for Phase III and that landscaping will be included around the basin, shade trees will be planted and that there will be landscaping throughout the various pockets of interest. He also stated that Phase III backs up against the existing woodlands and that wetlands exist in the wooded areas.

**WHEREAS**, Mr. Clemson testified that the Applicant will provide an irrigation system that will aid all of the homeowners in the Cotswold and Normandy sections.

**WHEREAS**, Deanna Drumm, a licensed Traffic Engineer, testified that in 2010 she did an overall traffic study for a total of 175 new units to be constructed at this site. That analysis has now been supplemented and includes the intersections of Haddonfield-Berlin Road and Browning Lane.

**WHEREAS**, Ms. Drumm testified that the County assessed this development with its fair share of impact based upon 175 units and this amount has already been paid to the County, even though there will be only 145 new units rather than the 175 units as previously proposed.

**WHEREAS**, Ms. Drumm testified that in 2011 a further analysis was done for Phase III which resulted in a decent level of service. She further testified that the existing emergency road that exists along Provence Drive will be extended and will be made into a full service entrance roadway for use by residents only. She stated that the new entrance onto East Browning Lane will be full service after Phases I, II and III are complete, however, it will be used as a construction entrance during the construction phase.

**WHEREAS**, Ms. Drumm testified that in her opinion, there is no adverse impact to the residents or to the public as a result of the extension of the roadway to Browning Lane and that provisions will be made at that second entrance to ensure that cars will not back up onto Browning Lane.

**WHEREAS**, Mr. Ralph Ford testified that he has been the project manager for this project since 2010 and that he is a licensed land surveyor in New Jersey.

**WHEREAS**, Mr. Ford testified that a portion of the emergency road to Browning Lane is currently impassable, is gravel and will be reconstructed as part of these improvements to make a full service ingress and egress point to be used by residents only with a keyed entry access gate. Prior to completion of construction, that roadway will be used for construction use.

**WHEREAS**, Mr. Ford testified that the main gate at the site will be improved to provide for tele-communication access for guests and service people.

**WHEREAS**, Mr. Ford testified that the former sales office building on the site will not be used.

**WHEREAS**, Mr. Ford testified as to the existing dam at the site and stated that there is a permit to reconstruct the dam but that the Applicant has chosen not to reconstruct it. As a result, the Applicant will communicate with NJ DEP to decommission the dam or obtain partial decommission.

**WHEREAS**, Mr. Ford testified that all three (3) basins will have fences surrounding the basin with the fence on the west border of Phase I to be vinyl to screen against the adjacent Woodcrest Shopping Center. That fence will also have landscaping.

**WHEREAS**, Mr. Ford testified that the plans will be revised to note the specific construction schedule for the basins consistent with Phases I and II.

**WHEREAS**, Mr. Ford testified with regard to the existing recreation amenities which include a tennis court and swimming pool. These amenities will remain unchanged and each owner will pay a fee to the Hamlets Association for use of the recreation facilities.

**WHEREAS**, Mr. Ford testified that the Applicant is adding bike lanes and sidewalks on one side of the street and he stated that waivers for sidewalks on both sides of the street were granted in prior approvals. In addition, he stated that there will be pedestrian linkage behind Buildings 1-H and 1-I.

**WHEREAS**, Mr. Ford testified that the Applicant will abandon approvals for two (2) in-fill buildings and will convert two (2) buildings to include four (4) units and four (4) buildings to include eight (8) units.

**WHEREAS**, Mr. Ford testified that there will be no garages provided for low and moderate income units, however, all affordable units will have driveways.

**WHEREAS**, Mr. Ford testified as to Exhibits A-4 and A-5 which reflect the areas where the low and moderate income units will be located.

**WHEREAS**, Mr. Ford testified that the low and moderate income units pay the same HOA fees as all other units, however, their real estate taxes are reduced by New Jersey law.

**WHEREAS**, Tiffany Morrissey, Professional Planner licensed in New Jersey, testified as to the Variance Plan as set forth on Exhibit A-6.

**WHEREAS**, Ms. Morrissey testified that the Applicant accepts all of the comments and conditions set forth in the Community Development review letter of November 3, 2018, as revised and both review letters issued by the Planning Board Engineer, both dated November 27, 2018.

**WHEREAS**, Ms. Morrissey testified that there are two (2) new variances required for this application exclusive of the internal variances which have also been applied for and noticed. The first variance is from Section 408.E.2 to permit a unit to be 70.22 feet from a single family zone where a minimum setback of 75 feet is required, and from Section 408.E.1 to permit open space of 49% for Phases I and II and 47% in the Normandy section where 50% is required. Ms. Morrissey testified that the overall Centura Development meets the 50% open space requirement contained in the ordinance.

**WHEREAS**, Ms. Morrissey testified that there exists six (6) variances which were previously approved for this site and which will not be changed or impacted by this development.

**WHEREAS**, Ms. Morrissey testified that there are numerous internal variances which relate to rear yard and front yard setbacks based upon the previous minor subdivision which divided the four (4) sections into four (4) separate lots. She stated that these internal variances create no adverse impact to the surrounding area, to the Master Plan or to the Zone Plan and these variances should be deemed technical variances created solely by said minor subdivision.

**WHEREAS**, Ms. Morrissey testified that the requested variances are appropriate under the Municipal Land Use Law, Section 40:55D-70c(1) and c(2). A hardship variance is justified under Section c(1) due to the previous existing subdivision which created the need for these internal variances.

**WHEREAS**, Ms. Morrissey testified that the proposed plan reduced the number of units from that which was approved previously, that the current number of units satisfies the intent and purpose of the Municipal Land Use Law, N.J.S.A. 40:55D-2(a) and (c), that the Applicant is completing and adding to the required number of low and moderate income units proposed for this site and that the completion of this development will result in an overall improvement to the development itself and to the surrounding area.

**WHEREAS**, Ms. Morrissey testified with regard to the negative and positive criteria set forth in the statute. She stated as to the negative criteria that there is no impairment to the zoning ordinance or zone plan, that the application improves the stormwater management at the site by adding basins, that it completes the low and moderate income housing, that it will

provide two (2) ingress/egress points and will improve circulation, that there is no adverse impact to the surrounding roads and that there is no substantial detriment to the zone plan or zoning ordinance. In all, Ms. Morrissey testified that the Applicant has satisfied both the positive and negative criteria of the statute as set forth above.

**WHEREAS**, four (4) members of the public testified with regard to this application, including the following:

- a. Ms. Heather Foor of 504 Cypress Lane, who inquired as to the new road to be constructed, whether the new road will be full access and whether it will impact Browning Lane by having cars stacked up onto Browning Lane by the new entrance;
- b. Mr. Barry Liftman of 452 Centura, testified that he is in favor of this application since there are 34 units existing in Normandy which was designed for over 130 units. He stated that the new development will help increase services to residents since the existing condo fees are very high.
- c. Mr. Joseph Levin of 164 Centura, testified that he is a former president of the Centura HOA and that the community appreciates this development. He stated that he is concerned about removal of too many trees since the trees help buffer the noise from the surrounding highways. He questioned whether the basins will provide infiltration and retention as well as detention. He also had questions with regard to the existing sales office building.
- d. Ms. Heather Eichenbaum of 221 Centura, testified that she has resided in Cotswold since 1996 and served on both the Hamlet HOA Board and the existing Cotswold HOA Board. She stated that she does not want a new HOA association created by this development and that the new units should be a part of the existing Cotswold Association. She further testified as to the complications that exist as a result of the complex HOA structures which were established within this overall development.

**WHEREAS**, the Applicant's professionals responded to and addressed each of the comments and concerns expressed by the residents and further explained the overall aspects of this application and how it relates to the existing homeowners' associations.

**WHEREAS**, the Applicant testified that it will comply with all of the comments and conditions as set forth in the Department of Community Development's review letter of November 3, 2018, as revised and the Environmental Resolutions, Inc. review letters of November 27, 2018, except as specifically noted on the record.

**WHEREAS**, the Applicant testified that it will comply with all of the proposed conditions imposed by the Planning Board as set forth below, each of which are acceptable to the Applicant.

**WHEREAS**, the development plans have been reviewed by the Department of Community Development and the Planning Board Engineer (whose findings and reports are incorporated herein and made a part hereof) including the review

letters dated November 3, 2018 as revised and November 27, 2018, respectively. Said review letters set forth those areas of the Development Control Regulations and Zoning Plan of the Township with which the Applicant has complied and with which the Applicant has failed to comply.

**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 - 19 are hereby incorporated by reference herein as further findings of facts.
2. All of the foregoing WHEREAS paragraphs contained on pages 5 - 10 are hereby incorporated by reference herein as findings of facts and/or conclusions of law made by the Planning Board.
3. Based upon the testimony and evidence presented by the witnesses and experts, the Planning Board finds and concludes that the Applicant has established the need for and the justification for the requested c(1) hardship variance and the c(2) bulk variances.
4. The Planning Board has reviewed and considered the relevant portions of the Zoning Ordinance, the Municipal Land Use Law, the exhibits, testimony and all other pertinent documents and authority submitted in this matter, including the positive and negative criteria as set forth in the MLUL and has determined that the testimony of the Applicant is credible and is sufficient to sustain its burden of proof in this matter.
5. The Planning Board finds that the Applicant has satisfied its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden requiring the granting of the requested "c" variances, including the c(1) hardship variance as set forth in the testimony as well as the c(2) bulk variances as hereinafter noted.
6. Based upon the testimony and evidence set forth herein, the Applicant has sustained its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to satisfy its burden regarding the negative criteria of the statute and that the application can be granted without any substantial detriment to the public good and without impairing the intent and purpose of the zone plan and Zoning Ordinance.
7. Based upon the testimony and evidence set forth herein, the Applicant has sustained its burden to affirmatively prove, produce and introduce testimony and evidence sufficient to support its burden regarding the positive criteria of the statute to justify the requested bulk variances as set forth above.

**NOW, THEREFORE**, based on foregoing findings of fact and conclusions of law, including all of the testimony and evidence presented at the public hearing; **BE IT RESOLVED**, by the Planning Board of the Township of Cherry Hill, New Jersey that Applications Number 17-P-0041 (PBC 9925) and 18-P-0002

(PBC 9927) by Cherry Hill Land Development Group, LLC for preliminary major site plan approval with c(1) hardship variance and c(2) bulk variances is hereby **GRANTED** by a vote of nine (9) in favor and zero (0) opposed for the reasons set forth on the record in this matter and subject to the following conditions:

1. The bulk variance requested from Section 408.E.2 to permit a setback of 70.22 feet from a single family zone where a minimum setback of 75 feet is required, is granted.
2. The bulk variance requested from Section 408.E.1 to permit open space at 49% for Phases I and II and 47% for Normandy where a minimum of 50% is required, is granted.
3. The internal bulk variances for the following relief are hereby granted:
  - a. From Section 408.E.1 to permit a 0.15 foot front yard setback where a minimum of 75 feet is required relating to Building 1-A;
  - b. From Section 408.E.1 to permit a 4.90 foot side yard setback where a minimum of 50 feet is required relating to Building 1-C;
  - c. From Section 408.E.1 to permit a 49.54 foot rear yard setback where a minimum of 50 feet is required relating to Building 1-J;
  - d. From Section 408.E.1 to permit a 39.41 foot rear yard setback where a minimum of 50 feet is required relating to Building 1-K;
  - e. From Section 408.E.1 to permit a 30.25 foot front yard setback where a minimum of 75 feet is required relating to Building 2-A;
  - f. From Section 408.E.1 to permit 8.8 foot side yard setback where a minimum of 50 feet is required relating to Building 2-A;
  - g. From Section 408.E.1 to permit a 9.83 foot side yard setback where a minimum of 50 feet is required relating to Building 2-B;
  - h. From Section 408.E.1 to permit a 35.25 foot front yard setback where a minimum of 75 feet is required relating to Building 2-C;
  - i. From Section 408.E.1 to permit a 24.09 foot side yard setback where a minimum of 50 feet is required relating to Building 2-C;
  - j. From Section 408.E.1 to permit a 45.80 foot rear yard setback where a minimum of 50 feet is required relating to Building 2-C;
4. The following bulk variances requested are all pre-approved variances not affected by this application and can be recognized as previously granted variances. Thus, new variances are not required:
  - a. From Section 408.E.1 to permit 29.37 feet side yard setback where 50 feet is required relating to Building 1-E;
  - b. From Section 408.E.1 to permit 45.82 feet rear yard setback where

50 feet is required relating to Building 1-E;

- c. From Section 408.E.1 to permit 30.09 feet rear yard setback where 50 feet is required relating to Building 1-K;
  - d. From Section 408.E.2.e to permit construction of all townhouse/condo dwelling units where the ordinance requires a mixture of townhouse and apartment unit types;
  - e. From Section 401.E.1 to permit 55.46 feet front yard setback where a minimum of 75 feet is required. This relates to six (6) future in-fill units.
  - f. From Section 408.E.2.b to permit less than 25 feet between structures where 25 feet is required.
5. All agreements, conditions and/or representations made by the Applicant or imposed by the Applicant as set forth in this matter and as contained in the "WHEREAS" recital paragraphs or as contained in any of the previous resolutions relating to prior approvals of this site shall be fully satisfied by the Applicant in accordance with their terms unless specifically revised or amended by this approval.
  6. The Applicant shall revise its plans to satisfactorily address and satisfy all of the comments and conditions set forth by the Department of Community Development and the Planning Board Engineer as contained in their review letters dated November 3, 2018, as revised, and the two (2) Environmental Resolutions, Inc. letters dated November 27, 2018, respectively.
  7. All other conditions of approval specifically and expressly contained in this Resolution shall be fully satisfied by the Applicant in accordance with their terms.
  8. All deed restrictions, easements, covenants and legal descriptions, including drainage and stormwater management facilities shall be submitted to the Planning Board Engineer, Planning Board Solicitor and Department of Community Development for their advance review and approval prior to the signing of the Plans by the Township.
  9. The Applicant shall submit a Stormwater Facilities Management Agreement and Maintenance Plan acceptable to the Township to provide for the ownership, perpetual maintenance and repair of the stormwater management facilities. Said Agreement and Plan shall contain a provision that in the event the Applicant or its successor in interest shall fail to maintain the facility, or in the event of an emergency or situation involving the health and safety of the public, the Township shall be permitted to enter onto the property to undertake appropriate repairs necessary to correct the problem and/or address the emergency. All costs for such maintenance and repairs shall be borne by the Applicant or its successors in interest.
  10. The Applicant shall submit performance guarantees and post-inspection escrows with the Township for all required site improvements. A construction cost estimate must first be prepared and submitted by the

Engineer for review and approval by the Township Engineer to be used to determine guaranty amounts. A form of bond or Letter of Credit must be submitted to the Department of Community Development for final approval. Five percent (5%) based upon the approval bond is to be placed into escrow for inspection services.

11. The Applicant must obtain Certificates of Occupancy prior to the occupancy of the proposed improvements on the site. Approval by the Planning Board does not guarantee the issuance of the Certificate of Occupancy to the Applicant or its successors in interest. A Certificate of Occupancy cannot be issued until all costs assessed by the Planning Board and/or the Township and all escrows for the professional reviews of this application have been paid in full.
12. The plans shall be subject to the review and approval and/or permits from one or more of the following outside agencies which shall be submitted no later than the submission of the applications for final site plan approval for both applications:
  - a. NJDEP-Dam Safety
  - b. NJDEP-Transition Averaging Permit
  - c. NJDEP-Flood Hazard Verification
  - d. NJDEP-Letter of Interpretation
  - e. NJDEP-Treatment Works Approval (if applicable)
  - f. NJDEP-Safe Drinking Water (if applicable)
  - g. Camden County Planning Board
  - h. Camden County Soil Conservation District
  - i. Camden County MUA
  - j. Cherry Hill Township Fire Marshall
  - k. Cherry Hill Police Department
  - l. Cherry Hill Township Engineering and Public Works
  - m. Cherry Hill Township Engineering-Sewerage Connection Fee
  - n. Cherry Hill Township Department of Code Enforcement
  - o. Any other approvals and permits as required by law and regulation
13. The Applicant shall revise the plans to contain a note that all water and sewer meters for the new units in Cotswold and Normandy sections will be metered separately and billed to the individual homeowner and the Applicant will establish a separate water meter for the irrigation system to be installed for the Cotswold and Normandy sections which will be billed to the Hamlets Homeowners Association.
14. The Applicant shall revise the plans to include a note that, in addition to providing separate water and sewer meters for the new units in Cotswold and Normandy, the Applicant will also attempt to separate the water and sewer meters for the existing units in Cotswold and Normandy so that each unit will be billed separately for its own usage.
15. The Applicant shall revise the plans to include a note that decorative lighting will be utilized on 12 feet high poles at an interval of 100 feet along Canterbury Way and Roads H and I.
16. The Applicant shall revise the plans to include sufficient on-site parking to meet RSIS standards within Phases I, II and III. The

Applicant has represented that a waiver will not be required or requested for the number of parking spaces as required by RSIS. The Applicant shall work with the Department of Community Development and the Planning Board Engineer to satisfy this condition.

17. The Applicant shall comply with the required number of handicapped/ADA parking spaces on-site as well as satisfy any other parking requirements established by RSIS. The Applicant shall work with the Department of Community Development and Planning Board Engineer to satisfy this condition.
18. The Applicant shall revise the plans to confirm that the current emergency access road will be reconstructed to Browning Lane, it will be a full-service road for ingress and egress with left and right turns in and out, it will have a separate "key" system installed and will be marked for resident use only after construction at the site has been completed. Said access road will be used for construction vehicles during the construction phase.
19. The Applicant shall revise the plans to include a note that it will seek permission from NJDEP to decommission the existing dam or to partially decommission said dam as a condition of this approval. The Applicant will include the Department of Community Development and Planning Board Engineer on all correspondence with NJDEP with regard to its efforts concerning the dam.
20. The Applicant shall revise the plans to include a note that basin #2 will be constructed as part of Phase I and that said construction will take place prior to the commencement of construction for Phases I and II.
21. The Applicant shall revise the plans to reflect that all three (3) basins will have fences surrounding each basin and that the fence on the west border of Phase I, shall be a vinyl fence with landscaping to screen against the Woodcrest Shopping Center.
22. The Applicant shall revise the plans to clarify the schedule of construction of the three (3) basins.
23. The Applicant shall revise the plans to include a note to reflect that bike lanes and sidewalks on one side of the street will be installed which will provide a pedestrian linkage behind Building 11.
24. The Applicant shall revise the plans to reflect that no garages will be included for the affordable housing units, however, all of the affordable housing units will include driveways.
25. The Applicant shall be required to modify the Master Deed to reflect any changes to the Hamlets, Cotswold and Normandy Homeowners Association and shall provide copies of said revisions to the Department of Community Development and Planning Board Attorney for their advance review and approval.
26. The Applicant shall revise the plans to specifically reflect that 79 units will be constructed within Phases I and II, 45 units shall be

constructed in Phase III and that 32 additional affordable housing units will be constructed on-site in the Cotswold and Normandy sections as part of this approval.

27. The Applicant shall revise the plans to specify which of the existing Homeowners Associations shall own and maintain the new basins.
28. The Applicant has agreed that it shall revise the plans to include a note that it will test for contaminants and environmentally sensitive areas at the site and submit said report to the Department of Community Development and Planning Board Engineer for review and approval.
29. The Applicant shall submit a turning plan for Browning Lane, which will address all stacking, access, ingress and egress issues. Said plan shall be submitted with the application for final site plan approval.
30. The Applicant shall submit all Homeowners Association documents to the Planning Board Planner, Department of Community Development and the Planning Board Attorney for their advance review and approval to ensure that all required easements, covenants and restrictions to the site are noted in said HOA documents.
31. The Applicant shall revise the plans to include a note that it has agreed to seek all approvals necessary to impose New Jersey Motor Vehicle Code, Title 39 requirements at this site.
32. The Applicant shall revise the plans to include a note that its Fair Share contribution as determined by Camden County has already been paid by the Applicant.
33. The Applicant shall revise the plans to reflect that the installation of any new recreational amenities throughout the Centura Development will be agreed to in advance by the existing Homeowners Associations and that the Applicant shall advise the Planning Board, as part of its submission for final site plan approval, of the proposed amenities to be included at the site.
34. The Applicant shall submit its sanitary sewer system and NJAW utility plans to the Township Sewer Engineer for review and approval. If the Township elects to take ownership of the sanitary sewer mains on-site, a blanket easement shall be provided for the maintenance and repair of said system. Said easement shall be in place at the time the application for final site plan approval is submitted and shall be provided to the Department of Community Development, Planning Board Engineer and Planning Board Attorney for their advance review and approval.
35. The Applicant shall submit an irrigation plan to the Department of Community Development and Planning Board Engineer which reflects that an irrigation system will be provided at the site. The irrigation plan will be submitted to the Department of Community Development and Planning Board Engineer for their advance review and approval prior to the submission for final site plan approval.
36. The Applicant shall be required to update and bring current all NJDEP

permits for wetlands, flood hazard and riparian buffers and the Applicant shall provide current flood hazard and riparian buffer permits to the Department of Community Development and Planning Board Engineer prior to submission for final site plan approval.

37. The Applicant shall revise the plans to reflect that bike lanes will be included on Canterbury Way and Provence Drive as a recreational amenity and to assist traffic calming and enhanced safety along said roadways. Said bike lanes shall include textured pavement and/or curb bump outs. The plans shall also be revised to include sidewalks on the south side of Provence Drive.
38. The Applicant shall revise the plans to reflect that the driveway length for the westernmost unit of Building 3H will be noted on the plans, including verification that it meets the length required by the Ordinance.
39. The Applicant shall revise the plans to reflect that the cartway width to the parallel parking spaces is consistent with the ordinance requirements.
40. The Applicant shall comply with all NJDEP requirements for the purposes of stormwater management, including N.J.A.C. 7:8 and shall verify that the project meets the requirements as set forth on page 5 of both Environmental Resolutions, Inc. review letters dated November 27, 2018, relating to the requirements for stormwater Management.
41. The Applicant shall revise the plans to include the specific name of the Homeowners Association which will be responsible for maintaining and repairing each of the basins and stormwater management systems to be installed at the site and the Applicant shall also provide the required stormwater facilities inspection, maintenance and repair plans.
42. The Applicant shall comply with the outstanding environmental issues outlined in the May 21, 2012 memorandum from Mark Selover of Environmental Resolutions, Inc., and the Applicant shall submit to the Department of Community Development and Planning Board Engineer all necessary information contained in said memorandum prior to the Applicant's submission for final site plan approval.
43. The Applicant shall submit the necessary deed restrictions to the Department of Community Development, Planning Board Engineer and Planning Board Attorney as a mechanism for ensuring the long-term maintenance of the stormwater management system will be maintained in perpetuity in accordance with the approved maintenance plan. The deed restrictions shall include a provision which states that in the event the owner fails to maintain and repair the system; the Township shall be allowed, but is not obligated, to enter upon the property to perform the required maintenance at the owner's expense.
44. The Applicant shall ensure that the units with single garages constructed at the site are large enough to accommodate the Township's trash and recycling receptacles.
45. The revised Homeowners Association documents submitted by the Applicant

shall include a restriction to limit storage use in the garages, especially in the single-unit garages, since the garage space is counted by and included by the Applicant to meet its vehicle parking space requirements for this Development. Said proposed restriction shall be submitted to the Planning Board Engineer, Department of Community Development and Planning Board Attorney for their advance review and approval, prior to the submission for final site plan approval.

46. The Applicant shall work with the Planning Board Engineer to determine whether removal of trees at the site is warranted and meets the requirements of Ordinance Section 508-D.2, which prohibits removal of trees having a diameter breast height of 8 inches or greater beyond the permitted 15 foot improvement area.
47. Pursuant to Section 516 of the Zoning Ordinance, the Applicant shall modify its Stormwater Pollution Protection Plan to comply with the Township's zoning ordinance requirements and NJDEP's Best Management Practices to ensure perpetual maintenance of the basin facilities.
48. Prior to the submission for final site plan approval, the Applicant shall submit an updated signed and sealed survey of the site reflecting the current conditions at the site prior to the submission for final site plan approval.
49. The Applicant shall include the names and addresses of all existing Homeowners Associations at the site and shall continue to provide notices to said HOAs regarding final site plan approval as has occurred in the past with regard to these applications.
50. The Applicant shall provide architectural evaluations and floor plans of all of the proposed buildings, including the location of driveways, entrances, porches, decks, walkout basements, pedestrian connections, height and volume, as part of its submission for final site plan approval. Said submission shall be consistent with Section 504.E of the zoning ordinance. As well, the building plans and floor plans for the stacked affordable housing units shall be submitted along with the architectural elevations.
51. The architectural elevations and floor plans to be submitted at the time of the submission for final approval shall reflect that the architecture will be compatible with existing design, integrating various materials on each façade, such as stucco, brick and/or stone on the side elevation.
52. The architectural elevation and floor plans to be submitted at the time of final approval shall include, at a minimum, the following items:
  - a. An architect-scaled elevations of the front, side and rear of any structure to be erected or modified.
  - b. A list of proposed materials to be utilized.
  - c. Building-mounted lighting and details.
  - d. Expansion plans incorporated into the building design.
  - e. Floor plans where multiple dwelling units or more than one (1) use is proposed that have different parking

standards.

53. The Applicant shall revise the plans to contain a note that there shall be no new development signs submitted as part of this application.
54. As a condition of final approval and prior to the filing of any Master Deed revisions, the Applicant shall obtain from the Cherry Hill Tax Assessor new lot numbers for all four (4) lots, including qualifiers and addresses for the new buildings.
55. The Applicant shall revise the plans to show that Phases I and II will be constructed under one (1) Phase. In the event of any change, the Applicant shall submit a Construction Phasing Plan to be approved by the Department of Community Development and Planning Board Engineer, prior to the issuance of any permits. These items shall be noted on a Phasing Plan for the construction phasing.
56. The Applicant shall revise the landscaping plans to reflect the additional landscaping which will be provided including that all roads will have shade trees, that landscaping groupings will be included for screening purposes, that there will be landscaping around all three (3) basins and that the Applicant will plant 73 shade trees, 51 ornamental trees, 238 evergreen trees, 272 shrubs and more than 200 small plants. The Applicant shall work with the Department of Community Development and the Planning Board Engineer to review and approve the proposed additional landscaping. All landscaping notes shall comply with Ordinance Section 508.I. Said revised landscaping plans shall be submitted prior to the submission for final site plan approval.
57. The Applicant shall revise the plans to include standard details for stop bars, stop signs, crosswalks and any other pavement marking and restriping which shall conform to the requirements of Ordinance Section 511.J.1-5, including the use of thermoplastic paint, thermoplastic material, or long-life epoxy resin. Crosswalks shall be provided across all curb cuts with a note stating that the maintenance and upkeep shall be the responsibility of the Applicant and/or relevant Homeowner Association.
58. All outdoor lighting shall be installed in conformance with the provisions of the Ordinance, applicable electrical and energy code, and applicable sections of the building code. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the United States Energy Policy Act of 1992 as amended.
59. The Applicant shall revise the plans to include an overlay of the foot-candle output readings based upon the proposed fixtures so a night light function test can be conducted on site in addition to the isolux. The Applicant shall also provide decorative wall sconces and shall revise the plans to include a detail of the wall sconces.
60. A night light function test shall be required prior to the issuance of a Certificate of Occupancy for each building.
61. The Applicant shall correct the variance schedule contained on the cover, sheet 1 to conform with the variances being granted as part of

these applications.

62. All gate access codes shall be provided to the Township Emergency Personnel, including the Cherry Hill Fire Department and Police Department as necessary.
63. The plans shall be revised to reflect that 4 foot wide sidewalks will be installed along Canterbury Drive with a minimum 5 foot wide planter strip between the sidewalk and curb in order to plant deciduous shade trees.
64. The Applicant shall revise the plans to show that traffic calming measures will be utilized to prevent speeding along Canterbury Drive and the Applicant shall consider using decorative pavers for crosswalks as traffic calming devices.
65. The Applicant shall revise the plans to reflect several inverted-U concrete mounted bicycle racks near the clubhouse and accessory recreational areas.
66. The Applicant shall submit a plan at the time of submission for final approval which depicts which affordable units will contain one (1) or two (2) bedrooms, the location of each of the affordable units in the Cotswold and Normandy sections and which are intended to achieve proportionate distribution of affordable units to each homeowners association. The affordable units shall comply with UHAC as well as Article 10 of the Cherry Hill Township Zoning Ordinance, including but not limited to N.J.A.C. 5:96-97, et seq.; N.J.A.C. 5:80-26.1, et seq.; N.J.A.C. 5:97-9, and shall specifically reflect bedroom distribution [N.J.A.C. 5:80-26.3(b) and (c)]; low/moderate income split [N.J.A.C. 5:80-26.3(a)] and affordability average [N.J.A.C. 5:80-26.3(d) and (e)].
67. 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 that are made part of this approval, including those noted by referenced in the report of the consultants to the Board must be satisfied.
  - c. Any and all outside agency approvals that are required must be obtained by the Applicant.
  - d. The Applicants will 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 the written requests for payment of escrow funds. Failure to pay the required escrow funds within the fourteen (14) day period after receipt of the written notice may result in the voiding of this approval. Negative escrow account balances shall incur interest at a rate of 1.5% per month. The Applicants shall

also pay all required performance bonds and maintenance bonds deemed necessary by the Planning Board Professionals. Failure to pay the required performance bonds and/or maintenance bonds within the time frame stipulated by the Planning Board Professionals may result in the voiding of this approval.

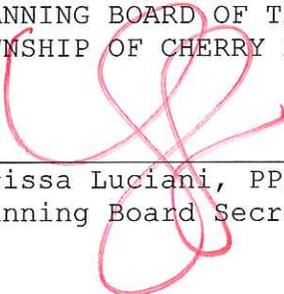
- e. Zoning permits and sign permits must be obtained from the Zoning Officer.
- f. Sign approvals must be obtained from the Department of Community Development.

68. The failure of the Applicants to comply with any of the conditions contained in this Resolution will permit the Planning Board at its sole option to rescind the approvals being granted by this Resolution and/or advise the Township to revoke any permits which have been issued to the Applicant.

DATED: March 4, 2019

PLANNING BOARD OF THE  
TOWNSHIP OF CHERRY HILL

BY:

  
\_\_\_\_\_  
Lorissa Luciani, PP, AICP  
Planning Board Secretary

