

**RESOLUTION NO. 2025-PB-16  
EVESHAM TOWNSHIP PLANNING BOARD  
IN THE MATTER OF EVESHAM TOWNSHIP  
MARLTON CROSSING DEV AMS LLC  
APPLICATION NO. P25-11  
DECIDED ON NOVEMBER 6, 2025  
MEMORIALIZED ON DECEMBER 18, 2025  
PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH  
ANCILLARY BULK VARIANCE AND DESIGN WAIVER RELIEF**

**WHEREAS**, an application for preliminary and final site plan approval with ancillary bulk variance and design waiver relief has been made to the Township of Evesham Planning Board (hereinafter referred to as the “Board”) by Marlton Crossing Dev AMS LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Lot 3 in Tax Block 24.21 as depicted on the Tax Map of the Township of Evesham (hereinafter “Property”), and more commonly known as 100 Centre Boulevard in the Centre Boulevard Redevelopment Area, and C-1 (Highway Commercial) Zone District and Evesham Crossroads Overlay (EVCO) Zone District; and

**WHEREAS**, public hearings were held on October 16, 2025 and November 6, 2025 after the Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Peter Flannery, Esq.

**WHEREAS**, an Objector, Marlton Woods Homeowners Association, was represented by Jeffrey Brennan, Esq.

**WHEREAS**, a complete application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that proper notice has been published and the jurisdiction and powers of the Board have been properly invoked and exercised

**NOW, THEREFORE**, the Board makes the following findings of fact based on evidence presented at its public hearing, at which a record was made.

1. The subject Property contains approximately 8.805-acres with frontage along the southerly side of Old Marlton Pike, the easterly side of Centre Boulevard, and the northerly side of Lippincott Drive and is located within the Centre Boulevard Redevelopment Area, and C-1 (Highway Commercial) Zone District and Evesham Crossroads Overlay (EVCO) Zone District. The subject Property is improved with the existing Centre Boulevard office complex and associated site improvements. The subject Property is accessible by vehicles, bicycles, and pedestrians via Centre Boulevard, Lippincott Drive, and via a cross access easement with the Marlton Crossing Shopping Center located to the east. There is not an existing sidewalk along Centre Boulevard.

2. The adjacent parcels to the north of the subject Property across Old Marlton Pike are various commercial buildings and medical offices located within the Genesis RMA Redevelopment Area, the C-1 Commercial District and the Evesham Crossroads Overlay (“EVCO”) Zone District. East of the site, is the Marlton Crossing Shopping Center located within the C-1 District and the EVCO. South of the site is the AH-1 Affordable Housing District located across Lippincott Drive and contains the Marlton Woods development. West of the site across Centre Boulevard is the MF Multi-family District, which contains the Marlton Meeting Condominiums.

3. The Applicant is seeking preliminary and final site plan approval to construct a multi-family apartment building and associated improvements. The improvements include a total of 325 market rate and affordable units within a four-story building containing approximately 338,470 square feet within a 116,410 square foot footprint. Proposed are 276 market rate units and 49 very low-, low-, and moderate-income units/supportive or special needs units. The interior spaces on the first

floor include a lobby, leasing office, amenity, and play spaces totaling approximately 12,700 square feet. Three (3) private exterior recreation facilities are proposed at the ground level, totaling approximately 35,300 square feet, which are proposed to contain gardens, walking paths, tot lot (playground), swimming pool, picnic area, and passive rest areas. All of the courtyards are accessible from the interior and exterior of the building. Vehicular access is provided from Centre Boulevard, Lippincott Drive, and Marlton Crossing Shopping Center, along with internal circulation. A total of 553 parking stalls are proposed, which include 237 surface parking spaces and 316 parking garage spaces inclusive of 11 ADA parking spaces and 83 EV charging spaces. Loading and service areas for trash, utilities, and move-in are proposed along with landscaping and lighting.

4. The Redevelopment Plan requires 15% of the units to be set aside as low- and moderate-income family units, of which 50% (to be rounded up) are reserved for supportive or special needs units. The Redevelopment Plan anticipates that there will be up to 24 family rental units, subject to the bedroom and income distribution of Uniform Housing Affordability Controls (UHAC), of which 13% within each bedroom distribution are required to be set aside for very low-income households (earning less than 30% of median income).

5. The Applicant is seeking the following variance relief associated with this application:

- a. ***Centre Boulevard Redevelopment Plan*** – The minimum building setback from the curb line incorporating a five (5) foot wide foundation planting strip and a six (6) foot sidewalk, whereas 10.1 feet curb line setback and four (4) foot wide foundation planting strip is proposed along the east side of the building (along the parking garage), as well as 9.29 feet curb line setback and three (3) foot wide foundation planting strip is proposed along the south side of the building. A five (5) foot wide foundation planting strip is not provided along the walls of the parking garage.

6. The Applicant is seeking the following design waiver relief associated with this application:

- a. ***Centre Boulevard Redevelopment Plan*** – Fences are not permitted to exceed four (4) feet in height, whereas the fence around the dog park is five (5) feet in height.
- b. ***Centre Boulevard Redevelopment Plan*** – Fences and walls shall not be located in a required setback area, whereas the fence around the dog park and retaining wall in the southwesterly corner of the site are within the required setback area.
- c. ***Centre Boulevard Redevelopment Plan*** – Sidewalks are required along all frontages, whereas no sidewalk is proposed along Centre Boulevard.
- d. ***Centre Boulevard Redevelopment Plan (§160-32)*** – The minimum drive aisle width is 25 feet, whereas 24 feet is proposed at the garage entrance and along the southerly side of the building.

#### **October 16, 2025 Hearing**

7. Counsel for the Applicant, Peter Flannery, Esq., identified the subject Property as Lot 3 in Tax Block 24.21 with the address of 100 Centre Boulevard in the Centre Boulevard Redevelopment Area, and C-1 (Highway Commercial) Zone District and EVCO Zone District. Mr. Flannery represented that the subject Property was designated an area in need of redevelopment in 2022 and that the Redevelopment Plan was adopted by the governing body in early 2025. He stated that the Applicant was appointed as designated redeveloper by the governing body in August 2025.

8. Mr. Flannery further stated that the Applicant was seeking two (2) variances and one (1) design waiver as part of this application. He stated that the Applicant was proposing to construct a 325-unit inclusionary four-story apartment building with on-site amenities. Mr. Flannery represented that 15% of the units, or 49 units, would be designated as affordable housing units. Mr. Flannery confirmed that 24 of those units would be general affordable housing units and 25 would be for special needs affordable housing units. He represented that there would be a

total credit of 74 affordable housing units in order to satisfy the Township's fourth round affordable housing obligation.

9. The Applicant's Engineer, Vladislav Koldomasov, P.E., introduced an Aerial Exhibit as Exhibit A-1. Mr. Koldomasov identified the subject Property as Lot 3 in Tax Block 24.21 with the address of 100 Centre Boulevard in the Centre Boulevard Redevelopment Area, and C-1 (Highway Commercial) Zone District and EVCO Zone District. He testified that the subject Property contained approximately 8.8 acres and was improved with an existing office park and associated parking. Mr. Koldomasov represented that access to the office park was provided via driveways from Centre Boulevard, Lippincott Drive, and via a cross-access easement from the adjacent Marlton Crossing Shopping Center.

10. Mr. Koldomasov testified that the proposed development was subject to the Redevelopment Plan. He stated that the Applicant was proposing to remove all of the existing improvements and construct a four-story residential apartment building. Mr. Koldomasov introduced a Color Rendered Site Plan as Exhibit A-2.

11. Mr. Koldomasov further testified that there was a parking garage associated with the apartment building, which contained 316 parking spaces and that there were 237 surface parking spaces for a total of 553 parking spaces. He stated that eleven (11) of the parking spaces would be ADA compliant. Mr. Koldomasov stated that 83 of the parking spaces would be EV charging spaces. Mr. Koldomasov represented that the Redevelopment Plan required 1.7 parking spaces per unit, which came to 553 parking spaces. He also testified that the plan proposed 25 of the EV charging spaces were to be located in the garage, however, based upon input from the Township Fire Official, the EV charging spaces would be removed from the garage and located among the surface parking spaces.

12. Mr. Koldomasov further testified that access to the site would utilize the existing access driveways and cross access easement. He testified that located at the main entry to the building located at center near the Centre Boulevard access driveway was a loop drive aisle which would contain four (4) ADA spaces, two (2) short-term delivery spaces, and one (1) space reserved for special needs transportation. Mr. Koldomasov stated that a loading space was located in the southerly corner of the site next to the trash room for the refuse/recycling truck to utilize.

13. Mr. Koldomasov also stated that there was a concern about interference with the deliveries to the shopping center. He stated that there were two (2) loading bays located at the rear of the shopping center adjacent to the subject Property that would not be impacted.

14. Mr. Koldomasov next testified that there were internal sidewalks provided around the building which provided access to all of the outdoor amenities. He stated that the sidewalks adjacent to parking spaces would be protected with bollards. Mr. Koldomasov confirmed that the outdoor amenities included a dog run, tot lot, swimming pool, picnic areas, and passive rest areas. He stated that the sidewalks would also connect to the shopping center. Mr. Koldomasov stated that the sidewalk would also connect to the street sidewalk network at the southeastern corner of the site and through the dog run at the northerly side of the site.

15. Mr. Koldomasov next testified that the utilities would be upgraded. He stated that existing water main connections were to the east, west, and north of the site. Mr. Koldomasov stated that an additional water main connection would be made to the south in order to improve water pressure.

16. Mr. Koldomasov next testified that no stormwater management systems currently existed on site. He testified that the total impervious coverage would increase, however, the vehicular surfaces would decrease compared to the existing conditions. Mr. Koldomasov stated

that an underground infiltration basin would be located on the northern end of the site to collect roof runoff.

17. Mr. Koldomasov next testified that landscaping existed along the perimeter of the subject Property and that the Applicant was proposing to add to the buffer. He testified that the landscape plan would comply with the Redevelopment Plan. Mr. Koldomasov also testified that the lighting would be upgraded to the Promenade light fixture and would comply with the Redevelopment Plan. He stated that the lights would be mounted at a height of eighteen (18) feet and would have a temperature of 3,000 Kelvin.

18. Mr. Koldomasov next testified that the Applicant was seeking several design waivers from the Redevelopment Plan. He stated that the Applicant was seeking relief from installing a sidewalk along Centre Boulevard. Mr. Koldomasov explained that there were several mature street trees and a berm along the Centre Boulevard frontage and that installing a sidewalk would harm the roots. Mr. Koldomasov testified that the Applicant was offering in the alternative to provide a crosswalk from the site across Centre Boulevard to the existing sidewalk along the western side of Centre Boulevard. He testified that there were existing sidewalks along the Old Marlton Pike and Lippincott Drive frontages, as well as sidewalk along the adjacent shopping center to the east, which would remain.

19. Mr. Koldomasov further testified that the Applicant was seeking design waiver relief from the drive aisle width of 25 feet. He stated that a width of 24 feet was proposed for the entry into the parking garage and along the southern side of the building. He explained that the drive aisle along the southern side of the building was limited because of the existing curb line along the southern side of the property. Mr. Koldomasov testified that the Fire Official was

satisfied with the drive aisle width noting that the Fire Official only requested a minimum width of 20 feet.

20. Mr. Koldomasov further testified that the Applicant was seeking design waiver relief for the height of the fence around the dog park. He stated that a maximum fence height of four (4) feet was permitted, whereas five (5) feet was proposed. He testified that the purpose of the height was to reduce the likelihood of dogs jumping over the fence. He stated that the fence height would be mitigated by landscaped screening. Mr. Koldomasov also testified that the Applicant would comply with the fence material design standards.

21. Mr. Koldomasov also testified that the Applicant was seeking design waiver relief for fences and walls within the setback area. He stated that the dog park fence was located within the setback area. Mr. Koldomasov testified that a retaining wall in the southwest corner of the site separating the parking lot from the berm was located within the setback area. He stated that the retaining wall faces inward, thereby mitigating the impact of it being located within the setback area.

22. Mr. Koldomasov next testified that the Applicant was seeking variance relief from the building setback to curb and foundation planting area width. He testified that the building setback in the southwestern corner of the building was 9.29 feet where a minimum of 12.0 feet was required. He also stated that the foundation planting bed was three (3) feet in width where a minimum of five (5) feet was required. Mr. Koldomasov explained that the proposed sidewalk, parking, and drive aisle as well as the shape of the subject Property in the southwestern corner of the site limited the amount of space for the setback and the foundation planting. He further stated that it was a better design to have a compliant width sidewalk around the perimeter of the building than to have a compliant foundation planting bed.



23. Mr. Koldomasov next testified that the Applicant would agree to comply with the technical comments within the Board Professional's letters. He testified that the Applicant had received a conditional approval from the Burlington County Planning Board (BCPB) on October 14, 2025. He stated that the Applicant would apply to Burlington County Soil Conservation District (BCSCD), the Evesham Township Municipal Utility Authority (MUA), and the appropriate State agencies for relevant permits or approvals.

24. The Applicant's Architect, Jack Raker, R.A., introduced an Architectural Rendering as Exhibit A-3. Mr. Raker testified that the building contained four (4) stories with some stepping in the design per the grading. He stated that the ground floor contained amenity space, lobby, pool, playroom and play yard, co-workspace, and a club room. Mr. Raker testified that all deliveries would be made to the lobby and that the loop drive aisle at the lobby was wide enough for delivery trucks to stop and traffic to pass. Mr. Raker represented that building management would receive the deliveries and place them in the package room for the residents to pick up. Mr. Raker further stated that there was originally one (1) trash room, but a second trash room was added. He confirmed that the trash rooms were accessed via an alley along the parking garage and the building. Mr. Raker stated that a trash chute connected the upper floors to the trash rooms. He testified that building management would then take the trash out of the trash rooms to the trash enclosure to be picked up.

25. Mr. Raker next testified that the height of the building was 50 feet where a maximum height of 60 feet was permitted. He stated that the building contained a total of 325 residential units; 49 of which were designated as affordable housing units. Mr. Raker confirmed that of the market rate units, there were 30 studio units, 98 one-bedroom units, 197 two-bedroom

units, and 11 three-bedroom units. He stated that of the affordable housing units, there were 28 one-bedroom units, 14 two-bedroom units, and 7 three-bedroom units.

26. Citing to images within Exhibit A-3, Mr. Raker described several of the images as being of the indoor and outdoor amenities of other locations that he had designed. He stated that the images were illustrative of the indoor and outdoor amenities proposed at this site. Mr. Raker further testified that the amenities on the upper floors were volume space. He also stated that the parking garage provided access to each floor.

27. Mr. Raker next introduced Architectural Illustrative Renderings as Exhibit A-4. Mr. Raker testified that the exterior construction material would be of high quality and include glass at the corners of the building. He testified that the architectural design of the building was contemporary with traditional elements. Mr. Raker confirmed that a mix of gable and flat roof features would break up the scale of the building. Mr. Raker testified that entry access exists from the courtyards to the building, which would be accessed via a key fob. He stated that some of the units had terraces.

28. Mr. Raker next testified that the parking garage was open air. He also testified that the grade of the site allowed for high ceilings within the ground floor lobby. Mr. Raker stated that the units had open floor plans. In reference to the Board Professionals reports, Mr. Raker testified that the building would be NFPA sprinklered. He also agreed to provide a bicycle storage room.

29. The Applicant's Landscape Architect, Russell Sewekow, LLA, introduced a plan titled Courtyard "A" as Exhibit A-5. He testified that Courtyard "A" was the northern most and largest courtyard on site. He stated that access to the courtyard was via the parking lot through a gate and from the building. Mr. Sewekow testified that the amenities included a tot lot, lawn, and walking path.

30. Mr. Sewekow next introduced a plan titled Courtyard “B” as Exhibit A-6. He stated that Courtyard “B” was centrally located on the eastern side of the building and was accessed from the building at the main lobby. He stated that the amenities included a pool, gathering space, bar, grill, tables, fire pit nooks, and lounge chairs. Mr. Sewekow testified that screening was provided to screen the courtyard from the parking lot.

31. Mr. Sewekow next introduced a plan titled Courtyard “C” as Exhibit A-7. He stated that Courtyard “C” was the southernmost courtyard. Mr. Sewekow testified that access was provided from the parking lot. He stated that the amenities included a passive lawn, a pavilion, walking paths, lounge chairs, and garden spots.

32. The Applicant’s Traffic Engineer, Nathan Mosley, P.E., C.M.E., testified that the existing office complex contained approximately 77,000 square feet of office space. He stated that access to the site was provided via driveways from Centre Boulevard and Lippincott Drive, as well as two (2) cross access driveways and parking from the adjacent shopping center. Mr. Mosley testified that Old Marlton Pike along the north of the subject Property was a county road and that the Applicant had received conditional approval from the Burlington County Planning Board. He described Centre Boulevard as a collector roadway. Mr. Mosley stated that Lippincott Drive provided access to the rear of the shopping center.

33. Mr. Mosley testified that he had collected traffic counts in March 2025 from the surrounding intersections; Old Marlton Pike and Centre Boulevard, Old Marlton Pike and existing Shopping Center Driveway/Highway 90 Driveway, Lindsay Court/Lippincott Drive and Centre Boulevard, James Court/existing Marlton Crossing Driveway and Centre Boulevard, and Lippincott Drive and existing Marlton Crossing Driveway. Mr. Mosley testified that the traffic counts were collected on a Tuesday between 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m. and

on a Saturday between 11:00 a.m. to 2:00 p.m. He stated that the peak weekday morning hour was 8:00 a.m. to 9:00 a.m., the peak weekday evening hour was 4:45pm to 5:45pm, and the weekend peak hour was 12:45pm to 1:45pm.

34. Mr. Mosley testified that the proposed apartment building contained 325 residential units, which for the purposes of the trip generation calculation, he considered all 325 units as market rate units. Mr. Mosely explained that he used the Institute of Transportation Engineers (ITE) trip generation for a mid-rise multi-family residential building. He testified that based upon the ITE, the site would generate 130 total trips during peak hours. Mr. Mosley testified that, in comparison, the existing office complex at full capacity generated a similar number of trips. He stated that in calculating the traffic impact of the proposed apartment building, he did not remove the existing trips from the office complex from the calculation.

35. Mr. Mosley further testified that he calculated the impact to the Levels of Service (LOS) of the intersections. He stated that he added the NJDOT's standard for traffic growth of 3% per year to the area trips. Mr. Mosley confirmed that he analyzed the LOS of the intersections as a "no build" condition and a "build" condition. Mr. Mosley explained that LOS measured the capacity of the intersection and that NJDOT considered a LOS of "D" or better as acceptable.

36. Mr. Mosley testified that the intersection of Old Marlton Pike and Centre Boulevard operated at a LOS of "B" in the morning and "C" in the evening and weekend in the "no build" condition, however, the LOS for the morning increased to a "C" in the "build" condition. He testified that the Burlington County Planning Board had no comment regarding the increase in LOS and that no changes were necessary.

37. Mr. Mosley further testified that the intersection of Old Marlton Pike and the existing Shopping Center Driveway / Highway 90 Driveway operated at a LOS "D", but at a LOS

of “A” for ingress turns. He stated that the intersections of Centre Boulevard and Lindsay Court / Lippincott Drive operated at LOS “B”, James Court / existing Marlton Crossing Driveway and Centre Boulevard operated at LOS “B”, and Lippincott Drive and existing Marlton Crossing Driveway operated at a LOS “A”. He testified that all of these LOSs remained the same in a “no build” or a “build” condition. Mr. Mosley represented that the intersections would operate in a safe and efficient manner. He stated that there would not be any substantial impact to the traffic in the area generated from the proposed development and that no mitigation measures were necessary.

38. The Board Engineer, Rakesh Darji, P.E., P.P., reviewed his report dated October 8, 2025. Mr. Flannery represented that the Applicant agreed to comply with the comments within the Board Engineer’s Report and that the witnesses were available for further testimony. In response to questions from Mr. Darji, Mr. Raker confirmed that the trash would be picked up by a private hauler, and he agreed to provide a letter or memorandum from the Burlington County Department of Public Works to confirm that the trash arrangement was acceptable. Mr. Koldomasov testified that the Applicant had not yet submitted plans to the Evesham Township Municipal Utility Authority (MUA) regarding sanitary sewer, however, he stated that his office has prepared a feasibility study that would be submitted to the MUA.

39. In response to further questions from Mr. Darji, Mr. Raker testified that the Applicant has not decided whether there would be assigned parking spaces and was waiting to see how the parking would operate. He stated that if there were to be assigned parking, it would likely be one (1) space per unit. Mr. Koldomasov also testified that the existing paved surfaces that would remain would be milled and overlaid. He stated that the curbs would be evaluated during construction and whether replacement would be necessary. Mr. Koldomasov agreed to coordinate with the Township Engineer regarding the paved surfaces and curbing. He stated that the parking

spaces of the shopping center closest to the subject Property were for employees of the shopping center. Mr. Koldomasov confirmed that the southern cross access driveway would be closed during the first phase of construction and then reopened during the second phase of construction when the northern cross access driveway would be closed. He agreed to coordinate with the shopping center on a construction plan.

40. Mr. Darji stated that the Applicant had agreed to analyze the existing stormwater sewer infrastructure. Mr. Darji represented that the Township often analyzed its infrastructure and he testified that he had reviewed the stormwater basins. Mr. Darji stated that the impervious coverage was being increased, however, the vehicular surfaces were being reduced, which was a benefit. Mr. Darji explained that the existing stormwater basin handled all of the stormwater in the area. Mr. Darji stated that the Applicant was proposing a small underground basin which would retain and infiltrate the stormwater of a 100-year storm. Mr. Darji testified that the proposed stormwater management would reduce the existing stormwater runoff. Mr. Darji asked that the Applicant perform additional soil testing for stormwater.

41. Mr. Koldomasov testified that the lighting plan and fixtures were approved as part of the Redevelopment Agreement with the governing body. He stated that the lighting around the perimeter of the parking field was submitted with the lighting plan. Mr. Koldomasov stated that the lighting plan as it is finalized will show the building mounted lights. Mr. Raker testified that there would be bollard and accent lighting within the amenity courtyards. Mr. Koldomasov also testified that the existing old style and box lights would be removed and upgraded to the fixtures that complied with the newest regulations and the Redevelopment Agreement. Mr. Darji confirmed that the lighting would be compliant, and that the Applicant has agreed to work with the Board's Professionals on the final lighting plan details prior to construction.

42. The Board Planner, Michele Taylor, P.P., AICP, asked if the affordable housing units were spread throughout the facility. In response, Mr. Raker testified that the special needs affordable housing units may have to be grouped together per State regulations, however, the standard affordable housing units would be spread out. In response to further questions from Ms. Taylor, Mr. Raker testified that there were two (2) elevators located on either side of the amenity space. He stated that a second bank of elevators would be added in a corner of the building, however, the plans for the mechanical engineering have yet to be finalized. Mr. Raker also stated that the elevators had a 3,500 lbs. capacity and could accommodate a gurney.

43. Ms. Taylor testified that the Applicant was seeking variance relief for setback for the curb in the area of the parking garage and the southwest corner of the building. She recommended that a buffer along Old Marlton Pike near the shopping center entry driveway be provided to screen the parking garage. Ms. Taylor stated that she requested that all of the fencing be consistent to which the Applicant had agreed to that request. She also requested that a compliant roof plan be submitted as a condition of approval.

44. Ms. Taylor next asked for clarification about a concrete pad that is labeled as a picnic area. In response, Mr. Koldomasov stated that he did not know how the concrete pad was used, but he speculated that it was used by the retail tenants of the shopping center or Marlton Crossing Garden Offices. He stated that the concrete pad could be enhanced, and the Applicant would consider a landscaping screen. Mr. Flannery conditioned Mr. Koldomasov's suggestions on the determination of the ownership of the concrete pad.

45. Ms. Taylor next testified as to the landscape comments within her report. She stated that the environmental commission had comments regarding certain proposed species of plants being invasive and recommended that they be changed to native plantings. She also stated that the

environmental commission recommended drip irrigation for the landscaping in order to conserve water. Ms. Taylor further testified that the Redevelopment Plan contemplated retaining the existing street trees along Centre Boulevard. She stated that the Applicant was seeking design waiver relief from installing sidewalk along the Centre Boulevard frontage in order to retain those trees. Ms. Taylor stated that installing a sidewalk would harm the roots of the trees, however it was at the discretion of the Board whether to grant the design waiver.

46. Ms. Taylor asked for further testimony regarding the sustainability plan. Mr. Raker testified that the Applicant was not pursuing a LEED Certification for the building, however, the building would be constructed with sustainable elements. He agreed to provide a list of sustainable features for the building, which included LED lighting, each unit having its own HVAC system, a light colored roof, and low flow water fixtures.

47. The Board Traffic Engineer, Stacey Acari, P.E., P.P., stated that the testimony presented by the Applicant's traffic engineer was satisfactory. She stated that she agreed that the trip generation from the proposed apartment building was comparable to the trip generation for the existing office park, although there would be 90 more trips on Saturdays. Ms. Acari stated that the Burlington County Planning Board also had jurisdiction on reviewing and providing comment on the traffic. Ms. Acari represented that the interconnection with the shopping center was generally a benefit to both uses. Ms. Acari testified that the proposed development would have a minimal impact on traffic in the area.

48. The Board Environmental Expert, Eric Snee, reviewed his report dated October 7, 2025. Mr. Snee stated that most of the comments in his report had been addressed. He asked for construction details to be provided to ensure the safety of the surface of the tot lot. Mr. Snee stated



that there shall not be any childcare or day care services provided on site. Mr. Flannery agreed to comply with the comments within the Report.

49. The Fire Official, Scott Freedman, reviewed his letter dated October 3, 2025. Mr. Flannery agreed to comply with the comments of the Fire Official's report. Mr. Freedman stated that he had requested a fire service water report be submitted. He asked if NFPA suppression system would be included within the parking garage. In response, Mr. Koldomasov stated that the suppression system was only within the building. Mr. Freedman requested that no EV chargers be located within the parking garage. He also requested that the FDC be located at the front of the building and a fire hydrant be located within 50 feet of the FDC. Mr. Koldomasov agreed to work with the Fire Official on the details on the plans. Mr. Freedman requested fire lane striping and no mulch within 18 inches of the building. Mr. Flannery agreed to comply with the comments of the Fire Official's report.

50. Mr. Raker testified that the staffing hours would be determined by the owner and building management. He stated that maintenance staff would typically be on site. He stated that the parking garage would be secured with a key fob. Mr. Raker also confirmed that no commercial uses was proposed and that the entire building was residential. Mr. Raker represented that construction would be completed with two (2) phases over the course of 2.5 to 3 years. He stated that the hours of construction would comply with Township ordinances. Mr. Raker explained that the phasing would be on a rolling basis in which some units would be leased while construction continued.

51. Mr. Raker testified that the Promenade style light fixture was in the Redevelopment Plan. Mr. Darji explained that the Promenade style light fixture was the standard for the EVCO overlay zone. He explained that the Board could grant relief for the Applicant to use a light fixture

that better matched the architectural style of the building, however, the Applicant was not seeking such relief. Mr. Raker opined as an architect, that the lighting fixtures could be designed to better match the architectural design, but the Applicant has not requested such relief.

52. Mr. Koldomasov testified that the internal sidewalks would connect to the proposed crosswalk across Centre Boulevard. The Board discussed whether to grant the design waiver relief from installing sidewalk along the Centre Boulevard frontage or to retain the existing street trees. The Board decided that retaining the existing street trees was more valuable than installing sidewalk. The Board asked for clarification on the remaining variance and design waiver relief requested, to which the Board Planner and Board Engineer provided details as cited and testified above.

53. In response to further questions from the Board, Mr. Raker testified that security cameras would be installed around the site, including the parking garage, and would be monitored by a third-party security agency. He stated that the building would be secure with each resident having a key fob to access the doors. Mr. Raker testified that the parking garage would have a roll up door that would only be opened with a key fob. He stated that the leasing office would provide temporary access for guests.

54. Mr. Raker testified that it was difficult to determine what the population of the building would be. He stated that the lease agreements would limit the maximum capacity. Members of the Board asked questions regarding the population of school aged children and the impact on the schools. The Mayor advised the Board that the Board of Education based the school attendance expectations on birth rates, not development projects.

55. The hearing was then opened to the public, at which time Jeffrey Brennan, Esq. made his appearance on behalf of the Marlton Woods Homeowners Association. Mr. Brennan

stated that his client objected to the project because it was too intense. He argued that the Applicant had not presented any planning testimony therefore the Board had no proofs of the positive and negative impacts in order to grant any relief. Mr. Brennan questioned whether the building height was compliant. In response, Mr. Raker testified that the Redevelopment Plan did not provide any standards for building height.

56. Mr. Brennan also argued that the parking garage was not a permitted use within the zone, therefore the Board did not have jurisdiction to hear the matter.

57. Ms. Taylor asserted that the parking garage was not a principal use, but rather was an accessory use for the multi-family residential building, which was a permitted use, therefore the Board had jurisdiction. She testified that the Redevelopment Plan contemplated an accessory parking garage. Ms. Taylor advised the Board that the Applicant was seeking bulk variance relief under the c(2) “flexible” criteria and that it was up to the Board whether the Applicant had provided sufficient testimony to grant such relief.

58. Mr. Brennan further argued that the parking structures were not permitted for off-street parking. Mr. Flannery argued that there was no jurisdictional issue because the parking garage was for the residents use only. He stated that the Applicant could return with a professional planner to provide specific planning testimony if the Board preferred.

59. Eslyn Byarm, 337 Kingspark Court, expressed her concern with the accuracy of the traffic study presented by the Applicant. She argued that the traffic study did not account for the traffic impact beyond the immediate area, such as the impact to Route 70 and Route 73. She also stated that she disagreed with the accuracy of the traffic counts. Ms. Byarm asserted that the County would have to make improvements to Old Marlton Pike in order to accommodate the traffic

generated from the site. She stated that the proposed development was too large. Ms. Byarm also stated that the construction phasing would have an impact on the area.

60. Jennifer Miller, 18 Tudor Court, stated that she agreed with Ms. Byarm's statements regarding the traffic study. Ms. Miller expressed concern with the 130 peak hour trips generated by the site. She stated that the number of trips generated by the existing office park was inaccurate because the office park was not at full capacity, therefore the testimony provided by the Applicant's Traffic Engineer was not credible. Ms. Miller was supportive of retaining the street trees along Centre Boulevard. Ms. Byarm also expressed her concern with the safety of pedestrians crossing Centre Boulevard. She explained that Centre Boulevard was often used as a cut through and that drivers often exceeded the speed limit. She also expressed concern with the impact to wild life in the area.

61. Nancy Caldwell, 22 Wimbledon Way, opined that the proposed development did not fit within the character of the area. She described the development as city-like. Ms. Caldwell also expressed concern with the impact that the development would cause to traffic, schools, and fire protection. She also expressed concern that the proposed residential development would be converted to commercial. Ms. Caldwell opined that subject Property should be converted to a public park.

62. Michael Greico, 237 James Court, expressed concern with the impact to traffic and stormwater. Mr. Greico testified that the soil in the area was poor which caused stormwater flooding the area. He expressed his concern that the stormwater basin would fail to drain properly and cause flooding. Mr. Greico further testified that the traffic impact would reduce the quality of life for the residents in the area, particularly with the increase of 90 trips during the Saturday peak hour. He stated that the proposed development increased activity by 220% in the area. Mr. Greico

testified that the LOS on Saturday peak hour would increase from LOS “A” to LOS “D”. He also stated that the full movement driveway across from James Court created safety concerns for pedestrians. Mr. Greico expressed concern with the noise generated from the courtyards, as well as light spillage, and the hours of operation of the courtyards.

63. Michelle Parriotte, 47 Tudor Court, expressed concern with the water pressure in the area. Ms. Parriotte testified that the water pressure was already low in the area. She requested that an impact study be performed on the water pressure. Ms. Parriotte expressed concern with security in the area. Ms. Parriotte also asked what the length of the lease terms would be or whether the units would be sold. She also asked whether the utilities would be above ground or underground.

64. There were no other members of the public expressing an interest in asking questions or providing statements.

65. Mr. Mosley returned to address the several comments from the public. Mr. Mosley testified that the impact of Route 70 and Route 73 existed. He explained that traffic studies do not examine the roadway network beyond the immediate intersections because traffic generated from a site would disperse throughout the roadway network, which reduces any impact to the roads beyond the immediate area. Mr. Mosley testified that from the intersection of Centre Boulevard and Old Marlton Pike, 38 vehicles would travel west and disperse among further intersections before reaching Route 70 and 40 vehicles would travel east and disperse before reaching Route 73. Mr. Mosley also testified that the access to Old Marlton Pike would be compliant with the County standards.

66. Mr. Mosley next addressed the comparison of the trip generation between the existing office park and the proposed residential development. He explained that he based the trip

generation of the office park on the ITE data as if the office park were new and at full capacity, not in its current occupancy. Mr. Mosley testified that the trips generated from the office park were also kept in the traffic counts of the area when adding the impact that the trips generated from the proposed residential building to the existing traffic in the area. Mr. Mosley testified that the increased LOS of “D” on Saturday was acceptable per NJDOT standards. He also testified that the change from LOS “C” to LOS “D” was not substantial.

67. Ms. Acari had no comment in regard to Mr. Mosley’s additional testimony. She stated that speeding was a law enforcement issue and was outside of the jurisdiction of the Board.

68. Mr. Mosley testified that in evaluating the access driveways, he examines the number of trips during peak hours. He testified that with this site the worst-case scenario would be two (2) cars per minute. Mr. Mosley also testified that aligning a driveway with James Court was a safer configuration than having the driveway being offset.

69. Mr. Darji testified that the Redevelopment Plan required 1.7 parking spaces per a unit. He stated that the 1.7 parking spaces per unit was close to the Residential Site Improvement Standards (RSIS), which required 1.8 parking spaces per a one-bedroom unit and 2.0 parking spaces per a two-bedroom unit. He testified that the Redevelopment Study had determined that the number of parking spaces was sufficient. The Board also acknowledged that 25 of the units were reserved for people with special needs who likely did not drive. The Board suggested that the Applicant increase the number of ADA parking spaces.

70. Mr. Koldomasov next addressed comments raised by the public. Mr. Koldomasov testified that the stormwater basin was designed per the Best Management Practices (BMP) of the NJDEP. He stated that soil tests were performed in the area of the basins per the BMP. Mr. Koldomasov testified that marl soil was found eight (8) feet below the area of the basin, which

was adequate for percolation. He stated that in spite of the soil's adequacy, the Applicant was still proposing to remove an additional nine (9) feet of soil below the basin and replace it with K-4 soil. Mr. Koldomasov testified that the Applicant could go deeper if recommended by the Board Engineer.

71. Mr. Koldomasov further testified that any contaminated soil would be excavated and used on site. He stated that a Licensed Site Remediation Professional (LSRP) would provide additional testing and any contaminated soil would be removed or capped if the LSRP determines it is necessary. Mr. Koldomasov further testified that the water usage would increase with the proposed development, however, the MUA analyzes the water supply, pressure, and usage annually.

72. Mr. Darji stated that the Applicant was proposing to remove the unsuitable soil for the basin and replace it with suitable soil. He stated that the Applicant had also agreed to dig deeper if necessary. Mr. Darji testified that although the area was already developed, there was no stormwater management system and that stormwater in the area flowed toward the subject Property. He explained that the proposed stormwater management system would maintain the existing flow pattern, but with the addition of a stormwater basin. He testified that the basin is designed for a 100-year storm event. Mr. Darji stated that there was an increase of approximately 6,000 square feet of impervious coverage, however, this basin would accommodate the runoff from the increased impervious coverage.

73. Mr. Darji testified that the stormwater management system was compliant with all standards, but not those within the Redevelopment Plan. He also confirmed that the MUA analyzes the water pressure. Mr. Freedman stated that it was the responsibility of the Applicant to provide a water pressure calculation to the Fire Bureau.

74. In response to further questions from the Board, Mr. Koldomasov testified that the pool amenity was located within the courtyard on the eastern side of the building farther from the adjacent residential uses.

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75. Counsel for the Applicant, Peter Flannery, provided a brief overview of the previous hearing. He stated that the Applicant had carried the application to provide planning testimony. He stated that the Applicant's Engineer would provide a limited review of his testimony regarding the relief being sought.

76. Mr. Koldomasov testified that the Applicant was seeking four (4) design waivers and one (1) variance. He stated that the Applicant was seeking design waiver relief from providing sidewalk along Centre Boulevard frontage. He testified that to mitigate the impact of the lack of sidewalk, the Applicant was providing a connecting sidewalk from the site to the existing Old Marlton Pike sidewalk through the dog park, as well as providing a crosswalk from the Lippincott Drive sidewalk across Centre Boulevard connecting to the existing sidewalk on the western side of Centre Boulevard.

77. Mr. Koldomasov further testified that design waiver relief was requested for the drive aisle width of 24 feet rather than the minimum 25 feet. He stated that the relief was mitigated because the 24 foot wide drive aisle was only in two (2) locations, the entrance to the parking garage and the drive aisle along the southern side of the building.

78. Mr. Koldomasov further testified that design waiver relief was requested for the height of the fence around the dog park. He stated that the maximum permitted height of the fence was four (4) feet, whereas five (5) feet was proposed. Mr. Koldomasov explained that the increased



height of the fence would improve safety by preventing dogs from jumping over the fence. He testified that an increased landscape buffer would mitigate the impact of the height of the fence.

79. Mr. Koldomasov further testified that design waiver relief was requested for fences and walls located within a setback area. He stated that the dog park fence was located within a setback area because it was the best location for the dog park. Mr. Koldomasov also stated that there was an existing retaining wall in the southwestern corner of the site. Mr. Koldomasov represented that the retaining wall was necessary to maintain the grade of the berm and the existing vegetation on the berm.

80. Mr. Koldomasov next testified that the Applicant was seeking variance relief for the building setback to the drive aisle curb and a foundation planting space of five (5) feet. He stated that in order to maintain the existing drive aisle, the building was setback closer than 12 feet to the curb and the foundation planting space was reduced. Mr. Koldomasov testified that this design allowed the sidewalk to be maintained around the entirety of the building, which was a better alternative.

81. The Applicant's Planner, Tiffany Morrissey, P.P., AICP, testified that the variance relief can be granted under the c(2) "flexible" criteria and the balance of positive and negative impacts. She testified that the design waiver relief can be granted because the strict application of the design standards would be impracticable or result in undue hardship, which is a lesser burden of proof than the variance relief. She stated, however, that the Redevelopment Plan adds an additional criteria to granting design waiver relief by requiring analysis of negative criteria that granting the design waiver will not result in substantial detriment to the zone plan, master plan, and the public good; similar to the negative impact analysis for a variance relief.

82. Ms. Morrissey next identified the subject Property as Lot 3 in Tax Block 24.21 with the address of 100 Centre Boulevard in the Centre Boulevard Redevelopment Area. She testified that the subject Property contained 8.8 acres with three (3) frontages and was currently improved with an underutilized office park.

83. Ms. Morrissey testified that the Applicant was seeking variance relief from the setback of the building from the curb, which required a minimum setback of twelve (12) feet and the width of the foundation planting strip of five (5) feet, along with a six-foot wide sidewalk. She stated that the area along the eastern side of the building near the parking garage had a setback of 10.1 feet and a foundation planting strip width of 4.1 feet. Ms. Morrissey testified that the area in the southwestern corner of the building was setback 9.29 feet and a foundation planting strip width of 3.0 feet. Ms. Morrissey testified that the purpose of the non-compliant setback and widths was to meet the goals of the Redevelopment Plan and to maintain the existing drive aisle and the existing street trees.

84. Ms. Morrissey further testified that the proposal advanced several purposes of the Municipal Land Use Law (MLUL). She first testified that the proposal specifically included affordable housing units that would benefit the community. Ms. Morrissey represented that the proposal would upgrade an underutilized property, provide for a variety of housing options to the community, and provide connectivity to the commercial uses in the area. Ms. Morrissey testified that this project advanced several purposes of the MLUL inclusive of purpose a) by promoting the general welfare. She testified that the proposal advanced purpose c) by providing adequate light, air, and open space because the building bulk setbacks were compliant. She testified that the proposal advanced purpose e) by providing connection between commercial and residential uses in appropriate concentrations that contribute to the community. Ms. Morrissey testified that the

proposal advanced purpose g) by providing sufficient space in an appropriate location for the residential building. Ms. Morrissey represented that the proposal advanced purpose i) by promoting a desirable visual environment. She testified that the proposal advanced purpose m) because the proposal was an infill development consistent with the Redevelopment Plan.

85. Ms. Morrissey next testified that the Applicant was seeking design waiver relief for the height of the fence of the dog park. She stated that the Redevelopment Plan permitted a maximum fence height of four (4) feet, not to be located within a setback area, and not to be chain link, razor, or an electric fence. She stated that the Redevelopment Plan permitted on-site outdoor recreation areas to be located within the buffer, except for pools. Ms. Morrissey testified that the dog park was an on-site outdoor recreation area, therefore it was permitted within the buffer. She argued that because the fence was integral to the dog park, that it was permitted within the buffer, as well. Ms. Morrissey stated however, that the focus of the design waiver was height of the fence at five (5) feet. She testified that the height of the fence was necessary for safety and security. Ms. Morrissey also stated that the Applicant had agreed to change the style of fence from chain link to a decorative fence that would match the other decorative fences in the area.

86. Ms. Morrissey testified that the Applicant was seeking design waiver relief for the retaining wall within the setback. She argued that design waiver relief was not required because the Redevelopment Plan required the grading to be maintained. Ms. Morrissey also argued that because the retaining wall was necessary to maintain the grade, it was permitted under the Redevelopment Plan. Ms. Morrissey further testified in the alternative that design waiver relief was reasonable because it was necessary to maintain the grade of the berm and the existing vegetation.

87. Ms. Morrissey testified that the Applicant was seeking design waiver relief from not providing sidewalk along the Centre Boulevard frontage. Ms. Morrissey stated that the language of the Redevelopment Plan specifically requires that the Applicant “maintain” the sidewalks along the frontages. She argued that because no sidewalk existed along Centre Boulevard frontage, the Applicant was complying with the Redevelopment Plan, therefore design waiver relief was unnecessary. Ms. Morrissey further testified that in the alternative, design waiver relief was reasonable because installing the sidewalk would damage the roots of the existing street trees.

88. Ms. Morrissey further testified that the Applicant was seeking design waiver relief for the drive aisle width of twenty-four (24) feet, but only in two (2) areas. She stated that the drive aisle width was an ordinance requirement, not the Redevelopment Plan. Ms. Morrissey testified that the drive aisle width was reasonable because there would be a low volume of traffic circulating on site.

89. Ms. Morrissey next addressed the negative criteria for both the variance relief and the design waiver relief. She stated that the Redevelopment Plan was adopted a few months earlier this year and acted as the zoning and master plan for the subject Property. Ms. Morrissey testified that the purpose of the Redevelopment Plan was to convert the underutilized office park to a multi-family residential building. Ms. Morrissey testified that there was no substantial detriment to the Redevelopment Plan from the deviations.

90. Ms. Morrissey further testified that no variance relief was necessary for the parking garage. She testified that the Redevelopment Plan permitted structured and surface off-street parking as an accessory use. Ms. Morrissey testified that the structured parking was integrated into the design of the building and was only to be used by residents. She stated that “structured parking”

was not defined in the Redevelopment Plan but was within the bulk standards for internal roadways and architectural standards.

91. Counsel for Objector, Jeffrey Brennan, Esq., conducted cross-examination of Ms. Morrissey. Mr. Brennan argued that the Applicant has not satisfied its burden to be granted relief. In response to Mr. Brennan's cross-examination, Ms. Morrissey confirmed that she referenced the Garafolo case and that it was a Law Division case. She stated that she referenced Garafolo to provide guidance to the Board, not as binding precedent. Ms. Morrissey also confirmed her testimony about the location of the deficient curb setback along the eastern side of the building. Mr. Brennan asserted that the positive criteria could be achieved with a conforming setback and that there was nothing special about the variance relief that advanced the purposes of the MLUL. In response, Ms. Morrissey asserted that the site in its entirety advanced the purposes of the MLUL and that it was within the purview of a planner to consider the entirety of the project when seeking variance relief.

92. Mr. Brennan asked if the variance relief was the result of the development being more intense beyond what is permitted. Ms. Morrissey disagreed with Mr. Brennan's position. Ms. Morrissey testified that a conforming site could be achieved by shifting the building westward, however, it would require the removal of the street trees.

93. In response to further cross-examination questions, Ms. Morrissey testified that she was not involved with the creation of the Redevelopment Plan, she did not attend any meetings or hearings related to the creation of the Redevelopment Plan, nor did she speak to any of the authors of the Redevelopment Plan. Ms. Morrissey asserted that it was her interpretation of the Redevelopment Plan as a professional planner as to the meaning of structured parking. She stated that there was no specific definition for "structured parking". Ms. Morrissey asserted that the

definition of “garage” in the municipal code was different than “structured parking”, and therefore was not applicable.

94. The hearing was then opened to the public, at which time Nancy Caldwell, 22 Wimbeldon Way, questioned the number of affordable housing units. The Board and Board Professionals clarified that there were 49 affordable housing units proposed, 25 of which were for special needs. Ms. Caldwell stated that the building would have to have trash chutes, which the Board and Board Professionals confirmed that the Applicant was providing. Ms. Caldwell further expressed her opposition to the project and that she disagreed that it would benefit the community.

95. Kevin Gillan, 6 Coventry Circle East, expressed his concern regarding traffic and questioned why the Applicant’s Planner did not address traffic. In response, Ms. Morrissey testified that the Applicant was not seeking any variance relief related to traffic, parking, or density. She stated that traffic testimony was provided by the Applicant’s Traffic Engineer at the previous hearing and the testimony was not related to any variances.

96. There were no other members of the public with questions or comments of the Applicant’s Planner’s testimony.

97. Mr. Brennan next presented the Objector’s affirmative case.

98. The Objector’s Planner, Philip Sartorio, P.P., AICP, testified that the parking structure was freestanding, therefore, it did not meet the definition of structured parking in the Redevelopment Plan. He cited Use Standard #3, Accessory Uses Permitted on page 25 of the Redevelopment Plan. Mr. Sartorio stated that off-street parking location for structured parking shall be integrated into the principal building design. Mr. Sartorio testified that “integration” meant that the structure had to be “unified” or “part of” the building. Mr. Sartorio asserted that the

Applicant's Architect testified that the parking garage "touched the residential building", not attached, or part of, or integrated into the building.

99. The Board Engineer, Mr. Darji testified that the parking garage was integrated into the principal building. He stated that there were walkways on each floor of the building that accessed the parking garage. Mr. Darji explained that the proposed parking garage was a typical design, which was a freestanding parking garage that was attached to the principal building. He explained that it was typical to construct the parking garage first, then build the principal building around the parking garage to integrate it into the principal building. Mr. Darji testified that the parking garage and principal structure did not have to have shared walls or utilities in order to be integrated.

100. The Board Planner, Ms. Taylor also agreed with Mr. Darji's testimony. Ms. Taylor stated that integrated did not require the structure be attached. She stated that the parking structure was connected to the principal building.

101. Mr. Sartorio provided an anecdotal example from his prior experience as a municipal zoning officer of residential decks. He explained that an attached residential deck may require bulk variance relief being part of the principal building. He further explained that some homeowners would work around the bulk requirements by constructing a detached deck that was half an inch from the dwelling, thereby not being subject of the bulk requirements for the principal building. Mr. Darji opined that if he were a zoning officer, he would consider a deck that close to be attached to the principal building.

102. Mr. Darji continued to argue that the Redevelopment Plan required the parking garage to be integrated. Mr. Darji stated the principal building surrounded the parking garage on three (3) sides.

103. Mr. Brennan asserted that the Redevelopment Plan did not call for a garage or define “garage”. He argued that there was insufficient information to rely on to determine the Governing Body’s intent. Mr. Brennan asserted that the Applicant was assuming the intent. He argued that such a large project as is proposed should not rely on assumed intent, but rather the intent of the Governing Body should be clear. Mr. Brennan asked that the Board deny the application until the Governing Body’s intent is clear.

104. Mr. Sartorio continued his testimony stating that the Redevelopment Plan required parking structures to not be visible from the adjacent roadways, and here the proposed parking garage was not compliant. He also stated that the Redevelopment Plan required the parking structure to incorporate the architectural design to match the principal building, obscure it from view, and screen headlight glare. Mr. Sartorio argued that the parking garage was an open design that allowed headlight glare and did not incorporate any architectural features.

105. Mr. Sartorio next testified that the variance relief did not advance any purposes of the MLUL. He testified that the curb setback variance was for 1.9 feet, however, it was for the length of approximately 70% of the eastern side of the building, which was significant. Mr. Sartorio argued that the building could be shifted to be compliant. Mr. Sartorio further argued that the purpose of the setback in the Redevelopment Plan was to provide appropriate scaling and design. He also testified that pedestrians and bicyclists tended to avoid using sidewalks in close proximity to buildings, therefore the internal sidewalks were less likely to be utilized because of the deficient distance from the building.

106. Mr. Brennan provided closing arguments that the proposed development was in conflict with the neighborhood. He argued that the Applicant should return to the Governing Body



to receive their clear intentions of the meaning of parking structure or garage. Mr. Brennan stated that this project was too important to get wrong.

107. Mr. Flannery next presented cross-examination of Mr. Sartorio. In response to initial questions, Mr. Sartorio confirmed that he was not a licensed architect. Mr. Sartorio confirmed that the architectural plans depicted the parking garage on the floor plans. He also confirmed that the parking garage touched the building on two (2) sides and that there was a small alleyway between the principal building and the third side of the parking garage. Mr. Sartorio also confirmed that the parking garage was flush with the building from the Old Marlton Pike view. He also confirmed that access to the building from the garage was provided for each floor and access was by a fob and limited to residents and guests.

108. In response to further cross-examination questions, Mr. Sartorio testified that in order to be integrated, the parking garage would have to be part of the building. He stated that a subterranean parking garage was an example of an integrated parking garage. Mr. Sartorio argued that the present design was two (2) buildings that abut one another. Mr. Sartorio stated that he was familiar with how Redevelopment Plans get adopted. He confirmed that this Redevelopment Plan was adopted by the Governing Body earlier in 2025 and that the Board had reviewed it as part of the Redevelopment Plan process.

109. The hearing was then opened to the public for questions and comments of the Objector's witness, at which time Ms. Caldwell testified that in her experience, people preferred individual garages, which this design does not provide.

110. There were no other members of the public expressing an interest in this application.

111. Mr. Flannery then provided closing arguments. He argued that the Applicant was seeking minor variance relief and design waiver relief in order to construct a multi-family residential building that was inclusive of affordable housing units that would contribute to the Township's fourth round obligations. Mr. Flannery asserted that the Objector's argument was novel. He stated that there would not be any substantial traffic impact and no negative environmental impact from the project.

**NOW, THEREFORE**, the Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for preliminary and final site plan approval with ancillary bulk variance and design waiver relief in regard Lot 3 in Tax Block 24.21 on the Tax Assessment Map of the Township of Evesham. The subject Property is located within the Centre Boulevard Redevelopment Area, and C-1 (Highway Commercial) Zone District and Evesham Crossroads Overlay (EVCO) Zone District.

The Board first addresses the Objector's argument that the parking garage is not an accessory structure, thereby requiring use variance relief. The Board rejects this argument. The Redevelopment Plan clearly permits structured and surface parking as an accessory use. The parking garage is only to be used by the residents and guests of the multi-family residential building, therefore it is accessory to the principal residential use.

The Board also rejects the Objector's argument that the parking garage is not the equivalent of a parking structure as permitted by the Redevelopment Plan. The Board finds that there has been compelling testimony from the Applicant's witnesses and the Board's Professionals that the proposed parking garage meets the intent and meaning of parking structure as permitted by the

Redevelopment Plan. The Board therefore is not persuaded by the Objector's argument that the proposal should be denied.

The Board in considering the application before it, recognized that site plan review does not confer any power to determine whether a particular permitted use is appropriate of a particular location. PRB Enterprises, Inc. v. South Brunswick, 105 N.J. 1, 7 (1987). The Board next addresses the comments and concerns from the public regarding off-site traffic. A planning board is prohibited from denying a permitted use based upon traffic generation. Such a denial can only be justified where ingress and egress is not safe. Dunkin Donuts v. Tp. of North Brunswick Planning Bd., 193 N.J. Super. 513 (App. Div. 1984). Here, the proposed use is permitted under the Redevelopment Plan. Members of the public had expressed concern about traffic volume on the surrounding roadways, as well as roadways beyond the immediate area of the subject Property. Although the Board appreciates the public's concerns, the traffic volume is outside of its purview. The Board's focus is on the safety of the ingress and egress of the site. The Board finds that the Applicant has presented uncontroverted testimony that the ingress and egress driveways will operate in a safe and efficient manner.

The Applicant seeks preliminary and final site plan approval for a permitted use and but does require bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a

specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

The Board has examined the request for variance relief under the MLUL pursuant to N.J.S.A. 40:55D-70c(2). In Kaufman v. Land Use Board for Warren Township, 110 N.J. 551, 563 (1988), the New Jersey Supreme Court held:

“By definition then no c(2) variance should be granted when merely the purposes of the owner will be advanced. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of a c(2) case, then, will be not on the characteristics of the land that, in light of current zoning requirements, create a hardship on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

The Board, in its review of the application under the c(2) criteria, analyzed the proofs provided by the Applicant relative to the positive criteria under the MLUL pursuant to N.J.S.A. 40:55D-2 as set forth herein, numerous purposes of the MLUL would be advanced by granting “c” or bulk variance relief. Having satisfied the positive criteria for the granting of c(2) variance relief, the Board next turns to the negative criteria. The Board concludes that it is appropriate to grant ancillary “c” or bulk variance relief under the c(2) analysis because “c” variance relief can

be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Applicant is seeking the following variance relief associated with this application:

- b. ***Centre Boulevard Redevelopment Plan*** – The minimum building setback from the curb line incorporating a five (5) foot wide foundation planting strip and a six (6) foot sidewalk, whereas 10.1 feet curb line setback and four (4) foot wide foundation planting strip is proposed along the east side of the building (along the parking garage), as well as 9.29 feet curb line setback and three (3) foot wide foundation planting strip is proposed along the south side of the building. A five (5) foot wide foundation planting strip is not provided along the walls of the parking garage.

The Board finds that the Applicant has satisfied the positive criteria. The Board finds that the Applicant has designed the subject Property to comply with the bulk standards except for building to curb setback and the foundation planting strip width. The Board accepts the representations of the Applicant’s Planner that the purpose of the non-compliant setback and widths was to meet the goals of the Redevelopment Plan and to maintain the existing drive aisle and the existing street trees. The Board finds that the project overall promotes the general welfare by providing a variety of housing options, including affordable housing units, and special needs affordable housing units. The Board also finds that the project provides for adequate light, air, and open space by complying with all building bulk standards. The Board finds that the project

promotes appropriate concentration of population by connecting residential uses to commercial uses. The Board finds that the proposal provides sufficient space for in an appropriate location. The Board finds that the proposal promotes a desirable visual environment by improving a underutilized and aged office park to a new attractive residential building. The Board also finds that the proposal is an efficient use of land because it is infill development consistent with the redevelopment plan. The Board therefore concludes that the goals of planning enumerated in the Municipal Land Use Law at N.J.S.A. 40:55D-2 have been advanced. The positive criteria pursuant to N.J.S.A. 40:55D-70c(2) has therefore been satisfied.

The Board also finds that the negative criteria has been satisfied. The proposed building will be visually attractive. The proposed variance relief will not result in any additional traffic, noise or odors not already contemplated by the Ordinance. The Board therefore finds that the proposed variance relief will not result in substantial detriment or impairment of the zone plan, zoning ordinance or public welfare. The Board concludes that the negative criteria pursuant to N.J.S.A. 40:55D-70c(2) has been satisfied.

The Board concludes that the positive criteria substantially outweighs the negative criteria and that variance relief pursuant to N.J.S.A. 40:55D-70c(2) may be granted.

The Applicant is seeking the following design waiver relief under the MLUL pursuant to N.J.S.A. 40:55D-51 associated with this application:

- e. ***Centre Boulevard Redevelopment Plan*** – Fences are not permitted to exceed four (4) feet in height, whereas the fence around the dog park is five (5) feet in height.
- f. ***Centre Boulevard Redevelopment Plan*** – Fences and walls shall not be located in a required setback area, whereas the fence around the dog park and retaining wall in the southwesterly corner of the site are within the required setback area.
- g. ***Centre Boulevard Redevelopment Plan*** – Sidewalks are required along all frontages, whereas no sidewalk is proposed along Centre Boulevard.

- h. ***Centre Boulevard Redevelopment Plan (§160-32)*** – The minimum drive aisle width is 25 feet, whereas 24 feet is proposed at the garage entrance and along the southerly side of the building.

The Board finds that the proposed height of the fence for the dog park is appropriate for the site in order to provide safety and security and to keep dogs from jumping over the fence. The Board also finds that based upon the expert's testimony, the driveway aisle widths are appropriate to safely accommodate the type of anticipated traffic. The Board finds that there are existing mature trees along Centre Boulevard frontage is a better alternative than providing sidewalk. The Board finds that the fence of the dog park located within the setback area is appropriate because it is the best location for the dog park and the fence is necessary for the dog park to function. The Board also finds that the retaining wall within the setback area is appropriate to maintain the existing berm and vegetation. The Board finds that strict compliance with the design guidelines would be impracticable. Design waiver relief pursuant to N.J.S.A. 40:55D-51 is therefore appropriate in this instance.

As required under the Redevelopment Plan, design waiver relief requires an analysis of the negative criteria. The Board finds that the design waiver relief has satisfied the negative criteria for the same reasons expressed above for variance relief.

The Board finds that with the exception of the above referenced relief, the Applicant has complied with all zoning, site plan and design ordinance requirements. The Applicant has also agreed to comply with all conditions contained herein. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-46 and final site plan approval pursuant to N.J.S.A. 40:55D-50 are therefore appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board that the application of Marlton Crossing Dev AMS LLC for property known and designated as Lot 3 in Tax Block 24.21 on the Tax Assessment Map of the Township of Evesham requesting land use relief and checklist waivers is determined as follows:

- A. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-46;
- B. Final site plan approval Pursuant to N.J.S.A. 40:55D-50;
- C. Variance relief pursuant to N.J.S.A. 40:55D-70c(2)
- D. Design waiver relief pursuant to N.J.S.A. 40:55D-51

**IT IS FURTHER RESOLVED** that the above approvals are granted subject to the following terms and conditions:

- 1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
- 2. The Applicant shall comply with any terms and conditions contained in any Reports of the Board's Professionals.
- 3. The Applicant represents that all its representations and stipulations made either by the Applicant or on its behalf to the Township of Evesham Planning Board are true and accurate and acknowledges that the Planning Board specifically relied upon said stipulations in the Board's granting of approval. If any representation or stipulation is false, this approval is subject to revocation.
- 4. This approval is granted strictly in accordance with any recommendations set forth on the record at the time of hearings on October 16, 2025 and November 6, 2025.
- 5. The Applicant shall provide a recycling plan memo obtained from Burlington County Department of Public Works.
- 6. The Applicant shall obtain approval for water and sewer from Evesham Township MUA.
- 7. The Applicant shall work with the Board Professionals to revise the lighting plan to be satisfactory to the Board Professionals.
- 8. The Affordable Housing units shall be distributed throughout the building subject to regulations for special needs persons housing.



9. The Applicant shall provide a list of sustainability items.
10. The parking garage shall have a sprinklered fire suppression subject to review and approval by the Fire Official.
11. The Applicant shall revise the plans to depict the number of ADA parking spaces.
12. The Applicant shall coordinate with the Township Engineer to mill and overlay the existing drive aisles and evaluate the condition of the curbing during construction.
13. The Applicant shall coordinate with the retail users on the adjacent commercial property on a construction plan to allow cross access and employee parking closest to the subject Property.
14. The Applicant shall perform a video analysis of the existing storm sewer system subject to review and approval by the Board Engineer.
15. The Applicant shall submit a roof plan subject to review and approval by the Board Engineer.
16. The Applicant shall utilize an automatic, water conserving irrigation system for the landscaping. Drip irrigation shall be utilized where feasible.
17. The Applicant shall submit construction details for the safety of the surface of the tot lot subject to review and approval by the Board Professionals.
18. The Fire Department Connection (FDC) shall be located on the front of the building subject to review and approval by the Fire Official.
19. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
20. Certificate that taxes are paid current to date of approval.
21. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Evesham, County of Burlington, State of New Jersey or any other jurisdiction.

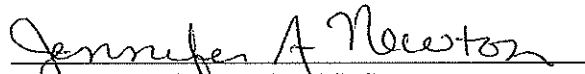
<b><i>RECORD OF VOTE FOR ACTION TAKEN</i></b>						
<b>BOARD</b>	<b>AYE</b>	<b>NAY</b>	<b>Abstain</b>	<b>Absent</b>	<b>Motion Made By</b>	<b>Second</b>
Lisa Killion-Smith, Chairperson	<b>X</b>					
Mayor Jaclyn Veasy				<b>X</b>		
Councilwoman Dr. Krystal Hunter	<b>X</b>					
Patricia Everhart, Vice Chairperson				<b>X</b>		
Aiden DeMarsey, BOE Member	<b>X</b>				<b>X</b>	
Craig Higginbotham, Environmental	<b>X</b>					<b>X</b>
Tom Wyllner	<b>X</b>					
Gene Friedman	<b>X</b>					
Jacob Todd	<b>X</b>					
Steven Kavalkovich, Alt. #1	<b>X</b>					
Sean McLaughlin, Alt. #2	<b>X</b>					

I, Jennifer A. Newton, Secretary to the Planning Board of the Township of Evesham, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held at the Municipal Building, 984 Tuckerton Road, Marlton, New Jersey, on the 6<sup>th</sup> day of November 2025.

  
 JENNIFER A. NEWTON, Secretary  
 EVESHAM TOWNSHIP PLANNING BOARD

<b>RECORD OF VOTE FOR ACTION TAKEN</b>						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Lisa Killion-Smith, Chairperson	X					
Mayor Jaclyn Veasy						
Councilwoman Dr. Krystal Hunter	X					
Patricia Everhart, Vice Chairperson						
Aiden DeMarsey, BOE Member				X		
Craig Higginbotham, Environmental	X					X
Tom Wyllner	X					
Gene Friedman	X				X	
Jacob Todd	X					
Steven Kavalkovich, Alt. #1	X					
Sean McLaughlin, Alt. #2	X					

I, Jennifer A. Newton, Secretary to the Planning Board of the Township of Evesham, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held at the Municipal Building, 984 Tuckerton Road, Marlton, New Jersey, on the 18<sup>th</sup> day of December 2025.

  
 JENNIFER A. NEWTON, Secretary  
 EVESHAM TOWNSHIP PLANNING BOARD