

RESOLUTION
TOWNSHIP OF CHERRY HILL ZONING BOARD OF ADJUSTMENT
APPLICANT'S NAME: VOADV Property, Inc.
APPLICATION NO.: 19-Z-0021 (PBC 9993)

WHEREAS, the Applicant, VOADV Property, Inc. ("VOA") d/b/a Lilly's Place, L.P., as equitable owner and successor in interest to Fortitude Realty, LLC ("Fortitude") of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located at 1991 Route 70 East and designated as Block 471.01, Lot 7 on the tax maps of the Township of Cherry Hill, has filed an application for final major site plan approval to construct 64 one-bedroom multifamily residential units which are 100% affordable senior and supportive needs housing. Four variances are required, three of which were previously approved.

WHEREAS, after a public hearing held on May 1, 2025 via teleconference, the following initial findings of facts were made, to wit:

1. On August 15, 2019 Fortitude, the then owner of the subject property, was granted preliminary major site plan approval by the Cherry Hill Zoning Board under Application No. 19-Z-0021 to construct 64 one-bedroom multifamily units, all of which are 100% affordable senior and supportive needs housing, and to also undertake other site improvements, which included lighting, utility infrastructure, a parking area, landscaping, fencing and stormwater management. To do so, Fortitude was granted a d(1) use variance, bulk "c" variances, and waivers as part of said application which was for preliminary major site plan approval only.
2. The subject property is approximately 4.74 acres and is located in the eastern portion of Cherry Hill with frontage on State Highway Route 70 East. The property is bound to the west by St. Bartholomew's Episcopal Church, to the southwest by the Wexford Leas Swim Club, to the east by the First Korean United Methodist Church of Cherry Hill and to the south by the Wexford Leas residential neighborhood. The Orchard Shopping Center and the Dwell at Cherry Hill Apartments are located to the north across Route 70. St. Bartholomew's Church is located in the Institutional (IN) Zone, the Wexford Leas Swim Club is located in the Residential Agricultural Planned Community (RAPC) Zone, the Wexford Leas residential neighborhood is located in the Residential (R1) Zone and the Korean United Methodist Church is located a split zone, with the front portion in the Limited Office (O1) Zone and the rear portion in the Residential (R1) Zone.
3. The subject property, Block 471.01, Lot 7, is also located in a split zone. The front portion is located in the Highway Business (B2) Zone and the rear portion is located in the Residential (R1) Zone. Multifamily residential housing is not a permitted use in either the B2 or the R1 Zones.

4. A detailed account of the site's history and prior approvals was set forth on pages 1 and 2 of the Department of Community Development review letter dated March 31, 2025.
5. As part of the August 15, 2019 preliminary site plan approvals, Fortitude was granted a use variance pursuant to N.J.S.A. 40:55D-70d(1) and Sections 415.B and 404.B of the Zoning Ordinance to permit 64 one-bedroom multifamily residential units, all of which will be 100% affordable senior and supportive needs housing as a principal use where such uses are prohibited in the Highway Business (B2) Zone and the Single Family Residential (R1) Zone.
6. As well, Fortitude was previously granted bulk variances pursuant to N.J.S.A. 40:55D-70c(2) for the following relief:
 - a. From Sections 415.F and 404.B to allow a building height of 37.67 feet where a maximum building height of 35 feet is permitted.
 - b. From Section 508.F.3 to permit a residential buffer of less than 25 feet, where a minimum buffer of 25 feet is required along the eastern boundary.
 - c. From Section 511.B.2 to permit 87 parking spaces where a minimum of 150 parking spaces is required. A de minimus exception from the Residential Site Improvement Standards (RSIS) was required.
7. Fortitude was also previously granted waivers for the following relief:
 - a. From Checklist #54 regarding tree location.
 - b. From Checklist Item #60 regarding test boring and percolation rates.
 - c. From Section 516.H.6.b.iii to permit stormwater basin side slopes of 4:1 where 3:1 is the maximum allowed.
 - d. From Section 508 to permit less than strict adherence to the landscaping requirements for street trees along Route 70.
8. Thereafter, on November 2, 2023, VOA, as successor in interest to Fortitude, was granted an extension of the Fortitude approvals including the use, bulk variances and waivers until December 1, 2025. Said approvals were subject to all of the agreements, conditions and representations contained in the initial Fortitude Resolution dated August 15, 2019 as memorialized on September 5, 2019.
9. The Applicant was represented by Keith A. Davis, Esquire of Nehmad, Davis & Goldstein, PC.
10. The Applicant presented the testimony of the following witnesses:

- a. Owen McCabe - VOA - President of Properties
 - b. Jason Fogler, PE - Professional Engineer
 - c. Michael Donovan, RA - Architect
 - d. Bryan Shropshire, PE - Professional Engineer - Traffic
 - e. Dan Levin, PP, AICP - Professional Planner
11. A complete list of the plans and documents submitted by the Applicant in support of the application is specified on pages 4-6 of the Department of Community Development review letter of March 31, 2025. In addition, the Applicant introduced the following exhibits at the public hearing:
 - a. A-1 Architectural rendering perspective from Route 70
 - b. A-2 Prospective of four sides of building
 - c. A-3 Floor Plans of units
 - d. A-4 Arial of existing conditions and surrounding area
 - e. A-5 Site Plan comparison
 - f. A-6 Color site renderings
 12. Comprehensive review letters were issued by the Department of Community Development dated March 31, 2025 and by Environmental Resolutions, Inc., the Zoning Board Engineer dated April 7, 2025. Both letters are on file with the Zoning Board Secretary and are incorporated herein.
 13. The Zoning Board presented the testimony of Jacob Richman, PP, AICP, Deputy Director of Department of Community Development. Jeremy Noll, PE, CME, CPWM, the Zoning Board Engineer, both of whom were duly sworn and testified as to their respective review letters, which were made part of the record in evidence in this matter.
 14. Numerous members of the public testified at the public hearing with regard to this application.
 15. The Zoning Board Attorney, Allen S. Zeller, Esquire of Zeller & Wieliczko, LLP, instructed the Board as to the Applicant's burden of proof required by the Municipal Land Use Law with regard to the within final site plan application.
 16. 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 by the Township of Cherry Hill, which also published a separate notice advising the public that the hearing would be held remotely via video conference. Said notice provided information to the public as to how to participate in the remote public hearing which was held via the Zoom platform.

WHEREAS, Keith A. Davis, Esquire, the attorney for the Applicant, introduced the application and provided an overview of the application, the property location and the history of this application whereby the previous owner/developer, Fortitude Realty, LLC, received preliminary major site plan approval in August 2019, which included a use "d(1)"

variance, 3 bulk "c" variances and 4 waivers. The application was to construct a three-story 100% affordable senior and supportive needs housing development. Mr. Davis stated that the Applicant is now seeking final major site plan approval and represented that the site plan is substantially the same as the preliminary approval approved in 2019 and, thus, the Board's scope of review is to consider the final site plan and whether the conditions imposed with the preliminary approval have been met. Mr. Davis also represented that although, not required by the Municipal Land Use Law, the Applicant provided the required notices pursuant to N.J.S.A. 40:55D-12.

WHEREAS, Mr. Owen McCabe was duly sworn and testified that he is the President of VOA Properties and has worked with the VOA for 20 years. He stated that he is familiar with this project and has been involved with this development since VOA took over from the prior developer, Fortitude Realty, LLC, in 2023. Mr. McCabe testified that VOA is primarily engaged in providing senior affordable housing development and this development will be an independent living facility and will consist of a total of 64 units that are 100% affordable. He stated there will be 52 senior affordable units and 12 affordable supportive needs units. He stated that the development will comply with all affordable housing regulations and that all of the perspective tenants must be income qualified and are preapproved to live in this facility. Mr. McCabe stated that the VOA will finance this project through 4% tax credits issued through the New Jersey FMHA and other New Jersey State bonding created for this type of project. Mr. McCabe testified that pursuant to an agreement entered into between the Township of Cherry Hill, Fair Share Housing Center and the VOA in September 2024, this project is now included in the Township's third round judgment of compliance and repose entered by the Superior Court of New Jersey, Camden County. He stated the agreement for this project was approved by the Court in December 2024 after a full fairness hearing was held by the Court upon notice to the public.

WHEREAS, Mr. McCabe testified as to the other specifics involving the final site plan including the lighting, utility infrastructure, parking, landscaping, fencing, stormwater management and circulation. He stated that there will be two full time employees working at the site including a leasing agent and superintendent who will live at the site. He stated that no meal service is provided to the residents at the development and that a location for deliveries of parcels and individual food orders, none of which occur by tractor-trailers (with the exception of move-in days), will be accommodated in a parking area in the front of the site. Mr. McCabe stated that trash pickup will occur two or three times a week during Township regulated hours, that the Applicant has been working with NJDOT for the installation of its required utility lines and infrastructure along Route 70. Mr. McCabe further testified that the Applicant will comply with all of the comments and conditions contained in the Department of Community Development and Environmental Resolutions' review letters in this matter and that the Applicant will continue to be bound by the conditions of approval imposed by the Zoning Board at the time of preliminary approval.

WHEREAS, Michael Donovan, was duly sworn and testified that he is a Registered Architect licensed in New Jersey for 30 years and that he is familiar with and prepared the architectural plans for this development. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Donovan identified exhibits A-1 and A-2, which showed the proposed renderings of the complex, including renderings of all four sides. He stated that the building was designed to provide a residential feel that will blend in with the surrounding properties. He stated that there are entrances on both the east and west sides of the building with parking areas adjacent to those entrances. He then identified exhibit A-3, which provided the floor plans of the building and he testified in detail as to each of the floor plans and the layout of the building, including that there is a lobby fronting on Route 70 with office space for the staff and visiting doctors, that there are two elevators and two entrances and that there is a large community room in the rear of the building for the residents. He testified as to the other amenities in the building and stated that the units are all one bedroom, that all apartments are ADA adaptable and meet all ADA standards. Mr. Donovan also testified that a conforming monument sign is proposed along Route 70 to identify the building that meets Ordinance requirements and that the Applicant may later seek approval for a façade sign facing Route 70 and that if said façade sign does not comply with the Sign Ordinance (Section 517), the applicant will need to seek the requisite variance relief.

WHEREAS, Jason Fogler, PE was duly sworn and testified that he is a Professional Engineer licensed in New Jersey since 2013, that he prepared the site plans and is very familiar with the site. The Board accepted his qualifications as an expert witness.

WHEREAS, Mr. Fogler identified exhibits A-4 and A-5. He stated that A-4 showed an aerial image of the site and its existing conditions and that A-5 provided a comparison of the site plan as previously approved for preliminary approval in both 2019 and the current site plan. He stated that the current site plan is substantially consistent with the initial approved site plan. He stated that the footprint of the overall building has been reduced slightly and that the previous bulk variance as to the number of parking spaces has now been increased to a total of 97 parking spaces from the previous approved 87 spaces. He testified that the two stormwater basins shown on the plans in the front along Route 70 comply with all State regulations and Cherry Hill Ordinances and are consistent with the waivers previously granted. He testified that the sole access will be from Route 70, which will have a right in and right out only, that there is a loop road around the building, that a drop off area is provided, that all sidewalks and walkways are ADA compliant, that bike racks and benches will be provided on both sides and that trash will be located within the building and rolled out to a trash enclosure two or three times a week. Mr. Fogler stated that the Applicant will comply with all of the landscaping requirements contained in the Community Development and the ERI review letters with the exception of item #77. He stated that although a variance was granted for a total of 87 parking spaces, the final plans have increased that number to 97 parking spaces

including handicap spaces and 14 EV spaces, one of which will also be ADA accessible.

WHEREAS, Mr. Fogler testified that trees will be removed and replaced on site and that the Applicant will comply with the Cherry Hill tree removal/replacement Ordinance. He testified that all the lights are compliant with Township standards, that all of the conditions for preliminary approval have or will be satisfied and that the Applicant will continue to work with the Zoning Board's Engineer's landscape architect to provide supplemental plantings in the designated 100 foot buffer in the rear of the property. Mr. Fogler affirmed that the Applicant will provide a 6 ft. board on the board fence along the side and the rear property lines and that all other existing fencing will be removed. Upon questioning by Board members and Mr. Richman, the Applicant agreed to revise the plans to include a note concerning the removal of all invasive species, that the Applicant will include decorative bollards in the front of the site once PSE&G determines the utility locations and that a note will be added to the plans to that effect. Mr. Fogler also affirmed that the Applicant has hired an environmental consultant to complete a Phase II environmental report, that said report will be provided to the Township and the Zoning Board Engineer for review and that the Applicant will comply with all requirements imposed by the report and/or NJDEP.

WHEREAS, Mr. Bryan Shropshire, PE, was duly sworn and testified that he is a Traffic Engineer licensed in New Jersey, that he has testified before numerous other Boards and that he is familiar with this site. The Board accepted his qualifications as an expert witness in Traffic Engineering.

WHEREAS, Mr. Shropshire testified that the initial traffic report from 2019 has been updated and that the updated report shows no changes from the previous report. He stated that any increase in traffic due to this site will not cause a detriment and will continue to provide a safe condition at the intersection of the site and within the site itself. He stated that the onsite circulation and parking was safe and adequate for the site's use. Mr. Shropshire testified that some of the other permitted uses in the B-2 Zone would create higher trip generations than this proposed use. He also testified that NJDOT has been cooperative and has been working with the Applicant with respect to their Route 70 driveway access and utility connections.

WHEREAS, Mr. Dan Levin, PP, AICP, was duly sworn and testified that he is a Professional Planner licensed in New Jersey since 2021, that he has testified before numerous other Land Use Boards, that he familiar with the Cherry Hill Ordinance and that he is familiar with the site in question. The Board accepted his qualifications as an expert witness in planning.

WHEREAS, Mr. Levin testified that this use is the same as previously approved by the Zoning Board in 2019 and that a new use variance is not required. He stated that this final site plan is consistent with the preliminary site plan and that there are no

substantial changes and that the changes improved the site. He stated that the height of the building has been slightly reduced, that the residential buffers remain the same and that the variance for the number of parking spaces has been improved upon so that there are now 97 parking spaces provided where 115 parking spaces are required. He also stated that the previously approved design waivers have all been eliminated with the exception of the one waiver for the slopes of the basins.

WHEREAS, Mr. Jacob Richman, PP, AICP, testified that he is satisfied that the Applicant has complied with the conditions of approval from the preliminary site plan, that the final site plan is substantially similar to the preliminary site plan and that the Applicant has agreed to comply with all of the comments and conditions contained in the Community Development review letter of March 31, 2025. He also noted that the Applicant has mitigated the previous bulk variances by providing additional parking spaces, that the height of the building has been reduced by a small amount, that the tree Ordinance will be complied with and that the lighting requirements will be complied with.

WHEREAS, Mr. Jeremy Noll, PE, testified that he also is satisfied with the Applicant's representations with regard to the comments and conditions contained in his review letter, that the Applicant will continue to work with his office regarding landscaping and other issues at the site and that he does not object to the waivers granted to the Applicant.

WHEREAS, numerous members of the public testified with regard to this application and some voiced their concerns over items which included the dust and vibrations created from the construction, concerns over the potential tenants including whether the tenants will be properly vetted, whether Section 8 vouchers will be accepted, whether the 100 ft. perpetual landscape buffer in the rear is sufficient, whether the environmental, lighting, and tree removal requirements are being met, and whether the noise levels during construction will adversely impact the use of the adjoining neighborhood Wexford Leas swim club. Numerous residents also requested that the height of the fence adjoining the swim club be increased to 8 ft. from the proposed 6 ft. as noted on the plans. As well, one member of the public praised the development and described why there is a substantial need for this type of facility in Cherry Hill.

WHEREAS, the Applicant's witnesses, including Mr. McCabe and Mr. Folger, as well as Mr. Davis responded to the public's concerns as stated on the record. For example, Mr. McCabe and Mr. Folger again addressed the environmental issues and stated that the Phase II environmental assessment will be completed, that the lighting concerns are addressed with light shields included on the lights including adjacent to the residential homes, that the Applicant will comply with the Camden County Soil Conservation district requirements regarding dust monitoring, that the noise Ordinance will be complied with, that the tree removal Ordinance will be complied with and that sufficient landscaping and buffering will be included on the site as required by the Zoning Board professionals. Mr. McCabe further confirmed that construction will likely start after the current swim club season ends in September and he

expects that, if all approvals are timely received, that the outdoor construction will be completed before the 2026 swim season begins. Mr. McCabe also represented that the Applicant is agreeable to increase the height of the fence to 8 ft. tall along the western and southern borders of the property as requested by the residents. He noted, as represented by Mr. Richman that this will require a new bulk variance for the height of the fence from 6 ft., which is permitted, to 8 ft. Mr. McCabe was instructed by the Zoning Board that the Zoning Board would not condition any approval granted on an increase to the height of the fence and, as confirmed by Mr. Zeller the Zoning Board Attorney, that the Board has jurisdiction to consider the requested new variance for the height of the fence without the need to re-notice since the existing notice specifically requested any and all other variances as determined to be required.

WHEREAS, Mr. Davis, the attorney for the Applicant then requested that an additional bulk variance be granted pursuant to N.J.S.A. 40:55D-70(c)(2) and from Section 506.A.1.a of the Zoning Ordinance to permit an 8 ft. high board on board fence along the western and southern border of the property where a maximum of 6 ft. is allowed.

WHEREAS, Mr. Dan Levin, the Applicant's Professional Planner testified that the increase in the height of the fence is not substantial, that it would not create any substantial detriment to the Zoning Ordinance or Zone Plan, that the 8 ft. high fence would not create any negative impacts to the site and that the positive factors of increasing the height substantially outweigh any negative detriments.

WHEREAS, the development plans have been reviewed by the Department of Community Development and Environmental Resolutions, Inc. (whose findings and reports are incorporated herein and made a part hereof). Said reports states those areas of the plans that have been found to be in compliance with the Development Control Regulations of the Township and those areas which are not in compliance with the Development Control Regulations. The Community Development report is dated November 28, 2023 and the Environmental Resolutions, Inc. report is dated November 29, 2023. Both reports are marked into evidence as part of the record herein.

WHEREAS, from the submissions made by the Applicant, the testimony and evidence presented by the Applicant and its professionals, the testimony and evidence presented by the Zoning Board Professionals, the testimony of all interested parties and based upon the entire record, the following further findings of facts and conclusions of law were made:

1. All of the initial findings of facts as set forth in Paragraphs 1 - 16 of this Resolution are hereby incorporated by reference herein as further findings of facts.
2. All of the foregoing "WHEREAS" paragraphs contained on pages 3 through 8 are hereby incorporated by reference herein as further findings of facts made by the Zoning Board and the Zoning Board has given

appropriate weight to said testimony of the professionals and the interested parties in making its findings of facts.

4. The Zoning Board finds and accepts as credible the testimony of the Zoning Board Planner, Zoning Board Engineer, as well as the Applicant's witnesses and professionals as testified herein.

5. The Zoning Board has reviewed and considered the relevant portions of the Zoning Ordinance, Municipal Land Use Law, exhibits and testimony and other pertinent documents and authorities submitted in this matter and has considered the requested site plans, variances and waivers as well as the positive and negative criteria as set forth in the Municipal Land Use Law and in the relevant court decisions as related to the bulk variances requested.

6. Individual members of the Zoning Board have set forth their specific reasons on the record as to the basis for granting the application and variances which include that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance and that the positive factors substantially outweigh any detriments.

7. The Applicant has satisfied its burden of proof to affirmatively prove, produce and introduce testimony and evidence sufficient to sustain its burden that the variances can be granted without substantial detriment to the public good. In addition, the Applicant has affirmatively satisfied its burden that the impact of the proposed application on the Township, the adjacent properties and the surrounding area will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony presented at the hearing, **BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of Cherry Hill, New Jersey that application #19-Z-0021 (PBC 9993) by VOADV Property, Inc. d/b/a Lilly's Place, L.P. for Final Major Site Plan approval with bulk variances and waivers is hereby granted by a vote of six (6) in favor and none opposed for the reasons set forth on the record in this matter and subject to the following terms and conditions:

1. The bulk variances requested from N.J.S.A.40:55D-70c(2) as follows, are granted:

- a. From Section 415.f and 404.b to permit a building height of 36.7 ft. where a maximum building height of 35 ft. is allowed, is granted. **This constitutes a reduction from the previous variance granted allowing for a height of 37.67'.**
- b. From Section 508.f.3 to permit a residential buffer less than 25 ft. where a minimum buffer of 25 ft. is required along the eastern boundary is recognized as a pre-existing variance previously granted. **The applicant clarified that this buffer setback dimension is 13.34' as measured to from the drive**

aisle to the rear parking lot of the First Korean United Methodist Church which is zoned Residential (R1).

- c. From Section 511.b.2 to permit 97 parking spaces where a minimum of 115 parking spaces is required, is granted. **This is a mitigation from the previous variance granted allowing for a total of 87 parking spaces.**
 - d. From Section 506.A.1.a to permit an 8 ft. tall fence along the western and southern border of the property where a maximum of 6 ft. is allowed, is granted.
2. The Applicant has been granted a waiver for the following relief:
 - a. From Section 516.h.6.b.iii to permit stormwater basin side slopes of 4:1 where 3:1 is the maximum allowed.
 3. The following waivers previously granted have been withdrawn by Applicant:
 - a. From Section 508 to permit less than strict adherence to the landscaping requirements for street trees along Route 70.
 - b. From checklist item #54 regarding tree location and checklist item #60 regarding list boring and percolation rates.
 4. All of the conditions and comments contained in the Department of Community Development review letter of March 31, 2025 and the Environmental Resolution, Inc. review letter of April 7, 2025 are hereby incorporated herein as conditions of approval and must be fully satisfied by the Applicant in accordance with their terms except as otherwise specifically noted on the record.
 5. All other agreements, conditions and/or representations made by the Applicant or imposed upon the Applicant as set forth in this matter as contained in the "WHEREAS" recital paragraphs of this Resolution as well as in the preliminary site plan Resolution approved September 5, 2019, shall be fully satisfied by the Applicant in accordance with their terms, except as otherwise changed or noted on the record.
 6. The Applicant shall be bound by all agreements and/or representations made by or on behalf of the Applicant as set forth at the hearing in this matter as well as in the preliminary site plan matter and the Applicant shall be bound by all exhibits introduced, all representations made and all testimony given on its behalf before the Zoning Board in both public hearings, except as otherwise noted on the record.
 7. The Applicant has agreed to work with the Zoning Board Professionals with regard to all issues noted on the record including issues relating to the site plan, parking, lighting, signs, landscaping and tree removal.

8. All easements, deed restrictions and covenants agreed to or imposed upon the Applicant, including the legal description shall be submitted to the Zoning Board Engineer, Planner and Attorney for their advance review and approval, including, without limitation, the 100 ft. perpetual landscape buffer easement in the rear yard.
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 facility to the Zoning Board Engineer, Planner and Attorney for their advance review and approval. Said agreement and plan shall contain a provision that in the event the Applicant or its successors 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 upon the property in order to make appropriate repairs necessary to correct the problem and/or address the emergency. All costs for such maintenance and repair shall be borne by the Applicant or its successors in interest.
10. The Applicant shall revise the plans to reflect that cutoff lenses and light shields will be installed to prevent light spillage and the Applicant shall comply with the Cherry Hill light Ordinance (Section 509) in this regard.
11. The Applicant shall revise the plans to reflect that depressed curbs will be installed at the entrances to both sides of the building as well as the front of the building.
12. The plans will be revised to include a note that the drop off area will be located by the loading zone and shall contain appropriate signage.
13. The plans shall be revised to include a note that decorative bollards shall be installed in the front of the building with the exact location determined once PSE&G advises the Applicant of the location for the gas lines and/or utility lines.
14. The plans shall be revised to provide plan notes and construction details reflecting that an 8 ft. tall board on board fence will be installed along the western and southern property lines.
15. The plans shall be revised to include a note that the Phase II environmental report will be submitted to the Zoning Board Engineer and Planner.
16. The plans shall be revised to include a note that the septic field located at the site will be properly capped consistent with NJDEP requirements.
17. The plans shall be revised to include a note that outside light shields will be provided along the residential perimeter.

18. The plans shall be revised to include a note that the monument sign along Route 70 shall be turned off between the hours of 10:00 p.m. to 7:00 a.m. consistent with the Township Ordinances.
19. The plans shall be revised to include a note that of the 97 parking spaces on site, two (2) of the ADA spaces will be van accessible, that one of the EV spaces will be ADA accessible and that there will be a total of 14 EV spaces provided on site.
20. The plans shall be revised to state that the facility is an independent living facility and that food or meal service is not included by VOA as part of the leasing program for the residents.
21. The plans shall be revised to include that a split rail fence will be constructed around both retention basins.
22. The Applicant shall revise the plans to include a note that it will comply with the requirements of the Cherry Hill Township tree removal Ordinance including that the Applicant will attempt to preserve all healthy and mature trees at the site and that a total of 117 replacement trees will be planted on site.
23. The Applicant shall revise the plans to include a note that it will maintain the 100 ft. perpetual landscape buffer and provide the required maintenance guarantees.
24. The Applicant will revise the plans to include a note that food deliveries will be made at the location of the loading area in the front of the building.
25. The Applicant will revise the plans to include a note that the Applicant will provide supplemental plantings in accordance with the Zoning Board Engineer's landscape architect as to the plantings in the 100 ft. rear perpetual landscape buffer.
26. The Applicant shall comply with the provisions of the Settlement Agreement entered into regarding this application dated September 23, 2024 as approved by the Superior Court of New Jersey.
27. The applicant shall comply with all relevant conditions of the Preliminary Major Site Plan approval (#19-Z-0021).
28. The Applicant is hereby notified that prior to the issuance of any Zoning and/or building 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 made a part of this approval, including those noted by reference in any reports of any consultants to the Zoning Board or as set forth on the record at the Zoning Board hearing must be satisfied.
 - c. The Applicant shall pay all required escrows, costs and professional fees associated with the application to the Department of Community Development within fourteen (14) days of receipt of a written request for payment of escrow funds. The failure to pay the required escrow funds within the fourteen (14) day period after receipt of written notice may result in the voiding of this approval. Negative escrow account balances shall incur interest at the rate of 1½% per month.
 - d. The plans are subject to review and approval of all outside agencies as required.
 - e. Zoning approval and permits must be obtained from the Department of Community Development.
 - f. Any required sign permits must be obtained from the Department of Community Development.
29. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Zoning Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Township to revoke any permits which have been issued to the Applicant.

DATED: May 15, 2025

ZONING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By: Jacob Richman
JA [CP
Zoning Board Secretary

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Zoning Board on this 15th day of May, 2025, is a true copy of the action taken by the Board at its meeting held on May 15, 2025.

DATED: May 15, 2025

ZONING BOARD OF THE
TOWNSHIP OF CHERRY HILL

By: Jacob Richman
JAC CP
Zoning Board Secretary