



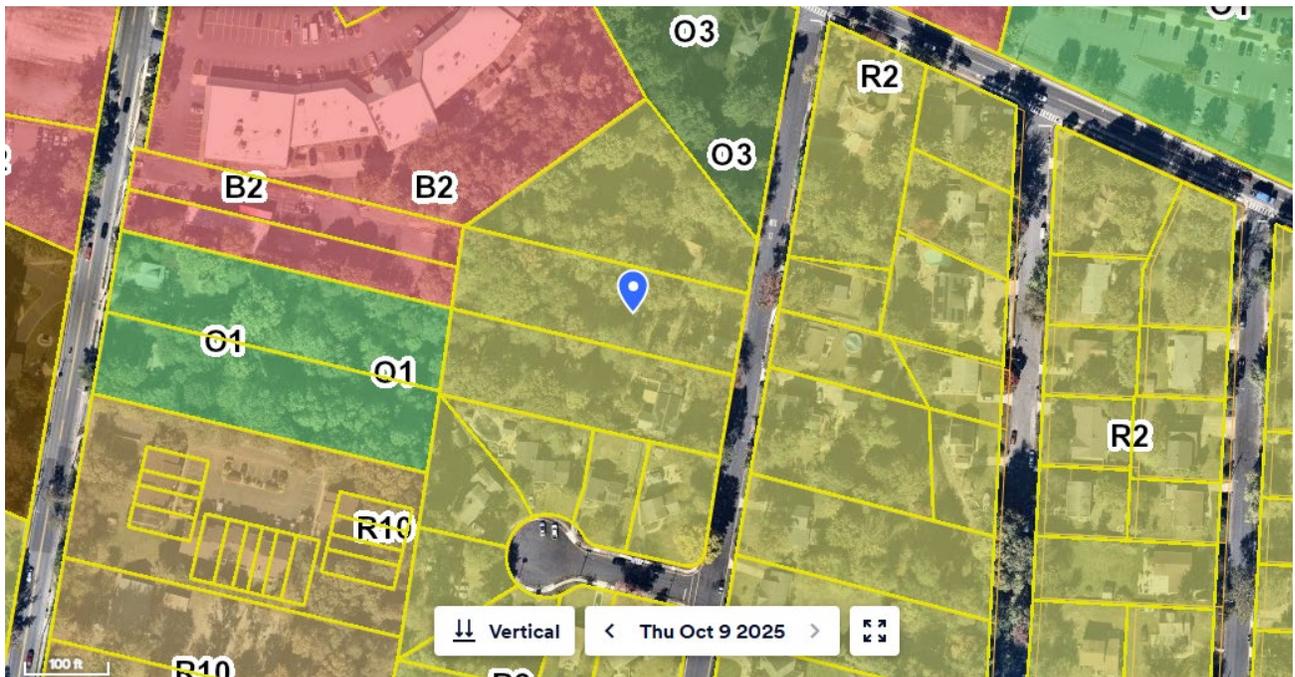
You couldn't pick a better place.

Department of
Community Development

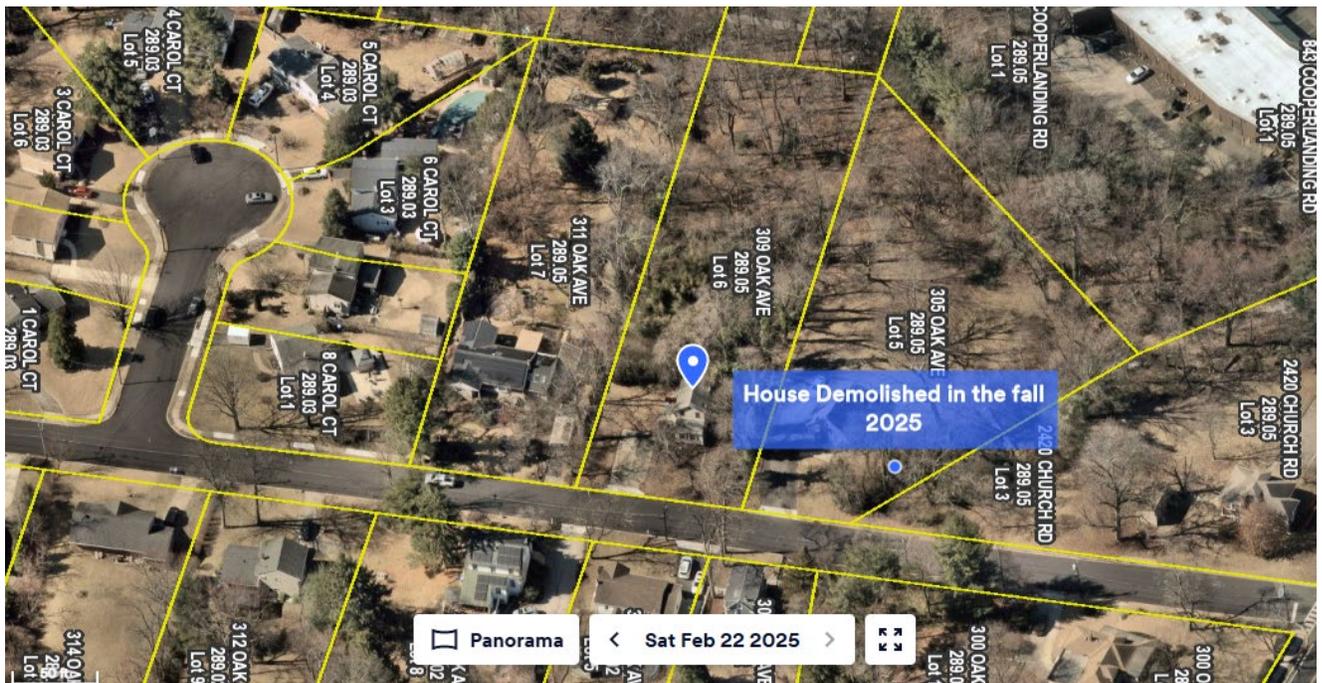
TO: Cherry Hill Township Planning Board Members
FROM: Kathy Cullen, Director
Jacob Richman, PP, AICP, Deputy Director
RE: **COMPLETENESS & PLANNING REVIEW**
James Foley
309 Oak Avenue
Cherry Hill, New Jersey 08002
Block 289.05 Lot(s) 6
Application No. 25-P-0033
DATE: February 6, 2026

I. GENERAL INFORMATION

- A. **Applicant & Owner.** James Foley, 309 Oak Avenue, Cherry Hill, NJ 08002; James Foley, 479 Raritan Avenue, Atco, NJ 08004.
- B. **Proposal.** Minor Subdivision to subdivide one (1) vacant residential lot (which contained a single-family dwelling that was demolished in the fall of 2025) into two (2) residential lots. At this time the applicant only proposes subdivision lines but the intention is to construct single-family dwellings.
- C. **Zone.** Residential (R2).



- D. **Site Area.** The property, approximately 0.8 acres in size, is an oversized inside lot and is located in the western portion of the Township within the Residential (R2) zoned Somerset neighborhood mid-block between Church Road (CR-616) to the north and Carol Court to the south. To the north, south, and east are other single-family residential properties within the R2 zone; however, adjacent to the rear of the property are a mixture of Highway Business (B2) and Limited Office (O1) zoned uses that are located along Cooper Landing Road (CR-627) including the abutting B2 zoned use, Auto Shine Express Car Wash. Additionally, towards the rear of the subject property is a wooded area, stream channel and associated wetlands.
- E. **History.** According to Township Tax Assessor records, the home on the subject property was originally constructed around 1910. In May of 2025, a zoning permit (ZP-25-000601) was issued permitting the demolition of the existing dwelling which ultimately occurred in the fall of 2025. It shall be noted that at the time of this letter, the Department has not received a notice that an NJDEP Freshwater Wetlands Letter of Interpretation (LOI) application has been filed. Such will be required to determine the extent of the wetlands and buffer areas impacting the property. The results of the eventual LOI will ultimately determine the developable footprint of the parcel once wetlands and buffer areas are factored.



II. COMPLETENESS REVIEW

- A. **Submitted Items.** The following information has been submitted in support for this application and reviewed by the Cherry Hill Township Department of Community Development for conformance to the Zoning Ordinance:
1. Plan of Survey and Minor Subdivision Plan, Sheet 1 of 1, prepared by *Donald P. Sweeney, PLS, of Peterman Maxcy Associates, LLC* dated July 15, 2024 and last revised February 2, 2026.
 2. Wetlands Boundary Methodology Summarization prepared by Joseph Arsenault dated September 30, 2025.
 3. List of Outside Agency Approvals. **The applicant shall note that NJDEP LOI approvals are also required.**
 4. 'Will Serve' Request Letters (MPWC & NJAW).

5. CCMUA Will Serve Letter dated 8/27/25.
6. Tax Map – Sheet 142.
7. Site Photographs.
8. Project Summary.
9. Deed Descriptions (Proposed Lots A & B).
10. Land Use Development Application.

B. **Checklist.** The following checklist items should be submitted for completeness review:

14. *Photographs of the site showing area in question.* **Using the provided site photographs, the applicant shall provide testimony regarding the existing site conditions and related constraints, and verify that the existing dwelling has been removed since the date the photographs were taken (see comments in checklist item #20 below). It is strongly recommended that the applicant provide updated photographs of the site and submit them as an exhibit at the eventual Board hearing.**
15. *Required Approvals. List and provide applications and permits of regulatory agencies (NJDOT, NJDEP, CCSC, etc.).* **The applicant shall provide an approval or letter of no interest from the Camden County Planning Board (CCPB). A completed Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP) shall also be provided showing the extent of the wetlands and wetlands buffer areas so as to determine the development footprint for the future dwellings. Outside agency approvals shall be a condition of approval and shall be provided prior to signature on the subdivision deed. Please note that DelAtlantic Soil Conservation District approvals may be required when submitting for zoning/grading permits for any new single-family dwelling.**
16. *Summary. A written description of the proposed use(s) and operation(s) of the building(s), i.e., the number of employee or users of non-residential buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, expected truck traffic, noise, glare, radiation, heat, odor, safety hazards, air and water pollution.* **The applicant shall provide testimony regarding the proposed subdivision, the intent of the proposed subdivision, and the dimensions of the proposed lots.**
20. *Survey.* **Two (2) copies of a survey by a licensed NJ Land Surveyor (PLS), certified on a date within six (6) months of the date of submission. The Department acknowledges that the survey submitted was completed within six (6) months of the date of original submission but the Department is also aware that the existing dwelling on Lot 6 has since been demolished. The applicant shall provide testimony confirming that the dwelling has been demolished and indicate if any other accessory structure(s) (i.e. driveway, walkways, fencing) have been removed. If the driveway has not been removed, the applicant shall confirm that any future demolition or building plan for Proposed Lot 6A includes the removal of at least all portions of the existing driveway that are within three (3') of the property line to Proposed Lot 6B in keeping with Section 505.C.3 of the Zoning Ordinance.**
32. *Zoning Schedule showing required, existing, and proposed lot & yard requirements for relevant zone(s) including, area, frontage, depth, setbacks, height, etc.* **The applicant shall review the zoning schedule provided in Section III.A below and confirm to the Board the accuracy of the indicated dimensions/setbacks. If there are any corrections needed to the zoning schedule, the applicant shall clarify said dimensions/setbacks/coverages to the Board.**
35. *Building Plans. Proposed structures and uses on the tract, i.e., size, height, location, arrangement, an architect's scaled elevation of the front, side and rear of any structure to be modified, with building lighting details and attached signs.* **If known, the applicant shall provide testimony regarding the anticipated design/architecture, colors, materials, and**

dimensions of the proposed residences; however, it is understood that new dwellings are not proposed at this time.

36. *Floor Plans where multiple dwelling units or more than one use is proposed that have different parking standards. If known, the applicant shall provide testimony regarding the anticipated floor plan of the proposed residences (i.e. bedrooms, bathrooms, square footage, etc.). Compliance with RSIS related to parking will be determined at the time of zoning permit submission (as the bedroom count will need to be known).*
39. *Easements & ROW. Name, width, and location of existing and proposed easements, right-of-ways, deed restrictions or covenants with reference source. The plans should note if none exist. If deemed necessary by the Planning Board and/or its professionals, the applicant shall prepare for review and execution a conservation easement (consistent with Section 503.D.4.b of the Zoning Ordinance) so as to preserve wetlands and wetlands buffer areas. This is to ensure such areas remain in their natural, undisturbed state within which no regrading or clearing excepting for the removal of minor underbrush or dead trees that are hazardous to people or buildings.*
40. *Monuments. Location and descriptions of all existing or proposed boundary control monuments and pipes. The Department acknowledges the use of monuments as boundary controls and that the setting of said boundary control can be a condition of approval.*
45. *Tax Map. As a condition of approval, the applicant shall provide correspondence from the Township's Tax Assessor regarding the proposed addresses and Block and Lot Designations. Please note that while Block 289.05 is likely acceptable, the Township does not use letter designations such as in the proposed Lots "6A", and "6B". If these designations are ultimately not acceptable to the tax assessor, the applicant shall work with the assessor to provide approved designations and reflect them on conformance plans.*
47. *Setbacks. All side, rear, and front setback lines with dimensions. When submitting for zoning and building permits for the new single-family dwellings (if the application is approved), the applicant shall ensure that all setback dimensions and coverage calculations are included on the plan so the Department can affirm that no variances are necessary. If it is determined that variances will be required, the applicant will have to make application to the Cherry Hill Township Zoning Board of Adjustment.*
52. *Proposed grades in sufficient numbers to illustrate the proposed grading scheme. The applicant has requested a temporary waiver from grading as they propose to provide grading and stormwater plans at the time of zoning permit submission. As such, the applicant shall be prepared to work with the Planning Board Engineer to address any current or future grading and stormwater comments (in compliance with the Grading Plan Checklist). This shall be a condition of approval.*
54. *Tree Location. Location, species and size of trees eight (8") inches or more at breast height diameter. Any tree removal (should approval be granted) shall comply with the Cherry Hill Township Tree Ordinance. While the applicant defers any tree removal information as no dwellings are currently proposed, should future zoning/grading plans require any tree removal, the permit shall be accompanied by a corresponding removal and replacement plan for review by the Zoning Officer and Planning Board Engineer. As always, the greatest amount of tree preservation shall occur during the construction of the home and no trees*

within any wetlands or wetlands buffer area shall be permitted without first obtaining NJDEP approval. This shall be a condition of approval.

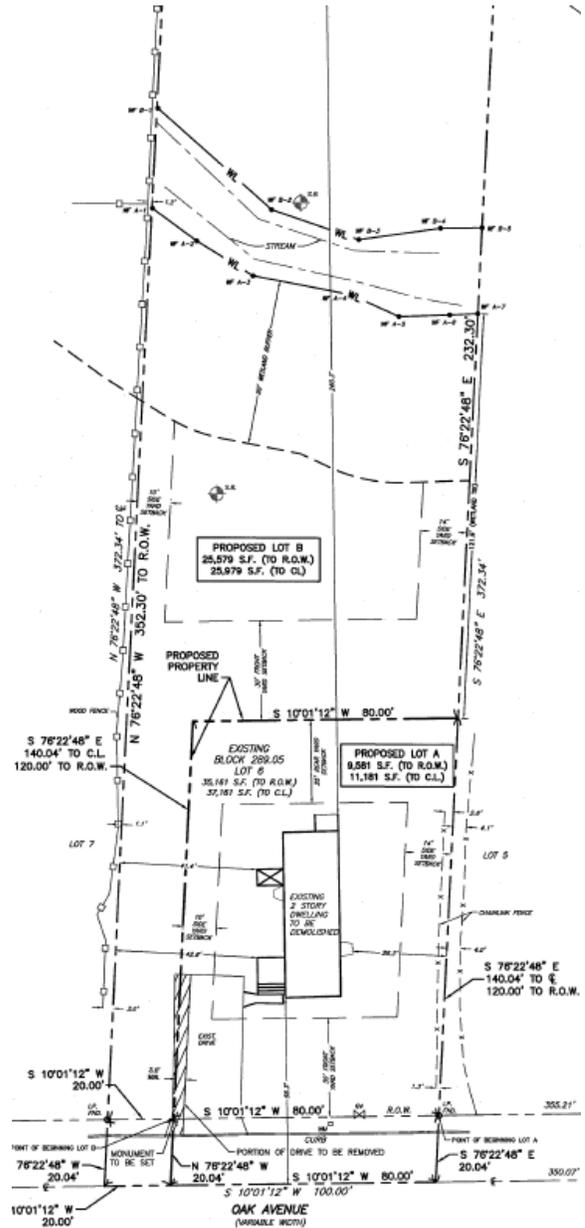
57. *Freshwater Wetlands & transition area boundaries, and stream buffer with NJDEP or accepted reference. As noted in checklist comment #15 above, the property is impacted by wetlands and the extent of those wetlands and related buffer will need to be determined by way of a submission to NJDEP for a Letter of Interpretation (LOI). The extent of those wetlands and related buffers must be shown on future development plans when submitting for a zoning permit. At minimum, the applicant shall update the Board on when they anticipate filing an application for an LOI and also provide an overview of the wetlands boundary summarization letter (Joseph Arsenault) by explaining the methodology for estimating the extent of said environmental constraints. The Department defers such analysis to the Board Engineer.*

58. *Landscaping Plan showing number, size, species, and location. A waiver has been requested and the Department does not object to the granting of this waiver; however, the applicant shall be prepared to show any and all applicable tree removal and replacement on the future zoning permit for any new home (see Checklist item #54 above and the comments in Section III.D below).*

62. *Septic System Infrastructure. The applicant shall confirm that the property can be serviced by public sewer and water.*

63. *Names, locations and dimensions of all existing streets and existing driveways, and any connections by the development to existing streets, sidewalks, bike routes, water, sewer, or gas mains within 200'. A temporary waiver (deferring such to zoning/grading plan submission) has been requested and the Department does not object to the granting of this waiver.*

67. *If service is to be provided by an existing water or sewer utility company, a letter from that company shall be submitted, indicating that service shall be available before occupancy of any proposed structures. Any pending "will serve" letters shall be provided as a condition of approval.*



- C. **Determination.** The Department of Community Development has reviewed the aforementioned application and it has been **deemed technically complete.**

III. DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

- A. **Zoning Requirements.** Single-Family detached dwellings are a permitted use in the Residential (R2) zone per §405.B.7 of the Zoning Ordinance.

CODE SECTION	MINIMUM REQUIREMENTS	REQUIRED (Inside)	EXISTING (Lot 6 - Inside)	PROPOSED (LOT 6A)	PROPOSED (LOT 6B)	CONFORM
§405.D	Lot Area (square feet)	9,200 SF	35,160 SF	9,581 SF	25,579 SF	C/C
§405.D	Lot Frontage (feet)	80'	100'	80'	20'	C/V
§405.D	Lot Depth	120'	352.34'	120'	235.72'	C/C
§405.D	Front Yard	30'	36'**	≥30'	≥30'	C/C
§405.D	Rear Yard	25'	260.3'***	≥25'	≥25'	C/C
§405.D	Side Yard (One Side)	10'	28.3'***	≥10'	≥10'	C/C
§405.D	Aggregate Side Yard	24'	69.7'***	≥24'	≥24'	C/C
§405.D	Maximum Height	30'	30'**	≤30'	≤30'	C/C
§405.D	Maximum Bldg. Cover	35%	2.5%** 929 SF**	≤35% ≤3,353 SF	≤35% ≤8,953 SF	C/C
§405.D	Maximum Lot Cover	40%	5.2%** 1,932 SF**	≤40% ≤3,832 SF	≤40% ≤10,232 SF	C/C
§405.D	Open Space	N/A	N/A	N/A	N/A	N/A

C - Conforms

ENC - Existing nonconformity

V – Variance

** - Prior to Demolition

- B. **Bulk (C) Variances.** It is recommended, although not required, that justification be provided by a licensed New Jersey Professional Planner (P.P.), for the requested variances in accordance with N.J.S.A. §40:55D-70:

1. From §405.D, to permit a street frontage of 20' for proposed lot 6B, where a street frontage of 80' is required.
 - a. The applicant proposes to create a flag lot (i.e. *A lot located to the rear of another lot, connected to the public street frontage common to both lots by a narrow strip of land*).
2. Any other variances deemed necessary by the Planning Board or Board Professionals.

- C. **Design Waivers.** The following design waivers are required:

1. From §513.A, from providing sidewalk along the Oak Avenue frontage.
 - a. The nearest sidewalk is approximately 100' from the subject property.
2. Any other Design Waivers deemed necessary by the Planning Board.

D. **Comments.**

1. The applicant shall provide testimony regarding the proposed subdivision and address the requested lot frontage variance, approval of which would be required in order to create the flag lot (Proposed Lot 6B). Please also confirm that the intention is to construct compliant single-family dwellings on the subdivided parcel.
2. The applicant shall provide testimony as to the contemplated grading so as to ensure there will be no negative impacts on neighboring properties like increased stormwater runoff. All stormwater must be managed on-site.
3. The applicant shall provide testimony on the availability of connecting to public sewer and water.
4. The applicant shall provide testimony as to the existing conditions of the entire site and the surrounding roadways.
5. The applicant shall provide testimony regarding the status of the LOI application with NJDEP and provide testimony on the potential for a conservation easement to be established along the rear of the property (once the LOI has been completed).
6. The applicant shall provide testimony regarding any anticipated tree removal (see comments in checklist item #54 above. The applicant shall be advised that other than removing dead, dying, diseased, and/or hazardous trees, if any healthy trees are being removed that they are replaced in-kind. If not, the applicant shall comply with the Cherry Hill Tree Ordinance (which requires \$300.00 per tree that is not replaced in-kind). Such tree removal/replacement plan shall be provided on future grading permit submissions. **This shall be a condition of approval.**
7. The applicant shall indicate whether the intent of the minor subdivision is for the applicant to develop the subdivided parcels and then sell them to a prospective homebuyer, or if the intent is to subdivide the property and then sell it to another developer.
8. The applicant shall provide testimony regarding the anticipated aesthetics and materials of the proposed new single family dwellings and indicate how they will complement the residential character of the neighborhood. The applicant shall also testify as to how many bedrooms, if known, the proposed single family dwellings will have. Proposed Lots 6A and 6B (or as otherwise numbered by the Tax Assessor) shall conform to the standards outlined in the Residential Site Improvement Standards (RSIS). **This shall be a condition of approval.**
 - a. The applicant shall confirm that should the new dwelling(s) have an attached garage that said attached garage will be located even with or behind the front façade of the house in keeping compliance with Section 431.C.5 of the Zoning Ordinance. Furthermore, the applicant shall confirm that the height of the anticipated dwelling will not exceed 30' (with the height measurement subject to the type of roof structure proposed). Should a plan be presented that does not conform to the requirements noted above or any other requirement as noted in Sections 405 and 431 of the Zoning Ordinance, the applicant will be required to appear before the Zoning Board of Adjustment to request variance relief. **This shall be a condition of approval.**
 - b. Driveways for the new dwelling(s) shall also be designed in such a manner that they are least three (3') from adjacent property lines in keeping with Section 505.C.3 of the Zoning Ordinance or design waivers will be required.
9. Proposed Lots 6A and 6B (or as otherwise numbered by the Tax Assessor) shall require individual Grading Plans when it is submitted to the Department of Community Development and the Department of Construction, Code Enforcement & Building Inspection for zoning and building permits. **This shall be a condition of approval.**
 - a. Please be advised that the Grading Plan for the future residence shall comply with the Cherry Hill Township Grading Plan Checklist. Furthermore, the Grading Plan shall comply

Zoning Ordinance or the applicant will be required to make application to the Cherry Hill Township Zoning Board of Adjustment to request variance relief where applicable. **This shall be a condition of approval.**

10. In addition to a grading plan (which shall address stormwater and the existing drainage easement), the applicant shall provide a tree removal plan for review and approval by the Planning Board Engineer when submitting for zoning/grading approval. No trees located within the wetlands and/or wetlands buffer areas shall be disturbed/removed. **This shall be a condition of approval.**
 11. If deemed necessary by the Planning Board Solicitor and Engineer, a point-of-sale disclosure that meets the conditions of the Planning Board shall be presented to the buyer prior to the execution of the agreement of sale. **This shall be a condition of approval.**
 12. The applicant shall be required to submit the Deed and Legal Descriptions for Block 289.05, Lots 6A & 6B (or as otherwise numbered by the Township Tax Assessor). **This shall be a condition of approval.**
 13. The new homes on each subject lot shall be subject to a Housing Impact Fee of 1.5% of the equalized assessed value of the improvement, pursuant to Article IX of the Cherry Hill Township Zoning Ordinance. **This shall be a condition of approval.**
 14. **Tax Map Update for Subdivisions.** A fee will be required in conjunction with updating the tax maps, under N.J.S.A. 40:55D-8 and Section 905.A.4, which is \$150.00 per lot (or **\$300.00**). **This shall be a condition of approval.**
 15. The applicant shall execute a deed of minor subdivision and legal descriptions. All deeds and legal descriptions shall be submitted to the Department, the Planning board Engineer and the planning board Solicitor for review and approval prior to signature and recordation. The deeds shall be prepared and recorded in accordance with the New Jersey Title Recordation Filing Law (N.J.S.A. 46:26A-1 *et seq.*). A copy of the receipt of recordation shall be provided to the Department of Community. **This shall be a condition of approval.**
 16. The application may be subject to additional comments by members Planning Board, the Cherry Hill Department of Community Development, the Township's Planning Board consultants, and/or the public.
 17. The statements, opinions, and conclusions contained within this Completeness Review are based upon the information, plans, and other documents provided to the Department as of the date of its issuance. The Department reserves the right to supplement or amend any of the statements, opinions, and/or conclusions contained herein at any time up to, and including, at the time of the hearing of this application.
- E. **Conditions.** Should the Planning Board consider and grant the requested bulk variances to permit the proposed structure, they may impose reasonable conditions, as they deem necessary, in addition to the following recommended conditions of approval:
1. All taxes and assessments shall be paid on the property for which this application is made. The Applicant shall submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made.
 2. Any and all conditions made a part of any approval, including those noted by reference in this or any other reports of any consultants to the Planning Board, or as set forth on the record at the Planning Board hearing, must be satisfied.
 3. The Applicant shall pay all required escrows, costs and professional fees associated with the application to the Department of Community Development within fourteen (14) days of receipt of a written request for payment of escrow funds. The failure to pay the required escrow funds within the fourteen (14) day period after receipt of written notice may result in

the voiding of this approval. Negative escrow account balances shall incur interest at the rate of 1.5% per month. **BEWARE OF SCAMMERS. WIRE FRAUD IS ON THE RISE. Cherry Hill Township and the Department of Community Development will NEVER request funds be transferred by wire. Cherry Hill Planning & Zoning Boards NEVER requires Applicants to wire funds to the Township for payments so that if any request for such wire payment of funds is received, the recipient should first contact Community Development for verification.**

4. Any and all outside agency reviews and/or approvals shall be obtained, if applicable.
5. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Planning Board, at its sole option, to rescind the approval being granted by any Resolution of Approval and/or to advise the Township to revoke any permits which have been issued to the Applicant.

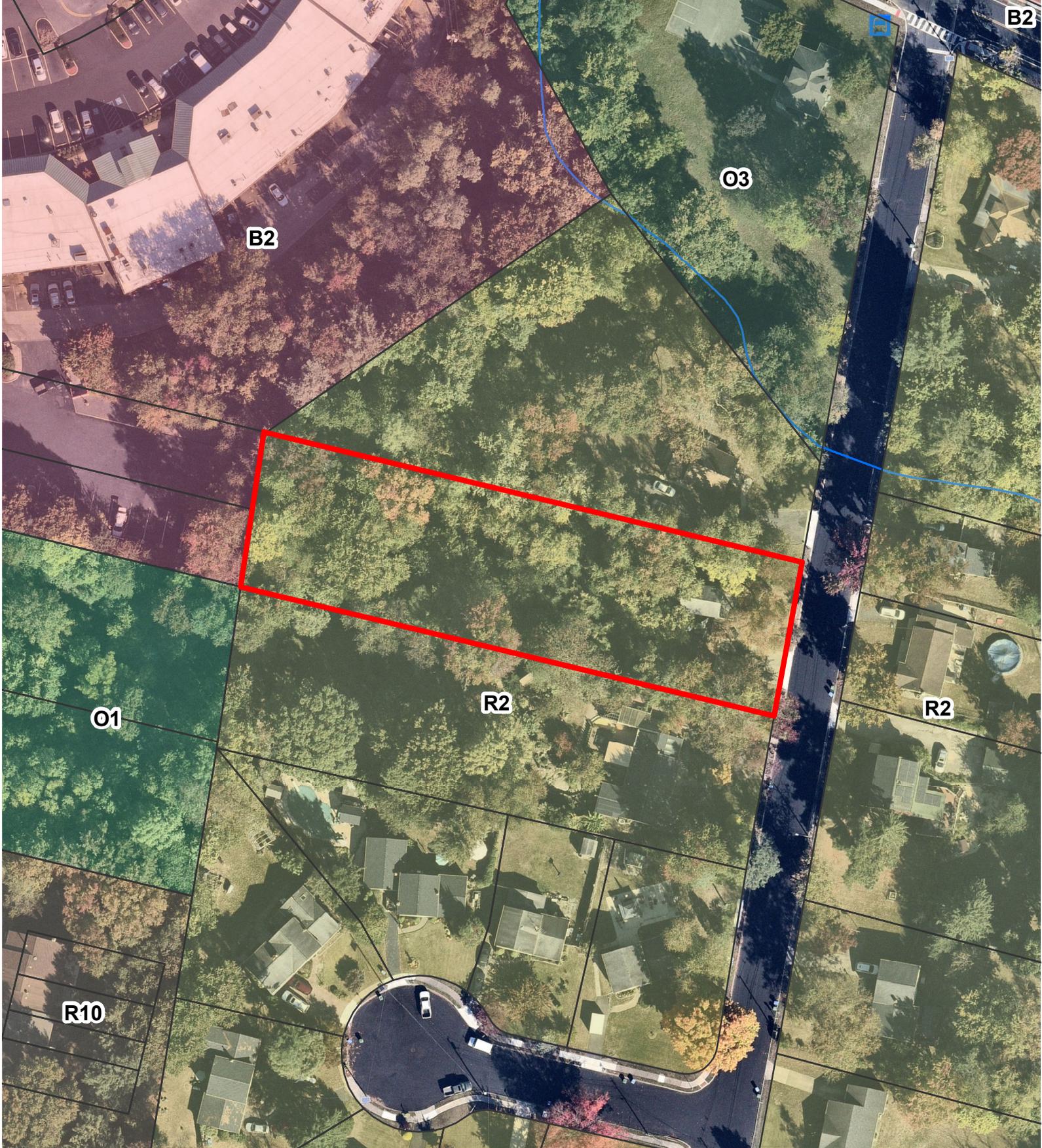
IV. APPROVAL PROCESS

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

1. After the resolution is memorialized, a **Notice of Decision** will be published in the Courier Post by the Department of Community Development.
2. **Two (2) copies of revised site plans along with an electronic copy**, which provide completeness items and all conditions of approval, shall be submitted to the Cherry Hill Department of Community Development for review.
3. Submit any **draft legal documents** (agreements, deeds, easements, etc.) for review by the Planning Board Engineer and Solicitor and revise as necessary. This includes the following:
 - a. A **Deed of Subdivision with Legal Descriptions**; and
 - b. A **Conservation Easement** (if required).
4. After comments from the Cherry Hill Township Department of Community Development and the Board Engineer have been provided, revise (if needed), and **submit six (6) copies of finalized plans (signed & sealed) for signature along with an electronic copy.**
5. Payment of any outstanding **Review Escrow**.
6. **Tax Map Update for Subdivisions.** A fee will be required in conjunction with updating the tax maps, under N.J.S.A. 40:55D-8 and Section 905.A.4, which is \$150.00 per lot (or **\$300.00**). **This shall be a condition of approval.**
7. The applicant shall **execute a deed of minor subdivision and conservation easement** (if required). Subsequently, please **file the deeds and agreements** with the Camden County Clerk's Office in accordance with the New Jersey Title Recordation Filing Law (NJSA 46:26A-1 *et seq.*). Providing a **receipt of recordation** will be required to satisfy this requirement.
8. Payment of a **Housing Impact Fee (HIF)** for all new residential structures. This will be calculated at the time of the **submission of individual zoning/grading permit applications** for the subdivided lots. Please note that a Letter of Interpretation (LOI) will be required from the NJDEP prior to the issuance of zoning approvals as the Department needs verification that any proposed improvements do not encroach within environmentally sensitive areas.

cc: *James Foley (via email)*
Brian Peterman, PE, CME (via email)
James W. Burns, Esq. (via email)
Danielle Hammond (via email)
Sharon Walker (via email)
Kathleen Gaeta (via email)

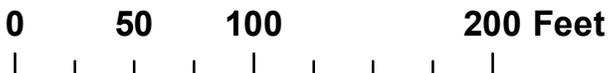
Beth Beaumont (via email)
Stacey Arcari, PP, PE, CME, PTOE (via email)
Nicole Gillespie (via email)
Fred Kuhn (via email)
Michael Raio (via email)



309 OAK AVENUE

BLOCK 289.05 LOT 6

1 inch = 80 feet



Legend

- Parcels selection
- Parcels
- Rail Lines
- Bus Stops

CHERRY HILL
the township
You couldn't pick a better place.

PREPARED BY:
 JACOB RICHMAN, PP, AICP, SENIOR PLANNER
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 LICENSE NO. 33LI00629000