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February 5, 2026 (Supersedes December 10, 2025 Letter)
35727 00

Re: James Foley
Minor Subdivision
309 Oak Avenue
Block 289.05, Lot 6
Application: 25-P-0033

Cherry Hill Planning Board
Township of Cherry Hill
820 Mercer Street
Cherry Hill, NJ 08034-0358

Dear Board Members:

Our office has received an application for a Minor Subdivision a 37,161 square foot (0.85 acre) property. The applicant proposes to subdivide the existing parcel into two (2) residential lots, of 9,308 square feet (Lot A) and 25,852 square feet (Lot B). A single family residential home previously occupied what is proposed as Lot A, known at #309 Oak Avenue, but has since been demolished.

Lot B is proposed as a 'flag' lot, with a narrow frontage on Oak Avenue. The lot is approximately 352.34 ft deep. At the rear of Lot B is an un-named tributary of the Pennsauken Creek, wetlands and a 50' wetlands buffer. The subdivision plan shows a building envelope on which a house could be built, meeting setback requirements. The narrow portion of Lot B at the right-of-way will require a frontage variance.

At this time, the applicant is only seeking subdivision plan approval for the vacant lots. No new variances are required for Lot A. The lots front and have (will have) driveway access to Oak Avenue, which is a Township roadway situated between Church Road and Cooper Landing Road, behind the strip retail shopping center at the southeast corner of the Church Road Circle. The street is curbed but no sidewalk exists on either side. The lot is located in the Single Family Residential (R-2) zoning district. The lot is surrounded by residential uses.

The following information has been submitted in support of this application:

1. Land Use Development Application.
2. Plan of Survey / Minor Subdivision Plan, prepared by Peterman Maxcy Associates, LLC, dated August 18, 2025, revised to February 2, 2026.
3. Wetlands Site Inspection, prepared by Joseph Arsenault Environmental Consulting, dated September 30, 2025.
4. Township Tax Map
5. Aerial Map
6. Project Summary
7. Site Photographs
8. Deeds / Legal Descriptions
9. Response letter, Prepared by Peterman Maxcy Associates, dated February 2, 2026.

This information has been reviewed for conformance to the Land Subdivision and Zoning Ordinances, the Residential Site Improvement Standards (RSIS), and based on a site visit, the following comments are offered:

Minor Subdivision Checklist

We defer to the most current Department of Community Development letter for outstanding checklist items and submission waivers.

Zoning Requirements

1. The residential uses are permitted principal uses in the Residential (R-2) Zone.
2. Bulk Requirements: We defer to the Department of Community Development Letter for the Bulk requirements and any variances required.
3. Design waiver. A design waiver from Ordinance Section 513-A for not providing sidewalk along the frontage, where required by ordinance, is requested. The majority of the street, including the surrounding properties have no sidewalk. Due to the slope of the front yards, a retaining wall or retaining curb would also likely need to be installed. Some of the neighboring properties have retaining structures for their driveways and front yards.

Minor Subdivision

In compliance with Title Recordation Law Revised 2024 Statutes (46: 26A-1 et seq.), the following comments should be addressed:

- (3) The lot numbers and addresses should be updated on the plan once provided by the Township.
- (8) The map shall clearly show all monumentation required by this chapter, including monuments found, monuments set, and monuments to be set. We request a monument be set at the south west corner of Lot A.

General Comments

1. The applicant has provided a site investigation for wetlands, prepared by Joseph Arsenault, which has been used to locate the wetlands and buffer for purposes of the subdivision. An NJDEP Letter of Interpretation (LOI) and any subsequent approvals should be provided at the time of submission of grading plans and development of the lot. It is our opinion that any discrepancies between the NJDEP LOI and the Arsenault report do not constitute a basis for any future bulk variance relief.
2. The width of Lot B at the curb is proposed to be 20'. In order to meet the required driveway setbacks from property lines, which is 3', the driveway would be a maximum of 14'. This is within the Township requirements of 10' minimum to 20' maximum. Driveway design will be required with the submission of the grading plans, noted below.
3. As a condition of minor subdivision approval, when the lots have been fully designed for new residential construction, site, grading, drainage and stormwater management plans should be provided for review by the Township or Planning Board Engineer's Office and should be designed in accordance with the Cherry Hill Township 'Standard Checklist for Grading Plan Reviews' or the NJ Stormwater Regulations (if the site qualifies), Ordinance and RSIS requirements for the future development of the site.
 - a) The existing and proposed sewer inverts at the dwellings and curb clean outs should be provided. Additional notations such as pipe material, diameter and slope should be provided. Details for the sewer installation, cleanouts, and connections should be provided.
 - b) The curbing appears to be deteriorating and should be replaced along the frontage when the properties are developed.
 - c) Full grading plans should be provided.
 - d) If basements are proposed, the plan should note whether sump pumps will be provided and where the discharge points will be.
 - e) The location of the downspouts should be shown on the plan.

- f) Off-street parking for the existing and proposed dwellings should be provided, based on the number of bedrooms in the existing and proposed dwellings. The RSIS requires the following off-street parking spaces for single family detached homes:
- 1.5 parking spaces for a 2-bedroom;
 - 2.0 parking spaces for a 3-bedroom;
 - 2.5 parking spaces for a 4-bedroom;
 - and 3.0 parking spaces for a 5-bedroom
- g) Any other pertinent construction details should be provided in accordance with RSIS and township requirements, such as driveways, etc.
- h) We recommend that the wetlands buffer be delineated on the site in some fashion, either with bollards, permanent markers or a split rail fence, so there is no future encroachment into the buffer.
- i) If trees are to be removed, these should be noted on the plan. Replacement trees may be necessary as determined by Community Development.

Stormwater Requirements

1. The current NJDEP stormwater management regulations do not differentiate between single family residential homes and other developments in terms of 'major development' stormwater regulations.

If the project involves an increase of greater than 0.25 acres (10,890 square feet) of impervious area, the project is required to comply with the water quality treatment requirements of NJAC 7:8. Because the residential structures on the lot were recently demolished, the applicant may take credit for any impervious recently removed. The applicant's engineer should provide a summary of the impervious area square footage on the existing lot, noting what has been removed and what will remain. The driveway is showing to remain but it is in poor condition and will need to be reduced in size. Our office will work with the engineer to determine a collective impervious area (10,890 square feet plus the previously determined square feet) before the NJDEP 'Major Development' stormwater requirements are required.

The existing lot is approximately 0.85 acres in size. Therefore, the development does not trigger the disturbance area portion of the NJDEP 'major development' stormwater requirements.

The maximum lot cover per the Township ordinance for the new lots is 40%, which is 14,861 square feet collectively for the subdivided lots. The applicant may develop up to this threshold before requiring a variance; however, any exceedance of 12,822.37 square foot will deem the project a 'Major Development' under NJDEP regulations and require the applicant to address stormwater quantity and quality.

2. If the applicant does not trigger the NJDEP 'Major Development' stormwater requirements, the applicant shall show conformance with the Township Grading Checklist. Dry wells or infiltration trenches may be required for the increased impervious area. Minimum grading requirements will also be required to be met.

Administrative

1. It is recommended that a Point of Sale Disclosure be provided to potential buyers and developers so they are aware of all requirements and conditions of approval.
2. Prior to final stamped approval of the plans, the requirements of the Ordinance must be met regarding review escrow, inspection escrow, impact fees, etc.

Permits and Approvals

The following permits and approvals are required as a condition of Minor Site Plan approval:

1. Camden County Planning Board
2. CCMUA (Will Serve, August 27, 2025)
3. Cherry Hill Engineering & Public Works

4. NJAW
5. PSE & G
6. Any others as necessary

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely Yours,

A handwritten signature in black ink that reads "Stacey Arcari". The signature is written in a cursive style with a large initial 'S'.

Stacey Arcari, PE, PP, CME, PTOE
Planning Board Engineer

SEA/sea
James Burns, Esquire (via email)