

RESOLUTION GRANTING FINAL SITE PLAN APPROVAL
TO WILEY MISSION

WHEREAS, the applicant, Wiley Mission, has applied to the Evesham Township Planning Board for final site plan approval with respect to premises designated as Block 26, Lots 6, 6C, 6D and 7, in said Township; and

WHEREAS, preliminary site plan approval was previously granted to said applicant, pursuant to Resolution No. 82-2, which approval was subsequently amended pursuant to Resolution No. 82-21; and

WHEREAS, at its regular meeting of May 20, 1982, said Planning Board considered the presentation of the applicant, together with the reports and recommendations of the Board Engineer and the Board Planner; and

WHEREAS, said Board does hereby adopt certain FINDINGS OF FACT AND CONCLUSIONS OF LAW as follows:

1. Said application is in proper form, with all required payments, plans and reports having been submitted.

2. With respect to the report of the Board Engineer, dated May 3, 1982, the applicant has either satisfied or agrees to satisfy the conditions (and/or concurs with the comments) set forth in paragraphs 1 through 3 thereof, inclusive.

3. With respect to the reports of the Board Planner, dated May 6, 1982 and May 20, 1982, the applicant has either satisfied or agrees to satisfy the conditions (and/or concurs with the comments) set forth therein. In connection therewith, said Planner has approved the lighting plan submitted by the applicant, as modified by the notations set forth on the plan.

4. Except as otherwise set forth herein, the applicant has satisfied all conditions of preliminary approval imposed pursuant to Resolution Nos. 82-2 and 82-21.

5. The Board makes such further findings as are expressed in the conditions of approval set forth below.

6. Based on and subject to these findings, the Board finds that the granting of final site plan approval is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Evesham Township Planning Board that final site plan approval is hereby granted to the applicant, Wiley Mission, in accordance with the aforesaid reports of the Board Engineer and the Board Planner, subject to the following specific conditions:

1. The applicant shall publish notice of this decision as provided by Code Section 15-22.

2. The applicant shall pay within fifteen (15) days of billing by the Township of Evesham all professional fees incurred in the processing of this application.

3. The within approval shall be binding upon the applicant and its successors, assigns, and co-venturers.

4. The improvements in question shall comply with the undertakings and representations of the applicant as presented to the aforesaid Board.

5. The lighting details shall be in accordance with the applicant's revised plan, dated May 10, 1982, as modified by the Board Planner, which modifications were noted on said plan.

6. This approval is conditioned upon the posting of performance bonds and inspection escrows in keeping with estimates to be prepared by the Township Engineer.

7. This approval is subject to the approval of all other public bodies, officers, and entities having jurisdiction over this matter, is further subject to the provisions of N.J.S.A. 40:55D-1 et seq. and the Code of Evesham Township, and is specifically conditioned upon the approval of the Burlington County Planning Board, Evesham Township Shade Tree Commission, the Evesham Township Fire Marshall, and the Evesham Township Municipal Utilities Authority.

8. This approval is conditioned upon the plans bearing a notation that "the approval of the site plan is subject to conditions as set forth in the minutes of the Planning Board and/or the Resolution of approval."

9. Failure by the applicant to conform to the above-stated conditions shall result in the voiding of this approval.

THE ABOVE RESOLUTION was adopted at a regular meeting of the Evesham Township Planning Board held on May 20, 1982, and was duly memorialized at a meeting held on the 3rd day of June, 1982.

Aye: Bronstein, Fulcher, Gandy, Messina, Sandler, White, Harker, Dandrea

Nay: None

Abstentions: Sherman

D. Charlene Grabowski
D. CHARLENE GRABOWSKI, Secretary

THIS RESOLUTION is hereby adopted by the Township of Evesham for filing this 7th day of June, 1982.

Florence Ricci
FLORENCE RICCI, Township Clerk

RESOLUTION GRANTING PRELIMINARY SITE PLAN
APPROVAL TO THE WILEY MISSION FOR BLOCK 26,
LOTS 6, 6C, 6D and 7

WHEREAS, the applicant, Wiley Mission, has applied to the Evesham Township Planning Board for preliminary site plan approval with respect to premises designated as Block 26, Lots 6, 6C, 6D and 7, so as to expand the existing church and to provide additional parking; and

WHEREAS, a public hearing was held with respect to said application at a regular meeting of said Board conducted on February 4, 1982, which hearing was recorded by William Butcher, C.S.R.; and

WHEREAS, the said Planning Board has considered the presentation of the applicant, together with the reports of the Township Engineer, the Township Planner, and such other reports as are referred to and incorporated by reference herein; and

WHEREAS, said Board does hereby adopt certain FINDINGS OF FACT AND CONCLUSIONS OF LAW as follows:

1. Said application is in proper form, with all required payments, plans, and reports having been submitted.
2. The aforesaid hearings were properly noticed and advertised and recorded by William Butcher, C.S.R., with the transcript of said hearing being incorporated by reference herein.
3. The plans on which the within findings are based consist of three pages, prepared by Atkinson and Walton, dated November 6, 1981.
4. The applicant proposes to expand the existing church on the property, and to expand the parking lot in connection therewith. The addition to the church will be constructed in two stages, the first stage (referred to during the hearing as Phase I) being the portion designated as the Narthex, and the second stage (referred to during the hearing as Phase II) being the portion designated as the new chapel.

5. With respect to the report of the Township Engineer dated December 11, 1981, the applicant has either satisfied or agrees to satisfy the conditions (and/or concurs with the comments) set forth in paragraphs 2, 4, 6, 7, and 8. Further determinations with respect to said report are as follows:

A. With respect to paragraph 1, the applicant demonstrated that a portion of the congregation resides on the tract, and that there is provision for overflow traffic on the site, in both paved and unpaved portions, and the Board finds that a waiver is appropriate, to the extent necessary, so as to permit the 120 spaces being proposed.

B. With respect to paragraph 3, the Board agrees that a waiver is appropriate, so as to delete the requirement of a detention basin.

C. With respect to paragraph 5, the Board finds that a waiver is appropriate, so as to permit either no curbing or bituminous curbing to be substituted for a concrete curbing to the extent indicated on the plans.

D. With respect to paragraph 7, the Board finds that provision for additional lighting fixtures should be provided at the time of final approval.

E. With respect to paragraph 9, the applicant agreed to move the parking lot to the South, a total of 13 feet, which additional space would be available for the possible installation of sidewalks along East Main Street. Said 13 feet will be obtained by reducing the parking stalls to 10' x 18', and by obtaining an additional 5 feet from the South planting strip, in connection with which a waiver is granted from the requirement of 10' x 20' parking spaces.

6. With respect to the report of the Township Planner dated December 29, 1981, the applicant has either satisfied or agrees to satisfy the conditions (and/or concurs with the comments) set forth in paragraphs 1, 2, 6, and 12. Further determinations with respect to said report are as follows:

A. With respect to paragraph 3, the testimony at the hearing satisfied the Planner that no variance is required, and the Board concurs.

B. With respect to paragraphs 4 and 5, the Board makes the same

findings as were made with respect to paragraphs 7 and 9 of the Engineer's report.

C. Further with respect to paragraph 4, the applicant agreed with the recommendation that additional bumper stops be used along all planting edges.

D. With respect to paragraphs 7 through 11 the applicant agreed that the landscaping issues being addressed require further consideration, and the Board concurs with these concerns, especially with respect to saving as many trees as possible and determining the appropriate species of such landscaping as will be provided, which concerns were also expressed in the report of the Environmental Commission. Accordingly, the Board finds that such concerns should be addressed by the applicant and the Planner, with a revised landscaping plan to be submitted, satisfactory to the Planner.

E. With respect to paragraph 13, the comments contained therein are primarily of an informational nature, insofar as such considerations will be addressed by the Shade Tree Commission, but with respect to the recommendation that additional screen planting be incorporated to aid in shielding the parking lot from East Main Street, the Board appreciates the applicant's position that the visibility of the church is a desirable goal, and the Board does not, therefore, impose this requirement, subject to the condition that the nature of the ground cover be satisfactory to the Planner.

7. The Board makes such further findings as are expressed in the conditions of approval set forth below.

8. Based on and subject to these findings, the Board finds that the granting of the aforesaid waivers and the preliminary site plan approval being sought is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Evesham Township Planning Board that waivers are hereby granted to the applicant, Wiley Mission, so as to allow a total of 120 parking spaces, so as to allow said parking spaces to be 10' x 18', so as to delete the requirement of a detention basin, and so as to either delete or substitute bituminous curbing for concrete curbing, to the extent reflected

in the plans being approved.

BE IT FURTHER RESOLVED by said Board that preliminary site plan approval is hereby granted to the applicant, Wiley Mission, in accordance with the aforesaid reports of the Township Engineer and the Township Planner, subject to the following specific conditions:

1. The applicant shall publish notice of this decision as provided by Code Section 15-22.

2. The applicant shall pay within fifteen (15) days of billing by the Township of Evesham all professional fees incurred in the processing of this application.

3. The within approval shall be binding upon the applicant and its successors, assigns, and co-venturers.

4. The improvements in question shall comply with the undertakings and representations of the applicant as presented to the aforesaid Board.

5. The parking area shall be moved a distance of 13 feet to the South, with the parking stalls being reduced, as aforesaid, to 10' x 18' spaces, and with an additional 5 feet being obtained from the South planting strip, so as to provide space for the possible installation of sidewalks along East Main Street.

6. At time of final approval, the applicant will provide for additional lighting fixtures, especially with respect to the Eastern edge of the parking area.

7. Additional bumper stops shall be used along all planting edges.

8. The circular planter shall be extended into a longer rectilinear planter, as recommended by the Planner.

9. The landscaping plans will be amended, satisfactory in form to the planter, so as to address and satisfy the concerns expressed by the Board, the Environmental Commission, and paragraphs 7 through 11 of the report of the Planner.

10. Although no additional screen planting will be required along East Main Street, the nature of the ground cover shall be satisfactory to the Township

Planner and shall similarly be incorporated in the revised landscaping plan.

11. This approval is subject to the approval of all other public bodies, officers, and entities having jurisdiction over this matter, and is further subject to the provisions of N.J.S.A. 40:55D-1 et seq. and the Code of Evesham Township.

12. This approval is conditioned upon the plans bearing a notation that "the approval of the site plan is subject to conditions as set forth in the minutes of the Planning Board and/or the Resolution of approval."

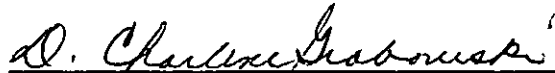
13. Failure by the applicant to conform to the above-stated conditions shall result in the voiding of this approval.

THE ABOVE RESOLUTION was adopted at a regular meeting of the Evesham Township Planning Board held on February 4, 1982, and was duly memorialized at a meeting held on the *18th* day of *March*, 1982.

Aye: Bronstein, Fulcher, Messina, Sandler, White, Harker, Trione, Gandy

Nay: None

Abstentions: None


D. CHARLENE GRABOWSKI, Secretary

THIS RESOLUTION is hereby adopted by the Township of Evesham for filing this *19th* day of *March*, 1982.


FLORENCE RICCI, Township Clerk

- (X) Approved
 (X) General Conditions
 (X) Additional Conditions
 () Denied

RESOLUTION # 85-81

() Minor Subdivision	Application # <u>85-81</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission, Inc.</u>
() Major Subdivision, Final	Owner <u>Wiley Mission, Inc.</u>
() Minor Site Plan	Block <u>26</u> Lot <u>6,6a,6b,6c,6d,7</u>
(X) Major Site Plan, Preliminary	Action <u>February 6, 1986</u>
(X) Major Site Plan, Final	Memorialized <u>1 May 1986</u>
() Conditional Use	Plan Name <u>Wiley Christian Retirement Community</u>
(X) Variance	
(X) Waiver	
()	

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Preliminary and Final Major Site Plan Approval

 _____; and

Relatively supported by the

WHEREAS, the applicant has applied for the following ancillary approval(s): variance from Code Sect. 160-23C(4) to permit a driveway within 100 feet of an intersection; conditional use approval to allow expansion of eleemosynary use; waiver from bituminous paving requirement of Code Sect. 127-14L and concrete curbing of Code Sect. 127.14R; and

WHEREAS, the application was considered by the ETPB on February 6, 1986; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

- () were not made
- () were made in favor of all or some aspect of the application
- (X) were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been met; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated January 13, 1986

(X) Planner report(s) dated November 20, 1985 and January 13, 1986

(X) Traffic Consultant report(s) dated January 24, 1986 and January 30, 1986

() Solicitor report(s) dated _____

(X) Evesham Township Environmental Protection Committee report(s) dated November 15, 1985, February 5, 1986

(X) Other Fire Marshall report dated January 30, 1986

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) one, two, three, four, five, six, seven and eight; and

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Finding of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: variance from Code Sect. 160-23C(4) to permit a driveway within 100 feet of an intersection; conditional use to permit expansion of eleemosynary use; waiver from bituminous paving requirement of Code Sect. 127-14L and concrete curbing of Code Sect. 127.14R

_____, and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (x) are made subject to () are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on February 6, 1986, upon the Motion of Marvin Sandler, seconded by Sam Fiorenza, with the vote on the motion being as follows:

AYE: Bronstein, Falkowski, Fiorenza, Fulcher,
Sandler, Stetson, Trione

NAY: None

ABSTAIN: White

ABSENT: Froio, Evans

DID NOT PARTICIPATE: Brosel

The foregoing action was memorialized by the ETPB
on 1 May 1986 upon the motion of Stetson
Fiorenza, seconded by Fiorenza, with
the vote on the motion being as follows:

AYE: Bronstein, Falkowski, Fiorenza, Fulcher, Sandler,
Stetson, Trione

NAY: None

ABSTAIN: None

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby
certifies that the above is a true copy of Resolution # 85-81
adopted by the ETPB on 1 May 1986.

D. Charlene Grabowski
D. Charlene Grabowski,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant seeks Preliminary and Final Major Site Plan Approval and Conditional Use Approval to construct an addition to the existing Wiley Mission, together with variances from Code Sect. 160-23C(4) to permit a driveway within 100 feet of an intersection and from Code Sect. 160-23A(c)(1) to provide one parking space per residential unit where 1.5 parking spaces are required.

2. The applicant is also requesting waivers from the bituminous paving surface requirement of Code Sect. 127-14L and the concrete curbing requirement of Code Sect. 127-14R.

3. The P.I.Q. is located in the R-1 District.

4. The Wiley Mission is an eleemosynary use and the expansion thereof requires Conditional Use Approval pursuant to Code Sect. 160-50H.

5. The applicant had initially applied for a variance from Code Sect. 160-23A(c)(1) but advised the ETPB that it had modified its plans in order to comply with the Code and was withdrawing the variance request.

6. William Hyland, Esquire, attorney for the applicant, indicated that additional parkings spaces would be designated overflow parking and since they were not to be paved, a waiver from the hard surface requirement of Code Sect. 127-14L was still being requested.

7. The proposed addition will consist of 96 living units and 7,680 square feet expansion of the existing health care facility.

8. The total area of the P.I.Q. is 51.67 acres.
9. First density is 4.5 units per acre.
10. The existing service driveway will be closed and a new access drive constructed.
11. The existing service road is narrow and within 100 feet of Plymouth Drive.
12. The proposed new service road will provide two-way traffic and will be nearly opposite Plymouth Drive, therefore, providing better visability for turning movements.
13. Total nursing beds will be increased from 52 to a total of 60.
14. Residents of the new dwelling units will have the option of taking their meals in the common dining facility.
15. The proposed living units will have either one or two bedrooms in eight unit buildings.
16. Mr. Kochenour, a representative of the ETPB Traffic Consultant, reviewed his reports with the ETPB and noted that he had agreed with the applicant's estimate of off-tract contribution of 4% for the improvements to Main Street and Plymouth Drive.
17. The applicant indicated that it would make a cash contribution of \$1,200 toward the cost of a traffic light at that intersection.
18. The applicant agreed to sign the proposed new service drive as a "service entrance".

19. Mr. Kochenour noted that item #3 of his January 30, 1986 report was now satisfied as the actual student population will be 70 pupils.

20. In response to item #5 of his January 30, 1986 report regarding a connection between the proposed Road B and proposed Road A and the church, the applicant agreed to commence construction of the connection within six months after the issuance of the last Certificate of Occupancy for the first court.

21. Mr. Kochenour noted the applicant has either implement or agreed to implement the recommendations in items 6, 7, 8, 9, 10, 11, 12, 13 of his January 30, 1986 report.

22. Mr. Steven Cathcart, a representative of the ETPB Engineering Consultant, reviewed his January 13, 1986 report (Exhibit 1) with the ETPB and noted that the variance referenced in item #1 had been withdrawn;

#2. That in order for the applicant to comply with the 100 foot distance requirement of Code Sect. 160-23C(4), the applicant would have to remove an existing home;

#3. Lighting is proposed only at the entrances to the individual courts and not on the loop roads; however, the applicant has indicated that it will install an internal walkway system which would eliminate the need to light the loop road;

#4. Because the loop road would remain a private road, he recommended granting the waiver from concrete curbing but continued to recommend concrete curbing in the court areas themselves;

#5. The revisions to the drainage system have been made;

#7. The ETPB Solicitor should review the easements for proposed water connection to Evesham Avenue.

23 Mr. Cathcart indicated the applicant should submit a 50 scale grading plan for each court being developed prior to the issuance of any building permits for that court.

24. The ETPB Fire Marshall has approved the plans with the relocation of four fire hydrants and the addition of one additional hydrant (see Exhibit 8); the applicant has agreed with the ETPB Fire Marshall's recommendations.

25. Mrs. Wynne Falkowski, a representative from the Environmental Commission, informed the ETPB that the applicant has agreed to install a snow fence as recommended by the Environmental Commission (see Environmental Commission report dated February 5, 1986, Exhibit 7).

26. The applicant indicated that the underground tanks mentioned in item #8a in the Environmental report (Exhibit 7) (are ____ years old) and that they will conduct pressure type tests on the tanks and submit the test results to the Environmental Commission; and, in addition, the applicant agreed to install a monitoring well in a location recommended by the Environmental Commission.

27. The applicant indicated the residential dwellings will be a one story wood frame construction with cedar siding and that the additions to the health care facility will be of masonry construction with brick finishes similar to the existing buildings.

28. Stuart Brooks, a representative of the ETPB Planner's office, reviewed his January 13, 1986 report with the ETPB (Exhibit 3) and noted:

#1. The application appears to meet the conditional use requirements of Code Sect. 160-50H;

#2. Items 2, 4, 5, 7 and 8 have been satisfied.

#6. Mr. Cathcart responded to item 6 of Exhibit 3 and informed the ETPB that the proposed drainage system is adequate and will provide added flexibility for further development of the Wiley Mission Property.

29. The applicant agreed, after a question raised by a member of the public, Valarie Tomaso, to add the internal six foot wide bituminous walkway system that will connect the central health care facility and dining facility to the 96 dwelling units.

30. The applicant also agreed to install either two foot or three foot high bollard mounted or ankle height lights and to submit a lighting plan to the ETPB Planner for his review and approval as to style and type of fixture to be used.

31. The applicant appears to meet all of the requirements for Preliminary and Final Site Plan Approval.

32. The variances requested, if granted, will promote the purposes of the Municipal Land Use Law and the benefits to be derived therefrom substantially outweigh any detriment.

33. The variances requested can be granted without any substantial detriment to the public welfare and without substantially impairing the Zoning Plan and Ordinance.

34. The waivers requested can be granted because the literal enforcement of the requirements of the Code would be impractical and exact an undue hardship because of peculiar conditions pertaining to the P.I.Q.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Sect. 15-22).

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. The conditions of approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- (X) Burlington County Planning Board
- () Pinelands Commission

5. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code Official
- (X) Burlington County Soil Conservation District
- () New Jersey Department of Transportation
highway access permit
- () Burlington County Engineer highway access
permit
- () Burlington County Engineer utility connection
permit
- (X) Evesham Municipal Utilities Authority W-4 and
S-4 permits
- () New Jersey Department of Environmental
Protection

6. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any and other applicable county and/or federal law.

7. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all

required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish either third-party surety performance bonds and third-party surety maintenance bonds or a cash sum with appropriate written guaranties in the form of a bond in accordance with the provisions of N.J.S.A. 40:55D-53. The amount of the performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of 2 years after final acceptance of the improvements.

8. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision or final site plan plat nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

9. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved

minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of this Board.

10. If a final approval has been granted, the applicant shall submit to the PB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall satisfy all of the unsatisfied recommendations set forth in the ETPB Traffic Consultant's report of January 30, 1986, the ETPB Engineering Consultant's report of January 13, 1986 and the ETPB Planner's report of January 13, 1986.

*Submitted
\$7,500.00*

2. The applicant post a cash contribution in the amount of \$1,200 to be used for the installation of a traffic light at Plymouth Drive and Main Street.

3. The applicant shall install a "service entrance" sign at the driveway to the service road on Main Street.

4. The applicant shall commence construction of the connection between proposed Road B and proposed Road A and the church within six months after the issuance of the last Certificate of Occupancy for the first residential court.

5. The applicant will modify its plans to indicate the installation of a six foot wide bituminous internal walkway system.

4'

6. The applicant shall submit the proposed easements allowing for utility connections to Evesham Avenue to the ETPB Solicitor for his review and approval.

7. The applicant shall install a snow fence as recommended in the Environmental Commission report of February 5, 1986.

to protect existing vegetation

*Comin' A"
ok*

8. The applicant shall conduct a pressure type test for the underground fuel tanks and submit copies of the test results to the Environmental Commission.

9. The applicant shall install a monitoring well in a location as designated by the Environmental Commission.

10. The applicant shall install a lighting system with the proposed internal walkway which shall consist of either two foot or three foot high bollard mounted lights or ankle height lights with the actual light design and fixture style to be approved by the ETPB Planner.

11. ~~The applicant shall submit grading plans using a~~
50 scale for each of the courts to be developed prior to the issuance of building permits for a particular court.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 93-10

() Minor Subdivision	Application # <u>PB 93-10</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission, Inc.</u>
() Major Subdivision, Final	Owner <u>same</u>
(X) Minor Site Plan	Block <u>26</u> Lots <u>6 and 6B</u>
() Major Site Plan, Preliminary	(P.I.O.)
() Major Site Plan, Final	Action <u>September 2, 1993</u>
() Conditional Use	Memorialized <u>October 7, 1993</u>
() Waiver	Plan Name _____
() Variance	_____
(X) Amendment to Major Site Plan, Final	_____

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Final Approval; Minor Site Plan Approval

_____ ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): none

_____ ; and

WHEREAS, the application was considered by the ETPB on September 2, 1993 ; and

WHEREAS, a public hearing (X) was not required; or

WHEREAS, a public hearing () was required and the ETPB has considered that public comments

- () were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

() Engineer report(s) dated _____

(X) Planner report(s) dated August 24, 1993

() Traffic Consultant report(s) dated _____

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

() Other _____

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: none

_____ ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) are made subject to () are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on _____
September 2, 1993, upon the Motion of Mr. Ragozine,
seconded by Mr. Schmidt, with the vote on the motion
being as follows:

AYE: Shoreman, Addiego, D'Andrea, Neisser, Macready,
Schmidt, Ragozine

NAY:

ABSTAIN:

ABSENT: Stetson, Tamburro, Shannon, Froio

DID NOT PARTICIPATE:

The foregoing action was memorialized by the ETPB on October 7, 1993 upon the motion of Ms. Shoreman seconded by Ms. Addiego with the vote on the motion being as follows:

AYE: Shoreman, Addiego, Neisser

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PB 93-10 adopted by the ETPB on 7 October 1993.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for a Minor Site Plan and an Amendment to Final Site Plan Approval for the property known as the Wiley Home and more particularly described as Block 26, Lots 6 and 6B on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

2. The applicant's attorney indicated that the applicant proposed an Amendment to the prior Final Site Plan Approval for the P.I.Q. to construct a 626 square foot building for housing boilers, a fuel tank and an emergency generator for the Wiley Retirement Home.

3. The applicant's attorney indicated that the building would service the life care facility only.

4. At the hearing on September 2, 1993, the applicant's architect testified that the underground storage tank which had previously been used for heating oil was removed for environmental reasons. He also noted that the boilers which were previously utilized to heat the life care facility were antiquated and needed to be replaced.

5. At the hearing on September 2, 1993, the ETPB reviewed and considered the August 24, 1993 report of the ETPB Planning Consultant, prepared by F. Robert Perry (Exhibit "A").

6. The ETPB Planning Consultant indicated that the applicant should try to submit revised plans showing a different building location in order to save a very large oak tree which was located on the property. The Planning Board Consultant also requested that the tree be protected during the construction phase. Furthermore, the Planning Board Consultant requested that the building have a landscaping buffer so it would not be visible from Main Street.

7. The applicant agreed to submit a revised site plan to the ETPB Planning Consultant for his approval which would address the concerns of the ETPB Planning Consultant.

8. The ETPB Engineering Consultant confirmed that the plan was acceptable as long as it was revised in accordance with the Planner's concerns.

9. The applicant's architect noted that the building would be most conveniently located in the service court area and that the amount of noise and exhaust will be limited.

10. Mrs. Shoreman requested confirmation that the construction debris would be recycled and the applicant agreed to comply with this request.

11. The applicant's architect agreed, as a condition of approval, to show the location of the recycling depot on the revised plans which will be submitted.

12. The applicant's architect testified that the building would house a 2,000 gallon above-ground storage tank set within a concrete vault which meets all current environmental standards.

13. Based upon all of the foregoing, the ETPB finds that the application appears to meet all conditions for an Amendment to Major Site Plan, Final Approval and for a Minor Site Plan based upon the conditions set forth herein. Accordingly, the ETPB hereby amends the Final Site Plan Approval granted to the P.I.Q., subject to the conditions set forth herein and approves the Minor Site Plan.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- () Burlington County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code Official
- () Burlington County Soil Conservation District
- () New Jersey Department of Transportation
highway access permit
- () Burlington County Engineer utility connection
permit
- () Evesham Municipal Utilities Authority approval
(including, without limitation, W-4 and S-4
permits)
- () New Jersey Department of Environmental
Protection and Energy
- () New Jersey Department of Transportation

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

8. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the

approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision plat or final site plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law"

(N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

11. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

12. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall fully comply with and satisfy all of the General Conditions of Approval contained in any prior resolution relating to the P.I.Q.

2. The applicant shall fully comply with and satisfy all of the Additional Conditions of Approval contained in any prior resolution relating to the P.I.Q.

3. The applicant shall submit a revised plan to the ETPB Planning Consultant for his approval in an effort to save the tree as recommended by the ETPB Planning Consultant.

4. The applicant shall show the location of the recycling depot on the revised plans.

5. The applicant shall provide a landscaping buffer, as recommended by the ETPB Planning Consultant.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 94-05

() Minor Subdivision	Application # <u>PB 94-05</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission, Inc.</u>
() Major Subdivision, Final	Owner <u>same</u>
() Minor Site Plan	Block <u>26</u> Lot <u>6, 6A, 6B, 6C,</u>
(X) Major Site Plan, Preliminary	<u>6D, 7</u> (P.I.Q.)
(X) Major Site Plan, Final	Action <u>6/16/94; 7/21/94</u>
(X) Conditional Use	Memorialized <u>8/18/94</u>
() Waiver	Plan Name <u>Wiley Mission</u>
(X) Variance	
()	

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Conditional use approval, Major Site Plan, Preliminary Approval, Major Site Plan, Final Approval ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): variance from required number of parking spaces ; and

WHEREAS, the application was considered by the ETPB on June 16, 1994; July 21, 1994 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

- (X) were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated 6/7/94

(X) Planner report(s) dated 6\10\94

(X) Traffic Consultant report(s) dated 6\10\94

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

(X) Other Evesham Township Fire Marshal report dated 6/16/94

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A, B, C, D

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: variance from required number of parking spaces ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) are made subject to () are not made subject to the following Additional Conditions: (see attached)

The foregoing action on the Conditional Use Approval, Major Site Plan, Preliminary Approval and Major Site Plan, Final Approval was taken by the ETPB on June 16, 1994, upon the Motion of Ms. Addiego, seconded by Mr. D'Andrea, with the vote on the motion being as follows:

AYE: Addiego, D'Andrea, Ragozine, Stetson, Tamburro, Macready, Froio, Neisser

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The foregoing action to approve the parking variance was taken by the ETPB on July 21, 1994, upon the Motion of Mr. Stetson, seconded by Ms. Shoreman, with the vote on the motion being as follows:

AYE: Stetson, Shoreman, D'Andrea, Hamilton, Ragozine, Schmidt, Macready, Neisser

NAY:

ABSTAIN: Bronstein

ABSENT:

DID NOT PARTICIPATE:

The foregoing action was memorialized by the ETPB on August 18, 1994 upon the motion of Mr. Rogozine seconded by Mr. Tamburro with the vote on the motion being as follows:

AYE: D'Andrea, Ragozine, Tamburro, Neisser

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PB 94-05 adopted by the ETPB on 8/18/94.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for a Conditional Use Approval, Major Site Plan, Preliminary Approval for 3 phases and Major Site Plan, Final Approval for the first phase (all purpose facility) for the property located at 99 East Main Street, Marlton, New Jersey, more particularly described as Block 26, Lots 6, 6A, 6B, 6C, 6D and 7 on the Evesham Township Tax Map (hereinafter referred to as the "P.I.Q.").

2. The applicant also applied for an ancillary approval by way of a variance from the required number of parking spaces at the P.I.Q.

3. The P.I.Q. is located in the MD-2 District in which senior citizen housing/life care facilities is a conditional use.

HEARING OF JUNE 16, 1994

4. Reverend Gilmore, the President of Wiley Mission, Inc., testified in support of the requested approvals.

5. Reverend Gilmore indicated that the applicant proposed to construct improvements in 3 phases at the P.I.Q. as follows:

- A. 7,200 square foot all purpose facility addition;
- B. 33,310 square foot residential health care addition (with no increase in number of beds);

C. 24 individual living apartment units.

6. Reverend Gilmore indicated that Phase 1 of the project consisted of a 7,200 square foot all purpose addition to be used as a gathering place for church purposes and employees as necessary.

7. Reverend Gilmore indicated that Phase 2 of the project consisted of a 33,310 square foot residential health care addition to comply with State regulations and requirements. The addition would consist of assisted living facilities for residents who are unable to care for themselves.

8. Reverend Gilmore indicated that Phase 3 of the project consisted of 24 additional 2-bedroom, 2-bath living units to comply with a long-standing unsatisfied demand for such units.

9. John Martin, the applicant's architect, described the type of living units proposed for Phase 3 of the project. Specifically, Mr. Martin indicated that 2 types of 2-bedroom units were proposed, somewhat larger than the existing 2-bedroom units at the P.I.Q. Mr. Martin also described the exterior of the units which was somewhat nicer than the existing units at the P.I.Q.

10. Mr. Martin described the proposed all purpose addition. Mr. Martin indicated that the addition would consist of a multi-purpose facility with a kitchen, offices

and meeting area which would connect the existing nursing home to the church facility.

11. Mr. Martin indicated that 16 nursing units would be added as part of Phase 2 of the project, but that no increase in number of beds would occur.

12. Kenneth Anderson, the applicant's engineer, described the pre-existing uses at the P.I.Q.

13. Mr. Anderson indicated that the Preliminary Major Site Plan represented a "Master Plan" for development of the P.I.Q.

14. Mr. Anderson indicated that the area to the rear of the Post Office was predominantly wetlands and could not be utilized for development.

15. Mr. Anderson reviewed the site characteristics and environmental constraints of the P.I.Q. and opined that the proposed location of development was largely dictated by such site characteristics and environmental constraints.

16. At the hearing of June 16, 1994, the ETPB reviewed and considered the June 7, 1994 report of the ETPB Engineering Consultant, prepared by T. Ronald Gsell (Exhibit "A").

17. In regard to Item 1 on the Engineering Consultant's aforementioned report, the Engineering Consultant deferred to the ETPB Traffic Consultant.

18. In regard to Item 7 on the Engineering Consultant's aforementioned report, the Engineering Consultant deferred to the Evesham Township Environmental Commission.

19. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 2, 3, 4, 5, 8 and 9 on the ETPB Engineering Consultant's report of June 7, 1994 (Exhibit "A").

20. At the hearing of June 16, 1994, the ETPB reviewed and considered the June 10, 1994 report of the ETPB Planning Consultant, prepared by F. Robert Perry (Exhibit "B").

21. The applicant agreed, as a condition of approval, to fully comply with and satisfy all of the requirements and conditions set forth in the ETPB Planning Consultant's report of June 16, 1994 (Exhibit "B") with the exception of Items 3.B.1. and 3.B.2.

22. At the hearing of June 16, 1994, the ETPB reviewed and considered the June 10, 1994 report of the ETPB Traffic Consultant, prepared by Henry Deibel (Exhibit "C").

23. The applicant agreed, as a condition of approval, to provide angled parking in response to Item A.1.b. on the ETPB Traffic Consultant's report of June 10, 1994 (Exhibit "C").

24. James Kochenour, the applicant's traffic engineer, reviewed the traffic impact of the proposed expansion in

regard to 3 areas: increase in parking, traffic considerations and access to the P.I.Q.

25. In regard to increase in parking, Mr. Kochenour indicated that the proposed all purpose facility would result in no additional parking since use of the facility only occurs when no other functions are taking place. In addition, no additional seating would be provided in the all purpose facility.

26. In regard to parking needs for the proposed assisted care facility, Mr. Kochenour indicated that no additional parking would be required since no increase in the number of beds was proposed.

27. In regard to the proposed townhouse living units, Mr. Kochenour indicated that the parking demand would be much less than normally required for individual living since the residents of such townhouses rarely own more than one vehicle.

28. In regard to the traffic considerations for the proposed development, Mr. Kochenour indicated that only the townhouses would result in any peak hour increase in traffic and that very few additional trips would be generated.

29. Mr. Kochenour indicated that the all purpose facility would not generate any additional peak hour traffic since it would only be utilized in the evenings or weekend.

30. Mr. Kochenour indicated that the assisted care facility would not generate any additional peak hour traffic since no increase in the number of beds was proposed.

31. In regard to access to the P.I.Q., Mr. Kochenour opined that the existing access was adequate with the traffic signalization located at Plymouth Drive.

HEARING OF JULY 21, 1994

32. The applicant's attorney indicated that 133 parking spaces were required at the P.I.Q. and 122 parking spaces were proposed for construction.

33. The ETPB opened the hearing on this application to the public, however, no member of the public desired to testify in regard to this application.

34. Based upon all of the foregoing, the ETPB finds that the requested variance from the required number of parking spaces can be granted pursuant to N.J.S.A. 40:55D-70c(2). Specifically, in regard to the P.I.Q., the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

35. More specifically, the purposes of N.J.S.A. 40:55D-21 (encouragement of senior citizen community housing construction) would be advanced by the requested variance.

36. The ETPB further finds that the requested variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the Evesham Township Zone Plan and Zoning Ordinance. Specifically, the public good will be significantly advanced by the additional senior citizen housing units proposed by the applicant and the Zone Plan and Zoning Ordinance perceive of parking requirements based upon normal usage of units, not the reduced usage for senior citizens.

37. The ETPB therefore concludes that a variance from the required number of parking spaces should be and is hereby granted to the P.I.Q.

38. Based upon all of the foregoing, the ETPB finds that the application appears to meet all requirements for Conditional Use Approval, Major Site Plan, Preliminary Approval for all 3 phases and Major Site Plan, Final Approval for only Phase 1, conditioned upon and subject to satisfaction of the General Conditions of Approval and Additional Conditions of Approval set forth in this Resolution.

39. The ETPB therefore grants Conditional Use Approval, conditional Major Site Plan, Preliminary Approval to all 3 phases and conditional Final Site Plan Approval as to Phase 1 only to the P.I.Q.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- (X) Burlington County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code Official
- (X) Burlington County Soil Conservation District
- () New Jersey Department of Transportation
highway access permit
- (X) Burlington County Engineer utility connection
permit
- (X) Evesham Municipal Utilities Authority approval
(including, without limitation, W-4 and S-4
permits)
- (X) New Jersey Department of Environmental
Protection and Energy - wetlands delineation
and wetlands buffer (for Phases 2 and 3 only)
- () New Jersey Department of Transportation

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

8. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major

subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision plat or final site plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a

plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

11. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

12. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall fully comply with and satisfy Items 2, 3, 4, 5, 8 and 9 on the ETPB Engineering Consultant's report of June 7, 1994 (Exhibit "A").

2. The applicant shall fully comply with and satisfy all of the requirements and conditions set forth in the ETPB Planning Consultant's report of June 16, 1994 (Exhibit "B") with the exception of Items 3.B.1. and 3.B.2.

3. The applicant shall provide angled parking in response to Item A.1.b. on the ETPB Traffic Consultant's report of June 10, 1994 (Exhibit "C").

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 94-05A

() Minor Subdivision	Application # <u>PB 94-05A</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission, Inc.</u>
() Major Subdivision, Final	Owner <u>same</u>
() Minor Site Plan	Block <u>26</u> Lots <u>6, 6.01, 6.02,</u>
(X) Major Site Plan, Preliminary-Amendment	<u>6.03, 6.04, 7 (P.I.Q.)</u>
(X) Major Site Plan, Final- Amendment	Action <u>December 19, 1996</u>
() Conditional Use	Memorialized <u>January 16, 1997</u>
() Variance	Plan Name <u>Wiley Mission</u>
(X) Waiver	

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Preliminary Approval and Major Site Plan, Final Approval

_____ ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): Waiver of number of trees to be planted and caliper of replacement trees

_____ ; and

WHEREAS, the application was considered by the ETPB on December 19, 1996 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

- (X) were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated September 17, 1996;
December 6, 1996

(X) Planner report(s) dated October 17, 1996;
December 2, 1996; December 19, 1996

(X) Traffic Consultant report(s) dated October 3,
1996

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

(X) Other Report of Shade Tree Advisory Commission
dated September 23, 1996

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A, B, C, D, E, F, G

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: Waiver of number of trees to be planted and caliper of replacement trees ;and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) are made subject to () are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on December 19, 1996, upon the Motion of Mr. Stetson, seconded by Mr. Macready, with the vote on the motion being as follows:

AYE: Stetson, Macready, Bronstein, Fortino, Pilacik, Ragozine, Tamburro, D'Andrea

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE: Pullo, Cortland

The foregoing action was memorialized by the ETPB on January 16, 1997 upon the motion of Mr. Stetson seconded by Mr. Bronstein with the vote on the motion being as follows:

AYE: Macready, Pilacik, Ragozine, D'Andrea

NAY:

ABSTAIN: Bronstein, Stetson

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PB 94-05A adopted by the ETPB on January 16, 1997.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for an Amendment to Major Site Plan, Preliminary Approval and Major Site Plan, Final Approval for the property located at 99 East Main Street, Marlton, New Jersey, more particularly described as Block 26, Lots 6, 6.01, 6.02, 6.03, 6.04 and 7 on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

2. The applicant also applied for ancillary approvals by way of waiver from the requirement of number of trees to be planted on the P.I.Q. and as to the caliper of replacement trees.

3. Gary Gilmore, the Administrator of Wiley Mission, Inc., testified in support of the requested approvals.

4. Mr. Gilmore indicated that the applicant proposed to increase the number of units for senior citizen housing from 24 (as currently approved) to 41.

5. Mr. Gilmore indicated that the applicant had added sidewalk along the frontage of the P.I.Q. in accordance with a request from the Burlington County Planning Board and the ETPB professionals.

6. Mr. Gilmore indicated that the applicant has experienced an extremely long waiting list for senior citizen units and therefore proposed to amend its prior site plan approval to add 17 additional units.

7. Mr. Gilmore described the architecture of the proposed senior citizen units.

8. The applicant's architect indicated that the proposed senior citizen units would contain approximately 1,300 square feet of finished space with an option available for an additional 350 square feet of space by finishing a loft.

9. The applicant's engineer emphasized the extensive amount of open space available on the P.I.Q. as a result of wetlands constraints.

10. At the hearing of December 19, 1996, the ETPB reviewed and considered the December 6, 1996 report of the ETPB Engineering Consultant, prepared by T. Ronald Gsell (Exhibit "B").

11. In regard to Item 1 on the ETPB Engineering Consultant's aforementioned report, the applicant agreed to provide a Deed of Consolidation for the P.I.Q. which must be approved by the ETPB Solicitor. No building permits shall be issued for the P.I.Q. until the aforementioned Deed of Consolidation has been approved by the ETPB Solicitor.

12. The ETPB Engineering Consultant deferred to the ETPB Traffic Consultant as to Items 4 and 5 on his report.

13. In regard to Item 7 on the ETPB Engineering Consultant's aforementioned report, the applicant indicated

that recreational requirements had been satisfied by providing a walking path, indoor recreation center and a number of passive, open space areas throughout the P.I.Q. where occupants gardened, relaxed or enjoyed nature.

14. The ETPB Engineering Consultant indicated that Items 8 through 12, 14 through 34, 36 and 38 had been satisfied.

15. The applicant agreed, as a condition of approval, to fully satisfy and comply with Items 13, 35, 37 and 39 on the ETPB Engineering Consultant's report of December 6, 1996 (Exhibit "B").

16. At the hearing of December 19, 1996, the ETPB reviewed and considered the December 19, 1996 report of the ETPB Planning Consultant, prepared by Larry S. Waetzman (Exhibit "E").

17. The applicant agreed, as a condition of approval, to fully satisfy and comply with Items i, m and q on the ETPB Planning Consultant's report of December 19, 1996 (Exhibit "E").

18. The ETPB Planning Consultant recommended a waiver as to the number of trees required upon the P.I.Q. and the caliper of replacement trees.

19. At the hearing of December 19, 1996, the ETPB reviewed and considered the October 3, 1996 report of the ETPB Traffic Consultant, prepared by H. Richard Orth (Exhibit "F").

20. The ETPB Traffic Consultant indicated that all of his comments had been satisfied by the applicant.

21. At the hearing of December 19, 1996, the ETPB reviewed and considered the September 23, 1996 report of the Evesham Township Shade Tree Advisory Commission (Exhibit "G").

22. The applicant agreed, as a condition of approval, to fully comply with and satisfy all of the comments set forth in the Evesham Township Shade Tree Advisory Commission report of September 23, 1996 (Exhibit "G").

23. The ETPB opened the hearing on this application to the public, however, no member of the public desired to testify.

24. Based upon all of the foregoing, the ETPB finds that the application appears to meet all requirements for an Amendment to Major Site Plan, Preliminary Approval and Major Site Plan, Final Approval, subject to the conditions set forth herein. The ETPB further finds that the application appears to meet all requirements for the requested waivers.

25. The ETPB therefore concludes that a conditional Amendment to Major Site Plan, Preliminary Approval and Major Site Plan, Final Approval should be and is hereby granted to the P.I.Q., subject to the conditions set forth herein. The ETPB further concludes that waivers as to the number of trees

to be planted upon the P.I.Q. and as to the caliper of the replacement trees should be and are hereby granted.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- (X) Burlington County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code Official
- (X) Burlington County Soil Conservation District
- () New Jersey Department of Transportation
highway access permit
- (X) Burlington County Engineer utility connection
permit
- (X) Evesham Municipal Utilities Authority approval
(including, without limitation, W-4 and S-4
permits)
- (X) New Jersey Department of Environmental
Protection
- (X) New Jersey Department of Environmental
Protection - wetlands delineation and wetlands
buffer

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

8. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the

above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision plat or final site plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date

the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

11. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

12. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall provide a Deed of Consolidation for the P.I.Q. which must be approved by the ETPB Solicitor. No building permits shall be issued for the P.I.Q. until the aforementioned Deed of Consolidation has been approved by the ETPB Solicitor.

2. The applicant shall fully satisfy and comply with Items 13, 35, 37 and 39 on the ETPB Engineering Consultant's report of December 6, 1996 (Exhibit "B").

3. The applicant shall fully satisfy and comply with Items i, m and q on the ETPB Planning Consultant's report of December 19, 1996 (Exhibit "E").

4. The applicant shall fully comply with and satisfy all of the comments set forth in the Evesham Township Shade Tree Advisory Commission report of September 23, 1996 (Exhibit "G").

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 94-05A

() Minor Subdivision	Application # <u>PB 94-05A</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission, Inc.</u>
() Major Subdivision, Final	Owner <u>same</u>
() Minor Site Plan	Block <u>26</u> Lot <u>6</u>
() Major Site Plan, Preliminary	(P.I.Q.)
() Major Site Plan, Final	Action <u>October 16, 1997</u>
() Conditional Use	Memorialized <u>October 30, 1997</u>
(X) Waiver	Plan Name <u>Wiley Mission, Inc.</u>
() Variance	
(X) Amendment to Major Site Plan, Preliminary and Final	

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Preliminary and Final Approval

_____ ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): Waiver of Traffic Impact Statement

_____ ; and

WHEREAS, the application was considered by the ETPB on September 4, 1997; October 16, 1997 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

- (X) were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated July 7, 1997;
August 15, 1997

(X) Planner report(s) dated August 15, 1997;
October 9, 1997

(X) Traffic Consultant report(s) dated August 14,
1997

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

() Other _____

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A, B, C, D, E

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: _____
Waiver of Traffic Impact Statement

_____ ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) are made subject to () are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on _____
October 16, 1997, upon the Motion of Ms. Shoreman,
seconded by Ms. Pilacik, with the vote on the motion being as follows:

AYE: Pilacik, Shoreman, Bronstein, Cortland, Macready,
Ragozine

NAY:

ABSTAIN:

ABSENT: D'Andrea, Fortino, Stetson, Tamburro,
Summerhayes

DID NOT PARTICIPATE:

The foregoing action was memorialized by the ETPB on October 30, 1997 upon the motion of Mr. Bronstein seconded by Mr. Macready with the vote on the motion being as follows:

AYE: Cortland, Macready, Ragozine

NAY:

ABSTAIN: Shoreman, Bronstein

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PB 94-05A adopted by the ETPB on October 30, 1997.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for an Amendment to Major Site Plan, Preliminary and Final Approval for the property located at 99 East Main Street, Marlton, New Jersey, more particularly described Block 26, Lot 6 on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

2. The applicant also sought an ancillary approval by way of waiver of a Traffic Impact Statement.

HEARING OF SEPTEMBER 4, 1997

3. Gary Gilmore, the applicant's Administrator, testified in support of the requested approvals.

4. Mr. Gilmore indicated that the applicant proposed to realign 2 internal roadways and construct a maintenance building on the P.I.Q.

5. Mr. Gilmore indicated that the proposed maintenance building would be 2,560 square feet in area and would be used to house a minibus, several trucks, lawn maintenance equipment, snow removal equipment and also provide a service area for the applicant's maintenance staff.

6. Mr. Gilmore indicated that the prior maintenance building on the P.I.Q. had been demolished as part of the prior development of the P.I.Q.

7. Mr. Gilmore emphasized that the proposed maintenance building would only be used for light maintenance and that no

new equipment was proposed for storage in the maintenance building.

8. John Martin, the applicant's architect, testified in support of the requested approvals.

9. Mr. Martin described the view of the P.I.Q. from Main Street after the proposed maintenance building was constructed.

10. Mr. Martin indicated that a large, mature tree must be removed to permit construction of the maintenance building. However, based upon a photograph provided to the ETPB, the tree proposed for removal would not be noticeable from Main Street.

11. Mr. Martin indicated that although the maintenance building could be made marginally smaller, it would not affect the requirement of removal of the large tree.

12. The applicant's arborist testified in support of the requested approvals.

13. The arborist described the plan which had been devised to preserve another large, mature tree in the area of the proposed maintenance building.

14. The arborist described the fencing to be placed around the tree during construction to protect its 30 foot branch span.

15. The arborist indicated that the maintenance building would be located at the edge of the drip line of the remaining large tree.

HEARING OF SEPTEMBER 4, 1997

16. The applicant agreed, as a condition of approval, to stake the foundation of the proposed maintenance building and to place fencing at the drip line of the remaining large tree prior to the commencement of any construction on the maintenance building. The ETPB Engineering Consultant and Planning Consultant must approve the location of the maintenance building in regard to the large remaining tree as being in conformance with the testimony given by the applicant at the hearings on this application.

17. At the hearing of September 4, 1997, the ETPB reviewed and considered the August 15, 1997 report of the ETPB Engineering Consultant, prepared by Frederick J. Turek, II (Exhibit "B").

18. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items A.1., A.2., B.2., B.5., B.7. and C.1. through C.7. inclusive on the ETPB Engineering Consultant's report of August 15, 1997 (Exhibit "B").

19. In regard to Item B.1. on the ETPB Engineering Consultant's report, the Consultant recommended a waiver of the Traffic Impact Study for the P.I.Q.

20. In regard to Item B.1.c. on the ETPB Engineering Consultant's report, the Consultant recommended a waiver of the soil erosion and sediment control approval.

21. The ETPB Engineering Consultant indicated that Items B.1.b., B.3., B.4. and B.6. had been satisfied.

22. At the hearing of September 4, 1997, the ETPB reviewed and considered the August 15, 1997 report of the ETPB Planning Consultant, prepared by Larry S. Waetzman (Exhibit "C").

23. The ETPB Planning Consultant indicated that all of the items on the aforementioned report had been satisfied.

24. At the hearing of September 4, 1997, the ETPB reviewed and considered the August 14, 1997 report of the ETPB Traffic Consultant, prepared by H. Richard Orth (Exhibit "E").

25. The ETPB Traffic Consultant recommended a waiver of a Traffic Impact Statement for the P.I.Q.

26. The ETPB Traffic Consultant opined that no traffic problems would be created from the proposed roadway realignment on the P.I.Q.

27. The ETPB opened the September 4, 1997 hearing on this application to the public, however, no member of the public desired to testify.

HEARING OF OCTOBER 16, 1997

28. John Martin, the applicant's architect, identified a plan of the entire Wiley Mission site which included all existing structures and improvement.

29. Mr. Martin reviewed the various locations considered by the applicant for the proposed maintenance building.

30. Mr. Martin indicated the reasons why the proposed maintenance building could not be sited at any of the other locations he described.

31. Mr. Martin indicated that the proposed maintenance building would be one story in height with an attic, constructed with a brick facade consistent with the other structures existing at the P.I.Q.

32. The applicant's arborist indicated that the encroachment by the proposed maintenance building on the root system of the remaining large tree would be minimal, occurring approximately 30 feet from the trunk of the tree.

33. The applicant's arborist indicated that 42 feet existed from the trunk of the tree on the side opposite the proposed maintenance building.

34. The applicant's arborist described a program which had been devised for nourishment and maintenance of the tree.

35. The applicant's arborist opined that the proposed program to protect the tree should result in its preservation.

36. The ETPB professionals indicated that they could not guarantee that the remaining large tree would survive the proposed construction of the maintenance building.

37. The applicant agreed, as a condition of approval, to supplement the Phase I Environmental Assessment to include additional information regarding underground tanks at the P.I.Q.

38. The ETPB opened the October 16, 1997 hearing on this application to the public, however, no individual desired to testify.

39. Based upon all of the foregoing, the ETPB finds that the application appears to meet all requirements for an Amendment to Major Site Plan, Preliminary and Final Approval. The ETPB therefore concludes that an Amendment to Preliminary and Final Site Plan Approval should be and is hereby granted to the P.I.Q., subject to the conditions set forth herein.

40. The ETPB further finds that the applicant has met all requirements for the grant of a waiver of a Traffic Impact Statement. The ETPB therefore concludes that a waiver of a Traffic Impact Statement should be and is hereby granted.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

(X) Burlington County Planning Board

() Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code Official
- () Burlington County Soil Conservation District
- () New Jersey Department of Transportation
highway access permit
- () Burlington County Engineer utility connection
permit
- () Burlington County Board of Health
- (X) Evesham Municipal Utilities Authority approval
(including, without limitation, W-4 and S-4
permits)
- (X) New Jersey Department of Environmental
Protection
- () New Jersey Department of Environmental
Protection - wetlands delineation and wetlands
buffer

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

8. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision plat or final site plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

11. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

12. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall stake the foundation of the proposed maintenance building and place fencing at the drip line of the remaining large tree prior to the commencement of any construction on the maintenance building. The ETPB Engineering Consultant and Planning Consultant must approve the location of the maintenance building in regard to the large remaining tree as being in conformance with the testimony given by the applicant at the hearings on this application.

2. The applicant shall fully comply with and satisfy Items A.1, A.2, B.2, B.5, B.7 and C.1 through C.7 inclusive on the ETPB Engineering Consultant's report of August 15, 1997 (Exhibit "B").

3. The applicant shall supplement the Phase I Environmental Assessment to include additional information regarding underground tanks at the P.I.Q.

4. The applicant shall fully comply with and satisfy all General Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

5. The applicant shall fully comply with and satisfy all Additional Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 94-05A-1

() Minor Subdivision	Application # <u>PB 94-05A-1</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission Inc.</u>
() Major Subdivision, Final	Owner <u>Same</u>
() Minor Site Plan	Block <u>26</u> Lot <u>6</u>
(X) Major Site Plan, Preliminary-Amendment	(P.I.O.)
() Major Site Plan, Final	Action <u>May 4, 2000</u>
() Conditional Use	Memorialized <u>July 6, 2000</u>
(X) Waiver	Plan Name <u>Wiley Mission</u>
() Variance	
(X) Amendment to Major Site Plan, Final	

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Preliminary Approval, Amendment to Major Site Plan, Final Approval

_____ ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): Waivers from requirement of 13 inch caliper of trees, paving of parking spaces and number of phantom parking spaces

_____ ; and

WHEREAS, the application was considered by the ETPB on April 26, 2000; May 4, 2000 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

(X) were not made

() were made in favor of all or some aspect of the application;

() were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated February 17, 2000;
April 27, 2000

(X) Planner report(s) dated April 5, 2000

(X) Traffic Consultant report(s) dated March 21, 2000;
May 1, 2000

() Environmental Consultant report(s) dated _____

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

(X) Other Shade Tree Advisory Committee report dated
March 16, 2000

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A through F

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: Waiver from requirement of 13 inch caliper of trees, waiver of paving of parking spaces, number of phantom parking spaces ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on May 4, 2000, upon the Motion of Mr. Ragozine, seconded by Mr. Stetson, with the vote on the motion being as follows:

AYE: Ragozine, Stetson, Shoreman, Cortland, Bronstein

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE: Tamburro, Pullo

The foregoing action was memorialized by the ETPB on July 6, 2000 upon the motion of Mr. Ragozine, seconded by Mr. Macready with the vote on the motion being as follows:

AYE: Ragozine, Stetson, Shoreman, Cortland, Macready

NAY:

ABSTAIN: Bronstein

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PB 94-05A-1 adopted by the ETPB on July 6, 2000.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for an Amendment to Major Site Plan, Preliminary Approval and an Amendment to Major Site Plan, Final Approval for the property located at 99 East Main Street, Marlton, New Jersey, more particularly described as Block 26, Lot 6 on the Evesham Township Tax Map (hereinafter referred to as the "P.I.Q.").

2. The applicant also applied, by way of ancillary approval, for waivers from the requirement of 13 inch caliper of trees, paving of parking spaces and the number of phantom parking spaces.

HEARING OF APRIL 26, 2000

3. The applicant's attorney described the prior site plan approvals granted to the P.I.Q. and the improvements which had been completed to date.

4. The applicant's attorney indicated that no change was proposed as to the number of nursing beds at the facility on the P.I.Q. The amendments to the site plan were proposed for additional facilities, such as a 1,622 square foot addition to the dining room.

5. Gary Gilmore, the Director of Wiley Mission, indicated that the applicant proposes to move the rooms from the existing nursing wing to another area of the facility to

provide semi-private rooms with additional living space for the residents.

6. Mr. Gilmore indicated that administrative, hair-dressing and other services would be provided in the area vacated by the existing nursing units.

7. Mr. Gilmore indicated that the revised design would permit easier access for the residents, thereby benefitting both the residents and staff.

8. Mr. Gilmore indicated that the applicant proposed to increase the physical therapy area to provide more physical therapy equipment and services.

9. Mr. Gilmore indicated that the 1,622 square foot dining room addition was proposed to provide additional room and improved access for residents with wheelchairs or walkers.

10. Mr. Gilmore indicated that additional parking was proposed in the area of the retirement community.

11. Mr. Gilmore indicated that 26 assisted living units were proposed in the new addition at the P.I.Q.

12. Jeff Richter, the applicant's engineer, testified in support of the requested approvals.

13. The applicant's architect identified and described the prior site plan showing the Y-shaped addition which was being revised.

14. The ETPB opened the April 26, 2000 hearing on this application to the public, however, no member of the public desired to testify.

HEARING OF MAY 4, 2000

15. At the hearing on May 4, 2000, the ETPB reviewed and considered the April 27, 2000 report of the ETPB Engineering Consultant, prepared by John P. Smith (Exhibit "B").

16. In regard to Item 1 on his aforementioned report, the ETPB Engineering Consultant indicated that the applicant was requesting 64 phantom parking spaces on the amended site plan.

17. The applicant agreed, as a condition of approval, to fully comply with and satisfy Item 16 on the ETPB Engineering Consultant's report of April 27, 2000 (Exhibit "B").

18. At the hearing of May 4, 2000, the ETPB reviewed and considered the April 5, 2000 report of the ETPB Planning Consultant, prepared by Larry S. Waetzman (Exhibit "C").

19. The ETPB Planning Consultant indicated that Item 2 on his aforementioned report had been satisfied.

20. The applicant agreed, as a condition of approval, to satisfy all comments of the ETPB Planning Consultant contained in the report dated April 5, 2000 (Exhibit "C").

21. At the hearing of May 4, 2000, the ETPB reviewed and considered the May 1, 2000 report of the ETPB Traffic Consultant, prepared by H. Richard Orth (Exhibit "E").

22. The ETPB Traffic Consultant indicated that Items 1 through 6 on his aforementioned report had been satisfied by the applicant.

23. The applicant agreed, as a condition of approval, to promptly construct and stripe the proposed phantom parking spaces if a determination is made by the ETPB Administrative Officer that additional parking is necessary.

24. The ETPB opened the May 4, 2000 hearing on this application to the public, however, no member of the public desired to testify.

25. Based upon all of the foregoing, the ETPB finds that the application appears to meet all requirements for the grant of the requested waivers.

26. The ETPB therefore concludes that waivers from the requirement of 13 inch caliper of trees, paving of parking spaces and the number of phantom parking spaces should be and are hereby granted to the P.I.Q.

27. Based upon all of the foregoing, the ETPB further finds that the application appears to satisfy all requirements for the grant of a conditional Amendment to Major Site Plan, Preliminary Approval and a conditional Amendment to Major Site

Plan, Final Approval, subject to the conditions set forth in this Resolution.

28. The ETPB therefore concludes that a conditional Amendment to Major Site Plan, Preliminary Approval and a conditional Amendment to Major Site Plan, Final Approval should be and are hereby granted to the P.I.Q., subject to the conditions set forth in this Resolution.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-22). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or pursuant to Ord. 1-1-85 file a written protest with the Township Manager within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

(X) Burlington County Planning Board

() Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

(X) Evesham Township Construction Code Official

(X) Burlington County Soil Conservation District

() New Jersey Department of Transportation
highway access permit

() Burlington County Engineer highway access
permit

() Burlington County Engineer utility connection
permit

() Burlington County Board of Health

(X) Evesham Municipal Utilities Authority
approval (including, without limitation,
W-4 and S-4 permits)

(X) New Jersey Department of Environmental
Protection

() New Jersey Department of Environmental
Protection-wetlands delineation and wetlands
buffer

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township,

the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

8. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53 and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or site plan approval, the Chairperson and Secretary of the ETPB shall not sign the final subdivision plat or final site plan nor shall any zoning permit issue until the applicant has posted the required performance

guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

11. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

12. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including

inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall fully comply with and satisfy Item 16 on the ETPB Engineering Consultant's report of April 27, 2000 (Exhibit "B").

2. The applicant shall satisfy all comments of the ETPB Planning Consultant in his report dated April 5, 2000 (Exhibit "C").

3. The applicant shall promptly construct and stripe the proposed phantom parking spaces if a determination is made by the ETPB Administrative Officer that additional parking is necessary.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # PB 94-05A-2

() Minor Subdivision	Application # <u>PB 94-05A-2</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission</u>
() Major Subdivision, Final	Owner _____
() Minor Site Plan	Block <u>26</u> Lot <u>6</u>
(X) Major Site Plan, Preliminary-Amendment	(P.I.O.) _____
(X) Major Site Plan Final-Amendment	Action <u>February 7, 2002</u>
(X) Waiver	Memorialized <u>March 7, 2002</u>
() Variance	Plan Name _____
() Conditional Use	_____

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Preliminary Approval; Amendment to Major Site Plan, Final Approval ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): Waiver of Traffic Impact Study ; and

WHEREAS, the application was considered by the ETPB on February 7, 2002 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments

- (X) were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated January 28, 2002

(X) Planner report(s) dated January 11, 2002

(X) Traffic Consultant report(s) dated January 2, 2002; January 31, 2002

() Environmental Consultant report(s) dated _____

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

(X) Other Evesham Township Fire Marshal report dated February 7, 2002

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A through E

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: Waiver of Traffic Impact Study

_____ ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the ETPB on February 7, 2002, upon the Motion of Mr. Linden, seconded by Ms. Shoreman, with the vote on the motion being as follows:

AYE: Linden, Shoreman, Cospito, Macready,
Ragozine, Stetson, Tamburro, Walsh, Bronstein

NAY:

ABSTAIN:

ABSENT: Cortland, Diorio

DID NOT PARTICIPATE:

The foregoing action was memorialized by the ETPB on March 7, 2002 upon the motion of Stetson, seconded by Linden, with the vote on the motion being as follows:

AYE: Linden, Shoreman, Cospito, Macready, Ragozine,
Stetson, Walsh

NAY:

ABSTAIN: Bronstein

ABSENT: Cortland, Tamburro, Diorio

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution #PB 94-05A-2, adopted by the ETPB on March 7, 2001.


D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant applied for an Amendment to Major Site Plan, Preliminary Approval and an Amendment to Major Site Plan, Final Approval to (a) reduce the size of the long term care addition from 28,250 square feet to 26,2000 square feet; (b) create a 940 square foot addition to the kitchen; and (c) modify the front porch and loading deck at the property located at 99 East Main Street, Marlton, New Jersey, more particularly described as Block 26, Lot 6 on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

2. The applicant also applied, by way of an ancillary approval, for a waiver of traffic impact study.

3. Gary Gilmore, a principal and the Executive Director of the applicant, explained the expansion of the existing facility upon the P.I.Q.

4. Mr. Gilmore indicated that assisted living units had been eliminated with a reduction of 7 to 8 staff members.

5. The applicant agreed, as a condition of approval, that the finished basement shall not be used for any residential use or occupancy. The use shall be restricted to the existing staff and residents. The finished basement may be used for in-service seminars, storage and assembly.

6. Mr. Gilmore indicated that the 940 square foot addition to the kitchen was required by the State of New Jersey for a walk-in freezer area.

7. Mr. Gilmore indicated that the modification to the front porch was to permit a ramp into the building upon the P.I.Q.

8. At the hearing on February 7, 2002, the ETPB reviewed and considered the January 28, 2002 report of the ETPB Engineering Consultant, prepared by James A. Ruddiman (Exhibit "A").

9. The ETPB Engineering Consultant indicated that Items 1, 2, 15 and 16 had been addressed by the applicant.

10. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 3 through 14 and 17 through 23 on the ETPB Engineering Consultant's report of January 28, 2002 (Exhibit "A").

11. The ETPB reviewed and considered the January 31, 2002 report of the ETPB Traffic Consultant, prepared by H. Richard Orth (Exhibit "D").

12. The ETPB Traffic Consultant indicated that the area of phantom (banked) parking had been explained by the applicant's engineer.

13. The ETPB Traffic Consultant indicated that all other issues on his report had been addressed by the applicant.

14. At the hearing on February 7, 2002, the ETPB reviewed and considered the January 11, 2002 report of the ETPB Planning Consultant, prepared by Larry S. Waetzman (Exhibit "B").

15. The ETPB Planning Consultant indicated that Items 1, 2, 3 and 7 had been addressed by the applicant.

16. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 4, 5 and 6 on the ETPB Planning Consultant's report of January 11, 2002 (Exhibit "B").

17. The ETPB Environmental Consultant indicated he had no comments regarding the application.

18. The ETPB opened the February 7, 2002 hearing on this application to the public, however, no member of the public desired to testify.

19. Based upon all of the foregoing, the ETPB finds that the application appears to meet all requirements for the grant of a waiver from a traffic impact study.

20. The ETPB therefore concludes that a waiver from a traffic impact study should be and is hereby granted to the P.I.Q.

21. Based upon all of the foregoing, the ETPB further finds that the application appears to satisfy all requirements for the grant of a conditional Amendment to Major Site Plan, Preliminary Approval and a conditional Amendment to Major Site Plan, Final Approval, subject to the conditions set forth in this Resolution.

22. The ETPB therefore concludes that a conditional Amendment to Major Site Plan, Preliminary Approval and a

conditional Amendment to Major Site Plan, Final Approval should be and is hereby granted to the P.I.Q., subject to the conditions set forth in this Resolution.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-19). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or appeal in accordance with Code Section 94-10K.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- (X) Burlington County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code
Official
- (X) Burlington County Soil Conservation
District
- () New Jersey Department of Transportation
Highway Access Permit
- () Burlington County Engineer Highway
Access Permit
- () Burlington County Engineer Utility
Connection Permit
- () Burlington County Board of Health
Approvals
- (X) Evesham Municipal Utilities Authority
approval (including, without limitation,
W-4 and S-4 Permits)
- () New Jersey Department of Environmental
Protection
- () New Jersey Department of Environmental
Protection-wetlands delineation, wetlands
transition area and/or general permit(s)
approval

7. The applicant shall be responsible for and shall satisfy, in accordance with the Evesham Township Land Use Ordinance, the following fees and charges:

- (X) Mandatory Development Fees

() Floor Area Ratio Fees in the amount of
\$_____.

8. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

10. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the ETPB shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

- A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.
- B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.
- C. Submit five (5) copies of complete (as-built) plans of any improvements, except for streets, on the dedicated property.
- D. Submit a deed of conveyance, approved as to form, content and description by the Township Attorney. The said deed shall contain provision for the signature of the Mayor and attestation by the Township Clerk. Where

streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.

- E. Obtain title insurance naming the Township of Evesham as the insured party in an amount equal to the fair market value of the dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's office and property having a fair market value of one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided that said search is certified by a title insurance company authorized to do business in the State of New Jersey.

12. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and

the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

13. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

14. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

15. The applicant shall comply with Title 39 of the New Jersey Statutes.

16. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The finished basement shall not be used for any residential use or occupancy. The use shall be restricted to the existing staff and residents. The finished basement may be used for in-service seminars, storage and assembly.

2. The applicant shall fully comply with and satisfy Items 3 through 14 and 17 through 23 on the ETPB Engineering Consultant's report of January 28, 2002 (Exhibit "A").

3. The applicant shall fully comply with and satisfy Items 4, 5 and 6 on the ETPB Planning Consultant's report of January 11, 2002 (Exhibit "B").

4. The applicant shall fully comply with and satisfy all General Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

5. The applicant shall fully comply with and satisfy all Additional Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

(X) Approved
(X) General Conditions
(X) Additional Conditions
() Denied

RESOLUTION # PB 94-05A3

() Minor Subdivision	Application # <u>PB 94-05A3</u>
() Major Subdivision, Preliminary	Applicant <u>Wiley Mission Inc.</u>
() Major Subdivision, Final	Owner <u>Same</u>
() Minor Site Plan	Block <u>26</u> Lot <u>6</u>
() Major Site Plan, Preliminary	(P.I.O.)
() Major Site Plan, Final	Action <u>August 19, 2004</u>
() Conditional Use	Memorialized <u>September 23, 2004</u>
() Waiver	Plan Name _____
() Variance	_____
(X) Amendment to Major Site Plan, Final	_____

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Amendment to Major Site Plan, Final Approval

_____ ; and

WHEREAS, the applicant has applied for the following ancillary approval(s): None

_____ ; and

WHEREAS, the application was considered by the ETPB on August 19, 2004 ; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the ETPB has considered that public comments.

(X) were not made

() were made in favor of all or some aspect

of the application;
() were made against all or some aspect
of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated June 30, 2004

(X) Planner report(s) dated August 2, 2004

(X) Traffic Consultant report(s) dated July 22, 2004;
February 13, 2004

() Environmental Consultant report(s) dated _____

() Solicitor report(s) dated _____

() Evesham Township Environmental Protection Committee report(s) dated _____

() Other _____

Copies of which are attached hereto and made a part hereof respectively as Exhibit(s) A, B, C, D

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: None

_____ ; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached).

The foregoing action was taken by the ETPB on August 19, 2004, upon the Motion of Mr. Froio, seconded by Mr. Fisicaro, with the vote on the motion being as follows:

AYE: Froio, Fisicaro, Cardillo, Medvec, Lavergetta,
Cospito

NAY:

ABSTAIN: Bronstein

ABSENT: Cortland, Ragozine, Shoreman

DID NOT PARTICIPATE: Tamburro

The foregoing action was memorialized by the ETPB on September 23, 2004 upon the motion of Ms. Cospito, seconded by Mr. Froio, with the vote on the motion being as follows:

AYE: Froio, Cospito, Medvec, Laverghetta

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the ETPB hereby certifies that the above is a true copy of Resolution # PA 94-05A3 adopted by the ETPB on September 23, 2004.

D. Charlene Grabowski
D. CHARLENE GRABOWSKI,
Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant applied for an Amendment to Major Site Plan, Final Approval for the property located at 99 East Main Street, Marlton, New Jersey, and more particularly described as Block 26, Lot 6 on the Evesham Township Tax Map (hereinafter the "P.I.Q.").

2. The applicant's attorney indicated that the applicant proposed to reinstate a 24-foot-wide cartway on the site plan. This cartway had been removed at the time of a prior approval.

3. The ETPB reviewed and considered the June 30, 2004 report of the ETPB Engineering Consultant, prepared by James A. Ruddiman (Exhibit "A").

4. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 1, 3 and 4 on the ETPB Engineering Consultant's June 30, 2004 report (Exhibit "A").

5. The ETPB Engineer indicated that testimony had been provided in satisfaction of Item 2 on his aforementioned report.

6. The ETPB reviewed and considered the July 22, 2004 report of the ETPB Traffic Consultant, prepared by H. Richard Orth (Exhibit "C").

7. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 2 and 4 on the ETPB Traffic Consultant's July 22, 2004 report (Exhibit "C").

8. The ETPB Traffic Consultant indicated that Item 1 on his report had been addressed and that testimony had been provided in satisfaction of Items 3 and 5 on his report.

9. Mark Malinowski, the applicant's engineer, indicated that the Evesham Township Fire Marshal had approved the requested revisions to the site plan.

10. The ETPB reviewed and considered the August 2, 2004 report of the ETPB Planning Consultant, prepared by Larry S. Waetzman (Exhibit "B").

11. The ETPB Planner indicated that Items 1 and 2 on his aforementioned report had been addressed.

12. The applicant agreed, as a condition of approval, to fully comply with and satisfy Items 3 and 4 on the ETPB Planning Consultant's August 2, 2004 report (Exhibit "B").

13. The ETPB Environmental Consultant indicated that he had no comments regarding the application.

14. The ETPB opened the hearing on this application to the public, however, no member of the public desired to testify.

15. Based upon all of the foregoing, the ETPB finds that the application appears to satisfy all requirements for the

grant of a conditional Amendment to Major Site Plan, Final Approval, subject to the conditions set forth in this Resolution.

16. The ETPB therefore concludes that a conditional Amendment to Major Site Plan, Final Approval should be and is hereby granted to the P.I.Q., subject to the conditions set forth in this Resolution.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-19). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or appeal in accordance with Code Section 94-10K.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

() Burlington County Planning Board

() Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- (X) Evesham Township Construction Code
Official
- () Burlington County Soil Conservation
District
- () New Jersey Department of Transportation
Highway Access Permit
- () Burlington County Engineer Highway
Access Permit
- () Burlington County Engineer Utility
Connection Permit
- () Burlington County Board of Health
Approvals
- () Evesham Municipal Utilities Authority
approval (including, without limitation,
W-4 and S-4 Permits)
- () New Jersey Department of Environmental
Protection
- () New Jersey Department of Environmental
Protection-wetlands delineation, wetlands
transition area and/or general permit(s)
approval

7. The applicant shall be responsible for and shall satisfy, in accordance with the Evesham Township Land Use Ordinance, the following fees and charges:

(X) Mandatory Development Fees

() Floor Area Ratio Fees in the amount of
\$_____.

8. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of

installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

10. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the ETPB shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

- A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.
- B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.
- C. Submit five (5) copies of complete (as-built) plans of any improvements, except for streets, on the dedicated property.

- D. Submit a deed of conveyance, approved as to form, content and description by the Township Attorney. The said deed shall contain provision for the signature of the Mayor and attestation by the Township Clerk. Where streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.
- E. Obtain title insurance naming the Township of Evesham as the insured party in an amount equal to the fair market value of the dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's office and property having a fair market value of one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided that said search is certified by a title insurance company authorized to do business in the State of New Jersey.

12. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date

the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

13. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

14. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township Ordinances which must be satisfactory to the ETPB Engineering Consultant.

15. The applicant shall comply with Title 39 of the New Jersey Statutes.

16. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall fully comply with and satisfy Items 1, 3 and 4 on the ETPB Engineering Consultant's June 30, 2004 report (Exhibit "A").

2. The applicant shall fully comply with and satisfy Items 2 and 4 on the ETPB Traffic Consultant's July 22, 2004 report (Exhibit "C").

3. The applicant shall fully comply with and satisfy Items 3 and 4 on the ETPB Planning Consultant's August 2, 2004 report (Exhibit "B").

4. The applicant shall fully comply with and satisfy all General Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

5. The applicant shall fully comply with and satisfy all Additional Conditions of Approval set forth in any prior Resolution relating to the P.I.Q.

RESOLUTION NO. PB 16-03

TOWNSHIP OF EVESHAM

PLANNING BOARD

RE: APPLICATION NO. PB 16-03

- | | |
|--|---|
| ☐ Minor Subdivision | ☒ Approved |
| ☐ Major Subdivision Preliminary | ☒ General Conditions |
| ☐ Major Subdivision Final | ☒ Additional Conditions |
| | ☐ Denied |

- ☒ Minor Site Plan
☐ Major Site Plan, Preliminary
☐ Major Site Plan, Amended Preliminary
☐ Major Site Plan, Final
☐ Bulk Variance
☒ Submission Waivers

Application No. PB 16-03

Applicant: Wiley Mission, Inc.
99 East Main Street
Marlton, NJ 08053

Owner: Wiley Mission, Inc.
99 East Main Street
Marlton, NJ 08053

Block 26, Lot 6 (P.I.Q.)
Action: April 21, 2016
Memorialized: June 2, 2016
Plan Name: Wiley Mission-Parking
Lot Expansion

WHEREAS, the applicant has applied to the Evesham Township Planning Board (ETPB) for the following primary approval(s): Minor Site Plan approval to permit the demolition of an existing private residence at the Wiley Mission facility in order to expand the parking area in the vicinity of the skilled nursing building;

WHEREAS, the applicant has applied for the following ancillary approval(s):

(a) Submission waivers from providing an Environmental Impact Report, Cultural Resource Survey and a Phase 1 Environmental Assessment Report.

WHEREAS, the application was considered by the ETPB on April 21, 2016, (1) in sworn testimony of William F. Hyland, Jr., a Trustee of the applicant and Mark E. Malinowski, PE, the applicant's engineer; and (2) by the legal representation of Megan K. Balne, Esquire.

WHEREAS, a public hearing ☒ was not required; or

WHEREAS, a public hearing () was required and the ETPB has considered that public comments

- (X) were not made by the public
- () were made in favor of all or some aspect of the application
- () were made against all or some aspect of the application; and

The following documents and exhibits were incorporated herein by reference:

(a) A Township of Evesham Land Development Application filed March 10, 2015, prepared by William F. Hyland, Jr., Esquire, consisting of eleven (11) pages;

(b) A Plan entitled, "Wiley Mission-Parking Lot Expansion," dated February 2, 2016, prepared by Stout & Caldwell Engineers, LLC, consisting of four (4) pages; and

(c) A rendered Minor Site Plan, dated April 21, 2016, marked as Exhibit A-1 at the time of the hearing.

WHEREAS, it appears that all jurisdictional and procedural requirements of the applicable Township Ordinances have been met; and

WHEREAS, the ETPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the ETPB has considered the recommendations and comments of its professional staff and the following written reports:

- (X) Planner report dated April 5, 2016;
- (X) Engineer report(s) dated April 12, 2016;
- (X) Environmental Consultant Report dated April 12, 2016;
- () Other: _____;

Copy of which is attached hereto and made a part hereof as Exhibit A-C; and

WHEREAS, the ETPB has made the following Findings of Fact and Conclusions:

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant is the owner of the subject property located at 99 East Main Street and identified as Block 26, Lot 6 on the Evesham Township Tax Map (the "P.I.Q."). The P.I.Q. is located in the MD Residential Zoning District and is currently developed with a church,

nursing home, assisted living facility, independent residential units, along with associated site improvements. The applicant proposes to demolish one existing private residence that is no longer in use in order to expand the parking area in the vicinity of the skilled nursing building.

2. William F. Hyland, Jr., a Trustee for the applicant testified on behalf of the applicant. Mr. Hyland summarized the application indicating that the applicant was seeking to demolish a private resident that is no longer in use and expand the parking area to include 28 new parking spaces in the vicinity of the skilled nursing building. The applicant will also be adding new activities in the lower basement area of the skilled nursing building to include a beauty salon, art studio, computer lab, nail salon, meeting room, administrative offices and storage. He indicated there are no variances or design waivers being sought.

3. Mark E. Malinowski, PE, the applicant's engineer testified on behalf of the applicant. He testified that the applicant is demolishing the existing residential building and expanding the parking area to provide an additional 28 parking spaces. The applicant's previous site plan approval permitted it to provide banked parking spaces since the actual parking use was anticipated to be less than the number of parking spaces required by Township Ordinance. There are currently 164 spaces and 59 banked spaces for a total of 223 spaces where 240 spaces are required. The proposed minor site plan will provide an additional 28 parking spaces in an area close to the building entrance. There will be no increase in the existing building area and there will be a slight reduction in building area due to the demolition of the residence. The applicant proposes to continue the condition of 59 banked parking spaces should they ever be needed, such that a total of 251 spaces shall now be provided where 240 are required resulting in a conforming parking supply.

4. The ETPB reviewed and considered the April 5, 2016 report of the ETPB Planner, prepared by Leah Furey Bruder, P.P., A.I.C.P. (Exhibit "A").

5. The applicant agreed as a condition of approval to satisfy all of the comments set forth in the ETPB's Planner's April 5, 2016 report.

6. The ETPB reviewed and considered the April 12, 2016 report of the ETPB Environmental Consultant, prepared by Behran Turan, PE, LSRP. (Exhibit "B").

7. The applicant agreed as a condition of approval to satisfy all of the comments set forth in the ETPB's Environmental Consultant's April 12, 2016 report and they shall provide any no further action letters from NJDEP and an asbestos survey.

8. The ETPB reviewed and considered the April 12, 2016 report of the ETPB Engineer, prepared by Chris R. Rehmann, PE, PLS, PP, CME. (Exhibit "C").

9. The applicant agreed as a condition of approval to satisfy all of the comments set forth in the ETPB's Engineer's April 12, 2016 report.

10. The ETPB opened the hearing on this application to the public and no members of the public testified as to the application.

WHEREAS, upon motion duly made and seconded to grant the application for Minor Site Plan approval to permit the demolition of a private residence which is no longer needed and to expand the parking area in the vicinity of the skilled nursing building to provide an additional 28 parking spaces, together with the requested submission waivers, the ETPB voted in favor of granting the application subject to certain conditions mentioned hereinafter.

NOW, THEREFORE, BE IT RESOLVED by the Evesham Township Planning Board that the said application for Minor Site Plan approval and submission waivers to permit the demolition of a private residence which is no longer needed and to expand the parking area in the

vicinity of the skilled nursing building to provide an additional 28 parking spaces, shall be and is hereby granted subject to the following conditions:

SPECIFIC CONDITIONS OF APPROVAL

1. The applicant shall comply with the comments set forth in the ETPB's Planner's report dated April 5, 2016.
2. The applicant shall comply with the comments set forth in the ETPB's Environmental report dated April 12, 2016 and they shall provide any no further action letters from NJDEP and an asbestos survey.
3. The applicant shall comply with the comments set forth in the ETPB Engineer's report dated April, 2016.
4. The 59 banked parking spaces shall remain a condition of this approval.
5. All other terms and conditions of any previous approvals granted for the P.I.Q. shall remain in full force and effect.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-19). A proof of publication shall be filed with the Administrative Officer of the ETPB within thirty (30) days of the date the decision is memorialized.
2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.
3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Specific Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The applicant shall be required to obtain all outside agency approvals

6. The applicant shall be responsible for and shall satisfy, in accordance with the Evesham Township Land Use Ordinance, the following fees and charges:

() Mandatory Development fees

() Floor Area Ratio Fees in the amount of \$_____.

7. Any improvement(s) to be constructed as a result of the ETPB approving this application shall be constructed and operated in full compliance with the Code of Evesham Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

8. Unless specifically waived in whole or in part and noted in the Specific Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the Evesham Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after final acceptance of the improvements.

9. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the ETPB shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

10. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.

B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.

C. Submit five (5) copies of complete (as-built) plans of any improvements, except for streets, on the dedicated property.

D. Submit a deed of conveyance, approved as to form, content and description by the Township Attorney. The said deed shall contain provision for the signature of the Mayor and attestation by the Township Clerk. Where streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.

E. Obtain title insurance naming the Township of Evesham as the insured party in an amount equal to the fair market value of the

dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's Office and property having a fair market value of one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided said search is certified by a title insurance company authorized to do business in the State of New Jersey.

11. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the County Clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the ETPB.

12. If a final approval has been granted, the applicant shall submit to the ETPB Engineer for his review a minimum of eight (8) complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

13. As part of the first application for final approval, the applicant shall provide a construction schedule as required by the Evesham Township ordinances which must be satisfactory to the ETPB Engineering Consultant.

14. The applicant shall comply with Title 39 of the New Jersey Statutes.

15. The applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

16. The Board presumes that the applicant's application, all exhibits, maps and other documents submitted and relied on by the applicant, are true and accurate representations of the facts relating to the applicant's request for relief. In the event that it appears to be the Board, on reasonable grounds, that such Application, exhibits, maps and other documents submitted are not accurate, are materially misleading or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

17. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the applicant, the Board reserves the right to conduct a hearing with the applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

18. The applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the applicant, including but not limited to proper service and notice upon interested parties and publication of the notice of public hearing in this matter in accordance with the law.

19. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

20. The applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The applicant is solely responsible for fore determining which governmental and/or public agencies, if any, such approvals are required of. The applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

21. The applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

22. The applicant must obtain and all other construction or other municipal permits required with respect to the relief as granted herein.

23. The Applicant agrees, as a condition of approval, that any Resolution approving an application for preliminary and/or final major subdivision and/or site plan review will not be memorialized or adopted until the Applicant and the Township execute a Developers Agreement

in a form reviewed by the ETPB Solicitor and approved by the Evesham Township Solicitor, to be recorded in the Office of the Burlington County Clerk with the cost of recording the Developers Agreement or a Memorandum thereof to be paid by the Applicant. A recorded copy of the Developers Agreement shall be provided to the ETPB Secretary and Evesham Township Clerk at the time of memorialization and adoption of any approving Resolution and prior to issuance of any building and/or construction permits for the P.I.Q.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Township Clerk, Township Construction Official, Township Tax Assessor and Township Zoning Administrative Officer.

RECORD OF VOTE FOR ACTION TAKEN						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Alicia Marrone, Chairperson	X					
Mayor Randy S. Brown/Robert DiEnna, Mayor's Designee	X					
Councilman, Steven Zeuli	X					
William McGoe, Vice Chairperson	X					X
Jay Parikh, Alternate Vice Chairperson	X				X	
Jerry Menichini	X					
Ila Vassallo						
Paul Cortland	X					
Sandy Student	X					
Jeff Foster	X					

I, Regina Kinney, 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 21st day of April, 2016.


 REGINA KINNEY, Secretary
 EVESHAM TOWNSHIP PLANNING BOARD

RECORD OF VOTE ON RESOLUTION						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Alicia Marrone, Chairperson	X					
Mayor Randy S. Brown/Robert DiEnna, Mayor's Designee						
Councilman, Steven Zeuli	X					X
William McGoey, Vice Chairperson	X					
Jay Parikh, Alternate Vice Chairperson						
Jerry Menichini						
Ila Vassallo						
Paul Cortland						
Sandy Student	X				X	
Jeff Foster	X					

I, Regina Kinney, 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 a Resolution adopted by the said Board at a meeting held at the Municipal Building, 984 Tuckerton Road, Marlton, New Jersey, on the 2nd day of June, 2016.


 REGINA KINNEY, Secretary
 EVESHAM TOWNSHIP PLANNING BOARD