

*Notes from 7/26/19 neighborhood meeting, held at 14 Rooftree Rd. and follow up meeting on 8/7/19 with project's engineer, William Parkhill, MidAtlantic Engineering Partners and architect Steve Schoch, Kitchen + Associates.*

Brad Molotsky, managing partner of Fortitude Realty and owner of the proposed property at 1991 Route 70 East in Cherry Hill, was invited to attend the neighborhood meeting, along with his architect and engineer, to explain the project and answer questions. While Fortitude's full team was unable to attend, Brad introduced himself and gave a background of his experience: he's a transactional real estate attorney who is a partner with the law firm of Duane Morris. Brad lives in Cherry Hill (Short Hills). He has 3 children, one who has special needs and the origin of his interest in creating special needs housing projects.

The housing project proposed by Fortitude Realty has variances associated with it, which is why they need the zoning board's approval on August 15. The proposed project includes 64 units that are affordable housing for seniors and adults with special needs.

The following is a summary of the meeting:

### **1. Request for variances**

D1 and 3 bulk C variances are requested.

The three (3) bulk (C) variances identified in the plans are:

1. From §415.F and §404.D, to permit a building height of 37.67', where a maximum building height of 35' is permitted.
2. From §508.F.3, to permit residential buffer to be less than 25', where a minimum buffer of 25' is required (eastern boundary only).
3. From §511.B.2, to permit 87 parking spaces, where a minimum of 115 spaces are required. *De minimis exception from the Residential Site Improvement Standards (RSIS).*

The property is currently split zoned – 2/3 of the property is zoned Highway Business (B2) and 1/3 is zoned Residential (R1). The Cherry Hill Township's 2018 Master Plan recommends that this property and some adjacent parcels are recommended to be zoned Institutional (IN). At this time, those changes have not yet been adopted by Council.

Therefore, a use D(1) variance is necessary from Section 415.B and Section 404.B of the Zoning Ordinance, to build 64, one-bedroom multi-family units, which are 100% affordable senior and supportive needs housing units, as a principal use, where such uses are prohibited in Highway Business (B2) Zone and the Residential (R1) Zone.

## **2. Master Plan**

Some neighbors have asked why variances continue to be permitted when the Township's 2018 Master Plan states what is acceptable within specified zones. Neighbors have questioned the Master Plan's goals regarding rezoning so that applications for development are only approved when they meet the acceptable land use. There is concern that not following the 2018 Master Plan will continue to result in applications for development on property that is not suitable for the area, resulting in such requests for 3-story commercial development in areas that border residential areas where there is no clear transition.

Neighbors would like the Township to determine clear, realistic options for providing a clear transition between residential and commercial properties and address these areas.

## **3. What is Fortitude Realty?**

Formerly owned by The Bansch Estate, the current owner of the property at 1991 Route 70 East is Fortitude Realty LLC, formed in 2018. Partners include: managing partner Brad Molotsky, Gordon Daniels, Michael Moyer, Brad Weingart, Steve Weissman, Brett Hersh.

## **4. Who Will Live There?**

Brad explained that the building will provide residential housing only and will not be used for providing treatment (e.g., drug rehabilitation). There will be 40 one-bedroom residential units for seniors and 24 special needs residential units for adults over the age of 21 who are diagnosed with Intellectual/Developmental Disabilities.

## **5. Who will Manage the Building?**

Brad explained that as a transactional real estate attorney he matches interested parties with various types of land and buildings. If the proposed application is granted and the requested variances and the preliminary master plan is approved, then Fortitude Realty will transfer the property to Pennrose Management Company. Brad and Fortitude Realty would no longer be connected to the property. Pennrose would be responsible for construction. The property would then be managed by PennReach. PennReach would be responsible for selecting who will live in the units and identifying service providers to support the needs of the individuals.

Residents inquired about the reputation of Pennrose and voiced concern that they would like to meet with a Pennrose representative, as this company will be the 'long-term' owner of this property. Brad shared the website of Pennrose as [www.pennrose.com](http://www.pennrose.com), and that they 'manage thousands of units in PA, NJ and NJ' and were selected because of their experience. He said there would be a manager of the facility as well as a project manager. Neighbors discussed the desire to make arrangements to meet with a Pennrose representative.

A WLSC board member asked if there would be complaints from this new development's management about loud swim team events or social events from the swim club? Brad said he 'will try to advise' on this. It should be noted that this would ultimately be a conversation to have with Pennrose and/or PennReach.

## **6. Could the population change?**

Given that Fortitude Realty will no longer be connected to the property once construction begins, neighbors asked what would happen if the new owners wanted to change the population - who will be living at the property? Brad said that Pennrose would need to apply for another use variance, which would require Township approval.

Neighbors asked if there will be a land lease hold or other means that would restrict Pennrose from selling the property to another managing company. *Per 8/6 meeting, it was explained that while there is nothing barring Pennrose from immediately selling the property, that it's not in their best financial interest to do so, in order to maintain their recapture credits.*

Neighbors recognize Brad's personal connection to building residential housing for adults with special needs, as well as his connection as a Cherry Hill resident. Given that the property will be transferred to another owner, neighbors are requesting that Brad stay committed to the construction and management of the property and continue to be in communication with the community regarding 1991 Rt. 70.

## **7. Construction**

Neighbors had various questions regarding the proposed construction phase:

- Members of Wexford Leas Swim Club (WLSC) shared concerns about whether construction on this neighboring property could result in cracks or other damage to the swim club, a 50-year-old facility. Brad explained that he would ensure that systems would be put in place to protect the swimming pool's structure. He mentioned that his engineers would complete a detailed survey of the swimming pool including pictures, and they would use various sensory devices to detect tremors or shaking caused by construction, which could have a negative impact on the swimming pools. He also said that there would be Bonds with the township that would remediate any damage. The Community Development Department confirmed that there are Bonds in place during construction but that they would not be used to remediate damage to neighboring properties caused by construction. Neighbors have asked Brad for ideas about using Escrow or some means through insurance to ensure funding would be available to remediate any damage. Brad mentioned that he is checking with the other members of Fortitude Realty and will respond.

*Per 8/6/19 meeting: There was a request by WLSC members for the contractor to add the swim club to their certificate of insurance as an additional insured to ensure that damage would be remediated as a result of construction's effects. Brad said he would find out if 'this is doable.' WLSC's insurance policy was sent to Brad, so that Pennrose can review and discuss with WLSC's insurance broker.*

*WLSC would purchase their own loss of income policy during the construction phase.*

- A resident was concerned about whether construction could affect current water issues in Old Orchard, which are next to the main drain for this project. Brad said that they would follow NJDEP's instructions for this.
- A resident asked whether the sewer could accommodate a new building? Brad deferred to the Township, who would oversee that the system could accommodate this use.
- A resident asked if Shreeves Lane would be used as a cut-through during construction or permanently? While Brad was not sure about whether they would use this road during the construction period, he said they have no intention to use Shreeves Lane after construction as a cut through.
- A resident asked what would happen to the trees near the residents' homes and WLSC asked if there will be a restrictive covenant on the R1 area. Brad said, 'There is a 280 ft. buffer, we will maintain a 280 ft. buffer.' He agreed there would be a restrictive covenant. He explained that they would not cut the perimeter trees and shrubs, so that a screen could be maintained.

*Per 8/6/19 meeting: Brad and engineer confirmed that they agree to provide an easement restricted covenant of 150 ft. on the R1 area. They will bring a testament to the 8/15 hearing that shows the easement will be preserved and maintained through the transfer of ownership.*

*Engineer and Brad confirmed they are not cutting down trees. They will add more, and so will WLSC.*

*Engineer confirmed to limiting the equipment size for paving in their scope of work specifications, so as to reduce effects to the swim club.*

*Engineer agreed that construction could begin after Labor Day, when the swim club's peak season has ended.*

- Brad addressed a list of items that need to be removed from the property before development could move forward such as: a 275-gallon tank, storing tank, transformers, piping, drum. There's fill material and a septic tank. The property has been used in the past for storage as well as an

orchard, so there are questions about pesticides, as well as debris from long-sitting boats, trucks and machinery. How will the debris and hazardous dirt be removed so as to not affect neighbors and WLSC members/guests? Brad said that the removal process 'will be done properly.'

*Per 8/6/19 meeting: engineer confirmed that they will 'do whatever we need to do' to clear debris and remove piles safely. Soil will be stabilized. Engineer confirmed that dust control maintenance will be 'from start to finish' of project, and will include maintenance via water trucks.*

### **7a. Fencing**

*Per 8/6/19 meeting: Engineer confirmed that fencing would be constructed at property line.*

### **7b. Lighting**

*Per 8/6/19 meeting: Engineer confirmed that 15' lighting would be replaced with 10' - facing inwards.*

## **8. Variance Notice**

PLEASE TAKE NOTICE that the undersigned has made application to the Zoning Board of the Township of Cherry Hill for preliminary major site plan approval to construct 64 one-bedroom multi-family units. Said application seeks variances for the following relief:

1. a Use (d1) variance pursuant to N.J.S.A. 40:55D-70d(1) and from Section 415.B and Section 404.B of the Cherry Hill Zoning Ordinance, to permit the construction of 64 one-bedroom multi-family units, which are 100% affordable senior and supportive needs (ID/DD) housing units, as a principal use, where said use is prohibited in Highway Business (B2) Zone and the Residential (R1) Zone;
2. Bulk (C) Variances pursuant to N.J.S.A. 40:55D-70c and from Section 415.F and 404.D to permit a building height of 37.67', where a maximum building height is 35' is permitted; from Section 508.F.3 to permit residential buffer to be less than 25', where a minimum buffer of 25' is required (from the eastern boundary only); and a de minimis exception from the Residential Site Improvement Standards (RSIS) and from Section 511.B.2 to permit 87 parking spaces, where a minimum of 115 spaces are required. The Applicant will also request any and all other variances, waivers or approvals deemed necessary by the Zoning Board.

On property located at 1991 Route 70 East, Cherry Hill, New Jersey and more specifically known as Block 471.01, Lot 7. The property is a split zone lot located in the Highway Business (B2) and Residential (R1) Zones.

A Public Hearing will be held regarding application #19-Z-0021 on August 15, 2019 at 7:30 p.m. in the Council Chambers (Room 208) of the Municipal Building, 820 Mercer Street, Cherry Hill, New Jersey at which time you may appear either in person or by attorney and present testimony and/or objections you may have to this Application. The application and plans are available for examination in the Department of Community Development, 820 Mercer Street, Cherry Hill, NJ from 9:00 am to 5:00 pm Monday to Friday. This notice is being given in accordance with the requirements of the Cherry Hill Township Ordinances and Municipal Land Use Law N.J.S.A. 40:55D-1, et. Seq. Further take notice that said Zoning Board may at its discretion, adjourn, postpone, or continue the said hearings from time to time, and you are hereby notified that you should make diligent inquiry of the Zoning Board Secretary concerning such adjournments, postponements or continuations. If you have any questions or concerns please contact us at Fortitude Realty LLC , the applicant; c/o 1940 E. Route 70, Cherry Hill, NJ – attention Brad A. Molotsky, Esquire; bradmolotsky22@gmail.com.