



THOMAS H. EHRHARDT, LLC

ATTORNEYS AT LAW

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*Also Member NY Bar

May 7, 2020

Via Electronic Mail (prucci@cinnaminsonnj.org) & (jmarshall@cinnaminsonnj.org)

Cinnaminson Township Planning Board

Attn: Ms. Patricia Rucci, Secretary

& Mr. John Marshall, Zoning Officer

1621 Riverton Road

Cinnaminson, NJ 08077

**Re: Application for Subdivision
Hilton Rd, Cinnaminson (“Property”)
Block 1713, Lots 1 & 1.01**

Dear Pat & John:

As you are aware, this office represents Mr. Richard Greco, who received approval from the Cinnaminson Township Planning Board (“Board”) of his application for Minor Subdivision, designated Case #1901, on May 14, 2019, which was memorialized by Resolution 2019-9 entered on June 11, 2019, notice of which was published on June 21, 2019.

Per N.J.S.A. § 40:55D-47d, approval lapses 190 days after adoption of the resolution unless a plat in conformance with the Map Filing Law or deed clearly describing the approval is filed within such time with Burlington County. The time was to have run on December 18, 2019, and so on December 5, 2019, I emailed a letter (dated December 4, 2019) to you outlining the basis for an extension, appeared at the Board’s meeting of December 10, 2019, and extension of one hundred twenty (120) days was granted, as memorialized by Resolution 2020-6, notice of which was published on January 22, 2020. The extended date was April 16, 2020.

This letter is to request that the Cinnaminson Township Planning Board extend the approval granted under Resolutions 2019-9 and 2020-6 on the grounds of N.J.S.A. § 40:55D-47g, “that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals.”

As previously advised, amendments to the Applicant’s Plan (“Plan”) in connection with the grant of Subdivision Approval by the Palmyra Borough Land Use Board necessitated amended approvals from the Burlington County Planning Board. On December 18, 2019, County Planning Board Assistant Engineer Brian Stilts sent his review letter to my office, and also to

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Applicant's surveyor, William Robins, LS of Robins Associates. From sometime around the start of the year through February of 2020, Kenneth Ridgway of Robins Associates, who testified at the Minor Subdivision hearing in 2019, handled the revisions to be made and dealt directly with County professionals Danielle Scoleri, PE and Mr. Stilts regarding the requested revisions, transmitting revised plans to them in turn via hand delivery and mail. Mr. Ridgway's input was particularly valuable as he had been on the project for several years, and was familiar with County review and issues which arose when the Applicant, through Gary Ford, had previously submitted to the Cinnaminson and County Planning Boards.

Following the above, on March 13, 2020, I received a telephone call from Brian Stilts advising that he had only one further revision and pending his working that out with Mr. Ridgway, the Applicant would be in position to send final plans to the County Planning Board and could expect a "Will Sign" letter in response. By this time, Governor Philip D. Murphy of New Jersey had issued Executive Order 103 on March 9, 2020 declaring a Public Health Emergency (extended on April 7, 2020 and May 6, 2020 by Executive Orders 119 and 138). The specifics of E.O. 103 can be found at <https://nj.gov/infobank/eo/056murphy/pdf/EO-103.pdf>, but without reviewing it in detail, suffice it to say it began a series of increasingly extensive measures to restrict movement of individuals, close all non-essential businesses and in essence protect the public via a massive "shutdown", as evidenced in particular by Executive Orders 104, enacted a week later, March 16, announcing aggressive social distancing measures, <https://nj.gov/infobank/eo/056murphy/pdf/EO-104.pdf>, and 107, enacted 5 days after that, March 21, 2020, directing all residents to stay home until further notice, <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf>.

In the wake of these Executive Orders, virtually all New Jersey governmental offices shut down. On March 18, 2020, I emailed John Marshall and advised that we were expecting the "Will Sign" letter but that the County Clerk's office already was closed to the public and the logistics of trying to circulate, sign and record the Plan by plat with the County by April 16 would be challenging at best and might necessitate another extension of the approvals.

On April 2, 2020, I received the Will Sign letter, advised John of same and requested that Robins Associates generate the mylars for circulation to the municipalities and the County. At that point, the Palmyra 190-day deadline of March 26, 2020 had already been eclipsed; some weeks prior I had already communicated with the Palmyra Land Use Board Solicitor and Engineer regarding extensions of those approvals and received a positive response.

On April 20, 2020, Robins Associates advised me that the mylars were complete and ready for circulation. I did promptly circulate them to the Applicant and received them back signed, but as the Plans require the municipal officials to enter the date by which the Subdivision must be recorded, clearly a future date is necessary; hence, this request.

The only tasks remaining are for the Applicant to circulate the Plans to both municipalities and the County for appropriate signatures, and to file by Plat with the County Clerk. However, with municipal and County offices closed, some delay will be expected in gathering signatures; in particular, I have reached out a few times to Palmyra regarding moving forward with the

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extension request from their Land Use Board, and responses have been limited to none. Also, physical filing with County Offices is challenging and susceptible to delays as well.

For all of the foregoing reasons, Applicant, Richard Greco, requests that the Cinnaminson Planning Board, in its discretion per N.J.S.A. § 40:55D-47g, extend the approvals granted under Resolution 2019-9 for a period of One Hundred Twenty (120) Days.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



THOMAS H. EHRHARDT

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Cc: Mr. Richard Greco
Michael Galante, PE, PP
Kenneth Ridgway, Robins Surveyors

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