



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

500 Scarborough Drive, Suite 108
Egg Harbor Township, NJ 08234
T: 609.910.4068
F: 609.390.0040
www.maserconsulting.com

September 30, 2020

VIA EMAIL AND U.S. MAIL

Dawn M. Farrell, Administrative Clerk
TOWNSHIP OF MONROE ZONING BOARD
125 Virginia Avenue, Suite 5A
Williamstown, New Jersey 08094-1768

Re: Use Variance and Site Plan Waiver (1st Review)
Block 501, Lot 37
1820 N. Black Horse Pike
Zone: C, Commercial Zoning District
Applicant: Danielle Griffith and Gina Joie (Executors)
Application Nos 20-31 & WSP-07-20
MC Project No: MMZ-074

Dear Ms. Farrell:

The above referenced application is a request for a use variance application and site plan waiver review.

1.0 Project Description

1.1 Proposal

The applicant seeks use variance approval to utilize the rear of the existing retail truck cap sales business known as JBS Capworld LLC to store the overflow of new motor vehicles inventory for Auto Lenders Liquidation Center Inc. under a lease agreement. The property is located at 1820 Black Horse Pike and the rear property has been rented to the car dealer for many years. The vehicles are parked only and are the responsibility of the local car dealer. Cars are picked up by that dealer during their normal business hours. The applicant indicates there are no employees working on the lot and no parking or signage is needed. The applicant has also requested a site plan waiver.

1.2 Existing Conditions

The 2.86± acre parcel is located on North Black Horse Pike and contains a truck cap retail business with tenant occupied space in the rear. The application indicates the existing business is served by a private well and septic. The owners of the property are the executors of the Estate of John T. Bombara. The property is zoned C, Commercial.



1.3 Surrounding Land Uses

The surrounding area is primarily commercial along Route 322. Immediately adjacent parcels include residential uses to the northeast (zoned R-2) and to the south near Trenton Drive (unimproved), which is also zoned R-2, Residential, are vacant wooded parcels. Directly adjacent to the south with frontage along the Black Horse Pike is a residential use, zoned C, Commercial and adjacent to the north are several commercial uses zoned C, Commercial. Additionally, directly across the properties frontage along Route 322 are also commercial properties.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as use variance #20-31 and site plan waiver EWSP-07-20, received on September 22, 2020 via email, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Use Variance Application	August 12, 2020
---	Monroe Township Zoning Code Requirements for Conditional Uses	July 8, 2020
---	Google Earth Aerial	2020
---	B&W site photos (4)	---
---	Referral Form to the Zoning Board (App #10761)	---
---	Monroe Twp Code Compliance Report	April 27, 2020
---	Zoning Permit Application	April 21, 2020
---	Parking Sketch	---
---	Monroe Twp Commercial Application	April 17, 2020
---	Gloucester County Surrogate's Court Executor Certificate	July 29, 2014
---	Site Plan Application	August 17, 2020
---	Development Information Addendum	---
---	Site Plan Waiver Details	---
---	Rear Photo of Subject Site	July 28, 1999
---	Rental Agreement between Auto Lenders Liquidation Center and the Owner of the subject property	---
---	Empire Insurance Binder for Auto Lenders Liquidation Center, Inc.	September 7, 2002



3.0 Zoning Requirements

3.1 Use

1. In accordance with § 175-163B (Attachment 6), vehicle storage yards are listed as a conditional permitted use in the C, Commercial zoning district, subject to the requirements of § 175-163E.

3.2 Conditional Use

1. In accordance with § 175-163E, vehicle storage yards are a conditional use in the C, Commercial District, subject to the following requirements:
 - (1) There shall be a minimum of 2,500 square feet per vehicle. The application does not specifically address this requirement, compliance has not been demonstrated. Additional information is required to assess the magnitude of the proposed use, including the number of vehicles to be stored, available space and compliance with this requirement. A 'd(3) variance will most likely be required.
 - (2) An opaque fence of a minimum height of eight feet shall enclose entirely the storage area. The plan submitted does not address this requirement, compliance has not been demonstrated. As such a 'd(3) variance may be required.
 - (3) When abutting a residence zone, said fence shall be set back 25 feet from the property line. This twenty-five-foot strip shall be suitably landscaped as a visual buffer. Compliance to be determined, the property does abut a residential zone and existing residences are adjacent. Testimony to be provided.
 - (4) No maintenance or servicing shall be permitted, other than normal fueling, lubrication or cleaning. The application indicates the new car inventory is just parked. Compliance to be confirmed.
 - (5) Site plan approval shall be required under appropriate provisions of this chapter. Any use variance granted shall be conditioned upon site plan approval unless waived by the Board and a variance from the conditional use requirement is granted.

Note: A current survey or plot plan has not been submitted which shows the existing conditions or proposed conditions as it related to the application or the conditional use requirements. Testimony to be provided shall include

detailed information required to assess the use and conditional use aspects properly.

4.0 Master Plan Consistency

- 4.1 The proposed use is not consistent with the goals and objectives of the Master Plan. Should the use variance be granted, site improvements and physical impacts of the use need to be addressed and mitigated.
- 4.2 As the proposed use does not conform to one or more of the conditional use standards, the Board must determine that the requested vehicle storage yard 'd(3) variances do not impact adjacent properties or cause damage to the community as to constitute substantial detriment to the public good or will negatively impair the zone plan.

5.0 General Comments/Recommendations

- 5.1 In accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-76b), the applicant may elect to submit an application requesting approval of the use variance and a subsequent application for the approval of a site plan, if required, provided that the approval of the variance is conditioned upon the applicant obtaining all required subsequent approvals from the Zoning Board. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Consequently, any variance granted permitting the proposed use must be conditioned upon the applicant obtaining the necessary site plan approval, if deemed required, from the Zoning Board.

- 5.2 The applicant must demonstrate sufficient "special reasons" why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- 5.3 The standard of proof of special reasons to support a 'd(3) variance from one or more conditions imposed on a conditional use should be relevant to the nature of the deviation from the ordinance. The applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems.



- 5.4 As to the negative criteria, the Board must evaluate the impact of proposed specific deviation upon adjacent properties and determine if it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”.
- 5.5 The Board must also be satisfied that the grant of the ‘d(3) conditional use variance for the specific project at the designated site is reconcilable with the municipal legislative determination that the conditions should be imposed on all conditional uses in that zoning district.
- 5.6 The applicant is required to provide evidence of approval of any outside agencies having jurisdiction over the project.
- 5.7 The submitted application does not provide a survey or plan which shows current conditions, access, onsite circulation, vehicle storage/parking areas, fencing or buffer/screening areas. It is recommended that a survey and/or plot plan be provided to quantify the existing and proposed conditions. The applicant must also provide any supplemental testimony regarding onsite access, extent of proposed vehicle storage, site function, and any existing or proposed buffering from adjacent residents.
- 5.8 Testimony is to be provided to confirm the extent of the area being leased, number of vehicles to be stored/parked onsite as well as confirmation that no maintenance and repair activities are conducted onsite. Per the Google view submitted it appears that over 250 vehicles are stored on site. The types of vehicles proposed to be stored shall also be confirmed through testimony.
- 5.9 Testimony should be provided regarding the location of any existing wetlands or wetland buffers, well and septic which may impact the use of the site.

6.0 Fees, Contributions, and Obligations

6.1 Escrow

The applicant must contact the Township’s Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (609) 910-4068.



Dawn M. Farrell, Administrative Clerk
MC Project No. MMZ-074
September 30, 2020
Page 6 of 6

Regards,

MASER CONSULTING INC.

A handwritten signature in blue ink that reads 'Pamela J. Pellegrini'. The signature is written in a cursive, flowing style.

Pamela J. Pellegrini, P.E., P.P., C.M.E.
Project Manager

PJP/rld

cc: Richard P. Coe, Esquire

200929_griffith_joie_review 1.docx