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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 (1st Review)
Plate 112, Block 11205, Lot 36
1521 S. Black Horse Pike (U.S. Route 322)
Zone: RG-C, Regional Growth-Commercial District
Applicant: Sarvjeet Singh
Application № 20-32
MC Project №: MMZ-075

Dear Ms. Farrell:

The above referenced application is a request for a use variance application review.

1.0 Project Description

1.1 Proposal

The applicant seeks use variance approval to develop and operate a used car lot with office/garage space, an outdoor display area and customer parking. In the rear of the property is an additional fenced area proposed for vehicle storage. The existing property is currently vacant with the exception of an existing shed which is proposed to be demolished. The application indicates the property would be served by public water and private onsite septic.

Note: The property is situated in the Pinelands. As such a Certificate of Filing is required to be deemed complete. The applicant has requested a waiver for completeness, deferring as a condition of any use variance approval.

1.2 Existing Conditions

The 49,449+ square foot parcel is located at 1521 South Black Horse Pike. The property was previously used as a used car lot but is now vacant with the exception of one shed. The property is zoned RG-C, Regional Growth Commercial District and is located in the Pinelands.



1.3 Surrounding Land Uses

The surrounding parcels except to the south are also zoned RG-C, Regional Growth Commercial and contain a mix of commercial uses. The adjacent parcel to the east is a used car lot. The parcels adjacent to the west contain the entrance to the Forest Hills Development. Parcels to the north across Route 322 contain a farm, church and cemetery. Parcels adjacent to the south are single family homes and are zoned RG-PR, Regional Growth-Planned Residential.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #20-32, received via email on September 22, 2020, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application	August 12, 2020
---	List of Variances Requested	---
1 of 1	Use Variance Plan	August 10, 2020

The plan was prepared by Jay F. Sims, PE of Consulting Engineer Services (CES).

3.0 Zoning Requirements

3.1 Use

1. In accordance with § 175-161.6A(2)(b), used motor vehicle sales facilities are listed as a conditional permitted use in the RG-C, Regional Growth-Commercial zoning district, subject to the requirements of § 175-163.2.

3.2 Conditional Use

1. In accordance with § 175-163.2B, used motor vehicle sales facilities are subject to the following requirements:
 - B. In zones in which their use is permitted by this article, facilities which sell used motor vehicles are hereby declared to be a conditional use which shall comply with the conditions established in § 175-62 and with the following conditions:
 - (1) A site plan application shall be submitted.



- (2) Public notice of the application shall be given pursuant to § 175-40E and N.J.S.A. 40:55D-12.
- (3) A copy of a completed application for a license from the Division of Motor Vehicle Services shall be submitted.
- (4) Repair facilities exclusively for the vehicles being sold on the site may be maintained on the site. The facilities may perform incidental repairs, tune-ups and detailing. Body repairs and repairs of vehicles not being sold on the site shall not be permitted.
- (5) Equipment for the sale of gasoline or oil shall not be permitted.
- (6) Each such facility shall have a permanent building with an office and rest room on the site which shall comply with the sanitary regulations of the Township of Monroe.
- (7) Each such facility is required to have an indoor display area having a minimum of one space for each separate class vehicle being sold. For the purpose of this section, a "class of vehicle" shall be defined as a passenger car, truck, mobile home, motorcycle or any other type of vehicle which is authorized to operate on the highways of this state as set forth in Title 39 of the New Jersey Statutes Annotated. The application indicates the proposed facility will not conform to this requirement. As proposed a d'3 variance is required.
- (8) The site shall have at least one entrance from an adjoining street with an entrance width not more than 30 feet at the street frontage. Provisions for off-road vehicle pickup and the delivery shall be shown on the plan.
- (9) Motor vehicles on display for sale and drive aisles in vehicle sale lots shall be set back a minimum of 20 feet from the existing or proposed right-of-way, shall be set back a minimum of 15 feet from any adjacent residential property line and shall be set back a minimum of 10 feet from any adjacent nonresidential property line. Where buffer setbacks as set forth in Article XIV of this chapter exceed the setbacks contained herein, the minimum setback shall be the greater dimension. The application indicates the proposed facility will not conform to this requirement. As proposed a d'3 variance is required.
- (10) Signs shall meet the requirements of § 175-135.



- (11) The site shall be graded for proper drainage and surfaced with bituminous concrete or concrete unless excepted by the Planning Board or Zoning Board pursuant to § 175-21H(1). Stormwater calculations shall be submitted analyzing the vehicle storage/parking areas as bituminous concrete or concrete regardless of whether the applicant proposes either such surface on the site.
- (12) All used motor vehicle facilities are subject to a yearly inspection by the Zoning Code Enforcement Officer or his/her designee.

The applicant shall provide testimony regarding intended compliance with these requirements with the exception of B(7) and B(9) of which the applicant requests a d'3 conditional use variance be granted.

4.0 Master Plan Consistency

The proposed use is not consistent with the goals and objectives of the conditional use and Master Plan. Should the use variance be granted, any site improvements and/or physical impacts of the use need to be addressed and mitigated.

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 applicant should provide testimony regarding the intended use of the fenced vehicle storage yard.

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.

Regards,

MASER CONSULTING, INC.

A handwritten signature in blue ink that reads 'Pamela J. Pellegrini' in a cursive script.

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

PJP/rld

cc: Richard P. Coe, Esquire