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November 24, 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 (1<sup>st</sup> Review)  
Block 8001, Lot 9  
1357 Coles Mill Road (C.R. #538)  
Zone: RD-RR, Rural Development–Residential Receiving District  
Applicant: Vearl J. Evans, Sr.  
Application № 20-44  
MC Project №: MMZ-078

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 park approximately ten (10) commercial vehicles, utilized for his construction business, in an existing gravel parking area located at the rear of his residential lot. The applicant indicates the vehicles range from pick-up trucks to medium duty trucks that will park overnight, leaving the premises at 8:00am and returning at 4:00pm six (6) days per week. The property is the applicant's residence and his business is located off-site in Blackwood, NJ. The applicant has also installed a 6' wood privacy fence. The property has private water and sewer.

*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 3± acre parcel fronts on Franklinville-Coles Mill Road (C.R. #538) and contains a 1-story, single-family frame dwelling with a bituminous driveway,



fence, frame shed and other improvements. The property is zoned RD-RR, Rural Development-Residential Receiving District and is located in the Pinelands.

**1.3 Surrounding Land Uses**

The area is rural residential in character, with some nearby farms.

**2.0 Materials Reviewed**

We have reviewed the referenced submission, encoded by the Zoning Board as #20-44, received via email November 18, 2020, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application	October 29, 2020
---	Notification, Monroe Township Zoning Officer	October 16, 2020
---	Code Compliance Report	January 23, 2020
---	Zoning Permit Application (application #10549)	January 22, 2020
---	Business Questionnaire	January 22, 2020
---	B&W Site Photos (3)	---
1 of 1	Survey of Premises	November 1, 2018

The survey is prepared by Bruce A. Ewing, PLS of Ewing Associates.

**3.0 Zoning Requirements**

**3.1 Use**

In accordance with § 175-160, Attachment 3, commercial parking/storage yards are not listed as a permitted use in the RD-RR, Rural Development-Residential Receiving District. As such, a use variance is required.

Where vehicle storage yards are permitted in the Township as a conditional use, the following design considerations in accordance with § 175-163E are generally applied and are provided for the Board’s reference and consideration.

- (1) There shall be a minimum of 2,500 square feet per vehicle.
- (2) An opaque fence of a minimum height of eight feet shall enclose entirely the storage area.
- (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.



- (4) No maintenance or servicing shall be permitted, other than normal fueling, lubrication or cleaning.
- (5) Site plan approval shall be required under appropriate provisions of this chapter.

It is also noted that in accordance with § 175-127, in the Pinelands Area no more than one principal use shall be located on a lot, except for forestry, agriculture, horticulture, fish and wildlife management and recreational development on agricultural lands and except for lots within the RG-TC District, where one or more of the permitted uses, as listed on table 175, Attachments 4:1 and 4, 2 may be located on the lot.

*The applicant was notified of the use violation in October 2019 and just recently filed a zoning permit application. In addition, a fence was installed without the proper permits.*

### **3.2 Bulk Requirements**

As a non-permitted use there are no bulk requirements specific to the use. It is noted that all structures are existing and no new structures are being proposed.

## **4.0 Design, Performance and Evaluation Standards**

### **1. Fences, walls and screening**

1. Fences, walls or screening shall not be located in any required sight triangle.
2. Fences, walls or screening used in place of a fence shall have a maximum height of six feet in the side and/or rear yard and four feet in the front yard. The applicant indicates a 6 foot wood fence was installed. Although the limits of same have not been provided.

*It should be noted that vehicle storage yards are generally conditioned on having a minimum fence height of 8 feet.*

3. Construction shall be accomplished in a manner which is in keeping with the character of the district, keeps maintenance of the fence, wall or screening or the surrounding property to a minimum, and such that a hazard is not and will not be created.
4. This provision shall have no effect upon and shall not repeal any other Township ordinance with fence specifications, such as the Swimming Pool Ordinance, Junkyard Ordinance, etc.



Testimony by the applicant regarding the limit of the fence should be provided.

**2. Off-Street Parking and Loading**

1. In accordance with § 175-123A, access to and from lots. Drives shall be limited to a maximum of two to any street, except when the frontage of a property along any one street exceeds 500 feet, the number of drives to that street may be based on one drive for each 250 feet of property frontage. Each drive shall be at least 50 feet or 1/2 the lot frontage, whichever is greater, but need not exceed 300 feet from the street line of any intersecting street and be at least 10 feet from any property line. The width of the curb cut shall be determined by the type of traffic. Driveways with widths exceeding 25 feet shall be reviewed by the approving authority, giving consideration to the width, curbing, direction of traffic flow, radii of curves and traffic land divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners, with the access drive connected to the street in the same manner as another street.
2. In accordance with § 175-123B, access to parking and loading spaces. Individual parking and loading spaces shall be served by on-site aisles designed to permit each motor vehicle to proceed to and from each parking and loading space without requiring the moving of any other motor vehicle. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.
3. In accordance with § 175-123C, buffers. Parking and loading areas, especially commercial and industrial uses, shall be buffered from adjoining streets, existing residential uses or any residential zoning district in a manner meeting the objectives of the buffer section of this chapter.
4. In accordance with § 175-123G, surfacing shall be approved as part of the plan approval. Unless determined by the Board Engineer that site conditions or anticipated traffic warrant an increased paving section, all loading and parking spaces, aisle and driveway areas shall be paved with a minimum of two inches of compacted wearing surface of bituminous concrete (FABC) and constructed thereon in accordance with Division 3, Section 10, of the Department of Transportation Specifications, and amendments thereto. A six-inch gravel base shall be provided.

*The application does not indicate the limits of the vehicle storage area and a site plan is recommended to address Township requirements regarding access surface treatments and circulation.*



## 5.0 Master Plan Consistency

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

## 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.

## 7.0 General Comments / Recommendations

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.

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.

3 The applicant shall provide testimony as to the presence of any environmentally restricted lands onsite.

4 The site is served by an onsite well and septic. Their locations are not noted on the survey. Testimony should be provided as to their approximate location and if the proposed vehicle storage area conflicts with these existing services.

5 The limits of disturbance have not been provided and may trigger both Soil Erosion and Sediment Control approval and/or stormwater management requirements. Based



Dawn M. Farrell, Administrative Coordinator  
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on this and other comments within this report, our office recommends that any approval be conditioned upon an updated survey and minor site plan along with County & Pinelands approvals.

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'.

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

PJP/rld

cc: Richard P. Coe, Esquire

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