

Dawn M. Farrell, Administrative Clerk
Township of Monroe Zoning Board
125 Virginia Avenue, Suite 5A
Williamstown, NJ 08094-1768

Use Variance/Site Plan Waiver (1st Review)
Block 1301, Lot 3
Zone: C, Commercial
Applicant: 1085 Black Horse Pike, LLC
Application No. 21-09
Colliers Engineering & Design Project No. MMZ-084

Dear Ms. Farrell,

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

1.0 Project Description

1.1 Proposal

The applicant seeks use variance approval to permit vehicle storage for their adjacent property owner, Auto Lenders. The overflow of Auto Lenders vehicles is proposed to be stored in the 250'x200' rear portion of the applicant's property. The applicant has an existing multi-tenant office building with associated parking on the parcel. The property has public water and sewer. In October of 2018 the Planning Board granted a waiver of site plan (application WSP-39-18) to use a 250'x200' portion of the rear of the existing parking area to temporarily provide overflow parking for the adjacent Auto Lenders car dealership (Resolution PB-74-18). A sketch provided at that time showed a parking layout plan to accommodate approximately 240 cars in 4 double rows of parking.

1.2 Existing Conditions

The 2.40± acre parcel fronts on the North Black Horse Pike (NJSH #42) and contains a 2-story, masonry commercial building with bituminous pavement and crushed stone parking areas with chain link fencing along a portion of its common property line with the Auto Lenders parcel and a small fenced excavated area. Also, along the rear of the property is a 60' wide Atlantic City Electric easement. The property is zoned C, Commercial District and is currently used as an office building and vehicle storage yard.

1.3 Surrounding Land Uses

The area is commercial in character, with some vacant parcels.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #21-09, received via email February 18, 2021, consisting of the following:

Sheet	Title	Date
---	Application	February 12, 2021
---	Application Summary	---
---	Letter from Tara Nelms, Zoning Officer	January 15, 2021
---	Site Photos (4)	---
---	Resolution PB-74-18 Granting Site Plan Waiver	September 27, 2018
---	Site Plan Waiver Check List (WSP-39-2018)	---
---	Site Plan Waiver Application (WSP-39-2018)	June 11, 2018
---	Letter to Planning Board from Applicant with parking attachments	---
---	Monroe Twp Zoning Officer Review Letter	September 26, 2018
1 of 1	Property Survey	January 11, 2021

The survey is signed by Michael R. Vargo, PLS, Vargo Associates.

3.0 Zoning Requirements

3.1 Use

1. In accordance with § 175-127, no lot shall have upon it more than one principal permitted use, except that a single dwelling unit may be permitted on a lot used primarily for a nonresidential use in the C Zoning District; provided, however, that the site plan shall indicate adequate parking for both uses. As proposed, a use variance is required.
2. In accordance with § 175-163, Attachment 6, vehicle storage yards are a permitted conditional use in the C, Commercial District, subject to the requirements of § 175-163E.
 - (1) There shall be a minimum of 2,500 square feet per vehicle.
The plan does not conform to this condition. A 250'x200' lease area would only permit 20 vehicles versus the 240 vehicle capacity proposed.
 - (2) An opaque fence of a minimum height of eight feet shall enclose entirely the storage area.
The plan does not conform to this requirement.
 - (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.
Testimony shall be provided regarding compliance with this condition.
 - (4) No maintenance or servicing shall be permitted, other than normal fueling, lubrication or cleaning.

Testimony shall be provided regarding compliance with this condition.

- (5) Site plan approval shall be required under appropriate provisions of this chapter.
To be determined. A site plan waiver was previously provided.

3.2 Bulk Requirements (specific to vehicle storage yards)

A site plan waiver has been requested. The following has been provided for reference.

1. **Lot Area:** The minimum required lot area is 80,000 square feet. The current property conforms to this requirement. However, only a portion of the existing lot area will be devoted to the proposed use (50,000 s.f.). A variance may be required.

It should be noted that a community commercial use requires a minimum of 20,000 s.f.
2. **Lot Frontage/Width:** The minimum required lot frontage/lot width is 150 feet. The plan conforms to this requirement.
3. **Front Yard/Building Setback:** The minimum required front yard/building setback is 100 feet. The plan does not propose a building for the vehicle storage use. The existing building has a front yard setback of 45.7 feet. This represents a pre-existing, non-conforming condition for the building if compared to the requirements for a vehicle storage use. However, the office building is conforming per setback requirements for a community commercial use.
4. **Side Yard Setback:** The minimum required side yard setback is 50 feet. The plan does not propose a building for the vehicle storage use. The existing building has a side yard setback of 30'. This represents a pre-existing condition as compared to the requirement for a vehicle storage use. However, the office building is conforming per setback requirements for a community commercial use.
5. **Rear Yard Setback:** The minimum required rear yard setback is 50 feet. The plan conforms to this requirement.
6. **Lot Coverage:** The maximum permitted lot frontage is 65%. The plan does not address this requirement. Compliance to be determined.
7. **Side Yard Buffers:** The minimum required side yard with landscaping is 50 feet. The plan does not conform to this requirement, having stoned or paved areas up to the property line. The application represents this as a pre-existing, non-conforming condition. However, the application is to approve the vehicle storage use. As such, a variance would be required.

It is noted that community commercial uses require a 5' side yard buffer.

8. **Rear Yard Buffers:** The minimum required rear yard with landscaping is 50 feet. The plan does not address this requirement. Compliance to be determined.

It is noted that community commercial uses require a 25' rear yard buffer.

9. **Front Yard Buffers:** The minimum required front yard with landscaping is 50 feet. The plan does not conform to this requirement. This represents a pre-existing, non-conforming condition due to the existing office use on the site.

It is noted that community commercial uses require a 10' front yard buffer.

10. **Building Height:** The maximum permitted building height is 45 feet. The plan appears to conform to this requirement having an existing 2-story office building.

11. **Off Street Parking:** Off-Street parking is subject to the requirements of § 175-123. The application does not address the number of parking spaces that are available to the office building and if the quantity is in conformance with the township requirement for the office use. Compliance to be determined.

4.0 Compliance with the conditions of the previous site plan waiver approval

1. No car carriers shall be permitted to be used to bring vehicles to the property and no car carriers are permitted to be stored on the property.
2. The driveway aprons at the property shall be improved/upgraded to the reasonable satisfaction of the zoning officer.
3. Low lying landscaping shall be installed at the frontage of the property. The applicant shall work with the zoning officer in this regard to satisfy this condition.
4. The applicant shall apply for and obtain any and all required permits/ certificates/ approvals/ variances/licenses related to its proposed operations, use, occupancy, zoning and construction and shall pass any and all required inspections related to use, occupancy zoning and construction.
5. The property owner shall pay all required fees and shall comply with all other Federal, State and Township laws and requirements, including without limitation all applicable provisions of the Township's Code, relating to this application and grant of the site plan waiver.
6. The property taxes shall be paid to date.
7. The applicant shall obtain any and all required variances, licenses, certifications, permits or similar permissions needed for its proposed use and to operate its business from any and all governmental authorities, agencies and quasi-judicial governmental bodies having jurisdiction over such proposed use and business, and shall pay all related fees and taxes, if any.
8. If applicable, the applicant shall obtain any and all required approvals, permits and other permissions needed and/or required from all governmental authorities, outside agencies and/or quasi-judicial bodies having jurisdiction over the property and/or the applicant's application for

site plan waiver including, without limitation, the following: New Jersey Department of Environmental Protection; Gloucester County Planning Board; Gloucester County Soil Conservation District; Monroe Township Fire Code Official; Monroe Township Municipal Utilities Authority; if applicable.

9. The applicant shall be required to apply for an obtain a zoning permit and construction permits prior to opening for business.
10. The applicant shall be required to apply for an obtain a zoning permit for any and all proposed signage in connection with this site plan waiver.
11. A compliance inspection is required prior to the issuance of any zoning permits, construction permits or certificate of occupancy.
12. The conditions of this approval may be enforced by the Township and the Township zoning officer as zoning violations, pursuant to injunctive relief or in any other manner as may be permitted by law, in equity or under the Code.

The applicant shall provide testimony regarding the completion, conformance with, or status of these imposed conditions of their previously granted site plan waiver.

5.0 Master Plan Consistency

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.
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.

6.0 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 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.
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. 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.
6. Testimony should be provided confirming the extent of the vehicle storage use including hours of operation, number of employees, deliveries, site access, type of vehicles and parking arrangements including if customers frequent the site.
7. Testimony should be provided outlining any changes to the proposed use as related to the operation or site conditions for which the previous site plan waiver was based on.

Sincerely,

Colliers Engineering & Design



Pamela Pellegrini, PE, PP, CME
Senior Project Manager

cc: Richard P. Coe, Esquire