

**ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF MONROE
GLOUCESTER COUNTY**

125 VIRGINIA AVENUE
WILLIAMSTOWN, N.J. 08094
(856) 728-9800
Ext. #271 / #279

NOTICE OF APPLICATION OR APPEAL

ZBA No. 21-07

Applicant: Thomas Spealman III / 322 Motors Owner: Autumn Truong
(If different than applicant)

Address: 33 W Black Horse Pike Address: 1975 Greentree Rd
Williamstown NJ 08094 Cherry Hill NJ 08003

Telephone No. 609-270-7677 Telephone No. [REDACTED]

Fax No. 609-270-7157 E-Mail Address: 322 Motors @ Gmail.com

Attorney: _____ E-Mail Address: _____
Telephone No. _____

Address: _____

Property Address: 33 W Black Horse Pike Williamstown NJ 08094

Plate: _____ Block: 6301 Lot: 33 Zoning Classification: RD-C

1. Application concerns: (Check what is applicable)

Use ☒ Lot Area _____ Rear/Side/Front _____ Existing Building _____
Yards _____ Height _____ Addition _____

Proposed building _____ Minor/Major Site Plan _____ Minor/Major Subdivision _____

Alleged Error of Township Official _____ Other _____

2. Brief description of real estate affected: Development Name: _____

Location: 33 W Black Horse Pike

Nearest Cross-Street: _____ Lot size: _____

Does Property Have Water/Sewer? ☒ Private _____ Public _____

If use variance is requested for accessory structure, what is the square footage of existing home? N/A

Is this in a Pinelands area? YES if yes, Certificate of Filing No. _____
(Please attach a copy of Certificate of Filing if applicable) ASKING FOR WAIVER

Present use: USED CAR SALES Present improvements upon land: UNTIL USE IS APPROVED

3. If this application is for a use variance in conjunction with a request for a site plan approval, site plan waiver, or subdivision, have the appropriate forms been submitted? YES: ✓ NO: _____

4. If this is an appeal action of a Township Official: Date of Action: _____

Your statement of alleged error of Township Official (Include name and title of Official) _____

5. State, in detail, what you want: Requesting ^{use variance} ~~site plan waiver~~ to continue
doing business established 2018

6. State why you think the Board should grant what you want. State whether or not you are claiming a hardship and state specifically what hardship you are claiming:

To continue doing business

7. If there have been any previous applications filed in connection with these premises state the date and the name under which it was filed:

yes 2018 322 Motors

I hereby depose and say that all of the above statements and the statements contained in any papers or plans Submitted herewith are true to the best of my knowledge and belief.

Sworn to and subscribed before me

This 28th day of January 2021

MAYRA A. TORRES RUBIO
NOTARY PUBLIC OF NEW JERSEY
Commission # 50138622
My Commission Expires 12/31/2025

Public)

(Signature of Applicant)

BOARD USE ONLY Date application received: 2-4-2021 Deemed Complete: _____

[04/02/19]

Public hearing date: 3-16-2021 By: [Signature]

TOWNSHIP OF MONROE PLANNING BOARD

RESOLUTION GRANTING SITE PLAN WAIVER

Applicant: Thomas Spaulding t/a 322 Motors (the "Applicant")

Application No. WSP-12-2018

Property: 33 N. Black Horse Pike; Block 6301; Lots 31-34 (the "Property")

WHEREAS, the Applicant made an application to the Monroe Township Planning Board (the "Planning Board") for a site plan waiver in connection with the request to open up a used car dealership at the Property in accordance with the Applicant's testimony on the record and the plans and information submitted with the Applicant's application to the Planning Board (the "Site Plan Waiver");

WHEREAS, §175-54A (Subdivision, site plan and conditional use approval) of Chapter 175 (Land Management) of the Code (the "Code") of the Township of Monroe (the "Township") provides that "Site plan review and approval shall be required before (i) any change of use (primary or ancillary), adding any use (primary or ancillary) or change of occupancy, and before (ii) any construction, reconstruction, reduction, conversion, structural alteration, relocation, rehabilitation or enlargement of any building or any other structure, and before (iii) any mining, excavation, removal of soil, clearing of a site or placing of any fill on lands contemplated for development. Except as hereinafter provided, no building permit or zoning permit shall be issued in connection with any of the aforementioned matters set forth in § 175-54 A.(i),(ii), & (iii) above unless and until a site plan is first submitted and approved by the reviewing board. No certificate of occupancy shall be given unless all construction and development fully conform to the plans as approved by

the reviewing board.”

WHEREAS, the Applicant has applied to the Planning Board for a waiver from the aforementioned site plan review and approval requirements of §175-54A in connection with Applicant’s proposal;

WHEREAS, §175-54C of the Code provides in part that “The reviewing board shall have the authority, but not the obligation, to waive site plan approval requirements and grant a site plan waiver whenever it determines that (i) an applicant’s proposal, which otherwise would require site plan review and approval under § 175-54 A.(i),(ii),&(iii), does not materially affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review, or (ii) an applicant’s proposal, which otherwise would require site plan review and approval under § 175-54 A.(i),(ii),&(iii), is a modest change or is satisfactory and otherwise meets the requirements of the site plan ordinance. Any applicant desiring a waiver under this provision shall present sufficient evidence to the Board to reach such conclusions as would permit a waiver. This evidence shall consist of a current survey, sketches, description of property and appurtenances, methods of operations, photographs and other information or documentation as the Board may require. The Planning Board and/or Zoning Board of Adjustment shall have the authority but not the obligation to grant a site plan waiver based on the evidence presented to it. In connection with any site plan waiver review, the reviewing board may consider, and may condition the approval of any site plan waiver upon, matters which are generally considered during a site plan review including, but not limited to, issues related to

landscaping, parking, lighting, vegetation, signage, safety, utility services and buffering. The reviewing board may also elect to condition the approval of any site plan waiver upon the applicant furnishing an additional escrow with the reviewing board of not more than \$1,000.00 in connection with the review and involvement by the board's planner with any conditions of approval such as, but not limited to, conditions related to landscaping";

WHEREAS, §175-54C of the Code provides further that "The Planning Board and/or Zoning Board of Adjustment shall have the authority to grant a site plan waiver";

WHEREAS, the Planning Board reviewed the Applicant's request for the Site Plan Waiver at its regular meeting of April 12, 2018;

WHEREAS, the Monroe Township Zoning Officer issued a zoning review letter dated April 10, 2018, to the Applicant, the Planning Board members and professionals, regarding the Applicant's request for the Site Plan Waiver (the "Zoning Review Letter");

WHEREAS, the Zoning Review Letter is incorporated into this resolution as if fully set forth herein;

WHEREAS, after hearing testimony from the Applicant, the Planning Board decided to grant the Applicant's application for a Site Plan Waiver;

WHEREAS, Planning Board desires to memorialize the decision rendered at its regular meeting of April 12, 2018;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings of fact and conclusions of law:

1. §175-54A (Subdivision, site plan and conditional use approval) of Chapter 175 (Land Management) of the Code (the "Code") of the Township of Monroe (the "Township") sets forth the various requirements relating to site plan review and approval of a property;
2. The Applicant is requesting a waiver from the aforementioned site plan review and approval requirements of §175-54A in conjunction with the proposal outlined above;
3. After hearing testimony from the Applicant, the Planning Board decided to grant the Applicant's application for a Site Plan Waiver and waiver of the installation of a sidewalk;
4. The Planning Board has determined that the Applicant has met the criteria set forth in §175-54C of the Code related to the granting of a site plan waiver;
5. The Planning Board has determined that Site Plan Waiver can be granted without impairing the intent or purpose of the New Jersey Municipal Land Use Law, the Township's master plan or Code.

BE IT FURTHER RESOLVED that, based upon the above factual findings and conclusions of law, the Planning Board hereby **GRANTS the Site Plan Waiver and waives the requirement to install a sidewalk**, subject to the following conditions:

- 1- The Applicant shall fix and put into good working order the two (2) gates fronting on the Black Horse Pike.
- 2- No parking of vehicles is permitted on the grass in the front yard of the Property.
- 3- All vehicles shall be parked on the Property's asphalt. The parking of vehicles on areas other than the Property's asphalt is not permitted.

- 4- The Applicant is not permitted to use Francis Road. The gate on Francis Road shall remain locked and closed at all times.
- 5- The Applicant is not permitted to perform any car maintenance or oil changes at the Property.
- 6- The Applicant shall submit to the Planning Board for review the most recent well certification related to the Property.
- 7- If the Applicant ever uses a trash dumpster at the Property, the trash dumpster shall be enclosed and screened.
- 8- The Applicant shall apply for and obtain any and all required permits/certificates/approvals/variances/licenses related to its proposed use, occupancy, zoning and construction and shall pass any and all required inspections related to use, occupancy zoning, and construction.
- 9- 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;
- 10- The Property taxes shall be paid to date;
- 11- 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;

- 12- 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;
- 13- The Applicant shall be required to apply for and obtain a zoning permit and construction permits prior to opening for business;
- 14- The Applicant shall be required to apply for and obtain a zoning permit for any and all proposed signage in connection with this Site Plan Waiver.
- 15- A compliance inspection is required prior to the issuance of any zoning permits, construction permits or certificate of occupancy;
- 16- The fulfillment of all conditions precedent shall be reported, in writing, by the Applicant to the Secretary of the Planning Board, and the Secretary may cause such reports to be verified in an appropriate manner; and
- 17- The conditions of this approval may be enforced by the Township and the Township zoning officer as zoning violations, pursuant to a so-called "stop work order" or

injunctive relief or in any other manner as may be permitted by law, in equity or under the Code.

BE IT FURTHER RESOLVED that, nothing herein shall be deemed a grant or approval of any use, variances or other relief with the exception of the aforementioned grant of the Site Plan Waiver.

ROLL CALL VOTE

THOSE IN FAVOR:

Mr. Boorstein, Ms. Flaherty, Mr. Heffner, Mr. Crane, Mr.

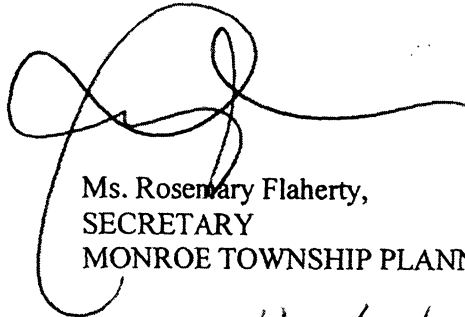
Masterson; Mr. Scardino; Mr. Teefy; Mr. O'Brien and Mr. Colavita.

THOSE OPPOSED: NONE ()

THOSE ABSTAINING: NONE

CERTIFICATION

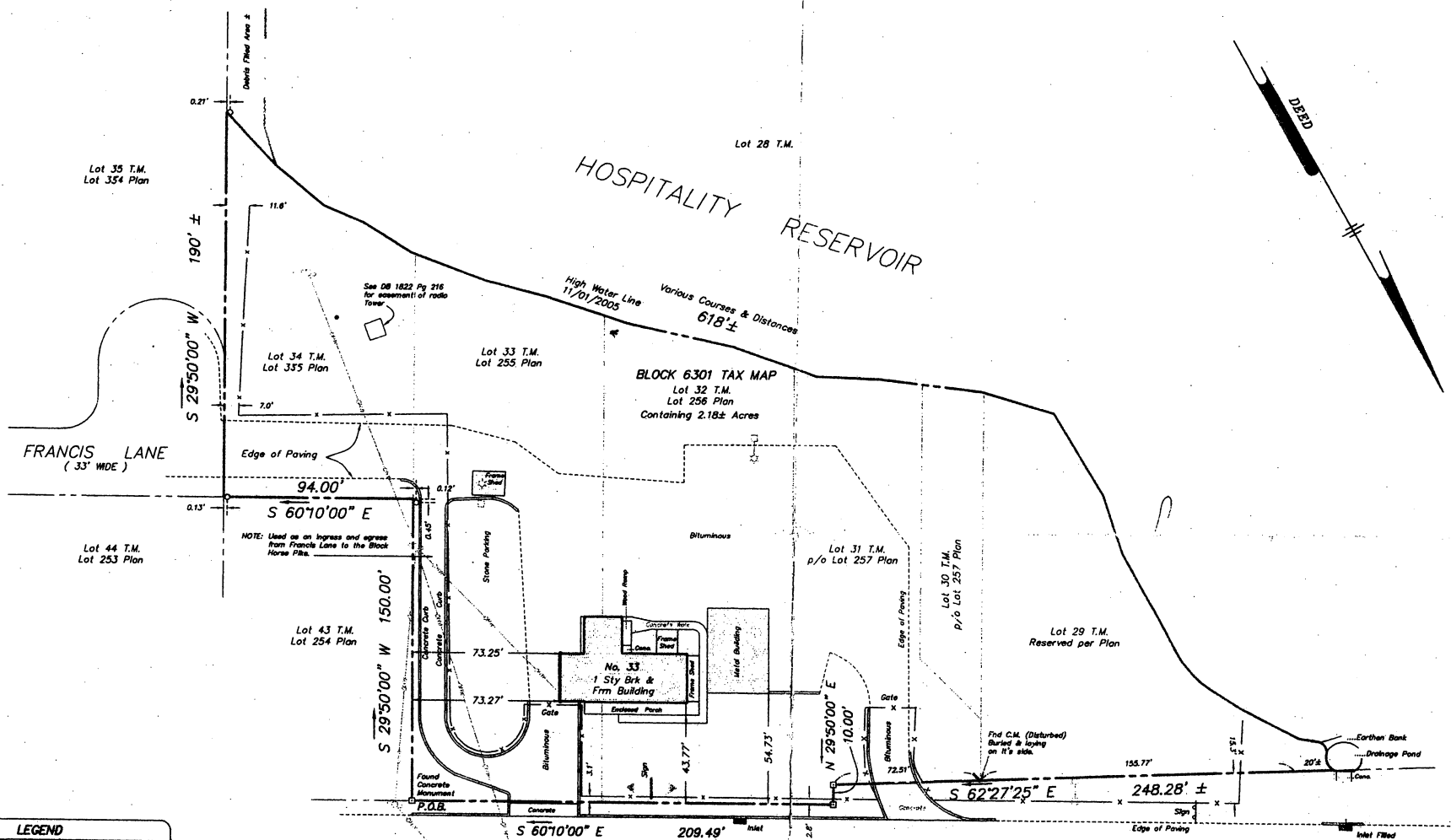
I hereby certify that the foregoing Resolution is a memorializing resolution adopted by the Planning Board of the Township of Monroe on April 26, 2018 to memorialize its decision at its regular meeting on April 12, 2018



Ms. Rosemary Flaherty,
SECRETARY
MONROE TOWNSHIP PLANNING BOARD

Dated: _____

4/26/18



LEGEND	
○	Found Iron Pin / Iron Pipe
□	Found Concrete Monument
—x—	Chain Link Fence
⊙	Utility Pole
⚡	Flood Light
—o—	Overhead Wires
⊕	Light Standard

GRAPHIC SCALE

BLACK HORSE PIKE
 A/K/A U.S. ROUTE 322
 (VARIABLE WIDTH)

CERTIFIED TO AND SOLELY FOR THE BENEFIT OF:
 MINH TRUONG & AUTUMN THUONG, Single Persons (Brother & Sister)
 WEICHERT TITLE AGENCY
 FIDELITY TITLE INSURANCE COMPANY
 AMERICAN HOME LENDING, INC.
 ITS SUCCESSORS AND / OR ASSIGNS
 THIS CERTIFICATION IS BASED UPON THE RECORD DESCRIPTION FURNISHED IN
 CONSIDERATION OF THE FEE PAID FOR MAKING THIS SURVEY. I HEREBY CERTIFY TO
 THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL

SURVEY OF PREMISES
No. 33 BLACK HORSE PIKE
 SITUATE
 TOWNSHIP OF MONROE
 COUNTY OF GLOUCESTER, NEW J.



TOWNSHIP OF MONROE

125 VIRGINIA AVENUE
WILLIAMSTOWN, NJ 08094
TEL (856) 728-9800 EXT 237
FAX (856) 629-2143
www.monroetownshipnj.org

RICHARD DILUCIA
MAYOR

TARA NELMS
ZONING OFFICER

January 19, 2021

TRUONG, MINH & AUTUMN
8 CANDLESTICK RD
CLEMENTON, NJ 08021

Re: Use Variance Required for Used Motor Vehicle Sales
33 W BLACK HORSE PK

Block/Lot: 6301/33

Dear property owner:

This letter is to serve as official notice that the approval of WSP-12-18, a Site Plan Waiver heard by the Monroe Township Planning Board for your Used Motor Vehicle Sales lot 322 Motors, has been reviewed and due to the fact that the application for a Used Motor Vehicle Sales Lot shall be heard in front of the Zoning Board of Adjustment and as a Non-permitted use in the RD-C Zone, a Use Variance should have been required at the time of the application instead of a Site Plan Waiver.

At this time, you can proceed to Dawn or Ninette with the Zoning Board of Adjustment, who will be able to assist you with your application. Please have your application submitted within 15 business days. Your fees for the Variance will be waived by Resolution for the application as well.

Please let us know if you have any questions.

Regards,

Tara Nelms

Tara Nelms
Zoning Officer

Sent Regular & Certified

**copy for owners records only*




New Jersey
Motor Vehicle Commission

ACCOUNTING NUMBER
FOR COMMISSION USE
ONLY

BL202007600000346

256009

THIS IS TO CERTIFY THAT THE **MOTOR VEHICLE COMMISSION** HAS LICENSED

99458 60000 80940  CORPCODE

322 MOTORS
33 W BLACK HORSE PIKE
WILLIAMSTOWN, NJ 08094

AS A **USED MOTOR VEHICLE DEALER** IN ACCORDANCE
WITH THE PROVISIONS OF **N.J.S.A. 39: 10-19.**

Not-Transferable

Not-Transferable

BRANCH ADDRESS _____

03-16-2020

DATE OF ISSUE

03/2021


EXPIRATION DATE

06842U

I.D. NUMBER

BLC-1 (R 8/04)

IN ANY INQUIRY, PLEASE INCLUDE I.D. NUMBER


B. Sue Fulton, Chief Administrator






322
MOTORS
609-270-7677
322MOTORS.COM
WE FINANCE
BUY HERE • PAY HERE





INTERSTATE
BATTERIES
SOLD HERE

OPEN

322
MOTORS
609-270-7677
322MOTORS.COM
WE FINANCE
BUY HERE PAY HERE



PARKING

CLOSED CIRCUIT
TELEVISION
AND
AUDIO MONITORING
ON PREMISES

INTERSTATE
BATTERY
S

