

March 10, 2021

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

Use Variance (1st Review)  
Block 6301, Lot 33  
33 W. Black Horse Pike  
Zone: RD-C, Rural Development-Commercial District  
Applicant: Thomas Spaulding III/322 Motors  
Application No. 21-07  
Colliers Engineering & Design Project No. MMZ-088

Dear Ms. Farrell,

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

## **1.0 Project Description**

### **1.1 Proposal**

The applicant seeks use variance approval to continue the sale of used cars at his dealership business known as 322 Motors on the Black Horse Pike. No new construction is proposed.

### **1.2 Existing Conditions**

The 1.62± acre parcel is located at 33 W. Black Horse Pike (a.k.a. U.S. Route 322). The property contains an existing one-story brick and frame building and a metal structure, used to operate a motor vehicle sales business (square footage not given) with stone and bituminous parking areas and associated improvements. The property has a private well and septic and is zoned RD-C, Rural Development-Commercial District.

*Note: The property is situated in the Pinelands. As such a Certificate of Filing is required to be deemed complete, unless a waiver is granted by the Board.*

### **1.3 Surrounding Land Uses**

The surrounding parcels to the east, west and across from the PIQ are also zoned RD-C, Rural Development-Commercial and contain a mix of rural residential and commercial uses as well as undeveloped land. To the south, the property is bordered by Hospitality Lake. Properties directly adjacent to the property in

question contain a residence and a vacant parcel to the east and a vacant property to the west.

## 2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #21-07, received February 26, 2021 via email, consisting of the following:

Sheet	Title	Date
---	Letter from the Monroe Township Zoning Officer	January 19, 2021
---	Application	February 4, 2021
---	Lease Agreement	March 2020
---	Resolution Granting Site Plan Waiver (PB-34-18)	April 12, 2018
---	NJ Motor Vehicle Commission License	March 16, 2020
1 of 1	Survey sketch	---
---	Color Site Photos (7)	---

## 3.0 Zoning Requirements

### 3.1 Use

1. In accordance with § 175-163.0 (Attachment 3), used motor vehicle sales are not listed as a permitted use in the RD-C, Rural Development-Commercial district. As proposed, a use variance is required.

2. For the Board's reference, where the Township does permit used auto sales, the following conditions are applied:

- (1) A site plan application shall be submitted.

*It is noted that the site is established and a site plan waiver (WSP-12-18) was previously granted in 2018.*

- (2) Public notice of the application shall be given pursuant to § 175-40E and N.J.S.A. 40:55D-12. Testimony regarding compliance to be provided.

- (3) A copy of a completed application for a license from the Division of Motor Vehicle Services shall be submitted. A copy should be provided to the Board.

- (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.

*It is noted that as a condition of the site plan waiver previously granted, the applicant is not permitted to perform any maintenance or oil changes at the property.*

- (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. Testimony regarding compliance to be provided.
- (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. Testimony regarding compliance to be provided.
- (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. Testimony regarding compliance to be provided.
- (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.

*It is noted that the site is established and a site plan waiver (WSP-12-18) was previously granted in 2018.*

- (10) Signs shall meet the requirements of § 175-135. Testimony regarding compliance to be provided.
- (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.

*It is noted that the site is established and a site plan waiver (WSP-12-18) was previously granted in 2018.*

- (12) All used motor vehicle facilities are subject to a yearly inspection by the Zoning Code Enforcement Officer or his/her designee. Testimony regarding compliance to be provided.

#### 4.0 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 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.

*It is noted that the site is established and a site plan waiver (WSP-12-18) was previously granted in 2018.*

- 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 applicant shall provide testimony regarding their status of compliance with the specific conditions of their site plan waiver previously granted as outlined below:
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.

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.

Sincerely,

Colliers Engineering & Design



Pamela Pellegrini, PE, PP, CME  
Senior Project Manager

cc: Richard P. Coe, Esquire