

April 15, 2021

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

Use Variance (1st Review)
1835 N. Black Horse Pike
Block 201, Lot 44
Zone: C, Commercial
Applicant: Tony DeAngelo
Application No. 21-19
Colliers Engineering & Design Project No. MMZ0094

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 operate a vehicle storage facility. The facility is used to store used vehicles traded-in to the Turnersville Auto Mall and then present them to wholesalers interested in purchasing these vehicles through a "sealed bid" process. The applicant also has a small used car business at the site and maintains an office on the second floor of the office building. The property is served by private water and sewer. In January of 2016 the Planning Board granted a waiver of site plan (application WSP-07-16) in connection with the storage of vehicles and purchase and sale of vehicles through a "sealed bid" process (Resolution PB-18-16). A sketch provided at that time showed a parking layout plan to accommodate approximately 142 cars in scattered areas of the lot.

Previous documentation from the applicant indicates the business would have 2 full time employees and on select Mondays, when sealed bid sales are hosted at the facility, 1-2 additional employees are on site to assist. The normal business hours of operation are from Monday – Friday 7:30am to 7:00pm and on Saturday from 9:00am to 5:00pm.

The applicant should confirm the square footage area of the existing building and his intended business hours as the days/hours cited above are from 2016. The applicant should also confirm the use of all structures onsite including the use of the 1st floor of the

office. Testimony should also be provided as to the location of the existing well and septic.

1.2 Existing Conditions

The 2.37 acre parcel fronts on the Black Horse Pike (NJSH #42) and contains an existing commercial building used as an office building for used vehicle sales, a storage hut and garage with bituminous and stone parking areas. The property is zoned C, Commercial District. Through the property is a 130' wide Atlantic City Electric easement.

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 #21-19, received via email April 1, 2021, consisting of the following:

Sheet	Title	Date
---	Application	March 12, 2021
---	Resolution PB-18-16 Granting Site Plan Waiver	January 28, 2016
---	Resolution PB-19-16 Granting Sidewalk Waiver	January 28, 2016
---	Monroe Township Zoning Review Letter	January 25, 2016
---	Site Plan Waiver Checklist (WSP-07-016)	---
---	Site Plan Waiver Application	January 13, 2016
---	Site Plan Waiver Process	January 22, 2016
---	Sketch of Property	---
---	Plan of Survey (reduced size)	---
---	Zoning Permit	February 1, 2016
---	Zoning Officer Compliance Report	January 7, 2017
---	Planning Board Minutes	January 28, 2016
---	B&W Photos (32)	---

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.

It is noted that the secondary vehicle storage yard use is similar to the existing used car sales use being that used cars are offered for sale, however, is managed separately by a lease and sales are via sealed bids by wholesalers.

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. Based on the entire 2.37 acre parcel, at 2500 s.f. per vehicle, the lot would permit 41 stored vehicle lease areas versus the 142 vehicle storage capacity requested. As proposed a 'd3 variance would be required.

This however does not take into account the area being used by the used car lot with 38 parking spaces and several buildings provided for that use.

- (2) An opaque fence of a minimum height of eight feet shall enclose entirely the storage area.

Testimony should be provided regarding the existing type and height of the fence. It appears the plan does not conform completely with this requirement and a 'd3 variance would be required.

- (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.

A residential zone abuts the property to the rear. Testimony should be provided as to how far back the proposed vehicle parking will extend, any existing wooded areas to remain and any existing fencing along the rear property line.

- (4) No maintenance or servicing shall be permitted, other than normal fueling, lubrication or cleaning.

Testimony shall be provided regarding compliance with this condition.

It is noted that at the time of the prior site plan waiver, the applicant indicated they would comply.

- (5) Site plan approval shall be required under appropriate provisions of this chapter.

Any use variance approval granted shall be conditioned on the required site plan approval.

3.2 Bulk Requirements (specific to vehicle storage yards)

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 (square foot area unspecified). As such, 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 appears to conform.
4. **Side Yard Setback:** The minimum required side yard setback is 50 feet. The existing building has a side yard setback of <50'. This represents a pre-existing condition as compared to the requirement for a vehicle storage use. As such, a variance may be required.
5. **Rear Yard Setback:** The minimum required rear yard setback is 50 feet. The plan appears to conform to this requirement.
6. **Lot Coverage:** The maximum permitted lot coverage 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/used car sale use. As such, a variance would be required.

It is noted that community commercial uses require a 5' side yard buffer and used car sale lots require a 10' side yard buffer (15' adjacent to residential).

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 and a used car sales lot requires a 10' rear yard buffer (15' adjacent to residential).

9. **Front Yard Buffers:** The minimum required front 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/used car sale use. As such, a variance would be required.

It is noted that community commercial uses require a 10' front yard buffer and a used car sales lot requires a 20' 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 indicates there are 33 spaces for the used car lot use. Testimony regarding adequacy to be provided. 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. Low lying landscaping shall be installed at the frontage of the property. The applicant shall work with the planner and the zoning officer in this regard to satisfy this condition.
3. The applicant was to work with the planner to make sure the parking spaces for customers are sufficient in size and width and via prior testimony was to submit a revised plan to ensure proper aisle widths for circulation in the vehicle storage area.
4. 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.
5. 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.
6. 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.

7. A certificate of continued occupancy shall be required before the tenant occupies the property.
8. 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.

4.0 Master Plan Consistency

1. The proposed use is not specifically 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.

5.0 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.
8. Testimony should be provided regarding the existing businesses parking and fenced yard needs and the impact of the proposed additional use.

Sincerely,

Colliers Engineering & Design



Pamela Pellegrini, PE,PP,CME
Senior Project Manager

cc: Richard P. Coe, Esquire