

March 30, 2021

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

Use Variance (1st Review)
1451 Glassboro Road
Block 15001, Lot 4.03
Zone: BP, Business Park
Applicant: Towala Properties, LLC
Application No. 21-14
Colliers Engineering & Design Project No. MMZ-092

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 permit the leasing of a 280' x 100' portion of their property to be used for offsite vehicle parking for a baking company. The vehicles proposed to utilize the parking area are approximately 30 bakery delivery trucks and up to 30 personal vehicles belonging to the employees of the bakery business. The application indicates the employees will enter/exit the property twice a day; once for coming to and picking up/leaving with the bakery delivery trucks and once for dropping off the delivery trucks and leaving to go home. The property in question has an existing 1-story masonry building with associated improvements for the existing machine shop business which is to remain. The application cites the property has public water and sewer.

The applicant should indicate where the proposed bakery business tenant is physically located. Also, the plan does not show the 280' x 100' area mentioned in the application. The plan shows three separate vehicle parking areas with unspecified dimensions.

1.2 Existing Conditions

The 1.79± acre parcel fronts on Glassboro-Williamstown Road (NJSH #322) and contains a 1-story, masonry commercial building with crushed stone parking areas and chain link fencing around its perimeter yard area. The property is zoned BP, Business Park District and is currently used as a machine shop.

1.3 Surrounding Land Uses

The area consists of rural residential, farmland and undeveloped/State owned lands with a few scattered commercial businesses. Directly across Glassboro Road is the Township MUA office. Adjacent to the property in question to the east is a farm (where approvals for a mixed use planned development back in 2007 have since expired) and to the west is a commercial business.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #21-14, received via email March 18, 2021, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application	February 22, 2021
---	Application Detail from Applicant's Attorney	February 27, 2021
---	Site Photos (3)	---
1 of 1	Reduced size Survey of Premises	October 9, 2020

The survey was prepared by Ewing 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 BP, Business Park 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 280'x100' lease area would only permit 11 vehicles versus the 60 vehicle capacity proposed.
 - (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 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.

There are no residential zones abutting the property in question.

- (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.

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 does not conform to this requirement. In addition, it should be considered that the property is proposed to have two (2) principal uses.

It should be noted that the existing light industrial use requires a minimum lot area of 40,000 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 54.32 feet. This represents a pre-existing, nonconforming condition for the building if compared to the requirements for a vehicle storage use. The machine shop building also represents an existing nonconforming condition per setback requirements for a light industrial use (75 feet required).
4. **Side Yard Setback:** The minimum required side yard setback is 30 feet. The plan does not propose a building for the vehicle storage use. The existing building has a side yard setback of 23.85'. This represents a pre-existing condition as compared to the requirement for a vehicle storage use. The machine shop building also represents an existing nonconforming condition per setback requirements for a light industrial use (50 feet required).
5. **Rear Yard Setback:** The minimum required rear yard setback is 50 feet. The plan does not propose a building for the vehicle storage. The existing building conforms to this requirement for a vehicle storage use. The machine shop building also complies as compared to the setback requirement for a light industrial use (65 feet required)..

6. **Lot Coverage:** The maximum permitted lot frontage is 65%. The plan does not address this requirement. Compliance would need to be determined.
7. **Buffers:** The minimum required buffer is 50 feet, subject to the requirements of § 175-93, buffers. The plan does not conform to this requirement, proposing or having stoned areas up to the property line. As proposed, a variance would be required.

4.0 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.

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 on the total areas to be leased as well as their dimensions and intended circulation and access.
7. Testimony should be provided regarding the existing businesses parking and fenced yard needs and the impact of the proposed additional use.
8. There are two existing gates in the front fence line. Is a secondary driveway being proposed?
9. It appears the existing surface treatment is crushed stone or millings? Aerial photos indicate the majority of the rear fenced area was grass in February 2019 vs. the large stoned/gravel surface now existing. This disturbance would meet the definition of major development and would necessitate onsite stormwater management measures to be in conformance with current stormwater management rules as well as other Township development standards to maintain compliance with their Township-wide NJDEP municipal stormwater permit requirements.
10. The survey shows a well onsite but the application indicates public water and sewer. Applicant to confirm whether water and sewer are private or public.

Sincerely,

Colliers Engineering & Design



Pamela Pellegrini, PE, PP, CME
Senior Project Manager

cc: Richard P. Coe, Esquire