



April 6, 2021

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**APR 19 2021**

**TOWNSHIP OF ELK  
PLANNING BOARD**

Elk Township Planning/Zoning Board  
680 Whig Lane  
Monroeville, NJ 08343

Attn: Anna Foley, Land Use Board Administrator

Re: Blitei LLC c/o Adam Taki  
Block 46, Lot 4  
626 Monroeville Road  
"D" Use Variance; RE Rural Environmental Residential District  
Elk Township Application ZB-21-01  
Bach Associates Proj. # ET2021-3

Dear Chairwoman White and Members of the Board:

We have reviewed the application and supporting documents submitted by Blitei LLC for a "D(1)" use variance to permit equipment and materials storage and maintenance for a landscaping business in a RE zoning district. The 39,680 sf property is comprised of two accessory structures and aggregate parking in addition to wooded areas along the parcel boundaries. The property was previously utilized as a commercial stone sales operation, however it has been vacant for several years.

The subject property is located on the south side of Monroeville Road within the RE Rural Environmental Residential zoning district. The site currently contains two accessory structures. The property is surrounded by other properties also in the RE zoning district. The adjacent uses are residential dwellings adjacent to the east, west, and north, and farmland to the south. The general vicinity is comprised of agriculture and single family residential dwellings.

**We have received the following materials in support of the variance application:**

1. Notice of Appeal (Use Variance Application) to the Zoning Board of Adjustment dated February 3, 2021.
2. Use Variance Narrative.
3. Letter from applicant's attorney, dated March 12, 2021.
4. Escrow agreement, Affidavit of Applicant and Ownership, proof of taxes paid, Disclosure statement, and request for 200 ft list.
5. Use Variance Plan prepared by Kevin Dixon, PE, dated 1/21/2021.

### **Completeness Review**

The application is for a use variance without site plan. The applicant has not provided the land development checklist. However, we have reviewed the application against the completeness requirements for a use variance request, located within the Notice of Appeal packet. **The application is incomplete as outlined below.**

- **#A. Existing conditions plan based on a current survey.** The applicant is requesting a waiver. The applicant has provided a "Variance Plan" based on an aerial photograph. A waiver is not recommended for completeness only.
- **#B.12 requires the location of existing or proposed easements.** A waiver is recommended for completeness only.
- **#C. requires a floor plan of the existing building and structures.** A waiver is recommended.
- **#9 and 11 requires a current survey or site plan.** The applicant has not provided these. The applicant should submit a current survey. A waiver is not recommended.
- **#40 location and design of existing and new structures and woodlands.** The applicant should provide a property survey as well as proposed design and any expansion proposed. A waiver is not recommended.
- **#41 location of existing wells and septic systems and distances between them, and on adjacent properties where required by the Board.** *A waiver is recommended for adjacent properties, however the locations of the septic and wells for the existing and proposed structure must be provide prior to the hearing. If there is no septic existing or proposed, the applicant should testify to this.*
- **#53 location of historic features within 200 feet.** *A waiver is recommended.*
- **#55 requires the applicant to provide contours at 20 foot intervals on the tract and within 100 feet of the tract in accordance with the grading plan requirements.** *A waiver is recommended for completeness only. .*
- **#67 requires that if on-site sewerage disposal is required, the results and location of all percolation tests and test borings must be provided.** *A waiver is recommended.*
- **#73 requires the applicant to submit a NJDEP LOI for wetlands or a statement/ certification from an expert stating that there are no wetlands on or in close proximity to the site.** *The applicant shall testify as to improvements and expansions proposed for the structure and if no expansion is proposed, a waiver is recommended.*

- **#77 requires the size and location of proposed signs.** *A waiver is not recommended. If no signs are proposed, the applicant must testify to this at the hearing.*

**If the waiver is granted for completeness only, the information shall be provided as part of the compliance submission.**

**Zoning and Use**

In accordance with Section 96-71.B. RE District permits agricultural uses and buildings, single family detached dwellings, public parks and playgrounds, accessory uses and structures subordinate to permitted uses. In accordance with Section 96-71.C. Conditional Uses in the RE District include institutional uses, home occupations, golf courses, campgrounds and commercial solar operations. The proposed use is not permitted in the RE zoning district. A D(1) use variance is required to permit a use or principal structure in a district restricted against such use or structure

The applicant should provide testimony on additional details about the proposed use so that the Zoning Board has a better idea of what exactly is proposed, including the type and approximate number of equipment and vehicles on the site, the frequency of vehicles entering and exiting the site, operating hours, building plans, and anticipated number of employees, etc.

**Standard of Proof for "D" Variances**

For "D" variances it is the applicant's obligation to present the "Positive" and "Negative" criteria to justify the variance. The applicant must prove to the satisfaction of the Board that there are "special reasons" for the Board to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed use and that the proposal will advance the purposes of Municipal Land Use Law (N.J.S.A. 40:55D-2) and the Township's Master Plan and Zoning ordinances (POSTIVE). The applicant must also show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance (NEGATIVE). The applicant should provide testimony demonstrating that the proposal will meet the variance criteria.

**RE Zone Bulk Standards**

The application is currently seeking use variance approval only, and no site improvements are proposed. The bulk standards provided within Section 96-71 are those found for single family detached units in the RE zoning district. They are listed in the table below to the extent provided.

Section	Required	Proposed	Compliance
96-71D(2)(a) Minimum Lot size	80,000 SF (1.83 acres)	37,780 sf	<b>Complies</b>
96-71D(3)(a) Min Front Yard	50 feet	110 ft	<b>Complies</b>
96-71D(4) Min Rear Yard	40 feet	65 ft	<b>Complies</b>
96-71D(5)(a) Min Side Yard	20 feet one, 50 feet both	30 ft, 60 ft	<b>Complies</b>
96-71D(6)(a) Min Width at Bldg Line	150 feet	165 ft	<b>Complies</b>
96-71D(7) Min Lot Depth	200 feet	228.75 ft	<b>Complies</b>
96-71D(9)(a) Min Lot Frontage	135 feet	165.16 ft	<b>Complies</b>
96-71D(10) Maximum Building Height	35 feet	<35 feet	<b>Complies</b>
96-71D(11)(a) Maximum Building Coverage	15%	7.3%	<b>Complies</b>
96-71D(11)(a) Maximum Impervious Coverage	20%	13.4%	<b>Complies</b>
96-80.A.(6) Accessory structure setbacks consistent with principal setbacks	Side yards 20 feet one, 50 feet both	0 ft	<b>Existing Condition/Variance (appears to be over the property line)</b>
96-80.A.(7) Accessory structure location	Shall not be located in the front yard	Shed is located in front of the larger primary structure, although not within 50 ft of the front yard setback.	<b>Existing Condition/Variance</b>

**The following comments are provided for the Board's and the applicant's consideration:**

1. **Use.** The applicant should provide the following information before or at the hearing.
  - a. The applicant should indicate describe the proposed use.
  - b. Activities going on within the each structure, i.e. maintenance, storage, etc.
  - c. Bathroom facilities for employees, if employees will be on-site.

- d. Where equipment and vehicles will be stored.
  - e. Hours of operation.
  - f. Planned improvements.
  - g. Proposed signage.
  - h. Outdoor storage.
  - i. Parking provisions.
2. **Outdoor Storage.** In accordance with Section 96-82.B., Outdoor Storage is prohibited. If proposed, a variance will be required. The applicant must describe the type of proposed storage and comply with (1) through (4) of this Section, as follows:
- (1) All outdoor storage facilities shall be enclosed by an opaque fence adequate to conceal the facilities from any adjacent properties.
  - (2) No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
  - (3) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
  - (4) Flammable or explosive liquids, solids or gases shall be permitted to be stored in aboveground storage tanks only if the proposed use and structure meet the requirements of the Uniform Construction Code (5:23 et seq.) and the Fire Code (5:18 et seq.), as used by Elk Township officials. In addition, aboveground storage tanks are not permitted in any front yard and shall be sufficiently buffered from any adjoining use.
3. **Buffers.** Section 96-47 of the Unified Development Code requires vegetated buffers between different uses in addition to minimum yards. The adjacent lot(s) to the east and west are residential and therefore require an additional 75 feet of buffer. This is an existing non-conformity. The applicant should describe the impacts to adjacent residential dwellings and how they can be minimized. There are existing woodlands, however if there any gaps, we recommend the applicant add year round landscaping or a solid fence.
4. **Well and Septic System.** It appears there will be no onsite well or septic. However, If the use variance is approved any proposed wastewater facilities will need to be reviewed by Gloucester County Health Department.

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It shall be noted that any requirements noted above as "waived for completeness only" have been waived to allow the application to be deemed complete. These requirements shall be provided as part of the revised application materials unless waived by the Board at the scheduled meeting.

Should there be any questions or if additional information is required, please contact the undersigned at (856) 546-8611.

Very truly yours,  
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME  
President



Candace Kanaplue, PP, AICP  
Associate

Cc: Dale Taylor, Esq, Board Solicitor  
Stan Bitgood, PE, Board Engineer  
Francis J. Ballak, Esq., Applicant's Attorney  
Kevin Dixon, PE, PP, PTOE, CME, Applicant's Professional  
Blitei, LLC, c/o Adam Taki, Applicant

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