



July 8, 2024

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

Attn: Ann Marie Weitzel, Board Secretary

Re: Preliminary and Final Major Site Plan with Use Variance
Review #2 - Technical
Copart of Connecticut, Inc.
Block 66, Lot 1.04
Jacob Harris Lane
M-1 Manufacturing District
Elk Township Application ZB-24-02
Bach Associates Proj. # ETPB2024-5

Dear Chairman Afflerbach and Members of the Board:

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

1. Notice of Appeal (Use Variance Application) to the Zoning Board of Adjustment and supporting documents, dated March 12, 2024.
2. Elk Township Land Development Application dated April 29, 2024.
3. List of waivers requested.
4. Escrow agreement, Affidavit of Applicant and Ownership, proof of taxes paid, Disclosure statement, and request for 200 ft list.
5. Site Photographs.
6. Land Development Checklist.
7. Web Soil Survey map.
8. Application for New Jersey Freshwater Wetlands Protection Act Letter of Interpretation, dated January 9, 2024.
9. Stormwater Management Report prepared by Marathon Engineering & Environmental Services, Inc., dated February 23, 2024.
10. Survey entitled "Topographic Survey, Copart of Connecticut, Inc., 14185 Dallas Parkway #300, Dallas, Texas 75254", prepared by , Marathon Engineering & Environmental Services, Inc., dated 12/08/23, no revision.

11. Plan entitled "Copart – Elk Township, Sheet 32, Block 66, Lot 1.04, Township of Elk, Gloucester County, New Jersey, Preliminary and Final Major Site Plans", prepared by Marathon Engineering & Environmental Services:

<u>Sheet..</u>	<u>Title</u>	<u>Date/Last Revision</u>
1 of 11	Cover Sheet	2-23-24 / None
2 of 11	Information Sheet	2-23-24 / None
3 of 11	Existing Conditions Plan	2-23-24 / None
4 of 11	Demolition Plan	2-23-24 / None
5 of 11	Proposed Site Plan	2-23-24 / None
6 of 11	Grading and Utility Plan	2-23-24 / None
7 of 11	Landscape Plan	2-23-24 / None
8 of 11	Site Detail Sheet	2-23-24 / None
9 of 11	SESC Plan	2-23-24 / None
10 of 11	SESC Narrative Sheet	2-23-24 / None
11 of 11	SESC Detail Sheet	2-23-24 / None

PROJECT SUMMARY:

The application is for Preliminary and Final Major Site Plan and a "D(1)" use variance review to permit the expansion of a salvage yard/auto auction storage yard in a zone where it is not permitted. The parcel is located adjacent and to the north of an existing salvage yard owned by the applicant on the east side of Jacob Harris Lane (Lot 1.01) within the M1 Light Manufacturing zoning district. The lot is approximately 4.4 acres, wooded, and currently contains an existing drainage easement and wetlands in the rear of the lot. The parcel is bifurcated by the municipal boundary between the Borough of Glassboro and the Township of Elk. The property is surrounded by other properties also in the M1 zoning district. The adjacent uses are predominantly comprised of light industrial and vacant woodland.

Per Resolution 2020-10, the applicant was granted a use variance to expand their salvage yard for Lots 1.02 and 1.03, conditioned on the consolidation of these lots with Lot 1.01. The lots were consolidated by deed May 27, 2021, resulting in existing Lot 1.01. The applicant was then granted preliminary site plan approval with bulk variance for Block 66 Lot 1.01 per resolution 2021-16, and granted final site plan approval per resolution 2022-12.

COMPLETENESS:

The application was granted completeness for Use Variance and Site Plan review at the May 15, 2024 Planning Board Meeting. Waivers were granted for completeness only for the following checklist items:

- **#8** requires copies of applications and approvals of outside agencies. **Waiver recommended for this item for completeness only.**
- **#50** requires a Tree Protection Plan, limits of clearing in accordance with Township Ordinances. **Waiver recommended for this item for completeness only.**

It shall be noted that any requirements noted above as “waived for completeness only” were waived by the Board 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.

OWNER/APPLICANT:

Copart of Connecticut, Inc.
14185 Dallas Parkway #200
Dallas, TX 75254
972-391-5505
Jon.lawson@copart.com

ZONING AND LAND USE:

In accordance with section 96-78 the M-1 Manufacturing-Light zoning district permits production, processing, cleaning, testing, repair, storage and distribution of materials, goods, foodstuffs and products not involving retail activity on the lot; contractors' establishments not engaging in any retail on site; laboratories; public utility installations; agricultural uses; and golf courses. Several uses including retail businesses, residential dwellings, and the manufacture of heavy chemicals, cement and other similar products; and the processing, sale, storage or reclamation of junk, including automobile wrecking and storing; are specifically prohibited. The application indicates that the proposal is to park/store salvaged cars on the property, which is a specifically prohibited use. The proposed use is not permitted in the M-1 zoning district. Therefore 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 Board including the approximate number of cars on the site, the frequency of trucks entering and exiting the site, whether the trucks are loaded when at the site, operating hours, building plans, and anticipated number of employees, etc.

M-1 Zone Bulk Standards

The M-1 bulk standards are listed below and are provided for the Board's consideration. If the use variance is approved, the applicant will need to return to the Board for site plan approval.

Section	Required	Existing Lot 1.04	Proposed Lot 1.04	Compliance
96-78F(1)(a) Minimum Lot size	2 acres	4.4 acres	4.4 acres	Yes
96-78F(1)(b) Min Lot Frontage	200 feet	±480	±480	Yes
96-78F(1)(c) Minimum Lot Depth	200 feet	±470	±470	Yes
96-78F(1)(d) Maximum Building Coverage	20 %	0 %	0 %	Yes
96-78F(1)(e) Front Yard	100 feet	N/A	N/A	N/A
96-78F(1)(f) Side Yard	50 feet each	N/A	N/A	N/A
96-78F(1)(g) Rear Yard	75 feet	N/A	N/A	N/A
96-78F(1)(i) Maximum Building Height	40 feet	N/A	N/A	N/A

VARIANCES:

Use Variance:

1. A salvage yard/auto auction storage yard is not a permitted use in the M-1 zoning district. **A D(1) use variance is required.**

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 (POSITIVE).

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.

Bulk Variance:

1. Fence Height – Section 96-80.1.B, The applicant is proposing a solid security fence around the perimeter of the site with a height of eight (8') feet where the maximum height of any fence in the front yard shall not exceed four (4') feet and in a side or rear yard shall not exceed six (6') feet in height. **A bulk variance is required.**

Standard of Proof for "C" Variances

The applicant must provide testimony to justify the requested variances. For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property. For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments.

The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

PLANNING:

1. **Use.** The applicant indicates that the site will be used for the storage of automobiles only. The applicant should provide the following information before or at the hearing.
 - a. The applicant should describe the proposed business and operation.
 - b. The applicant should describe the type of cars that are being stored and how any chemical leaks will be minimized.
 - c. The applicant should describe the anticipated circulation and timing of trucks into and out of the site.
 - d. The applicant should describe the number of cars that will be anticipated to be parked on the site.

- e. The applicant should indicate on a plan where the cars will be stored.
 - f. The applicant should indicate whether any structures are being proposed.
2. **Trash and Recyclables.** The applicant should indicate what type of trash is anticipated for this use, especially how tires, motor oil and other fluids will be disposed of.
 3. **Easement.** The survey indicates a drainage easement in the rear of the parcel. The applicant should indicate how this easement impacts use and development of the property. For example, is the applicant permitted to park cars within the easement and is the applicant permitted to make improvements within the easement? A copy of all easements effecting the property shall be provided.
 4. **Signage.** The applicant should be prepared to discuss any site identification signage that may be proposed. All signage must conform to the Elk Township sign regulations (Section 96-60).
 5. **Affordable Housing.** The applicant shall comply with all requirements of Chapter 40 of the Elk Township Code on affordable housing.
 6. **Environmental.** The applicant shall provide testimony as to any adverse environmental impacts to the site causes by the proposed development.
 7. The applicant shall address the application status in Glassboro.
 8. Any approvals by the Board shall be on the condition upon Lot 1.04 be consolidated with Lot 1.01.

GENERAL:

1. The applicant shall provide all proposed covenants, easements and restrictions (including legal descriptions) for review and approval by this office and the Board Engineer, Board Solicitor and Borough Solicitor as a condition any approvals.
2. The ALTA survey referenced on the topography survey shall be provided.
3. The current 100 year floodplain shall be shown on the plans and the applicant shall provide testimony how the floodplain may effect the subject development.
4. Our office defers review of the Soil Erosion and Sediment Control Plans to the Salem County Soil Conservation Service.

SITE PLAN:

1. The Site Plan shall more clearly delineate the extent of the proposed gravel paving.
2. The applicant shall confirm the location of the 8' high security fence along Jacob Harris Lane. The plan proposes a distance of 13' from the right of way. However, the previously approved plans for adjacent Lot 1.01 indicate the fence to be 15' from the right of way line. Clarification shall be made.
3. As part of the previous application for adjacent Lot 1.01 the applicant provided Copart's:
 - a. FM 186 Spill Cleanup Manual 2020;
 - b. Drip Prevention and BMP's National 2020;
 - c. Prohibited Activities, May 2020;
 - d. Environmental Management Program 2020;

The applicant shall provide testimony regarding prevention of spills, leaks and debris and shall indicate if the previously provided reports for adjacent Lot 1.01 remain valid and are extended to include Lot 1.04. Additional appropriate "spill prevention" signage shall be provided on Lot 1.04.

4. No dead ends shall be proposed at the site. A 25' wide access aisle shall be provided from the row of cars to the proposed fence along the rear basin.
5. A truck turning template for all anticipated vehicles (including emergency) must be shown on the plans.
6. The applicant shall provide certification of clean fill material to be brought onto the site.

UTILITIES:

1. No new buildings are proposed for the application. However, the applicant shall provide testimony regarding the anticipated increase in employees and customers to the site generated by the expansion of the facility that would affect the existing septic system. Documentation from the Gloucester County Health Department shall be provided indicating if the existing septic system will handle any anticipated increase from additional employees and customers.
2. Any existing septic fields or wells that exist on site shall be shown on the plans.

LANDSCAPE AND LIGHTING:

1. The applicant shall provide testimony regarding lighting at the site.
2. The plans indicate the Borough of Glassboro tax maps in the right of way of Jacob Harris Lane and shall be revised to correctly reference the Elk Township tax maps.

STORMWATER AND GRADING:

1. A blanket drainage easement exists at the property. The drainage easement shall be shown on all plans and the applicant shall provide testimony as to how this easement may affect the proposed stormwater design. If necessary, a separate stormwater runoff drainage easement shall be provided for the portion of Jacob Harris Lane fronting the subject property. This easement shall benefit Elk Township.
2. Storm sewer requirements and standards for all development shall be those required by the New Jersey Residential Site Improvement Standards (NJRSIS) (ref. Section 96-63.A.3). Therefore, the Manning's roughness coefficients used by design engineers appear in N.J.A.C. 5:21-7.2, Table 7.2, the normal roughness coefficient for concrete sewer with manhole inlets is 0.015. The storm sewer calculations must be revised.
3. A copy of the NJDEP freshwater wetlands permit must be submitted.
4. Overall site discharge for the 2- and 10-year storm events exceed the amount required by NJAC 7:8. for rate reductions. The design must be revised to provide the reductions required by NJAC 7:8.
5. Top and bottom of wall elevations must be provided for the basin side of the wall. The wall appears to be 5.5' in height. Design calculations for the wall, signed and sealed by a licensed engineer must be provided.
6. The applicants engineer must testify as to how the water quality runoff will be directed to the basin for treatment and not infiltrated directly through the gravel car storage area.
7. The post developed calculations for gravel inventory areas and gravel drive aisles have different curve numbers. The applicants engineer must testify as to the difference in the stone surfaces and curve numbers. The calculations should be revised as needed.
8. A Maintenance Plan must be submitted for the infiltration basin and must be recorded at the County clerk's office on the deed to the property.

9. Legal descriptions and easement documentation shall be submitted for the stormwater BMPs granting the Township inspection and maintenance rights and restricting the areas from further development shall be provided.
10. Side slopes shall not exceed 3:1 in any proposed graded areas. A note shall be shown in all areas of 3:1 grading.

OUTSIDE AGENCY APPROVALS:

This plan set may be subject to the review and approval of the following outside agencies. Evidence of these approvals must be submitted to the Joint Land Use Board and this office prior to the final signature of plans:

1. Gloucester County Planning Board
2. Gloucester County Soil Conservation District
3. Elk Township Fire Official
4. Gloucester County Health Department
5. NJDEP
6. Any other as may be necessary

The applicant shall revise the plans as noted above and per the approving resolution. When revised plans and materials are resubmitted, they are to be accompanied with a point-by-point response keyed to this letter. We reserve the right to make additional comments pending receipt of revised or additional documentation.

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

Preliminary and Final Major Site Plan with Use Variance
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Candace Kanaplue, PP, AICP
Associate

Cc: Brian Clancy, Esq, Board Solicitor
Copart of Connecticut, Inc., Applicant
Bob Woodson, Owner
Jennifer Johnson, Esq., Applicant's Attorney
David J. Fleming, PE, Applicant's Engineer

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