

RESOLUTION NO. 2024 – 13

RESOLUTION OF THE PLANNING/ZONING BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, APPROVING APPLICATION FOR D-1 VARIANCE, C VARIANCE RELIEF, AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO COPART OF CONNECTICUT, INC FOR JACOB HARRIS LANE, GLASSBORO, KNOWN AS BLOCK 66, LOT 1.04.

Application No.: ZB-24-02
Approval
D-1 and C Variance Relief
Preliminary and Final Major Site Plan Approval
Applicant: Copart of Connecticut, Inc.

August 21, 2024

BE IT RESOLVED, by the Planning/Zoning Board of the Township of Elk, County of Gloucester, State of New Jersey (“the Board”) that:

WHEREAS, the Applicant Copart of Connecticut, Inc. (“the Applicant”) filed an application to the Board for D-1 variance relief, C variance relief, and approval of Major Preliminary and Final Site Plan for the property known as Jacob Harris Lane, Glassboro, New Jersey otherwise known as Block 66, Lot 1.04, on the Tax Map of the Township of Elk; and

WHEREAS, this matter was subject to a public hearing before the Board on July 10, 2024; and

WHEREAS, the Applicant has complied with all the jurisdictional requirements in order to prosecute their application; and

WHEREAS, the Applicant was represented by Jennifer Johnson, Esq.; and

WHEREAS, the application proposes the conversion of the property to a parking area for vehicles prior to sale. The Applicant previously received a D-1 variance for an

adjoining property to operate a salvage yard, memorialized in Resolution 2020-10. The current application seeks to allow storage of vehicles for that salvage yard operation; and

WHEREAS, the property is located in the M1 Light Manufacturing (M1) Zone; and

WHEREAS, the zoning requirements in the M-1 Zone does not expressly permit the use of the property as a salvage yard; and

WHEREAS, the M-1 bulk requirement necessitate the following C variance relief for the property:

Description	Required	Existing	Proposed
Maximum Fence Height	4 feet/6 feet	N/A	8 feet

;and

WHEREAS, the regional manager for the Applicant Tim Buzzell testified in support of the application. The business stores used vehicles and boats prior to online auctions. The storage needs of the business have expanded and additional space is required. The sales portion of the operation is conducted entirely online, so no customers will be visiting the site. The vehicles are delivered and removed by professional contract operators. The subject lot will accommodate 600 vehicles and primarily be used for overflow of inventory. The existing fence line on Lot 1,01 will be extended to surround the parking area on Lot 1.04.

Mr. Buzzell further testified the proposed lot will contain no structures, signage, or lighting. There will be no vehicle repair work performed on the property. The Applicant will consolidate existing Lot 1.01 with Lot 1.04. The Applicant will be governed by all environmental reports required under Resolution 2020-10. No truck or

transport vehicle will be staged or conduct any loading or unloading operations except within the property. No vehicles will be stored on Jacob Harris Lane; and

WHEREAS, David Domen, P.E. testified and provided an overview of the site. A stormwater storage basin will be located on one side and vehicle storage will occur on the other side. The 100-year flood plain runs along the rear of the property and will remain undeveloped. The circulation plan for the parking area will prohibit any dead-end lanes. The Applicant will supply a truck turning radius template. A blanket drainage easement for the benefit of Elk Township exists on the property and the Applicant will extend the easement as necessary. The Applicant will comply with all NJDEP requirements. The Applicant agrees to comply with all engineering comments in the July 8, 2024, review letter supplied by Bach & Associates.

Mr. Domen further testified should any basin wall become necessary the Applicant will submit signed and sealed design calculations to the Township. The Applicant will submit a stormwater maintenance plan; and

WHEREAS, Creigh Rahenkamp, P.P. testified the site is particularly suited for the proposed use. This is the correct location in the Township for a salvage yard, given the uses permitted in the district, despite the fact that the M-1 Zone does not specifically permit this proposed use.

Mr. Rahenkamp further testified that the intent and purpose of the Municipal Land Use Law (MLUL) is furthered by this application. The proposed use provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. Demand has increased along with the supply of used vehicles in

the State and this location sufficiently serves that need. The application also encourages coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. The proposed use is a highly efficient use of the lot which adjoins and supports an existing business in the Township.

Mr. Rahenkamp further testified the proposed use has no negative effect on surrounding properties or neighbors in the M-1 Zone. The application may be approved as there is no substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinances.

Mr. Rahenkamp further testified that the bulk variance relief requested for maximum fence height provides security and screening at the site. The fence will align and match the existing fence on the neighboring property Lot 1.01. The benefits of granting the variance substantially outweigh any detriment and the relief may 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. The Applicant agrees to comply with all Planning comments contained in the July 8, 2024, review letter prepared by Bach & Associates; and

WHEREAS, the matter was opened to the public and no one testified with regard to the matter; and

WHEREAS, the Board, after considering all the evidence and testimony presented on behalf of the application, has made the following findings of fact:

1. The Applicants provided unrefuted testimony the site located in the M-1 Zone will accommodate the proposed use as a salvage yard. The proposed use matches and supports the existing use on the adjoining lot currently in

operation. The site will not be open to the public and all vehicles entering the facility will be operated exclusively by employees or contact professional drivers. Vehicle loading and unloading will occur only within the property. No trucks or vehicles will be staged or parked on Jacob Harris Lane.

2. The Applicants demonstrated D-1 variance relief may be granted as the positive criteria outweigh any negative criteria, there is no substantial detriment to the public good, and approval will not substantially impair the intent and purpose of the zone plan and zoning ordinances.
3. The Applicant demonstrated the C-2 variance for maximum fence height may be granted as the purposes of the MLUL would be advanced by such deviation from the zoning ordinance requirements and the benefits of such deviation would substantially outweigh any detriment.
4. The location supports the proposed use and is consistent with the MLUL and the Master Plan.; and

WHEREAS, the Board finds that the Applicant has met his burden in order to grant the D-1 and C-2 variance relief.

NOW THEREFORE BE IT RESOLVED by the Planning/Zoning Board of Elk Township **21st DAY OF AUGUST, 2024**, that the Board hereby confirms by this resolution the action taken by the Board on July 10, 2024, granting the application to Copart of Connecticut, Inc. D-1 and C-2 variance relief with Major Preliminary and Final Site Plan approval subject to the following conditions:

1. The Applicant shall comply with all recommendations of the Board Planner and Engineer as contained in the July 8, 2024, report to the extent that it does not conflict with any of the other conditions contained herein.

2. The Applicant shall comply with all representations made by or on behalf of the application during the public hearing.

3. The Applicant shall pay all taxes, fees and required escrows which may be due and owing.

4. The Applicant shall secure any and all other approvals, licenses and permits required by any other board, agency or entity having jurisdiction over the subject application or over the subject property.

5. The Applicant shall submit a letter of no interest from Borough of Glassboro.

6. The Applicant agrees there will be no automotive repair work performed at the site.

7. The Applicant agrees the property will not be open to the public.

8. The Applicant agrees to consolidate Lot 1.01 and Lot 1.04.

9. The Applicant agree to be governed by the environmental reports required under the previous approval from Resolution 2020-10.

10. The Applicant agrees there will be no staging, loading, unloading, parking, or storage of vehicles on Jacob Harris Lane.

11. The Applicant agrees to place the 100-Year flood plain on the final site plans.

12. The Applicant agrees to provide a truck turning template for the site.

13. The Applicant acknowledges the drainage easement in favor of Elk Township on the site and agrees to extend such as may become necessary.

14. The Applicant will submit signed and sealed design calculations for any basin walls should they become necessary.

15. The Applicant agrees to submit a stormwater maintenance plan.

BE IT FURTHER RESOLVED that the Board specifically adopts the preamble of this Resolution as its findings of fact, and conclusions of law, and has relied upon these findings in the decision rendered by the Board; and

BE IT FURTHER RESOLVED, that all representations, commitments and agreements made by the Applicant or its representatives at the hearing in this matter or contained in any document submitted to the Board with regard to this application will be considered as conditions of approval of the application for development and is hereby incorporated in this resolution by reference.

As to the D-1 Variance

Moved by: Mr. Richardson, seconded by Mr. Goetsch, and so ordered by the following roll call vote:

In favor of Approval: Goetsch, McKeever, Richardson, Wheeler,
Wolf, Peterson, Afflerbach (Chair)

Opposed to Approval: None

As to the C Variances

Moved by: Mrs. Wheeler, seconded by Mr. Goetsch, and so ordered by the following roll call vote:

In favor of Approval: Goetsch, McKeever, Richardson, Wheeler,
Wolf, Peterson, Afflerbach (Chair)

Opposed to Approval: None

As to the Major Preliminary Site Plan

Moved by: Mr. Goetsch, seconded by Mr. Richardson, and so ordered by the following roll call vote:

In favor of Approval: Goetsch, McKeever, Richardson, Wheeler,
Wolf, Peterson, Afflerbach (Chair)

Opposed to Approval: None

As to the Major Final Site Plan

Moved by: Mrs. Wheeler, seconded by Mr. Richardson, and so ordered by the following roll call vote:

In favor of Approval: Goetsch, McKeever, Richardson, Wheeler,
Wolf, Peterson, Afflerbach (Chair)

Opposed to Approval: None

The following resolution was memorialized on August 21, 2024, by the following vote:

Moved by: Mr. Wolf

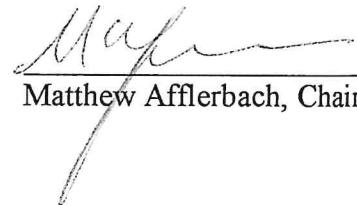
Seconded by: Mr. Goetsch

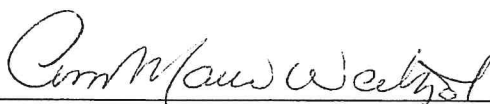
In favor of approval of adoption of resolution: Goetsch, McKeever, Wolf and Afflerbach (Chair)

Opposed to approval: None

Abstained: Lucas, Swanson

I certify that the foregoing is a true copy of a Resolution approved by the Planning/Zoning Board of the Township of Elk on July 10, 2024, and memorialized on August 21, 2024..


Matthew Afflerbach, Chairman


ANN MARIE WEITZEL
SECRETARY OF THE PLANNING/ZONING BOARD
OF THE TOWNSHIP OF ELK

Dated: P-27-2024