

## **Zoning Board Review - Engineering & Planning Report**

Report Date: 09/22/2020

Meeting Date: 10/01/2020

Parcel: Block 450, Lot 4  
Applicant: Anthony J. Rocco  
Owner: Anthony J. Rocco  
Attorney: N/A  
Project: 623 East Main Street – Fitness Studio  
Zone: Residential (R-5)  
Action Sought: D Use Variance  
Existing Streets: West Main Street (Major Arterial)

Upon review of the application regarding the above-mentioned project, the following report has been offered for the Board's consideration with respect to the Site Plan application.

### **ENGINEERING & PLANNING REPORT**

#### **Documents Reviewed:**

- City of Millville Zoning Board Application, dated July 30, 2020
- Sketch of Site Plan

#### **Existing Land Use & Zoning**

The property in question is an existing retail space located in the R-5 Residential Zone on New Jersey State highway Route 49, a.k.a. East Main Street. The applicant proposes the existing 3,000 square foot one-story masonry building to be used as a fitness studio and personal training gym.

#### **Proposal & Variances**

The Applicant seeks use variance approval.

#### **Planning Comments**

1. The Applicant shall provide testimony clarifying how many employees will be hired, the maximum number of patrons at one time, the hours of operation, and if any outside areas around the exiting build will be utilized for the proposed use along with any expected improvements to those areas.
2. In order to grant a use variance under the Municipal Land Use Law, the applicant must meet three criteria to the Board's satisfaction:
  - o The positive criteria:
    - There must be a "special reason" for granting the variance; absent an "inherently beneficial use," the development must show how this site particularly fulfills one of the purposes of zoning as identified in the MLUL (see N.J.S. 40:55D-2), or that general welfare will be promoted because the proposed site is particularly suitable for the proposed use, or demonstrate that the property has no economic utility under any permitted use; **and**
  - o The negative criteria:
    - The proposed use must not cause substantial detriment to the public good, i.e., the neighborhood's welfare; **and**
    - The proposed use is not inconsistent with and must not bring about substantial impairment to the intent and purpose of the Zoning Ordinance, which is based on the Master Plan.

## **Engineering Comments**

### Off-street Parking Requirements (§ 30-137)

1. The off-street parking requirement most closely related to this use is professional and medical offices, which is 1 parking space per 300 GFA. Therefore, the minimum required parking spaces is 10 spaces.
2. The location of the proposed parking is within the Seventh Street right-of-way which provides access to the neighboring car wash and alley behind the property in question. Based on this, no off-street parking stalls are proposed, but the applicant is showing three (3), 12'x20' on-street parking spaces.
3. Note that the minimum length for a parallel parking stall is 24 feet, not 20 feet as proposed. There shall also be one ADA/Van accessible parking space within the minimum amount. Since this is located within the Seventh Street right-of-way, a parking ordinance would need to be adopted by the City designating this as handicap accessible.
4. If the applicant proposes a shared off-street parking arrangement, they are subject to the requirements of this section and the following conditions:
  - a. The off-site, off-street parking facilities are within 300 feet of the property.
  - b. The parking demands of the individual uses, based upon the minimum parking requirements of this section, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.
  - c. A written agreement between the owners and lessees is executed for a minimum of five years and a copy of said agreement is maintained in the Planning office. The Planning Board shall be notified when any agreement is canceled or expires. Should the lease terminate, the lessee must return to the Planning Board with a revised parking plan.

Note, in regard to this requirement, the applicant shall provide testimony related to the existing historical use of parallel parking along this section of Seventh Street and the expected parking demand of the proposed use.

### General Comments

5. A lighting plan shall be provided showing all areas to be illuminated, such as parking areas, building frontage and entrances/exits.
6. Testimony shall be given regarding the existing water and sewer utilities and whether they will meet the new demand with the new proposed use.

This application may be subject to review and approval by the following outside agencies:

Cumberland County Soil and Water Conservation District  
City of Millville Department of Public Works  
Cumberland County Health Department  
Cumberland County Planning Board

This office recommends that any approval granted by the Board be subject to submission revised plans, calculations, and information noted above.

This office reserves the right to make additional comments pending the receipt of any revised plans, reports, correspondence, and testimony of the applicant or professionals employed by the applicant. The Applicant's Engineer is advised that all plan revisions must be detailed in a cover letter and a revision date must be included on the plan with every revision.