

514 W. Atlantic Avenue
 Haddon Heights, NJ 08035
 (856) 546-2580

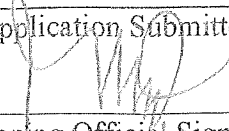
Borough of Haddon Heights

Case No. 23-11-1P

PLANNING BOARD APPLICATION

File: NCPG 1500 Kings, LLC (Nick Curiale)
 Applicants Name

Date Application Received: 9/22/23

Application Submitted: 	<u>9/25/23</u>
Zoning Official Signature	Date

Disposition:

- { } Approved
- { } Approved with Conditions
- { } Disapproved

Date of Public Hearing: _____

Time Required for Action: _____

Extension of Time Granted: _____

Fee Collected: _____ Date Collected: _____

Date Decision Published: _____

(DO NOT WRITE ABOVE THIS LINE)

I Pursuant to the Borough of Haddon Heights Municipal Code & applicable New Jersey State Law, application is made to the Borough of Haddon Heights for the following:

<u>Check Application(s) Requested</u>	<u>Type of Application</u>	<u>Fee \$</u>	<u>Check Application(s) Requested</u>	<u>Type of Application</u>	<u>Fee \$</u>
<input type="checkbox"/>	Appeal of Admin. Decision	_____	<input type="checkbox"/>	Preliminary/Major Subdivision	_____
<input type="checkbox"/>	Interpretation	_____	<input type="checkbox"/>	Final Major Subdivision	_____
<input type="checkbox"/>	Bulk Variance	_____	<input type="checkbox"/>	Preliminary Site Plan	_____
<input checked="" type="checkbox"/>	Use Variance	_____	<input type="checkbox"/>	Final Site Plan	_____
<input type="checkbox"/>	Conditional Use	_____	<input type="checkbox"/>	Minor Site Plan	_____
<input type="checkbox"/>	Minor Subdivision	_____	<input type="checkbox"/>	Concept Plan	_____
				Total Fee	_____

II. Application Form No. 1 was filled out on September 3, 20 23 by [Signature]
(Applicants Signature)

III. Check Forms No. 3 through 19 for your appropriate application forms.

IV. A "complete application" requires the following submissions; please check items submitted with this form:

- Copies of this application
- Plot Plans
- Copies of 200 foot radius map
- Copy of "authorized" application form if applicant is not the property owner
- List of property owners within 200 feet of the property
- List of owner's notice and newspaper notice
- List other required submissions, e.g. payment of taxes, payment of fees, etc.

V. Full legal name of Applicant: NCPG 1500 Kings, LLC

Mailing Address: 1630 RT 322, UNIT C, SWEDESBORO, NJ 08085

Town: SWEDESBORO State: NJ Zip: 08085 Phone: 609-902-0354

Applicant interest in property (owner, tenant, lessee, purchaser under contract, other: OWNER)

Applicant is a: Corporation ; Partnership ; Individual(s) ; Other (specify) _____

If the applicant is a corporation or a partnership, please attach a list of the names and addresses of persons have a 10% interest or more in the corporation or partnership (Form No. 11).

If the applicant is not the owner of the property in question, the applicant must obtain and submit a copy of this application signed by the owner.

The applicant must also submit a list of witnesses and others working on behalf of the applicant to include the attorney, engineer, architect, planner, and others, identifying their mailing address, City, State, zip code, and telephone number.

Street Address of Property: 1500 Kings Highway, Haddon Heights, NJ 08035 Tax Map Sheet: _____

Block: 80 Lot(s): 1 Date filed with County Recorder: _____

Situated on the side of _____ Street/Avenue distant _____ feet in
a _____ direction from the corner of the _____ side of
_____ Street/Avenue.

Is the property served by public sewer system? Yes No; Public Water System Yes No

Is the applicant willing to dedicate land for the widening of roads in compliance with the Borough or County Master Plan? Yes No

Is the proposed use located on a Municipal County or State road?

Area of property: _____ acres or 41,033 square feet. Frontage on an improved Street 6'4 feet. The dimensions of the property are: _____.

Number of Proposed lots: no change (20) Present Zoning of Property: R-4

Present Use of Property: multi-tenant mixed commercial property consisting of manufacturing, automobile customization, a craft brewery, and residential.

Proposed Use of Property: expansion to include fleet vehicles/equipment storage and maintenance

Describe proposed machinery, operation and products, if applicable: automotive customization and fleet vehicles

Description of all present structures: two-story 18,560 square feet with 20 parking spaces

Name, Profession, and License No. of Person Preparing Plat: Joseph A Mancini, Tri-State Engineering and Surveying, PC. License No. 24GE04579300

Does this constitute a: New Application Expansion Alteration

Size of proposed buildings: no change height in feet, no change height in stories

Number of proposed buildings 1 - no change Floor area of all structures: 18,560 square feet

Use of existing buildings and premises: no change

Percentage of coverage by all buildings: _____ By total impervious coverage: no change

Estimated costs: Proposed Buildings \$ no change Proposed Site Work \$ no change

Has a building permit been refused? Yes No Date: _____

Has a subdivision previously been granted? Yes No Date: _____

Has a use variance previously been granted? Yes No Date: Oct 20, 2016 April 19, 2018

Has a bulk variance previously been granted? Yes No Date: Oct 20, 2016 April 19, 2018

Has a site plan previously been granted? Yes No Date: Oct 20, 2016 April 19, 2018

Parking spaces required: 36 and provided: 20

Are there any existing or proposed covenants or deed restrictions on the property? Yes No

If yes, please explain: _____

Is a variance requested? Yes No If yes, describe in detail the section of the Land Development

Ordinance from which the applicant seeks relief: Section 450-33 of Article VII (R-4 District)

Applicant seeks a D(1) use variance expanding/intensifying previous granted commercial usage

If this application has arisen as the result of a denial of a zoning permit, please secure from the Zoning Enforcement Officer a letter giving reasons for denying the zoning permit and submit it with this application.

Have there been any previous Planning Board hearings involving this property? { } Yes { } No
If the answer is yes, please attach a copy of the written decision(s) adopted by the applicable board.

Attach a brief statement entitled "Proposal" setting forth the particulars of the proposed use of the property (if other than single family residential) and a description of the proposed physical changes to the property. (Include all physical improvements, such as structures, additions, landscaping, etc.)

Applicant is responsible to publish and serve notice of this application in accordance with the Borough's Land Development Ordinance; however, notice may not be affected until this application is certified by a notary.

VI. Attach a list of all plans, calculations, data and other exhibits submitted, by title and date, indicating names, addresses, license number, and phone number(s) of preparer.

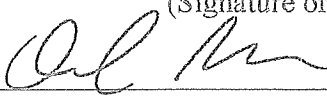
VII. I - hereby certify that the above statements, information, and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization. I further authorize Borough officials to inspect the site noted above.

NCPG 1500 Kings, LLC /s/

9-4-23

(Signature of Owner)

(Date)


Darryl C. Rhone, Esq.
(Signature of Applicant) CGO Law, PC

Counsel
(Title)

Sworn to & subscribed before me this 4th day
of September, 20 23.

Person to be contacted regarding matters
Pertaining to this application, if other
than myself:

Darryl C. Rhone, Esq. Attorney for State of NJ
(NOTARY) ID #025502014

Name: Darryl C. Rhone, Esq.



Phone Number: 609-902-0354


AGREEMENT TO PAY FOR PROFESSIONAL REVIEW

Date: 9.3.23

Applicants Address: 1500 Kings Highway Block: 80 Lot: 1

NCPG 1500 Kings, LLC, agrees to pay for any professional review necessary for
(Name of Developer)

the above construction.



(Signature)

Counsel

(Title)

Borough of Haddon Heights

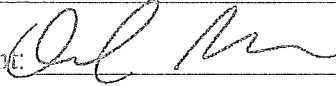
514 W. Atlantic Avenue
Haddon Heights, NJ 08035
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Case No. _____

Planning Board
Use & Bulk Variance Application Checklist

Applicant: NCPG 1500 Kings, LLC(prepared by counsel) Phone: 609-902-0354

Address: 1630 RT 322, UNIT C, SWEDESBORO, NJ 08085 Site Location: 1500 Kings Highway

Signature of Applicant:  Darryl C. Rhone, Esq. Date: 9-4-23

- Application form and plans for completeness review (3 copies).
- Application form (14 copies).
- Plat of plans (14 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.
- Scale of not less than 1" = 30' on one of the following standard sheet sizes:
(8 1/2' x 13"; 15" x 21"; 24" x 36" or 30" x 42")
- Key map no less than 1" = 30'.
- Title block:

Name of subdivision or development, Borough of Haddon Heights, Camden County;

Name, title, address and telephone number of subdivider or developer;

Name, title, address and license number of the professional(s) who prepared the plot or plan;

Name, title, and address of the owner(s) of record;

Scale; and,

Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

- Acreage figures (both with and without areas within public rights-of-way), to the nearest tenth of an acre.
- North arrow.
- Approval signature lines.
- Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough Tax Map.
- Subdivision or redevelopment boundary line (heavy solid line).

- The location of existing and proposed property lines (with bearings & distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, both within the tract and within two hundred (200') of its boundary.
- Owner certification.
- The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.
- Zoning districts affecting the tract, including district names and requirements.
- N/A All adopted master plan proposals affecting the proposed development.
- Proposed buffer and landscaped areas.
- N/A Delineation of wetlands and wetland buffers.
- W Contours as shown on the U.S.G.S topographic sheets. Waiver req. - no changes proposed.
- W Marshes, ponds and land subject to flooding within the tract and within one hundred feet (100') thereof. Waiver req. - no changes proposed.
- The names of all adjacent property owners as they appear on the most recent tax list prepared by the Board Secretary.
- Certification from the Borough Tax Collector that all taxes and assessments are paid to date.
- N/A Concerning minor subdivisions only, existing and proposed monuments.
- N/A Road right-of-way dedication and improvements, as applicable.
- N/A Sight triangle easements, as applicable.
- Deed descriptions, including metes and bounds, easements, covenants, restrictions,, and roadway and sight triangle dedications.
- W Photographs of site and neighboring properties. Waiver req. - no changes proposed.

Key: (X) Complete (W) Request Waiver (N/A) Non Applicable

The Planning Board may waive submission of any required exhibits in appropriate cases and for specific reasons. Requests for such waivers shall accompany a variance application, stating the reasons that such a waiver is being requested. The Planning Board reserves the right to acquire additional information before granting variance approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. Such information may include, but not limited to, drainage calculations and traffic analyses, provided, however, that no application shall be declared incomplete for lack of such additional information.

Signature & Title of person who completed checklist

9/4/23

Date

5. Said reasons are unique and peculiar to the lands or building for which the variance is sought and do not apply generally to lands or buildings in the neighborhood because: _____

the subject property has already been approved for the underlying commercial use (4 even), making it evident that the planning/zoning board has already deemed the area fit for the use which, although deviating from the R-4 designation, is fitting for where the property sits.

6. The requested variance is the minimum reasonably needed because: _____

the Applicant's business model requires an increase of the previously approved commercial uses as means of solidifying the integrity of the business that is to continue to take place on the subject property. Advances in the industry and changes in customer need necessitate the expansion of the use to include supply storage, fleet vehicles, and maintenance.

7. The following purpose(s) of the Municipal Land Use Law would be advanced by a deviation from the zoning requirements; the benefits of the proposed deviation would substantially outweigh any detriment because: the location in which the subject property sits has already been deemed suitable

for the underlying commercial use of automotive details and mixed-tenant use. The granting of an expansion of the previously granted use would allow the business on the subject property to continue to thrive — ensuring that the property is not vacant, and the Borough can reap the benefits of the tax ratable and service that the business avails itself to in an area surrounded by commercial entities.

8. The variance requested will not result in substantial detriment to the public good because: _____

the sought use variances does not consist of a new use, and instead is just an expansion of a previously approved commercial use variance which was already deemed to pose no substantial detriment to the public good.

9. The variance will not substantially impair the intent and purpose of the Land Development Ordinance and Master Plan because: _____

the subject property has already been approved for the underlying commercial use (4 even), making it evident that the planning/zoning board has already deemed the area fit for the use which, although deviating from the R-4 designation, is fitting for where the property sits.

Additional information attached.

Borough of Haddon Heights

Case No. _____

514 W. Atlantic Avenue
Haddon Heights, NJ 08035
(856) 546-2580

Planning Board
Affidavit of Ownership

STATE OF NEW JERSEY

ss.

COUNTY OF CAMDEN

I, NICK CURIALE, of NCPG 1500 Kings, LLC, of full age, being duly sworn according to law on oath
deposes and says that the deponent resides at 1630 RT 322, UNIT C in the

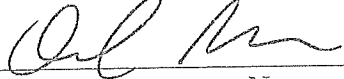
MUNICIPALITY of SWEDESBORO in the County of GLOUCESTER

And the state of NEW JERSEY; that NCPG 1500 Kings, LLC is the

owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Borough of Haddon
Heights, New Jersey, and known and designated as Block 80, Lot 1.

Sworn to and subscribed before me this

12 day of SEPTEMBER, 2023.

 Attorney for State of NJ
Notary ID #025502014

AUTHORIZATION

(If anyone other than above owner is making this application, the following authorization must be executed.)

To the Planning Board:

Darryl C. Rhone, Esq., attorney at law for the applicant, is hereby authorized to make the within application.


Signature of Applicant CGO Law, PC
For the Applicant

September 4, 2023
Date

Borough of Haddon Heights

514 W. Atlantic Avenue
Haddon Heights, NJ 08035
(856) 546-2580

Case No. _____

PUBLIC NOTICE
(Newspaper)

Take notice that NCPG 1500 Kings, LLC has applied to the Planning Board of the Borough of Haddon
Name of Applicant

Heights for approval of a Use Variance for _____
Type of Application Briefly Describe Application

**Applicant seeks an expansion of a previously approved commercial uses in R-4. Specific prior
approved uses include a manufacturing/sales facility, telecommunication facility, and multi-tenant
mixed mixed commercial property consisting of manufacturing, automobile customization, and a
craft brewery. Applicant seeks to include fleet vehicle/equipment storage and maintenance.**

at premises located on Block 80 Lot 1, at 1500 Kings Highway
Address

A hearing on said application will be held by the Planning Board on October 19, 2023 at 7pm,
20 23, at the regularly scheduled meeting place of the Planning Board, at which time any interested person
may be heard concerning said application, or you may appear either in person or by attorney to present any
comments or objections concerning the application.

All documents relating to this application may be inspected by the public and are on file in the Service
Operations Facility in the office of the Secretary of the Planning Board located at 514 W. Atlantic Avenue
Haddon Heights, NJ 08035. The documents may be inspected between the hours of 8:00am and 12:00pm
Monday – Friday, at least ten (10) days before the date of the hearing.

514 W. Atlantic Avenue
Haddon Heights, NJ 08035
(856) 546-2580

NOTICE OF HEARING TO PROPERTY OWNERS
(Cross out inapplicable sections)

TO WHOM IT MAY CONCERN:

In compliance with Section 450-149 of the Land Development Ordinance of the Borough of Haddon Heights, NJ, notice is hereby served upon you to the effect that (I) (We) NCPG 1500 Kings, LLC

Do hereby propose to (give detailed information) expand the intensity of previously approved use variances within the R-4 district. Applicant seeks to augment previously used commercial uses to also include fleet vehicle/equipment storage and maintenance. Bulk variance relief may be requested as determined.

Location 1500 Kings Highway, Haddon Heights, NJ 08035

The Zoning Enforcement Officer of the Borough of Haddon Heights, New Jersey refused this request by Reason of its being in violation of Section 450-33 of Article VII of the Land Development Ordinance, from which decision (I) (We) hereby appeal. (I) (We) have applied to the Planning Board for a: { } Hardship, {x} Use Variance, { } Subdivision, {x} Site Plan, { } Conditional Use Approval. Any person or persons Affected by this (appeal) (application) may have an opportunity to be heard at the meeting to be held on October 19, 2023, 20 23, at 7 P.M. in the Municipal Building, 625 Station Ave, Haddon Heights, New Jersey 08035.

 Counsel for Applicant
Signature of Applicant
CGO Law, PC

September 21, 2023
Date

NOTE: This notice must be personally served or sent by certified or registered mail at least ten (10) days before the day of the hearing, and proof of service to the Secretary of the Haddon heights Planning Board at least two (2) days before the day of the hearing.

514 W. Atlantic Avenue
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(856) 546-2580

NOTICE OF HEARING TO COUNTY PLANNING BOARD

To: County Planning Board, Lindenwold, New Jersey 08021

PLEASE TAKE NOTICE:

That NCPG 1500 Kings, LLC, the undersigned, has applied to the Haddon Heights Planning Board for a use variance and preliminary/final site plan with necessary bulk variance relief

to permit expansion of a previously approved commercial uses in R-4. Additional prior approved uses include a manufacturing/sales facility, telecommunication facility, and multi-tenant mixed commercial property consisting of manufacturing, automobile customization, and a craft brewery. Applicant seeks to include fleet vehicle/equipment storage and maintenance. at _____

Block 80, Lot 1, 1500 Kings Highway

of Haddon Heights, NJ 08053 which property front upon a county road, or adjoins county-owned property, or is within two hundred (200) feet of a municipal boundary. A hearing in the matter will be held on

October 19 @ 7pm, 20 23 at the Municipal Building at 625 Station Avenue, Haddon Heights, NJ

08035. The applicant is seeking a Hardship, Use Variance, Subdivision, Site Plan,

Conditional Use Approval. This notice is given pursuant to the provisions of N.J.S.A. 40:55D-12e.



Signature of Applicant

September 21, 2023

Date

NOTE: This notice must be personally served or sent by certified mail at least ten (10) days before the day of the hearing, and proof of service given to the Secretary of the Haddon Heights Planning Board at least two (2) days before the day of the hearing.

Borough of Haddon Heights

Case No. _____

514 W. Atlantic Avenue
Haddon Heights, NJ 08035
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Planning Board
Applicants Disclosure Statement
(Corporation or Partnership)

A corporation or partnership applying to the Planning Board:

- A. Subdivision with six (6) or more lots; or
- B. Site Plan for Commercial Purpose; or
- C. Variance to construct multi-dwelling of twenty-five or more family units;

Must complete the following:

The names and addresses of all persons, stockholders, or individual partners owning at least a ten (10%) percent interest in the corporation, partnership, or applicant are as follows:

Nick Curiale _____

Signature of Applicant

Date

Borough of Haddon Heights

514 W. Atlantic Avenue
Haddon Heights, NJ 08035
(856) 546-2580

Case No. _____

Planning Board
Application for a Use Variance
(See N.J.S.A. 40:55D-70d and Land Development Ordinance)

1. Application is hereby made on September 3, 2023, for the granting of a variance from the Land Development Ordinance to allow the following structures or uses:

Applicant seeks an expansion of a previously approved commercial uses in R-4. Additional prior approved uses include a manufacturing/sales facility, telecommunication facility, and multi-tenant mixed mixed commercial property consisting of manufacturing, automobile customization, and a craft brewery. Applicant seeks to include fleet vehicle/equipment storage and maintenance.

2. Said structures or uses are proposed to be located in the R-4 Zoning District, which is restricted against the same by the following provisions of the Land Development Ordinance:

3. This application is based upon the following special reasons:

In principle, the subject property has already been deemed fit for the commercial uses related to the proposed commercial uses

4. Said special reasons are unique and peculiar to the lands or buildings for which the variance is sought and do not apply generally to land or buildings in the neighborhood because:

the sought use variances does not consist of a new use, and instead is just an expansion of a previously approved commercial use variance which was already deemed to pose no substantial detriment to the public good.

5. The strict application of the regulations prohibiting said structure or use would deprive the applicant of the reasonable use of the lands or buildings involved because:

the Applicant's business model requires an increase of the previously approved commercial uses as means of solidifying the integrity of the business that is to continue to take place on the subject property. Advances in the industry and changes in customer need necessitate the expansion of the use to include supply storage, fleet vehicles, and maintenance.

6. The requested variance is the minimum reasonably needed because:

the proposed use would not pose a substantial deviation of the underlying commercial uses already granted, with the proposed storage and vehicle maintenance activities are merely an expansion of the use and activities that have taken place at the subject property for many years. The applicant seeks only clear memorialization and documentation of the actual historical use.

7. The requested variance will not result in substantial detriment to the public good because:

the sought use variances does not consist of a new use, and instead is just an expansion of a previously approved commercial use variance which was already deemed to pose no substantial detriment to the public good.

8. The requested variance will not substantially impair the intent and purpose of the Land Development Ordinance and Master Plan because:

the subject property has already been approved for the underlying commercial use (4 even), making it evident that the planning/zoning board has already deemed the area fit for the use which, although deviating from the R-4 designation, is fitting for where the property sits.

Application Overview

The applicant, NCPG 1500 Kings, LLC, seeks a D(1) variance expanding the intensity of previously granted use variances permitted various mixed-tenant commercial use – specifically those granted by the Board in October of 2016 and April of 2018. Article VII of the Borough of Haddon Heights' ordinances specifies the R-4 Residential Zone. Section 450-33 provides for the zone's permitted uses, which in summary only allow for single-family dwellings, accessory uses, parks, and recreational/community grounds.

As previously stated, the subject property at 1500 Kings Highway has been permitted to operate in the R-4 zone as a (1) manufacturing/sales facility, (2) telecommunication facility, (3) automobile repair/customization facility, (4) craft brewery, and (5) residence [upstairs].¹ Consistent with prior applications, the herein application seeks only use and any subsumed necessary bulk variance relief, as the proposed project does not consist of any additional building or site improvements. The applicant has supplied the Board and professionals a variance plan and site survey in furtherance of its application. As with the subject properties previously use approvals, we again request the granting of a site plan waiver.

Notably, the properties which surround the subject property on the southerly side of Kings Highway still include commercial type uses – Sherwin Williams, a construction company, and Ambulance Corp. Appropriately, the board of adjustment has historically found that the subject properties commercial use remain consistent with the Borough's Master Plan and does not prove a detriment to the public good.

Legal Standard of Review

While it is understood that pursuant to the Municipal Land Use Law, a d(1) variance cannot be expanded by grant of a subsequent d(2) variance; as the herein application seeks only an intensification and appropriate memorialization by resolution of use already inherent to previously granted d(1) variances – we respectfully ask the Board to view the proposed in such a lens that would be held to a d(2) expansion. Finding here that seeking a mere interpretation may not be appropriate, we seek Board approval as the benefit to the general welfare from the proposed commercial use was derived not from the use itself, *“but from the development of a site in the community that is particularly suited for the very enterprise proposed.”* See Burbridge v. Mine Hill Board of Adjustment, 117 N.J. 376 (1990). By virtue of procedural need, we seek a d(1) variance to accomplish the sought expansion, however noting generally, the State's high court has maintained that substantively, the *expansion* of a pre-existing nonconforming use variance need

¹ Granted October 20, 2016 and April 19, 2018 – respectively.

not show that a variance would have been granted to create the use in the first instance. See Kohl v. Fair Lawn, 50 N.J. 268, 281 (1967).

Here the applicant seeks allowance for vehicular storage and maintenance as means of clarifying the activities permitted pursuant to the subject property's existing permitted use as an automotive repair/customization facility. The proposed activity does not substantively deviate from the allowed usage, however, as a point of clarity and transparency with the applicant's proposed use, we seek a renewed d(1) use variance that explicitly subsumes these necessary business activities – as otherwise would propose a hardship to the applicant and business.

As previously explained, the Borough's board of adjustment has granted no less than three (3) resolutions permitting commercial use consistent with the proposed, finding that the subject property was indeed particularly suited to the proposed and need for the use constituted "special reasons" qualifying for granting of the use as proposed.

The applicant and its professionals shall provide all necessary testimony to satisfy the board and submits a variance plan and survey in support of its application. Consistent with the subject property's prior grants of commercial use variances – we again request a site plan waiver as the proposed expanded use shall constitute no more than a de minimis effect on storm water drainage, traffic circulation, landscaping requirements, buffering requirements, lighting, and any other considerations typically reviewed under a site plan approval, as there is no need for additional or upgraded site improvements.