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January 12, 2021  
#70583 00

Attn: Ms. Denise Schmied, Secretary  
Southampton Township Zoning Board  
5 Retreat Road  
Southampton, NJ 08088-3591

Re: Tractor Supply Company,  
1869 Route 38  
Block 403, Lot 1  
Minor Site Plan for Propane Tank Addition and Use Variance to Expand Non-Conforming Use

Dear Board Members,

We have reviewed an application for Minor Site Plan to add a propane tank to the existing retail business, which will also require a d(2) Use Variance to expand a non-conforming use in the Industrial (I) zoning district. The Board granted the Applicant, TKC Land Development II, LLC a d(1) use variance for the existing retail establishment on or about January 12, 2006. The Board granted the same Applicant preliminary and final site plan approval on or about October 12, 2006.

#### **General Information**

Applicant: Tractor Supply Company  
5401 Virginia Way  
Brentwood, TN 37027

Owner: ARA 1869, LLC  
1320 S. Dixie Highway  
Coral Gables, FL 33146

Applicant Attorney: Damien DelDuca, Esq.  
DelDuca Lewis Law Firm  
21 E. Euclid Avenue, Suite 100  
Haddonfield, NJ 08033

Applicant's Civil Engineer: Joshua M. Sewald, PE  
Dynamic Engineering  
1904 Lake Como, NJ 07719

#### **Application Submission Materials**

The following documents have been received with this application:

1. Application submission cover letter from Laura M. D'Allesandro, Esq. of DelDuca Lewis Law Firm in Haddonfield, NJ dated 11/25/20;
2. Southampton Township Planning Board & Zoning Board Application, including Minor Site Plan / Subdivision and D (Use) Variance checklists;

3. Minor Site Plan, prepared by Joshua Sewald, PE of Dynamic Engineering in Lake Como, NJ dated 3/13/20 and last revised 10/13/20, including the following:
  - a. Cover Sheet, Sheet 1 of 3;
  - b. Minor Site Plan, Sheet 2 of 3; and
  - c. Construction Details, Sheet 3 of 3.

### Completeness

We have reviewed the documents submitted with the application for Completeness with the Township's relevant application checklists for completeness.

Minor Site Plan / Subdivision Checklist: The Applicant has requested a submission waiver for:

- Item # 11 for the delineation of flood plains, including booth floodway and flood fringe areas. *Considering that the proposed development is on a previously improved portion of the property and not located within a flood hazard area on FEMA's online mapping system. We have no objection to the Board granting this submission waiver.*

D (Use) Variance Checklist: The Applicant has provided all required application materials.

*In conclusion, we recommend that the application be found COMPLETE for the Board's review and consideration.*

### Zoning and Development Standards

#### A. Use Requirements:

1. **The proposed 1,000 gallon propane, or Liquefied Petroleum (LP), tank accessory use / structure (LP Tank) is accessory to a pre-existing, non-conforming retail use within the Industrial (I) District, which requires a d(2) variance to that retail use's expansion.**

For use variances it is the Applicant's burden of proof to present "positive" and "negative" criteria to justify the variance. The Applicant must prove to the satisfaction of the Board that there are "special reasons" 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 the Municipal Land Use Law and the Township's Master Plan and Zoning ordinances. Additionally, the Applicant must 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 ordinances. Testimony should be provided.

#### B. Area and Bulk Requirements:

2. The proposed LP Tank is within in the previously approved fenced-in, concrete-paved, outdoor display area, which is within the zone's minimum setback requirements. No area or bulk variances are required.

#### C. General Comments

3. The dimensions from the sidewalk, the parking area and the building to the proposed LP Tank should be provided.
4. A turning template for the LP delivery vehicle of should be provided.

#### D. General Operations

5. The Applicant should provide testimony regarding general operations for the proposed LP Tank, including:
  - a. Purpose for propane tank installation,
  - b. Proposed customer services and whether there will be any cylinder exchange or storage areas,

- c. Hours and days of operation,
  - d. Staff operation, maintenance, and safety procedures, and
  - e. Types of vehicles that will service the propane tank, estimated service times and frequency, and how those vehicles may safely maneuver in and around the outdoor display area.
6. LP Tanks are regulated by the NJ Department of Community Affairs under NJAC §5:18. The Site Plan and the Construction Details sheets should be revised to show conformity with:
- a. NJAC §5:18-3.3(i) Container Storage, e.g., conformity with the installation requirements for the proposed tank skid and its minimum required distance from a building and that the crash posts shall be:
    - 1) A minimum of 4" schedule 40 pipe and painted yellow,
    - 2) Buried 3'6" deep, extend 3' above grade, and be filled with concrete,
    - 3) Encased below grade in concrete at least 18" in diameter and 3'6" in depth,
    - 4) Set at 4'6" maximum centers, and
    - 5) Installed a minimum of 24" from the LP container.
  - b. NJAC §5:18-3.3(m) regarding posting of required warning signage.
  - c. NJAC §5:18-3.3(n) regarding placement under an electric power service transmitting voltage more than 240 volts or within 6' of a line projected vertically from any edge of the container.
  - d. NJAC §5:18-3.4(b) regarding proposed additional site lighting to illuminate the storage containers, control valves, and other LP Gas equipment.
  - e. NJAC §5:18-3.4(c) regarding approval of the Township's fire code official of a suitable means of access for extinguishing equipment, such as wheeled extinguishers or fire department apparatus.
  - f. NJAC §5:18-3.4(d) regarding the proposed system's enclosure within an industrial type fence at least 6' high with at least two egress gates opening outward and remotely located from each other.
  - g. NJAC §5:18-3.4(f) regarding the location of applicable storage, loading, unloading, cylinder filling, and portable cylinder filling areas, and other strategic points postings in accordance with 5:18-3.3(m) shall be indicated on the Site Plan.
  - h. NJAC §5:18-3.4(g) regarding the location of approved extinguishers of adequate capacity of the carbon dioxide or dry chemical type shall be provided at strategic locations, such as storage sites, unloading and loading racks, filling or charging locations, pump, compressor and vaporizer locations.
  - i. NJAC §5:18-3.6(b) regarding any cylinder exchange cabinets to be set on a secure, non-combustible base and are located at least 20 feet from any building opening or source of ignition and are not located or stored within a structure.

E. Off-Street Parking and Loading Requirements

7. The proposed LP Tank will not require an increase in the existing number of previously approved off-street parking spaces for this retail establishment.

F. Drainage and Stormwater Management

8. The proposed LP Tank is within in the previously approved fenced-in, concrete-paved, outdoor display area. This proposed addition should have no significant effect on the site's existing drainage and stormwater management system.

G. Solid Waste and Recyclables Management

9. The proposed LP Tank should have no significant effect on the site's existing solid waste and recyclables management system.

H. Landscaping and Buffering

10. Because the proposed LP Tank is within in the previously approved fenced-in, concrete-paved, outdoor display area, no additional landscaping or buffering is required.

I. Summary of Recommended Conditions of Approval

11. In addition to those plan revisions recommended above, we offer the following other recommended conditions of approval:

- a. Compliance with all applicable requirements and sections of the Southampton Township Code.
- b. Submission of written approvals of all outside agencies with jurisdiction over the application, including the following:
  - 1) NJ Department of Community Affairs,
  - 2) Southampton Township code officials, as may be required, and
  - 3) All others having jurisdiction over this application.
- c. Submission of a copy of plans to be submitted in AutoCAD format and reports and other documents in Microsoft Word, Microsoft Excel, or Adobe PDF formats, as appropriate.
- d. Posting of performance bond, as may be required.

J. Administration

12. We reserve the ability to provide additional comments based on additional information and testimony.

13. All future re-submissions of plans and other documents to the Board's professionals for review of conformance to the Board's resolution of approval shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board professionals's review letters.

Should you or the Applicant have any questions, please feel free to contact the undersigned.

Sincerely yours,



Rakesh R. Darji, PE, CME, PP  
Zoning Board Engineer



Edward Fox, AICP, PP  
Zoning Board Planner

RRD/EF

cc: Damien DeDuca, Esq., Applicant's Attorney via email [dod@delducalewis.com](mailto:dod@delducalewis.com)  
Joshua M. Sewald, PE, Applicant's Civil Engineer via email [jsewald@dynamiccec.com](mailto:jsewald@dynamiccec.com)  
Thomas Coleman, Esq., Zoning Board Attorney [tomcoleman@rclawnj.com](mailto:tomcoleman@rclawnj.com)