



**L. B. Landgraf & Associates, LLC**

*Land Use & Planning Consulting Services*

# Planning Report

for

**Insurance Auto Auctions Corp.,  
IAA, Inc.**

Used Car Sales/Auction

Block 5201 Lot 8; Block 5302 Lot 1;

Block 5402 Lot 2; Block 5402 Lot 3;

Block 5402 Lot 4

Atco, Waterford Township, New Jersey

**PREPARED BY:**

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**DATED: October 30, 2020**

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**Preface.**

I have been asked by Richard Hoopis, Vice President of Real Estate and Development at IAA, Inc. to prepare a planning report addressing whether the proposed used car sales/auction is a permitted conditional use in the Planned Light Industrial (PI) District. Automobile new and/or used sales and service establishments are listed as a permitted conditional use in section 176-104 H. While the site is split zoned, Rural Development and Planned Light Industrial, the proposed used car sales facility will be located entirely within the PI district.

Insurance Auto Auctions Corp., and its parent company IAA, Inc. (collectively "IAA") proposes to use the former Atco Raceway site to store and sell by online auction, vehicles many of which are in non-drivable condition sourced from insurance companies, used car dealers and charitable organizations. The vehicles are brought to and leave the site on flatbeds or other vehicle transport type vehicles. No repairs are made to the vehicle on the site and they are sold in an "as is" condition.

**My background and experience.**

I am a licensed New Jersey Licensed Professional Planner and Certified by the American Institute of Certified Planners.

In my private sector work, I provide zoning analysis of properties to determine the viability of various uses that may or may not be permitted on a certain site. Interpretation of land use regulations and zoning ordinances are key parameters to this review. Knowledge of how ordinances are written, and the terminology used in them is critical. The New Jersey Municipal Land Use Law (MLUL) and the municipal Master Plan provide the basis for analysis of land use matters.

Municipalities are delegated their zoning and land use regulatory powers through the MLUL. Local ordinances adopted pursuant to the MLUL establish the design for how communities are to be developed and improved. Professional Planners review and interpret these local ordinances in order to provide recommendations to private clients as to how property can be utilized. Recommendations on what constitutes a permitted use, identification of existing non-conforming conditions that may be continued and variances that may be needed are all based on the parameters set by local ordinances and the MLUL. I have been consulting on the preparation of site plans since 1991.

The public side of the professional planner's work includes reviewing development applications for consistency with the local land use and zoning ordinance. Interpretation of the ordinances and MLUL remain critical components of this task. The determination of permitted uses, variances and existing non-conforming conditions is a primary factor in the analysis of any land development application. A planner for a community makes a recommendation to either the Planning Board or Zoning Board of Adjustment for approving or denying an application, and also voices an opinion whether the application represents good planning.

The overall goal of a planner is to foster the health, safety and general welfare of the public by applying sound planning principles, whether working for a private developer or a municipality. This principle of planning is a touchstone from both perspectives. I have been providing land use planning consulting for both private clients and municipalities for over 30 years and have appeared before more than one hundred different boards in both New Jersey and Pennsylvania. I have been recognized as an expert in the field of land use planning by the New Jersey Superior Court and by land use boards throughout the state. My opinion in this matter is rendered within a reasonable degree of professional certainty.

## **A. OVERVIEW**

Based on my review of IAA's proposed plan for the former Atco Raceway, the existing/former use on the site, the current site conditions and the Waterford Township Land Use Regulations as they pertain to the Planned Light Industrial District, it is my opinion that the proposed used car sales/auction is a permitted conditional use under section 176-104.H. of the Land Use Regulations. As with any conditional use, the applicant must meet certain conditions that are outlined in the conditional use section of the code. We believe that those conditions are reasonable and can be met with a professionally designed and approved site plan.

## **B. EXISTING CHARACTERISTICS OF THE LAND AREA IN QUESTION**

### **1. Location and Tax Map Designation**

The Property is located along Jackson Road at the improved terminus of Tremont Avenue, in the Atco section of Waterford Township. The tax map designation is Block 5201 Lot 8; Block 5302 Lot 1; Block 5402 Lot 2; Block 5402 Lot 3; Block 5402 Lot 4 ("Property"). The site contains 180.34 acres. Development of the proposed use is located only on property designated in the Planned Light Industrial District (PI) zone.

### **2. Existing Conditions.**

The site has historically been used as a racetrack, mainly for drag racing. The improvements to the site include paving areas used in the drag racing operation, garages and structures for vehicle repairs and maintenance, office, grandstands, paved parking areas and refreshment stands, all used as part of the racing facility.

### **3. Site Zoning.**

As noted above the site is split zoned with the rear wooded area being zoned Rural Development and the existing developed area as Planning Light Industrial. This report will focus on the PI District and the uses permitted within that district. The Zoning Ordinance provides:

#### **§ 176-127. Planned Light Industrial District (PI).**

##### **A. Principal uses:**

- (1) Office buildings and research facilities.
- (2) Warehousing, including shipping and receiving of goods and supplies.
- (3) Manufacturing, fabrication and assembly.
- (4) Automobile service and repair facilities in compliance with § 176-104G
- (5) Residential uses existing prior to the adoption of this chapter.
- (6) Commercial recreational and entertainment facilities.

B. Conditional uses:

- (1) Adult uses in compliance with § 176-104D.
- (2) **Automobile sales and service establishments in compliance with § 176-104H.**
- (3) Car wash in compliance with § 176-104K.
- (4) Gas station in compliance with § 176-104N.
- (5) Hospital, philanthropic clinic, nursing home and convalescent center in compliance with § 176-104P.
- (6) Pinelands resource-related industrial or manufacturing facility in compliance with § 176-104Q.
- (7) Public utility installations in compliance with § 176-104S.
- (8) Hotels and motels on parcels of at least three acres.
- (9) Commercial scale solar generating facilities subject to the following conditions:  
[Added 9-12-2012 by Ord. No. 2012-13; amended 3-13-2013 by Ord. No. 2013-1]

**§176-104. H. Automobile new and/or used sales and service establishments.**

- (2) In addition to all other requirements for site plan approval, the applicant for a new or used car sales and service establishment shall provide the following information:
  - (a) Type of structure, number of bays, and accessory buildings to be constructed;
  - (b) Description of equipment to be used in service area.
  - (c) List of chemicals, paints and other products to be stored and used on site.
  - (d) Description of method for handling and disposal of chemicals, paints, oils, antifreeze, freon and other products.
  - (e) Description of fire-fighting and other safety equipment to be maintained on site.
  - (f) Description and mapping of the location of the screening devices and any other provisions to minimize noise, dust, vibration or any other nuisances.
- (3) The following standards and regulations shall apply:
  - (a) Lot size shall be five acres with improved road frontage of 200 feet. Front, side and rear yard setbacks shall be 100 feet.
  - (b) No structure shall be permitted within the required front yard setback except for access drives.

- (c) Setback for display of new or used vehicles shall be 30 feet from any public right-of-way.*
- (d) Impervious lot coverage shall not exceed 20%.*
- (e) All mechanical activities must be conducted within a totally enclosed building. Except for the sale of vehicles, no merchandise, parts, products or other equipment or objects shall be displayed or stored outside.*
- (f) Parked vehicles needing service shall be screened from view from adjacent lots and public streets.*
- (g) Warning and safety signs shall be placed where needed.*

### C. COMPLIANCE WITH CONDITIONAL USE STANDARDS

- As shown on the plans and in the attached zoning chart, the proposed used automobile sales facility will comply with all the conditional use standards of §176-104. H. The site plan also has been designed in compliance with all other requirements of site plan approval.
- Of particular note, the lot coverage or impervious coverage on the site will be reduced from an existing 36.075 acres (20.10%) to 35.806 (19.95%), under the maximum permitted impervious coverage of 20%. The applicant is proposing to remove 0.27 acres or 11,717.64 square feet or impervious surface on the site.
- Since the proposed use fits the definition of the permitted and conditional use and will comply with all of the conditional use standards, the proposed sale of used vehicles is considered a permitted use on the subject property.

### ZONING SCHEDULE (LOT 1, BLOCK 5302 & LOT 8, BLOCK 5201)

ORDINANCE SECTION	ZONE: PL (PLANNED LIGHT INDUSTRIAL)	PERMITTED OR REQUIRED	PROPOSED IMPROVEMENTS	CONFORMITY STATUS
§176- 127. 8(2)	CONDITIONAL USE (*) SEE BELOW	AUTO SALES AND SERVICE ESTABLISHMENTS IN COMPLIANCE WITH 176-104H.	USED CAR AUCTION/SALES	CONFORMS
§176-127C & 176-126C (2)	MIN. FRONT YARD (FROM COUNTY ROW)	100 FT.	> 100'	CONFORMS
§176-127C & 176-126C (2)	MIN. SIDE YARD	40 FT.	> 40'	CONFORMS
§176-127C & 176-126C (2)	MIN. SIDE YARD WHEN ABUTTING RESIDENTIAL ZONES	100 FT.	> 100 FT	CONFORMS
§176-127C & 176-126C (2)	MIN. ROAD FRONTAGE	150 FT.	> 150 FT.	CONFORMS
§176-127C & 176-126C (2)	MIN. LOT WIDTH	150 FT.	> 150 FT.	CONFORMS
§176-127C & 176-126C (2)	MAX. BLDG COVERAGE	30%	< 30%	CONFORMS
§176-127C & 176-126C (2)	MAX. LOT COVERAGE	65%	< 65%	CONFORMS

ORDINANCE SECTION	CONDITIONAL USES PER §176-104H	PERMITTED OR REQUIRED	PROPOSED IMPROVEMENTS	CONFORMITY STATUS
§176-104H	CONDITIONAL USE	AUTOMOBILE NEW AND/OR USED SALES AND SERVICE ESTABLISHMENTS	USED CAR AUCTION/SALES	CONFORMS
§176-104H(2)(a)	<b>MIN.</b> LOT SIZE	5 ACRES	179.437 ACRES (NOTE 1)	CONFORMS
§176-104H(2)(a)	<b>MIN.</b> IMPROVED ROAD FRONTAGE	200 FT.	> 200 FT.	CONFORMS
§176-104H(2)(a)	<b>MIN.</b> FRONT, SIDE & REAR YARDS	100 FT. EACH	> 100 FT. EACH	CONFORMS
§176-104H(2)(b)	STRUCTURES WITHIN THE FRONT YARD SETBACK	NONE PERMITTED EXCEPT FOR ACCESS DRIVES	ACCESS DRIVES	CONFORMS
§176-104H(2)(c)	<b>MIN.</b> USED VEHICLE SETBACK	30 FT.	30 FT	CONFORMS
§176-104H(2)(d)	<b>MAX.</b> IMPERVIOUS LOT COVERAGE	20%	19.95% (NOTE 2)	CONFORMS
§176-104H(2)(e)	MECHANICAL ACTIVITIES	TO BE WITHIN A TOTALLY ENCLOSED BLDG	TO BE WITHIN A TOTALLY ENCLOSED BLDG	CONFORMS
§176-104H(2)(f)	VIEW OF PARKED VEHICLES	TO BE SCREENED FROM VIEW FROM ADJACENT LOTS & PUBLIC STREETS	FENCE IS PROPOSED	CONFORMS
§176-104H(2)(g)	LOCATION OF WARNING & SAFETY SIGNS	TO BE PLACED WHERE NEEDED	TO BE PLACED WHERE NEEDED	CONFORMS

1. THE TOTAL LOT AREA IS THE SUM OF BLOCK 5302, LOT 1, BLOCK 5201, LOT 8, AND BLOCK 5402, LOTS 2, 3 & 4, AND DOES NOT INCLUDE THE PROPOSED ROW DEDICATION ALONG JACKSON ROAD.
2. THE PROPOSED IMPERVIOUS COVERAGE IS 35.806 ACRES. THIS AREA DOES NOT INCLUDE THE AREA OUTSIDE OF THE PROPOSED JACKSON ROAD ROW. EXISTING IMPERVIOUS COVERAGE IS 36.075 ACRES (20.10%).

## D. PROPOSED USE

As the new owner of the property, IAA is proposing to utilize the former Atco Raceway property to store and sell by online auction, vehicles many of which are in non-drivable condition sourced from insurance companies, used car dealers and charitable organizations. As indicated, IAA as operator of the facility will be handling primarily “total loss” type of vehicles. These vehicles will be trucked to the site and inventoried with paperwork and pictures. No repairs, dismantling or modifications to the vehicles will be made. The vehicles will leave the site in the same condition as when they arrived. The auctioning of inventory is typically done once a week, and vehicles are auctioned “as is.” No retail sales are made to the general public. While some vehicles have litigation or title issues that take some time or effort to resolve, all vehicles on site are sold and removed from the site. Even vehicles that are not useable are sold and transported by a buyer for salvage. Vehicles are on site from acquisition to transfer on average 60-90 days. This efficient auction and sale process are licensed in New Jersey at IAA’s other similar sites like Turnersville and Carteret with Used Motor Vehicle Dealers Licenses specific to the site. The same New Jersey State Used Motor Vehicle Dealer License will be acquired by IAA for this site upon local approval.

From a land use viewpoint, this activity constitutes automobile sales. IAA seeks affirmation that this use is a permitted conditional use in the PI District.

Title 39:11-2 recognizes this particular use as the storage and sale of used motor vehicles is not to be considered junk yard type use as cited in this statute:

*39:11-2 The terms "motor vehicle junk business" or "motor vehicle junk yard" shall mean and describe any business and any place of storage or deposit of two or more unregistered motor vehicles, which, in the opinion of the commission, are unfit for reconditioning for use for highway transportation, or used parts of motor vehicles or material, which has been a part of a motor vehicle, the sum of which parts or material shall, in the opinion of the commission, be equal in bulk to two or more motor vehicles, but shall not include a salvage pool or auto auction whose primary business is the sale of total loss vehicles on behalf of insurance companies.*

It is therefore my opinion that the proposed use fits into the permitted conditional use of Automobile sales and service establishments. Under the Municipal Land Use Law 40:55D-67 Conditional Uses that fully meet the specific conditions as set forth in the municipal land use regulations, are considered permitted uses and merely require preliminary and final site plan approval. I would submit that this proposed use can receive a zoning permit with the condition that the applicant file for site plan approval with the Waterford Township Planning Board.

**Lance B. Landgraf, Jr., Professional Planner**

L. B. Landgraf & Associates, LLC  
9 S. Harvard Avenue  
Ventnor City, New Jersey 08406

***CREDENTIALS:***

- B.A., Urban and Regional Planning, Bloomsburg University of Pennsylvania
- Licensed Professional Planner in New Jersey, NJPP Lic. No. 33LI00510000
- Certified by the American Institute of Certified Planners (AICP), Cert. No. 11202

***PROFESSIONAL AFFILIATIONS:***

- New Jersey Chapter of American Planning Association
- Member of the Advisory Board for Atlantic County Institute of Technology (ACIT)
- Member Urban Land Institute

***EDUCATION:***

- Bachelor of Arts – Urban/Regional Planning, Bloomsburg University of Pennsylvania, 1986
- American Institute of Certified Planners Continuing Education – Certification Maintenance.
- A minimum of 32 certified credits are required every two years to maintain AICP Certification.

***CORE ACCOMPLISHMENTS:*****Licenses & Certifications**

- New Jersey Chapter of American Planning Association, Licensed since 1991
- American Institute of Certified Planners, Member since 1995
- Professional Memberships
- Member of the Advisory Board for Atlantic County Institute of Technology (ACIT)



- Academy of Math, Engineering and Science (AMES)
- Member Urban Land Institute
- Member of the Greater Atlantic City Chamber of Commerce

#### Master Plan Preparation

- City of Ventnor, Atlantic County, NJ – Master Plan 1990
- Borough of Longport, Atlantic County, NJ – Master Plan 1990
- City of Brigantine, Atlantic County, NJ – Master Plan 2000
- 2007 - 2008 Master Plan Re-examination Update
- Township of Mullica, Atlantic County, NJ – Master Plan 2001
- 2007 Master Plan Re-examination Update
- City of Northfield, Atlantic County, NJ – Master Plan and Zoning Change 2009

#### Land Use Ordinance Preparation

- 2001 Mullica Township Land Use Ordinance
- 2006 and 2007 City of Brigantine Land Use Ordinance Update

#### **EXPERIENCE SUMMARY:**

Mr. Landgraf has over 33 years of experience in land development and land use planning. From municipal planning for the City of Brigantine and Mullica Township to preparing site plans, subdivisions and variance applications, Mr. Landgraf has reviewed and designed projects with the benefit of experience from both the developers' point of view and the municipal agency aspect of development. Over the last 21 years as the Municipal Planner for Brigantine and 19 years for Mullica Township, he has prepared Master Plans, Land Use Ordinances and assisted in preparing various agency applications for public development.

On the private side, Mr. Landgraf has been in responsible charge of development applications ranging from minor subdivisions, minor site plans to large scale residential subdivisions and commercial site plans. Experience includes extensive development approvals in the New Jersey

Pinelands Region and application process associated with that agency. All aspects of land use planning including zoning change applications and use variances for a far range of projects throughout New Jersey and Pennsylvania.

From 2007 thru July of 2014 Mr. Landgraf has been a Principal/Project Planner with Marathon Engineering and Environmental Services, Inc. He is responsible for management of the Atlantic City office and for the administration of all projects from proposal preparation to final close out. He is responsible for the development of the technical approach for proposals; interfaces with the client, attorney and the various disciplines (i.e., architecture, engineering, surveying, planning, transportation, etc.) on technical design and on scheduling; is responsible for quality assurance/quality control; and works with regulatory agencies on securing timely approvals through monitoring of applications and insuring that technical deficiencies are addressed. Planning Responsibilities include the following:

- Client representation at public hearings;
- Zoning Analysis;
- Feasibility study/analysis;
- Conceptual plan preparation;
- Interaction with municipal officials and professionals

Prior to joining Marathon Engineering, Mr. Landgraf was a partner/owner in the engineering firm of Aqua Terra, P.A., in Hammonton, New Jersey.

***EXPERIENCE TIMELINE:***

Fall semester 1986 – Internship with City of Philadelphia Planning Department, Transportation Division, Philadelphia, PA.

- Parking inventory and analysis of Center City Philadelphia area;
- Analyzed parking space allocations and fees charged by private garages;
- Support for staff during Vine Street Expressway construction project;

March 1987 to November 1987 - Grants Coordinator for Township of Lower in Cape May County, New Jersey.

- Managed CDBG grants for low/moderate income residents;
- Managed Neighborhood Preservation and Revitalization grant;
- Managed Economic Development Grant, airport business incubator;

December 1987 to January 1993 – Project Planner for The Design Collaborative, Cape May Court House, NJ

- Private consulting firm providing Planning and Engineering consulting services for 5 municipalities:
- City of Ventnor, Atlantic County
- Borough of Longport, Atlantic County
- Lower Township, Cape May County
- Dennis Township, Cape May County
- Fairfield Township, Cumberland County
- Provided project management for utility and roadway infrastructure projects for each municipality
- Provided Planning review of applications for the planning and zoning boards of Ventnor, Longport and Lower Township.

January 1993 to September 2007 – Principal Planner for Aqua Terra, PA, Hammonton, NJ.

- Private consulting firm providing Planning and Engineering consulting services for mainly private commercial and residential clients;
- In 1997 Mr. Landgraf was appointed as the consulting planner for both Mullica Township and the City of Brigantine;
- In 1999 Mr. Landgraf became an equitable partner and Vice President of Aqua Terra, PA.

September 2007 to July 2014 – Principal Planner Marathon Engineering & Environmental Services, Inc. (Marathon Engineering).

- In 2007 Aqua Terra, PA was dissolved, and Mr. Landgraf and the majority of the staff became employees of Marathon Engineering. From 2007 thru June of 2014, Mr. Landgraf was the Principal Planner for Marathon Engineering and managed the Atlantic City office for the firm.

Since July 07, 2014 to present – Director of Planning for the Casino Reinvestment Development Authority (CRDA).

July 01, 2014 to present – Principal/Sole Proprietor L. B. Landgraf & Associates, LLC, Land Use & Planning Consulting Services.