

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
RESOLUTION NO. ZB25-06**

**WHEREAS**, Copart, Inc. has applied to the Zoning Board of Adjustment of the Township of Franklin for a use variance, as well as preliminary and final major site plan approval to establish an auto auction storage yard with associated parking; and

**WHEREAS**, the property in question is located on Shea Lane and known as Lot 13, Block 2102, on the tax map of Franklin Township, said property being in a Residential Agricultural (RA) Zone; and

**WHEREAS**, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Daniel Markind, Esquire appeared on behalf of the applicant. The applicant presented the testimony of Edward Davidheiser, Regional Operations Manager for Copart, Inc., Dave Fleming, Professional Engineer with Marathon Engineering and Environmental Services, Brian Shropshire, Traffic Engineer and Paul Gleitz, Professional Planner. The property consists of approximately 79 acres of vacant woodland, bisected by a 350-foot-wide easement for existing power lines. The applicant proposes the clearing of approximately 39 acres, establishing a receiving area, office trailer, storm water management and spaces for 5,000 vehicles. Access to the property is by way of Shea Lane, a small residential street.

3. The applicant has other locations as well, and indicated that this would initially be utilized as an overflow area. It would be operated as a salvage auto auction where totaled cars would be picked up from other locations, delivered and stored until they are sold and removed. Most business is conducted on-line. The applicant's traffic report indicated that there would be approximately 184 total weekday trips per day, transporting damages vehicles in and out of the site. There would also be approximately 5 or 6 pieces of equipment utilized on site to move vehicles on site and load them on and off of trucks. Hours of operation would primarily be Monday through Friday from 8:00 a.m. to 5:00 p.m. The applicant introduced Exhibit A-1 consisting of aerial photos and ground photos of this and other sites.

4. Paul Gleitz, Professional Planner for the applicant presented testimony regarding the applicant's burden of proof for the positive criteria consisting of promotion of

the general welfare, site suitability and reconciliation of the governing body's decision to zone this area for residential agricultural uses. The Board also considered the review letter of December 4, 2025 prepared by Zoning Board Engineer and Professional Planner, David S. Scheidegg.

5. 21 members of the public appeared and presented testimony in opposition to the application. Comments related primarily to site suitability, traffic, potential soil and water pollution, fire risk, destruction of forest and wildlife and activity detrimental to existing residential uses. The Board determined that the applicant had not met their burden of proof regarding the positive criteria. The Board focused primarily on site suitability and determined that the site is not suitable for the proposed use as it would involve the clearing of approximately 39 acres of woodland. The vehicles would be totaled and therefore at risk for leaking various fluids. There is potential hazard from the batteries and gas powered vehicles, and more so the batteries in electric vehicles. Any pollution would impact a nearby stream and wetlands. The applicant did not present testimony regarding efforts to acquire other more suitable sites in zones with permitted uses much more similar than those permitted in the agricultural residential zone. The applicant did not establish why the governing body in allowing this parcel to remain residential agricultural may have contemplated permitting a use such as this. As to the negative criteria, the Board determined that the proposed use would, in fact, result in a substantial detriment to the residential uses in the area as they would be exposed to truck traffic in and out of the facility, as well as the operation of equipment in the facility.

6. The Board therefore voted unanimously 7 to 0 to deny the use variance. Therefore, the Board did not proceed with consideration of preliminary and final site plan approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Township of Franklin this 3<sup>rd</sup> day of February, 2026, confirming action heretofore taken, that the application of Copart, Inc. for a use variance, as well as preliminary and final major site plan approval to establish an auto auction storage yard with associated parking is hereby denied.

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

  
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**JOHN GRAVENOR, Chairman**

**ATTEST:**

  
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**CHRISTINA MULFORD, Secretary**