

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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July 29, 2020

Kristie Dickert, Administrative Officer  
Zoning Board of Adjustment  
Neptune Township  
P.O. Box 1125gg  
Neptune, NJ 07754-1125

**Re: Surya Realty, LLC (ZB#20/08)**  
**1800 Corlies Avenue**  
**Block 1122, Lot 3**  
**Use Variance**  
**Our File: NTBA 20-08**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for use variance approval for the above referenced project. The following documents were reviewed:

- Submittal Letter prepared by Donna M. Jennings, Esq. of Wilentz Attorneys at Law, dated March 19, 2020.
- Neptune Township Completeness Checklist and Application for Use and/or Bulk Variances.
- Survey of Property, consisting of one (1) sheet, prepared by Charles Surmonte, PE, PLS, dated December 21, 2011.
- Community Impact Assessment, Automobile Service Station, prepared by Andrew W. Janiew, PP, AICP, and Barbara J. Ehlen, PP, AICP, dated June 2020.

**1. Site Analysis and Project Description**

The subject property, Block 1122, Lot 3, consists of approximately 0.5258 acres, located on the southwest corner of Corlies Avenue and Taylor Avenue, in the B-1 Town Commercial Zone District. The site is currently developed with a gasoline fueling station and includes four (4) fuel pumps with canopy and a 1-story building with two (2) service bays. Commercial and industrial uses are located to the north of the subject property, across Corlies Avenue. Commercial uses are also located to the west of the subject property along Corlies Avenue and to the east, across Taylor Avenue. Residential uses owned by the Neptune Housing Authority are located to the south of the subject property.

The applicant is seeking approval to utilize the one-story building for automobile repair, in addition to the gas station use. No improvements are proposed for the site.

**2. Consistency with the Zone Plan**

The subject property is located in the B-1 Town Commercial District. The B-1 Zone District intends to serve the needs of specific surrounding residential neighborhoods by providing for retail sale and service uses. The need to complement and preserve the character of the surrounding residential neighborhoods is paramount. Permitted uses in the B-1 Zone District include a variety of commercial, retail, office, and public uses. The existing gasoline fueling station is not a permitted use in the zone district, nor is the proposed automobile repair use. This application will require **d(1) use variance** relief to permit a use which is not permitted in the zone district.

**3. Required Proofs for Variance Relief**

**A. *D(1) Use Variance***

**This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:**

1) Positive Criteria

- (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.
- (b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

- (a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principal that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.
- (b) *The variance can be granted without a substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

4. **Additional Comments**

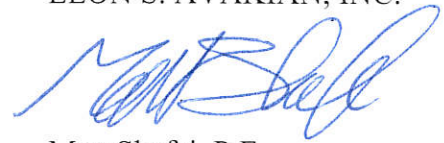
- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant shall provide testimony regarding the proposed vehicle repair use, including hours of operation, number of employees, length of time a vehicle will remain on site, waste removal, and the maximum number of vehicles to be stored on site at any time.

C. The Applicant shall address proposed improvements, if any, existing and proposed parking spaces, ADA compliance, etc.

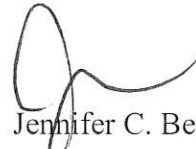
Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Board Engineer



Jennifer C. Beahm, P.P.  
Board Planner

MS:clb

cc: Leanne Hoffmann, P.E., Director of Engineering & Planning  
Monica Kowalski, Esq., Board Attorney  
Jennifer Beahm, P.P., Board Planner  
Donna M. Jennings, Esq., Applicant's Attorney (djennings@wilentz.com)