

APPLICANT: SUNOCO, INC.
APPLICATION NUMBER: ZB 11/19
BLOCK: 7018
LOT: 12
ADDRESS: 3321 HIGHWAY 33
PROJECT NAME: SUNOCO GASOLINE
SERVICE STATION
ATTORNEY FOR APPLICANT: JOHN WYCYSKALA, ESQ.
RESOLUTION NUMBER: ZBA#11/22



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE**

MS. CYNTHIA SUAREZ offered the following Resolution moved and seconded by MS. BARBARA BASCOM:

WHEREAS, SUNOCO, INC., by and through their attorney, JOHN WYCYSKALA, ESQ. hereinafter referred to as the "applicant" filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the "Board") seeking the following relief:

Preliminary and Final Site Plan approval with variances to permit minor modifications and improvements to an existing Sunoco Gasoline Service Station; The applicant is proposing modifications within the gasoline dispenser canopy area, including the removal of the existing diesel fuel pump dispenser and the replacement of one of the existing diesel fuel pump dispensers and the replacement of one of the existing fuel dispensers which will provide both gasoline and diesel fuel. The applicant is also proposing the installation of two wall mounted signs on the building. A variance is requested per N.J.S.A. 40:55-70 (d) (2) to the extent that this application is deemed to be an expansion of a pre-existing, non-conforming use. Applicant is also requesting bulk variance or signage as well as any other variance relief necessary.

WHEREAS, the application pertains to premises known and designated as Block 7018, Lot 12 on the Tax Map of the Township of Neptune, which said premises are located at 3321 Highway 33.

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following dates: November 2, 2011; and

WHEREAS, the following items were entered as Exhibits at the hearing
A-1: Colorized Site Plan
A-2: Building Elevation:

WHEREAS, The Board listened to the Testimony of Dave Wisotski, P.E., Civil Engineer;

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

WHEREAS, The Board found:

1. The premises:
 - a. Are located in an R-2 Zone.
 - b. Dispensers will remain. One will be lessened in intensity
 - c. The illegal parking lot to the West of the building will be removed.
 - d. There will be 4 dispensers under the canopy.
 - e. The dispenser farthest to the West without a canopy will be removed.
 - f. Tanks will remain in the ground, no change.
 - g. Concrete on top of tanks to be replaced.
 - h. Bollards on the other side of the pump shall be placed for protection.
 - i. Signage on building as well as lights shall be renovated.
 - j. There is a reduction in intensity on the property.
 - k. No Substantial detriment to the public good as the use remains the same.
 - l. Parking variance may be required
 - m. Trees are to be planted in the illegal parking lot to prevent further use.
 - n. This is a modest application.
2. Public Questions: None
3. Public Commentary: None
4. Board Commentary:
 - f. The subject application requires variance relief, pursuant to N.J.S.A. 40:55D-70.
 - g. In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Township of Neptune would be advanced by the deviation from the zoning ordinance requirements at issue, and further, that the benefits of any deviation would substantially outweigh any detriment resulting from a grant of the relief requested in the within application.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Neptune that the following variance(s) be and are hereby granted:

Preliminary and Final Site Plan approval with variances to permit minor modifications and improvements to an existing Sunoco Gasoline Service Station are granted. A variance is granted per N.J.S.A. 40:55-70 (d) (2) to the extent that this application is deemed to be an expansion of a pre-existing, non-conforming use.

Applicant is also granted a bulk variance for signage as proposed.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
 - b. Decorative Lighting shall be installed. (One in the landscaped area and 2 on the highway for a total of 3 lights.)
 - c. The parking lot to the west of the building shall be removed and trees shall be planted.
 - d. FINAL DESIGN AND/OR SITE PLAN SUBJECT TO APPROVAL OF THE BOARD'S ENGINEER AND PLANNER.
 - e. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
 - f. Applicant also shall remove the shed, subject to the receipt of a DEP report. If the DEP report says removal is authorized as the interior items may be removed, then the shed shall be removed. If the DEP declines to make comment, the shed shall be removed and the contents properly disposed of by Applicant, within 6 months of the date of this Resolution. (Said time may be increased as needed with administrative approval).
 - g. MONMOUTH COUNTY PLANNING BOARD;
 - h. FIRE MARSHALL;
 - i. BOARD OF HEALTH;
 - j. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - k. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
 - l. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - m. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.

2. SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE:

