



Fee Date: 03/22/2023
Check #: 7755
Cash: 0

ZONING REVIEW

ID: 560556953

Date: 03/27/2023

Fee: \$ 35.00

PROPOSED WORK

- Adding a New Use to a Property
- Air Condenser Unit(s)
- Commercial Addition
- Continuing/Changing Use
- Deck/Balcony
- Driveway / Sidewalk / Apron
- Fence/Retaining Wall
- Other: _____
- Home Occupation
- Interior Remodel - Comm / Res
- New Accessory Structure
- New Commercial Business
- New Ownership of Property/Business
- New Residence
- Porch
- Private Garage
- Residential Addition
- Signs
- Solar
- Storage Shed
- Swimming Pool/Hot Tub
- Zoning Determination

The Neptune Township Zoning Map, Land Development Ordinance and its amendments can be found online at www.neptunetownship.org/departments/land-use.

ALL APPLICATIONS WITHIN THE HISTORIC DISTRICT REQUIRE HPC APPROVAL.

**IF ANY OF THE REQUESTED INFORMATION IS SUBMITTED INCOMPLETE,
THEN THIS APPLICATION SHALL BE RETURNED UNPROCESSED.**

1. **Location of property for which zoning permit is desired:**
Street Address: 1800 CORLIES AVE Block: 1122 Lot: 3 Zone: B-1
2. **Applicant Name: SIMDEV REALTY, LLC Phone No. (732)857-0706 Fax No.**
Applicant's Address: 1800 CORLIES AVENUE NEPTUNE, NJ 07753
Email: sm-800@yahoo.com
3. **Property Owner Name: SIMDEV REALTY, LLC Phone No. (732)857-0706 Fax No.**
Property Owner's Address: 1800 CORLIES AVENUE NEPTUNE, NJ 07753
Email: sm-800@yahoo.com
4. **Present Approved Zoning Use of the Property: Nonconforming Gasoline Fueling Station**
5. **Proposed Zoning Use of the Property: Nonconforming Gasoline Fueling Station**
6. **Describe in detail the activity or activities you are proposing. If you are proposing construction, then describe in detail the dimension and setbacks. If you are proposing a use, then describe the proposed use.**
7. **Has the above referenced premises been the subject of any prior application to the ZONING BOARD OF ADJUSTMENT or PLANNING BOARD?**

Yes No If Yes, state date:

Board: Resolution # (if any): (submit a copy of the Resolution)

8. For all exterior work pertaining to additions and accessory structures, excluding fences, please provide:

Building Coverage: 0

Lot Coverage: 0 (Please include calculations)

40:55D-68.3. Penalty for false filing. Any person who knowingly files false information under this act shall be liable to a civil penalty not to exceed \$1,000 for each filing, any penalty imposed under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

-----FOR OFFICE USE-----

Zoning Review Notes:

03/27/2023 The property is located in the C-6 Zone (Zoning District).

The applicant indicates the zoning use of the property to be "Automotive Fueling Station". This is inaccurate. Indicating the correct zoning use of the property is pertinent information in the zoning review process. The correct zoning use of the property is a **Nonconforming Gasoline Fueling Station**.

The applicant/property owner certifies the premises has been the subject of prior application to a Board of Jurisdiction. The provided resolutions do not indicate any variances granted for the canopy signage, therefore the current ordinance applies.

In reviewing the submitted documents, it appears the applicant is proposing work in reference to:

- Nonconforming uses, structures, and lots;
- Signs;

Nonconforming uses, structures, and lots;

Land Development Ordinance section 422 states:

The following provisions shall apply to valid non-conforming use, structures and lots at the time of adoption of this Ordinance:

A A use, building or structure which is lawfully in existence at the effective date of this Ordinance and shall be made non-conforming at the passage of this Ordinance or any applicable amendment thereto, may be continued as otherwise provided in this section.

ZONING NOTES:

- The zoning use of the property is nonconforming as it is not a listed permitted use within the C-6 Zoning District.
- The lot coverage is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The principal structure is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The accessory structure (canopy) is nonconforming as it does not comply with the current Land Development Ordinance requirements.
- The freestanding sign is nonconforming as it does not comply with the current Land Development Ordinance requirements.

- The applicant/property owner certifies the premises has been the subject of prior application to a Board of Jurisdiction.

B No existing use, structure or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, unless it is changed to a conforming use or structure as follows:

1 Any non-conforming structure or use damaged to less than fifty per cent (50%) of its previous existing area or value by fire or other natural calamity, may be restored, reconstructed or used as before, provided the area of such use or structure shall not exceed the area which existed prior to such damage nor increase the intensity of use. All repairs shall be completed within one (1) year after damages occur, or within such time extensions granted by the Zoning Officer, which can only be granted upon good cause being shown by the applicant, or such use shall not be rebuilt except as a conforming use.

2 Normal maintenance and repair of a structure containing a non-conforming use is permitted, provided that it does not extend the area or volume of space occupied by the non-conforming use or structure and does not increase the intensity of use. Nothing in this section shall prevent the restoring to a safe or lawful condition any part of any structure declared unsafe by the Construction Official.

3 A building containing residential non-conforming use may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of bedrooms or dwelling unit.

C Non-conforming uses and structures are considered terminated and shall not be revived in any way except as a conforming use or structure in accordance with the following:

1 A non-conforming use or structure abandoned in accordance with this Ordinance and accompanied by an intent on the part of the owner to abandon such use as evidenced by some act or failure to act which carries with it a sufficient implication that the owner neither claims or retains any interest in the subject matter of the abandonment shall be considered a termination thereof. Such implication shall be reputedly presumed by non-use for any period of two (2) or more years. Non-use by successive owners shall be considered continuous non-use.

2 The change of a non-conforming use or structure to a more or entirely conforming use for any period of time shall be considered an abandonment of the previous non-conforming use, and a reversion to the previous non-conforming use shall not be permitted.

3 A non-conforming structure or use which has fifty percent (50 %) or more of its non-conforming area or value destroyed by fire or natural calamity shall be considered an abandonment thereof.

ZONING NOTES:

- The applicant indicates the proposed demolition/abandonment of the Nonconforming L.E.D. Freestanding Sign. The applicant indicates the proposed construction of a new Nonconforming L.E.D. Freestanding Sign. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements.

D A nonconforming structure may not be enlarged, extended, increased in height, width or depth, moved or relocated, modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms; unless such structure is changed to a structure conforming to the requirements of this Chapter except that an existing one family structure may be rebuilt, enlarged, extended or added to provided:

1 The enlargement, extension or addition conforms to all zone requirements; or

2 The portion of the enlargement, extension or addition which does not conform to zone requirements consists entirely of the enclosure of existing side or rear porches.

3 Where a structure is nonconforming solely because it intrudes on the current required yard area.

A If the proposed horizontal addition to that building would not protrude into that required yard area, then the Zoning Official can issue the permit and no application to the Board of Adjustment is necessary.

B If a proposed vertical addition would be located within the building envelope or existing building footprint (and assuming no violation of height restriction or other ordinance provision), the Zoning Official may also issue a permit for such vertical expansion provided that the addition would not exacerbate the nonconformity.

4 An existing one-family structure located in a residential district destroyed by fire or other natural calamity may be rebuilt provided the new structure complies with all zone requirements relating to setbacks and height; however, the existing lot need not comply with minimum lot width, depth and area requirements where the existing condition is non-conforming.

E The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply for, in writing, the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the responsibility of affirmatively proving the preexisting nonconforming use or structure. Application pursuant hereto may be made to the Zoning Board of Adjustment Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

F Any parcel of land with an area or width less than that prescribed for a lot in the zone in which the lot is located may be used as a lot for any purpose permitted in the zone, if:

1 at the time of and since the adoption of the zoning ordinance making such lot nonconforming, the owner of the lot did not own adjoining property.

2 all other regulations prescribed for the zone are or can be complied with.

Signs

Land Development Ordinance section 416.03 states:

A Illumination. Except for signs in historic zone districts regulated by municipality's regulations, signs may be floodlighted, spotlighted or internally illuminated from the rear with a diffused light source, unless such illumination is specifically prohibited elsewhere in this Ordinance. All illumination shall be subject to the following:

1 All lighting sources shall be completely shielded from the view of vehicular traffic.

2 Such illumination shall not project light above the highest elevation of the front wall of the building for wall-mounted signs or more than five feet above ground level for freestanding signs.

3 Where a sign is located on a lot adjacent to a lot used primarily for residential purposes, such shall not be illuminated in a manner that permits any light to shine or cause a nuisance to the adjacent residential use.

4 No illuminated sign located on a lot adjacent to or across the street from any residential district and visible from such residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

ZONING NOTES:

- The existing and proposed sign are adjacent to a residential district and visible from such residential district. The existing and proposed signs are to be illuminated between the hours of

11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

5 No sign shall contain exposed neon, blinking, flashing, flickering, tracer or sequential lighting. All signs shall remain stationary and constant in intensity and color at all times.

6 All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited unless in the judgment of the Construction Official there is no practical way to run the conduit so that it is not within public view.

7 No illuminated sign shall be of such a color or located in such a manner as to be confused with, or to diminish or detract in any way from, the effectiveness of any traffic signal or similar official safety or warning device.

8 Light Emitting Diode (L.E.D) signs may be permitted when authorized as a conditional use by the Planning Board in the B-1, C1, C-4, C-5, C-6, and C-7 Zoning Districts, in accordance with the following conditions:

1 On properties which contain professional office complexes, and retail shopping plazas.

2 One (1) sign shall be permitted and shall not exceed twentyfour (24) square feet in area.

3 The LED portion of the sign shall be subject to the following conditions:

i The digital message portion of the sign may not exceed 75% of the total sign area.

ii The LED portion of a sign shall change messages at intervals of no less than three changes per minute.

iii The LED portion of the sign shall only be in operation during the hours of operation of the business, organization or facility which operates the sign.

iv The LED sign may advertise only the products and services offered by the business, organization or facility operating the sign and may not advertise specials or sales offered by any business, organization or facility.

v Permitted messages may be displayed no more than twenty (20) minutes in any one (1) hour. The balance of the LED messages shall include community messages supplied by the Township of Neptune and informational messages about public safety.

4 Each business which has a liquor license may have an LED sign subject to the following restrictions:

i No more than one (1) sign of this type shall be permitted.

ZONING NOTES:

- The applicant indicates the LED area to be 15.75 square feet.

- The applicant indicates the digital message portion of the sign consists of 22.5% of the total sign area.

- The zoning use of the property is nonconforming. Zoning Board of Adjustment review and approval is required for the conditional use.

B Landscaping. The base of a freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers or other plant material.

ZONING NOTES:

- The applicant indicates the proposed sign to be placed in the existing nonconforming wood planter box that contains no vegetation. The applicant is not proposing any vegetation. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

Land Development Ordinance section 416.07-A states:

1 Where a lot has multiple street frontages, then two (2) freestanding signs subject to the following standards shall be permitted. Where two (2) freestanding signs are permitted by virtue of multiple street frontage, each permitted sign shall be allowed to have the maximum square footage allowed based on the formulas shown below. In addition, the sign area allowed may be transferred from one (1) sign to another; provided, that no freestanding sign shall exceed four hundred square feet in area.

ZONING NOTES:

- The applicant indicates the proposed construction of one (1) freestanding sign.

2 For double-faced signs, each sign face can have the maximum square footage allowed.

ZONING NOTES:

- The applicant indicates the proposed freestanding sign to be double faced.

3 Landscaping. All freestanding signs shall be placed within landscaped areas.

ZONING NOTES:

- The applicant indicates the proposed sign to be placed in the existing nonconforming wood planter box that contains no vegetation. The applicant is not proposing any vegetation. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

ZONING NOTES:

- The applicant indicates the floor area of the building to be 1,755 square feet.

- The zoning use of the property is a Nonconforming Gasoline Fueling Station. This is a Single Use Development.

- Step 1: Determine the square footage of the building:

Building size (in square feet): 1,755 (This will be inserted in the formula below)

- Step 2: Complete the appropriate allowable signage formula:

SINGLE USE DEVELOPMENT:

If the building is 1,5001 - 5,000 square feet in size, complete the following:

$$\begin{aligned} (1,755) - (1,501) &= (254) / (50) = (5.08) + (35) \\ &= \underline{40 \text{ square feet}} \end{aligned}$$

- Per the calculation, the maximum permitted sign area is 40 square feet.

- The applicant indicates the proposed construction of a 75 square foot sign. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

5 Setback. Freestanding signs shall be setback from the property line ¾ of the height of the sign.

ZONING NOTES:

- The applicant indicates the proposed sign to present with a height of 18.75'.

- Calculation:

(18.75) * (0.75) = 14.06

The proposed sign must be setback 14.06' from the proximal property lines. The applicant is proposing a 1' setback. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

6 Height. REFERENCE CHART

ZONING NOTES:

- The maximum permitted height for a 40 square foot sign is 15'.

- The applicant indicates the proposed construction of a 18.75' high sign. The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance requirements. A variance is required from the Zoning Board of Adjustment.

The applicant does not demonstrate compliance with the Neptune Township Land Development Ordinance. The above indicated variance is required from the Zoning Board of Adjustment.

Status

Approved

Denied

Referrals

Construction

HPC

Engineering

Planning Board

Zoning Board

Mercantile

Code Enforcement