

Application No. #22-19

AUG 07 2019

Application Fee

Date of Filing 8/7/19

Escrow

PLANNING / ZONING / ENGINEERING  
TWP. OF BERKELEY HGTS. NJ

APPLICATION TO ZONING BOARD OF ADJUSTMENT, Berkeley Heights, NJ

NOTE: It is the responsibility of the applicant to specify in this application all requests for relief from any section of the ordinance that may be needed. Should any unspecified violation be found prior to or during the course of a public hearing, no such relief can be granted and the case cannot be permitted to proceed without re-advertising the notices. If the failure is not discovered by the Board until it commences its deliberation after closing the public hearing, the result may be a denial of the entire application, or the grant or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief required.

In the matter of the petition of Angad Fuel, LLC for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

(applicant name)

Petitioner Name Angad Fuel, LLC residing at 713 PLAINFIELD AVE

Telephone No. (908) 666-2547 Fed. ID# (If applicable) 26-2502917

1. Petitioner is TENANT of property at 713 PLAINFIELD AVE, Block 3102, Lot 33 on the Tax Map located in the R-20 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
SEE ATTACHED

3. Does the Application concern a request for Certificate of Nonconformity?  
Does the Application concern a Use Variance? Y, and: a) Site Plan Y b) Subdivision

NOTE: If Application concerns site plan or subdivision, appropriate plans and additional forms must be filed with the Zoning Board of Adjustment as an additional part of the Application.

4. The proposed building/subdivision/use is contrary to Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance.

5. a. Description of the Property:

Required See Attached Schedule 6.4.1.B	Existing	Proposed	Variance Required: Y/N
Lot Area			
Lot Width	14,795 sq. ft.	14,795	N*
Lot Depth	107.1'	109.4'	NO
Front Setback	110.3'	110.3'	N*
Corner Side Setback	27.9'	27.9'	N*
Side Setback	6.8'	6.8'	N*
Combined side setbacks	49.5'	49.5'	NO
Rear Setback	N/A	N/A	N/A
	40'	31.1'	N*

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION: \* pre-existing non-conforming

1-Area of existing structures (house, attached garage, covered porch) to remain 2579 sq. ft.

2-Area of proposed structures (house, attached garage, covered porch) 0 sq. ft.

3- Total area to be occupied by structures 2579

4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 16422 sq. ft.

5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 0 sq. ft.

6-Total area to be occupied by Accessory Items 16422

7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 13001 sq. ft.

8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 13001 sq. ft.

Accessory structures, (if applicable):

Area proposed \_\_\_\_\_ (type: shed, deck pool, etc.)

\_\_\_\_\_ square feet

Proposed Set Backs

Maximum height proposed \_\_\_\_\_ feet

Side \_\_\_\_\_ Rear \_\_\_\_\_

d. Coverage (from 5.b., Page 1)

Existing structures (Item 1/sq.ft. of lot)	Existing accessory items (Item 4/sq.ft. of lot)	Total existing lot coverage	Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	Proposed structures (Items 1 + 2/sq. ft. of lot)	Proposed accessory items (Items 4 + 5/sq. ft. of lot)	Total proposed lot coverage	Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	Maximum Allowed
_____	17.4	_____	_____	87.9	0	87.9	87.9	R-15/20 Zone 15%
_____	_____	_____	_____	_____	_____	_____	_____	R-10 Zone 10%
_____	_____	_____	_____	_____	_____	_____	_____	20% 10%
_____	_____	_____	_____	_____	_____	_____	_____	30% 30%
_____	_____	_____	_____	_____	_____	_____	_____	20% 20%
_____	_____	_____	_____	_____	_____	_____	_____	10% 10%
_____	_____	_____	_____	_____	_____	_____	_____	30% 30%
_____	_____	_____	_____	_____	_____	_____	_____	25% 25%
_____	_____	_____	_____	_____	_____	_____	_____	30% 30%

6. Has there been a previous petition for relief involving the property? YES (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:

This is a pre-existing non-conforming use that has been the subject of board review in the past. New ownership seeks appropriate brand selected sign changes/upgrades new pumps, new underground fuel tanks that are designed up to current standards.

8. Set forth the particular Statute under which this Application is made (N.J.S.A. 40:55D-70)

a) Appeal \_\_\_\_\_ b) Interpretation \_\_\_\_\_ c) Hardship \_\_\_\_\_ d) Use

9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? N/A If Yes, please attach the Zoning Officer's Denial letter.

10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises ANGAD FUEL, LLC

If the property is not to be owner occupied, name the Lessee and the proposed Use of the building and premises.

SEPARATE ENTITY IN SAME OWNERSHIP

11. Attach hereto and made a part hereof are the following:

- a) Complete set of plans of any proposed building alteration or extension, including all items set forth in instructions
- b) 200-foot radius map and copy of certified list (provided by the Township) of property owners within 200 feet
- c) Architectural plans or equivalent

I hereby certify that the above statements made by me and the statements contained in the papers submitted herewith are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Wign To

Petitioner Signature

24 Remer Avenue

Address

Springfield, NJ 07081

908-666-2547

Phone

Ranbir.Singh27@yahoo.com

E-Mail Address

Cell Phone

**Angad Fuel, LLC**  
713 Plainfield Ave.  
Berkeley Hts., NJ 07922

The subject property is a pre-existing non-conforming use. There has been a gasoline service station operating at the site which has been recognized as pre-existing non-conforming use in application #63-53. That use is consistent and continuing. The purpose of the application is to change the branded fuel to Sunoco and make a series of above ground and underground improvements associated with the conversion. They are as follows:

1. **FUEL TANKS.** Change the fuel storage tanks pursuant to current storage specifications of underground tanks. The age of the tanks make insurability extremely difficult and potentially unobtainable in the next cycle. There are currently 3 - 6,000 gallon tanks on the premises. The current proposal is to include 1-8,000 gallon gas, 2- 5,000 gallon gas and 1 -4,000 gallon diesel tank. The changing and upgrade of the tanks and the increase from 18,000 to 22,000 gallons and 3 to 4 tanks has been viewed as an expansion of non-conformity. The request for relief is based in the need to prevent contamination by upgrading the tanks and allow for a complete range of service to include diesel to service all types of vehicles.
2. **FUEL DISPENSERS.** There are two existing fuel dispensers. They are seeking to modify the amount of dispensers to three in accordance with the design annexed hereto showing unbranded pump designs. They will have the Sunoco colors and branding on the pumps. . The pump locations are modified and shown on the site plan.
3. **KIOSK.** In addition, there is a kiosk that will be a standard, customary kiosk for attendant use. This is an expansion as there has been no prior kiosk on site. There will be a bollard on either side of the first and last pump to protect it from vehicles as an additional measure of safety.
4. **SIGNS.** The free standing pole sign is to be replaced/renewed with the proposed sign as depicted on the site plan. The ancillary price signs are an expansion and meant to clearly communicate the pricing to individual motorists as they pass. It is a usual and customary use attendant to the gas station operations and an expansion of the existing sign that is reasonable. The price sign will be affixed at the top of the pump as is required by law. It is called a pump topper and an example of same is annexed in the package.
5. **HOURS OF OPERATION.** The hours of operation have been the subject of original approval and the subject of a denial of expansion when hours were requested to be expanded. The justification for the denial in a previous resolution is that there is a built-up residential base that grew over the years and this non-conformity would interfere with the peace and enjoyment of that use. The position is that the hours originally approved were based on a 1960's lifestyle that is not akin to the reality of the current community base and the timing of work hours and commute. Moreover, Route 78 was under construction until it finally

opened in about 1970 and the current configuration of Route 78 passing through and connecting Berkeley Hts. by and through the Watchung Reservation was not completed until 1986. This service station is a key component to interstate, local travelers and residential commuters alike. The hours of operation from 8 to 7 are unrealistic based upon when people are working and traveling in today's society and are arbitrarily restrictive. Applicant is requesting 7 a.m. to 9 p.m. 7 days per week. These hours are not testing the boundaries of interfering with normal resting hours. The use has been in place for more than 56 years. The minor expansion of hours does not place an unreasonable interference with the neighbors.



Berkeley Heights Township  
Zoning & Engineering  
29 Park Ave  
Berkeley Heights, NJ 07922  
908-464-2700, 2116  
tbocko@bhtwp.com

Application Date: 3/8/2019  
Application Number: 17A-19-01  
Permit Number: \_\_\_\_\_  
Project Number: \_\_\_\_\_  
Fee: \$0

# Denial of Application

Date: 3/8/2019

To: TEF Environmental LLC  
87 Upper Hibernia Road  
Rockaway, NJ 07866

CC: Houser Engineering, LLC  
1141 Greenwood Lake Tpke.  
Ringwood, NJ 07456

Berkeley Heights 713 Realty, LLC  
713 Plainfield Ave.  
Berkeley Heights, NJ 07922

RE: 713 PLAINFIELD AVENUE  
Block: 3102 Lot: 33 Qual: Zone: R-15

Dear TEF Environmental LLC,

Your request is hereby denied based upon the following requirements:

MLUL 40:55D-70d.(2) - expanding use & 70c - bulk variance;  
Plans have been submitted to renovate and expand an existing gas fueling station. The property is located in the single family residential zone. The current use is a nonconforming use. Any expansion of a nonconforming use requires use variance, possible bulk variance and site plan approval obtained through Berkeley Heights Zoning Board of Adjustment.

- Prior resolutions pertaining to this property include;
- File #63-53 (building expansion)
  - Case No. 4-99 (excessive lot coverage)
  - Case No. 4-99 (follow-up condition resolution)
  - Case No. 7-11 (abandonment of prior nonconforming use)
  - Case No. 7-11 (hours of operation)

The zoning office is requesting the Board require, if applicable, a proposed sign schedule for the property. Any deviation from Section 5.5.2B.v.; "Gas price signs, not exceeding one square foot in area, limited to one per nozzle. Such signs shall be mounted on the pump or canopy support structure".

You have a right to appeal this determination to the Berkeley Heights Zoning Board of Adjustment. Please call Cori Valenti at 908-464-2700 ext., 2124.

Sincerely,

  
Thomas A. Bocko, Zoning Officer