

FOR OFFICIAL USE ONLY

Planning Board

Zoning Board of Adjustment

Name of Applicant: 1340 Hamilton Street, LLC

Docket Number: _____

PART A

Explain, in detail sufficient for the Board to understand the nature of the proposal, the exact nature of the proposed application and proposed physical modifications to be made to the site and/or building(s) including the proposed use of the premises.

1340 Hamilton Street, LLC previously received use variance relief and preliminary and final site plan approval to develop the lands known as 1340 Hamilton Street, also known as Lot(s) 1 & 2, now known as Lot 1.01, Block 90, as a shopping center with a separate free-standing service station. The applicant is returning to the Zoning Board of Adjustment to request a modification of the conditions that were imposed as part of that approval. Specifically, the applicant is returning to the Zoning Board of Adjustment to request permission to operate the service station 24-hours/7 days a week.

Applicant requests the Site Plan Approval(s) indicated below (check all that apply):

Preliminary Major Site Plan *and/or*

Final Major Site Plan

or

Check below if Waiver of Site Plan is requested

Waiver of Site Plan Provide explanation why Waiver of Site Plan is sought: The property is fully developed in accordance with prior Site Plan Approvals. No physical changes to property are proposed.

PART B

APPLICANT: Individual Partnership Corporation

APPLICANT: Owner Applicant Other _____

Name 1340 Hamilton Street, LLC

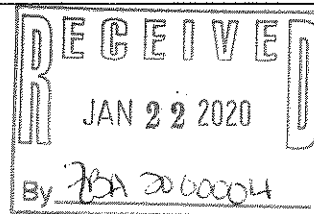
Street Address 79 Route 520 Apt./Ste/Unit # _____

City Englishtown State New Jersey Zip Code 07726

Phone 732-617-9905 Fax _____

Email felix@19petroleum.com

 **FILE**

 RECEIVED
JAN 22 2020
By JBA 200004

P-01-20-00051

OWNER (if different from Applicant): N/A

Name _____

Street Address _____ Apt./Ste/Unit # _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

Email _____

PART C

SUBJECT PROPERTY:

Block/s 90 Lot/s 1 & 2, n/k/a 1.01 Zone M-2 (Light Manufacturing)

Street Address 1340 Hamilton Street

City Franklin Township State New Jersey Zip Code 08873

Approximate Site Size: 2.83 Acres/ _____ Sq. ft.

Present use of the property, specify: Attached 7-Eleven convenience store, together with a fuel station. 11,115+/- general retail center; and 2,958+/- square foot in-line attached 7-Eleven convenience store, together with a fuel station. with a total of eight (8) fuel pumps located under a canopy.

Proposed use of the property, specify: Building sizes, location and use unchanged. Hours of operation of service station are proposed to be amended to 24 hours/7-days a week.

Area of new disturbance: -0- % of the gross lot area: N/A Sq. ft.

Gross square footage of the building: Existing: 11,115+/- one-story general retail 2,958+/- mini-mart Sq. ft.
Proposed: -0- Sq. ft.

Public water available: Yes No If not, proposed? Yes No

Public sanitary sewer available: Yes No If not, proposed? Yes No

Is the site located within a Township-designated Historic District and/or located within 1000 feet of the Delaware & Raritan Canal?: Yes No

Describe any off tract improvement required or proposed None.

Deed restrictions, covenants, easements, association by-laws:

Yes (Provide a copy) No Proposed (Must be submitted for review)

Does the applicant own any contiguous property? Yes No

If yes, state the address, block and lot of such property: _____

PART D

Has there been any previous appeal, request, or application to this or any other Township Boards or the Technical Review Committee involving this property? Yes No

If yes, in the space below state the type of approval (e.g., site plan and/or variances), docket number, the nature of the application and approval date. In particular, describe whether this submission is intended to supersede or further effectuate such previous approval(s) – e.g., site plan approval for a previously granted use variance.

Applicant previously received use variance approvals and amended use variance approvals, together with preliminary and final site plan approvals. The applicant develop the proeprty consistent with the approvals received. No changes to the site are proposed. The purpose of this application is to seek modification of hours of operation.

Identify the associated development approvals sought at this time (check all that apply):

Note: Applicant must consult the respective Instruction Sheet(s) and Submission Checklist(s) for the associated development approvals (e.g., subdivision, variances) being sought at this time. The submission will not be deemed an Application for Development unless all required submissions are provided for all requested development approvals.

"C" Variance(s): N/A

- The strict application of the provisions of the Development Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship - N.J.S.A. 40:55D-70.C(1)
- The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment - N.J.S.A. 40:55D-70.C(2)

"D" Variance(s):

- Use or principal structure in a district restricted against such use or principal structure – N.J.S.A. 40:55D-70.D(1) Previously approved. No new use variance relief required.
- Expansion of a nonconforming use - N.J.S.A. 40:55D-70D(2)
- Deviation from a specification or standard pertaining solely to a conditional use - N.J.S.A. 40:55D-70, D(3)
- Increase in the permitted floor area ratio - N.J.S.A. 40:55D-70.D(4)
- Increase in the permitted density - N.J.S.A. 40:55D-70.D(5)
- Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure - N.J.S.A. 40:55D-70.D(6)

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Other(s) Specify: _____

Check below if Conditional Use Approval is sought at this time and in the space provided demonstrate compliance with the applicable conditional use requirements (provide separate sheet if necessary). Note: Non-compliance with one or more conditional use requirements requires a D-3 use variance (Applicant must consult the respective Instruction Sheet and Submission Checklist)

Conditional Use Approval N/A

PART E

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

<u>Quantity:</u>	<u>Description of Item:</u>
25	As-Built Survey dated November 6, 2017, last revised June 7, 2018 prepared by French & Parrello Associates entitled, "Record Drawings", consisting of two (2) sheets.

PART F

CONTACT PERSON INFORMATION/ CERTIFICATION

The person indicated below shall serve as the point-of-contact with the Township Department of Planning and Zoning and shall be the sole recipient of official correspondence from the Department. By signing this form, in Part G below, the Applicant and Owner certify that that the party listed below is authorized to act on their behalf as the designated contact person with the Department.

Owner Applicant Attorney Engineer Architect Other

Name 1340 Hamilton Street, LLC, Attn: Felix Bruselovsky, Managing Member

Street Address 79 Route 520 Apt./Ste/Unit # _____

City Englishtown State New Jersey Zip Code 07726

Phone 732-617-9905 Fax _____

Email felix@19petroleum.com

As-built Survey dated November 6, 2017, last revised June 7, 2018,

PART G

APPLICANT'S CERTIFICATION

I, Felix Bruselovsky, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 79 Route 520, Englishtown in the County of Monmouth and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant and I am authorized to sign the application for the partnership or corporation.

1340 Hamilton Street, LLC

Sworn to and subscribed before me this 16th day of

January, 20 20

NOTARY PUBLIC

Chiara P. Mancini
Attorney at Law

OWNER'S CERTIFICATION

(If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner.)

I, Felix Bruselovsky, of full age, being duly sworn according to law and upon my oath depose that: I reside at 79 Route 520 in the County of Monmouth and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner of the property which is the subject of this application, and I am the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

1340 Hamilton Street, LLC

Sworn to and subscribed before me this 16th day of

January, 20 20

NOTARY PUBLIC

Chiara P. Mancini
Attorney at Law

OWNER'S SIGNATURE

By: Felix Bruselovsky,
Managing Member

**RESOLUTION OF BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY**

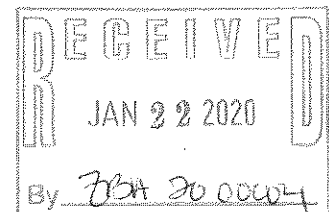
**1340 HAMILTON ST., LLC
DOCKET NO. ZBA-13-00003**

WHEREAS, 1340 Hamilton St., LLC, (hereinafter, The Applicant) has applied to the Franklin Township Board of Adjustment for D-1 Variance and associated bulk variance approval in order to construct a one story 10,075 sf retail building and a 4,000 sf one story mini-mart with eight (8) gas pumps under a canopy at 1340 Hamilton Street, Somerset, Block 90, Lots 1 and 2 on the Franklin Township Tax Map, pursuant to N.J.S.A. 40:55D-70(d)1; and

WHEREAS, a public hearing was held on said application by the Board of Adjustment on October 31, 2013 and

WHEREAS, the Board, after carefully considering the evidence presented to it by the Applicant, the application and the documents filed by the Applicant, and the comments of the appropriate township officials and agencies together with the public comment, has made the following findings of fact:

1. The property is located at 1340 Hamilton Street, Block 90, Lots 1 and 2, in the (M-2) Light Manufacturing Zone on the tax map. Kenneth Pape, Esq. appeared on behalf of the Applicant. He stated that the Applicant is proposing a retail building and mini-mart with gas pumps at 1340 Hamilton Street, Somerset.
2. The subject site is located at the intersection of Hamilton Street and Veronica Avenue and is comprised of two lots totaling 2.83 acres in size. In 2006, D-1 variance approval was received for construction of a 13,200 sq. ft. retail/office building on lot 1. That building was to be composed of ground floor retail and second floor office. In a subsequent application in 2008, D-1 variance and site plan approval was received for construction of a 20,610 sq. ft. one-story retail building and a 3,012 sq. ft. bank with drive-thru facilities.
3. The current proposal consists of a 10,075 sq. ft. one-story retail building, as a gas station with a 4,000 sq. ft. one-story mini-mart and a total of eight (8) gas pumps located under a canopy. In essence, the previously proposed bank will be replaced with a gas station consisting of a 4,000 sq. ft. mini-mart with eight (8) pumps under a canopy. The retail component will be reduced from 20,610 sq. ft. to 10,075 sq. ft.
4. In the present application only D-1 variance with associated bulk variances are sought, not site plan approval.
5. The following variances are requested:



- D-1: Gas Station, mini-mart and retail stores are not permitted uses in the M-2 Zone.
 - Freestanding signs: 2 permitted; 3 proposed.
 - Freestanding sign: 100 sq. ft. maximum, sign #1 is approximately 144 sq. ft.
 - Sign setback: 20 ft. minimum, 10 ft. proposed (corner of Hamilton and Veronica – sign #1) and 12 ft. proposed (Veronica – sign #1).
 - Impervious coverage: 65% maximum; 69.
 - Parking area setback: 50 ft. minimum, 32.8 ft. (Hamilton), 42 ft.(Veronica)
 - Side yard setback (refuse structure): 20 ft. Minimum: 5 ft. and 15 ft. proposed
 - Access provided by no more than two driveways: three proposed
 - Driveway width: 20 ft. minimum, 18 ft. proposed
6. Mr. Pape explained that the subject site has received prior D-1 variance approvals however, given the present economy, the Applicant has chosen to proceed with the current application now proposed for a smaller building with a mini mart and gas station. Mr. Pape explained that the site plan, signage, decorative lighting and architectural treatment will all remain essentially the same as in the last approval. The intersection (corner of Hamilton St. and Veronica Avenue) has already been improved by the County. Mr. Pape indicated that this proposed project contains less impervious surface and is less intense than the prior approval.
7. Andrew French, Engineer, was sworn in and the Board accepted his qualifications as an expert engineer on the project. Mr. French explained the location of the property and gave a general description of the site conditions. Mr. French discussed the proposed development plan which proposes seventy (70) parking spaces which meets the Township's parking requirement. Entered into the record as Exhibit A-1, was an aerial photograph of the existing conditions of the site and the surrounding properties. Mr. French indicated that Exhibit A-2 shows an aerial photograph of the existing conditions with an overlay of the Site Plan. Entered into the record as Exhibit A-3, is the Circulation Plan which was submitted to the Board, showing the internal access drives highlighted in grey. Also, entered into the record as Exhibit A-4, was a colorized version of the Landscape Plan. Two more exhibits were entered into the record by Mr. Pape. The first one, Exhibit A-5 showing colorized renderings of the proposed architectural material. The first page is the front elevation and the second page is the floor plan. Secondly, Exhibit A-6

showed the colored canopy and colored sign details. The architectural elements will match the building elements which were previously approved. Mr. French discussed the underground detention and recharging system. He explained that this storm filter water quality device will clean the runoff water before discharging.

8. Entered into the record as Exhibit A-7, was a blow-up of the circulation plan. Mr. French discussed the on-site circulation plan and the widening of Veronica Avenue as well as a two-way curb cut onto Hamilton Street (a right turn out and a left and right turn in). Entered into the record as Exhibit A-8, was a blow-up of the landscaping plan showing the corner treatment, which will have several types of trees along the frontage and intersection. Mr. French indicated that the monument sign will look like the building and be the same as previously proposed. Gas prices will be digitally displayed as permitted by ordinance.
9. Mr. French explained the lighting plan which will have metal halide fixtures with cut-off technology which will draw light downward. Decorative lighting will be attached to the building. Mr. French explained the LED lighting under the gas pump canopy. There will be 16ft high poles to the rear of the site with cut-off technology and house-side shields as well. LED lighting will be used under the gas pump canopy.
10. The proposed gas station will sell diesel fuel but diesel fuel will only be delivered by a one (1) inch nozzle that will not accommodate large trucks. The proposed operating hours of the retail center would be 6:00a.m. to 10:00p.m. with lights off by 11:00p.m. except for security lighting. The Board agreed to finalize the issue of the gas stations hours of operation at Site Plan approval, however, the Board is inclined to keep the hours of operation in line with the retail element of the proposal.
11. Mr. John Rea, Traffic Engineer, came forward and was sworn in. The Board accepted his qualifications. Mr. Rea discussed the on-site circulation, particularly how the larger vehicles will navigate on the site. He reiterated Mr. French's testimony that they are working with the County to extend the right turn lane from Veronica Avenue onto Hamilton Street along the length of the Veronica Avenue frontage. Mr. Rea showed a highlighted version of the Circulation Plan in Exhibit A-3, and Mr. Pape handed out a miniature version (Exhibit A-9) to the Board for their edification. Mr. Rea indicated that the site is designed with wide expanses of pavement exceeding the minimum requirements. Mr. Rea notes that the sight distance is good and sight triangles are shown on the site plan. He also states that the provisions on parking requirements have been met. There are 16 fueling positions

(two per gas pump) in order to provide as much space as possible so there will not be any queuing or stacking problems on the site.

12. Mr. Felix Bruselovsky, Applicant and sole Owner of 1340 LLC, came forward and was sworn in. They will have a stand-alone diesel pump being a (different color) than the other pumps to accommodate diesel fuel sales. Mr. Bruselovsky explained that the service area will be able to pump gas during a power outage. He explained that at other newer gas station that he is involved with natural gas powered backup generators were installed to allow pumping of gas during power outages; and has agreed, as a condition of approval, to do so at this location.
13. Allison Coffin, Planner, came forward and was sworn, and the Board accepted her qualifications. She described the area and the various types of mixed uses that already exist in the area. Ms. Coffin detailed the special reasons that would allow the Board to grant the D-1 variance and the bulk variances. She opined that the granting of such would not detrimentally affect the health, safety and general welfare of the community. In fact, she said the proposal will benefit the public. Ms. Coffin further explained the need for the proposed development of this site which would serve the surrounding communities in the area. Ms. Coffin adds that there are no retail stores within a mile of the proposed property which will serve both the residential as well as corporate and industrial uses along Hamilton Street and Veronica Avenue. Ms. Coffin explained how this proposal provides an appropriate transition between the industrial M-2 Zone and the residential area. The design of the building as well as the proposed landscaping compliments the nearby residential area. The impervious coverage variances, as well as the signage variances are needed to properly identify the retail stores and gas station from both roadways. Ms. Coffin also offered her opinion concerning site suitability. The site is located at a corner lot which is controlled by a signal. There are mixed uses in the area including industrial uses nearby. The M-2 Zone permits uses that are more intense than those proposed. The proposed plan largely complies with the bulk requirements of the Zone. Accordingly, she believes the site is particularly suited for a gas station with a convenience store. No auto repairs will be done on site.
14. Ms. Coffin testifies that the proposed application does not present any negative impacts on the surrounding area. Ms. Coffin opined that there is a need for this gas station in the area as there is only one (1) other gas station within one (1) mile and that one does not have a retail or mini-mart component but rather a repair garage. The roadway is large enough to handle the proposed use and the use will serve

travelers on the adjoining roadways. Accordingly, she does not believe the proposed use will be a traffic generator but rather will serve the needs of existing commuters on the roadway. Lastly, Ms. Coffin offered her opinion regarding the proposed use meeting the purposes of zoning.

15. At the conclusion of the applicant's presentation the meeting was open for public comment. Mr. Al Johansson Esq. spoke on behalf of an objector. Mr. Johansson indicated that a township Ordinance required a distance separation of gas stations. In this regard the Board was advised that the Ordinance was not applicable to the applicant's proposal.

WHEREAS, the Board has made the following ultimate findings and conclusions based upon the foregoing findings of fact:

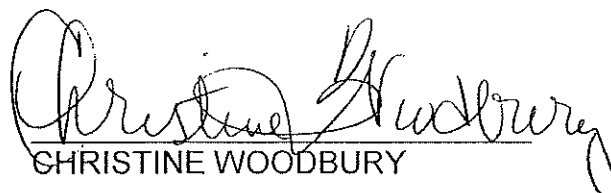
- A. The Applicant has shown special reasons to satisfy the requirements for granting the D-1 Variance with Bulk Variances applied for pursuant to the provisions of N.J.S.A. 40:55D-70(d)1. The Board adopts the Applicant's Planner's testimony in this regard. The Board finds that the site is particularly suited for the proposed Use given that it is located on a corner lot along two (2) busy roadways. The proposed use is needed in the area and represents a good transitional use between zones. Further, the site is large enough to accommodate the proposed use.
- B. The Applicant has demonstrated that the proposed use promotes the general welfare of the community by providing for services needed in the area.
- C. The Board finds that the conditions imposed minimize any negative impacts on the community such that the benefits outweigh the detriments.
- D. The application for the D-1 and Bulk Variances applied for as hereinafter conditioned, can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. The proposed Uses represent good planning for this site which is in need of new development.

WHEREAS, at the conclusion of the hearing on October 31, 2013, the Board has taken action by voting on said application in accordance with N.J.S.A. 40:55D-10(g) of

the Municipal Land Use Law and has directed that a resolution memorializing such action be prepared.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment on this 9th day of February, 2014, on the basis of the evidence presented to it, the foregoing findings of fact and ultimate findings and conclusions, that the Board does hereby grant the D-1 Variance and Bulk Variances as applied for by the Applicant subject to the following conditions:

1. The granting of the D-1 Variance and Bulk Variances shall not be construed to eliminate satisfaction of any other requirements of the zoning ordinance or requirements of the agencies, boards, and authorities of the Township of Franklin, County of Somerset or State of New Jersey. No Site Plan approval is given. Applicant must return to the Board for Site Plan approval.
2. Compliance with Applicant's representations and agreements as well as the conditions set forth in the findings of fact hereinabove.
3. The applicant shall return to the Board for site plan approval. The application for site plan approval shall address all staffing reports except as otherwise indicated in this resolution, including but not limited to comments related to architectural design, lighting, site amenities, dumpster placement, and other site plan related review comments contained in the staff reports. Staff review of the site plan will also involve review of stormwater management, utilities, grading and other details of site plan design and engineering.
4. The hours of operation shall be determined at the Site Plan hearing. Applicant is aware that the Board's current preference is that the hours of operation be 6am to 10pm.
5. The Applicant will meet or exceed the same level of landscaping approved in the prior approvals.
6. Applicant agrees that Diesel pumps will only disperse at the lower volume typically used by cars and not high speed diesel used for large trucks. Signage will make clear to trucks that no high speed diesel pumps exist at this site.
7. Applicant agrees that the station include a natural gas generator to pump gas during power outages.


CHRISTINE WOODBURY

Board Secretary

VOTE ON MOTION 10/31/2013

FOR:

Laura Graumann
Bruce McCracken
Robert Shepherd
Anthony Caldwell
Joel Reiss
Patrick O'Connell
Chairman Thomas

AGAINST

Gary Rosenthal

ABSTENTIONS

Raymond Betterbid
Donald Johnson
Alan Rich

VOTE ON RESOLUTION: 02/06/2014

FOR:

Bruce McCracken
Robert Shepherd
Anthony Caldwell
Joel Reiss
Chairman Thomas

AGAINST

NONE

ABSTENTIONS

NONE

RESOLUTION OF BOARD OF ADJUSTMENT OF THE TOWNSHIP
OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY

1340 HAMILTON ST., LLC
DOCKET NO. ZBA 15-00010

WHEREAS, 1340 Hamilton St., LLC, (hereinafter, The Applicant) has applied to the Franklin Township Board of Adjustment for Site Plan and Variance approval pursuant to N.J.S.A. 40:55D-70d(1) and 40:55D-70c(1) and (2). The Applicant previously received D-1 Variance approval for a retail building and gas pumping station located at 1340 Hamilton Street, Somerset, Block 90, Lots 1 and 2 on the Franklin Township Tax Map; and

WHEREAS, a public hearing was held on said application by the Board of Adjustment on December 17, 2015; and

WHEREAS, members of the public were given the opportunity to speak on the application; and

WHEREAS, the Board, after carefully considering the evidence presented to it by the Applicant, the application and the documents filed by the Applicant, and the comments of the appropriate township officials and agencies together with the public comment has made the following findings of fact:

1. The property is located at 1340 Hamilton Street, Block 90, Lot 1.01 (the property was previously known as Block 90, Lot 1 & 2, but as a condition of the D-1 Variance approval was merged into one lot) in (M-2) Light Manufacturing Zone on the tax map.
2. Kenneth Pape, Esq. appeared before the Board on behalf of the Applicant. Mr. Pape explained that the Applicant received D-1 Variance approval under (ZBA13-00003) requiring the applicant to return to the Board for site plan approval. Mr. Pape advised the Board that 7-Eleven will be the tenant leasing the convenience store. The following variances are requested along with Site Plan approval.
 - Signage: Two 7/11 signs are proposed on the building where 1 is permitted and two (2) signs are proposed on the canopy where 1 is permitted.
 - Driveway width: A variance was previously granted for a driveway width on Veronica Avenue for 18 feet where 20 feet is the minimum. The driveway has been reduced further in width to 15 feet.
3. The subject site is located at the intersection of Hamilton Street and Veronica Avenue and is comprised of two lots totaling 2.83 acres in size. The majority of the site is wooded and contains an isolated wetland at the southwestern edge of the site. The property is located in the M-2 light manufacturing zone.
4. Andrew French, Engineer, came forward and was sworn. The Board accepted his qualifications as an expert engineer on the project. Entered into the record as

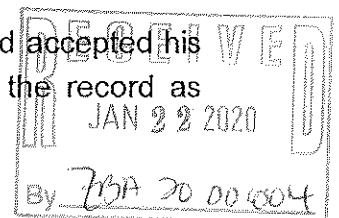


Exhibit A-1, was an aerial photograph of the existing conditions of the site and the surrounding properties. He explained that two (2) residential homes have recently been demolished and removed from the property. Entered into the record as Exhibit A-2, a colorized Landscape Plan (last revised November 15, 2015) which shows the underground Stormwater detention system, three (3) entrance ways for site entry and two (2) monument signs showing gas prices and an additional sign for retail identification names. Mr. French explained that there are two (2) proposed dumpsters for the site. One (1) dumpster is located behind the 7- Eleven store and the other dumpster is located in the rear corner of the property. Both dumpsters are screened with landscaping. A generator has been installed behind the building, in the event of a power outage, the generator will be used to pump gas. Mr. French explained that all of the requirements in the staff reports will be complied with.

5. Mr. French indicated that signage will be proposed to avoid trucks trying to turn into the small driveway. Mr. French then discussed the LED lighting under the proposed canopy. This lighting is flush with the proposed canopy and will prevent any glare. House side shielding on lighting is also proposed in order to reduce any light spillage. The canopy lighting will remain on 24 hours a day for security and safety. The general parking lot lighting can be adjusted or reduced when the general store closes at 10:00p.m. Mr. French discussed the hours of operation and the delivery hours.
6. Mr. Steve Radosti, AIA, came forward and was sworn in. The Board accepted his qualifications. Entered into the record as Exhibit A-3, a color rendering of all four sides of the proposed building, Exhibit A-4, a color rendering of the canopy elevations, and Exhibit A-5, the monument sign renderings. Mr. Radosti detailed the elements of the building, noting that they are proposing a stucco façade, brick pillars and Hardie board siding on all four sides of the building. He also indicated that there will be screening for the rooftop mechanics with architectural features. Mr. Radosti described the gooseneck lamp signage and channel letters with backlighting. He noted that they will use channel letter backlit signage for the retail center tenants and LED gooseneck lighting for the 7-11 store. Mr. Radosti introduced the canopy plan. The Applicant is requesting a sign variance to provide for two (2) signs on the canopy since the site is located on a corner. Mr. Radosti added that an additional sign is sought for the 7- Eleven building as well.
7. The meeting was opened to the public. One of the neighboring property owners had comments and concerns with the left hand turn exit out and how it will impact Spring Street.

WHEREAS, the Board has made the following ultimate findings and conclusions based upon the foregoing findings of fact:

- A. The Board finds that the Applicant has provided sufficient proofs in order to be granted Site Plan approval. Applicant has agreed to comply with all staff reports.
- B. The Board finds that the proposed variances can be granted without negative impact upon traffic or parking. The driveway reduction to 15 feet makes good planning sense as it will further restrict wrong way movement.
- C. The application for the Site Plan applied for and hereinafter conditioned, can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. Accordingly, the Board incorporates its findings and reasoning contained in its prior Resolutions.

WHEREAS, at the conclusion of the hearing on December 17, 2015, the Board has taken action by voting on said application in accordance with N.J.S.A. 40:55D-10(g) of the Municipal Land Use Law and has directed that a resolution memorializing such action be prepared.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment on this 17th day of March, 2016, on the basis of the evidence presented to it, the foregoing findings of fact and ultimate findings and conclusions, that the Board does hereby grant the Site Plan specified above as applied for by the Applicant subject to the following conditions:

1. The granting of the Site Plan shall not be construed to eliminate satisfaction of any other requirements of the zoning ordinance and/or other requirements of the agencies, boards and authorities of the Township of Franklin.
2. Applicant shall comply with representations and agreements as well as all staffing reports except as otherwise indicated herein this Resolution.
3. Applicant shall comply with all conditions and requirements of the Board's previous Resolution under Docket # ZBA-13-00003.
4. Applicant agrees that the trash removal and deliveries will not be before 7:00a.m. or after 10:00p.m.
5. Applicant agrees to have the following hours of operation:
 - 7-Eleven store will be open 24 hours a day, 7 days a week.
 - The fuel station will be open daily from 5:00a.m. – 11:00p.m.
 - The general shopping center, with the exception of the 7-Eleven, shall close at 10:00p.m.

6. Applicant agrees to the following lighting requirements:

- The general parking lot lights, which will be LED, will be turned down to 50% intensity after close of the shopping center.
- The gas station will operate between 5 a.m. and 11:00p.m. After close of the gas station, the gas station signage lighting will be turned off and the gas station canopy lights, which will be LED, will be set at 25% intensity.
- 7-Eleven will have LED gooseneck lighting illuminating at 100% at all times (24/7).
- Main monument sign will have LED gooseneck lighting illuminated at 100% at all times (24/7).
- The freestanding light poles along Hamilton Street and extending around Veronica Avenue to the first curb cut shall be reduced to 16 feet mounting height.


CHRISTINE WOODBURY
Board Secretary

VOTE ON MOTION 12/17/2015

FOR

Laura Graumann
Donald Johnson
Bruce McCracken
Alan Rich
Anthony Caldwell
Gary Rosenthal
Chairman Thomas

**AGAINST
NONE**

**ABSTENTIONS
NONE**

VOTE ON RESOLUTION: 03/17/2016

FOR

Donald Johnson
Anthony Caldwell
Gary Rosenthal
Chairman Thomas

**AGAINST
NONE**

**ABSTENTIONS
NONE**