

TOWNSHIP OF DENNIS ZONING BOARD OF ADJUSTMENT APPLICATION FORM

1. Name and address of applicant:
Name: OCEAN VIEW PETROLEUM LLC
Address: 3938 S. MAIN ROAD, VINELAND, NJ 08360
2. Applicant's telephone number: Applicant's fax number:
Home: Home:
Work: (856) 825-7600 Work: (856) 825-2270
3. Property owner's name, address and telephone number if different from No. #1 above.
Name: SAME AS ABOVE Telephone:
Address:
4. Relationship of applicant to owner: OWNER
If holder of Contract to purchase attach copy of Contract.
If other than Contract Purchaser, explain status and attach written agreement signed by seller consenting to the application.
N/A
5. If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses and telephone numbers:
Name: R. PAUL RIGGINS Name: STEVEN D. RIGGINS
Address: 3938 S. MAIN ROAD Address: 3938 S. MAIN ROAD
VINELAND, NJ 08360 VINELAND, NJ 08360
Phone: (856) 825-7600 Phone: (856) 825-7600
Name: RICHARD E. CUMMINES, JR.
Address: 3938 S. MAIN ROAD
VINELAND, NJ 08360
Phone: (856) 825-7600
6. Location of premises:
Street address: 2495 RT 9
Tax Block: 245 Tax Lot (s): 55
Tax Map Sheet No.: 27

Zoning District in which premises is located: OVCC (OCEAN VIEW CENTER CORE)

7. Type of application presented:

- ☐ Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)
☐ Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)
☐ Hardship Variance (N.J.S.A. 40:55D-70c(1))
☐ Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
☒ Use Variance (N.J.S.A. 40:55D070d)
 ☒ (1) Use or principal structure
 ☐ (2) Expansion of non-conforming use
 ☐ (3) Deviation from conditional use standard
 ☐ (4) Increase in permitted floor area ratio
 ☐ (5) Increase in permitted density
 ☐ (6) Height of principal structure greater than 10 feet or 10% of maximum height permitted
☐ Permit to build in street bed (N.J.S.A. 40:55D-34)
☐ Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)
☒ Site plans (N.J.S.A. 40:55D-76)
☒ Major
 ☒ Preliminary
 ☒ Final
☐ Minor
☐ Waiver of site plan itself
☐ Subdivision (N.J.S.A. 40:55D-76)
☐ Minor
☐ Major
 ☐ Preliminary
 ☐ Final
☐ Waivers from subdivision and/or site plan standards
☐ Other

8. Request is made for permission to: An existing two-story building is located on the project site. It is the intent of the Applicant to renovate the existing building into a shop and a second floor apartment. The Applicant also intends to construct a 54' x 78' gas station canopy, underground gas tanks, parking and driveways.

(Describe type of variance sought)

Applicant seeks the following variances:

- (a) A "D-1" Use Variance since a gas station is not a permitted use in the OVCC zone.
 (b) A variance is required to permit a front yard setback of 12.0', where a maximum of 8' is permitted.
 (c) A variance is required to permit 13 parking spots, where 16 is required.
 (d) A variance for front yard parking setback is required to allow a 1.8' setback, where 10.0' is required.
 (e) A variance is required to permit the use of an existing freestanding sign. A freestanding sign is not a permitted sign in the OVCC Zone.

contrary to the requirements of Sections: (a) Section 185-22(B); (b) Section 185-22(D); (c) Section 185-38(B)(5); (d) Section 185-22(E); (e) Section 185-43(B)(6) of the Dennis Township Land Use and Development Ordinances, Dennis Township Code Chapters 98, 165 and 185.

9. Supply the following information concerning this application. Place an asterisk to the left of the description of all items for which variances are sought.

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	PROPOSED	VARIANCE REQUIRED YES/NO
<u>LOT SIZE:</u>				
Lot Area	0.52 acre	1 acre	0.52 acre	YES*
Lot Frontage	0.52	N/A	0.52	NO
Lot Width	140.43'	150'	140.43'	YES*
Lot Depth	127.0	N/A	127.0	NO
<u>PRINCIPAL BUILDING:</u>				
Side Yard, each	16.5'	30'	16.5'	NO
Front Yard	23.1'(Primary) 84.5'(Secondary)	0'-8' 0'-4'	23.1' 12.9'	YES* YES
Rear Yard	-1.5'	55'	1.5'	NO
Building Height	23.8'	30'	23.8	NO
<u>ACCESSORY BUILDING:</u>				
Side Yard, each	N/A	N/A	N/A	NO
Rear Yard	N/A	N/A	N/A	NO
Distance to Other Buildings	N/A	N/A	N/A	NO
Building Height	N/A	N/A	N/A	NO
<u>MAXIMUM COVERAGE:</u>				
Principal Building %	12.0%	35.0%	12.0%	NO
Accessory Building %	N/A	N/A	N/A	NO
<u>GROSS FLOOR AREA:</u>				
Principal Building	N/A	N/A	N/A	NO
Accessory Building	N/A	N/A	N/A	NO

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
<u>PARKING:</u>				
No. of Spaces	9	16	13	YES
<u>SIGNS:</u>				
Size	25SF	30SF	25SF	NO
Number:	1	1	1	NO
Type (free standing or building mounted: 1		0	Free standing	YES

**Existing Non-Conformity*

10. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board.

SEE SUPPLEMENTAL SHEET ATTACHED HERETO

BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55dc(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHEREBY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY

DETRIMENT. USE, AND RELATED VARIANCES (N.J.S.A. 40:55d-70d) CAN ONLY BE GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

11. Attach to this application a statement of the facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.
12. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.
13. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.
14. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special Reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

Paragraph 10 Response:

On August 25, 2004, the Dennis Township Zoning Board of Adjustment previously granted a use variance for the premises that authorized multiple uses on the site, including maintaining an existing gas station, conversion of a garage/office to a convenience store, and maintaining an existing second floor apartment, which are the same uses for which the applicant is seeking approval in this application. The Board thereafter granted Preliminary and Final Major Site Plan approval, which was memorialized in Resolution #04-31, which also granted waivers on the curbing and from the provisions of an environmental impact study. Applicant is not aware of any subsequent applications to the Board with respect to this property.

Paragraph 11 Response:

The relief sought by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. This conclusion is supported by the previous use of this property for the same purposes without any known adverse effects on the surrounding area, which is predominantly commercial in nature along Route 9.

Paragraph 12 Response:

This property is unique since it has previously been used as a gasoline station with a convenience store and apartment and the property is uniquely suited for this purpose due to its location at an intersection that is heavily traveled with motorists in need fueling opportunities, particularly in the summer months. The hardship if this application is not granted is that there are no practical uses for this property, as evidenced by the fact that it has remained idle for several years. Beyond that, an additional hardship is that the only reason the station closed initially was because the tanks that were permitted when the station was built were no longer compliant with State regulations and had to be removed. Those tanks have been removed and the new station will contain state-of-the-art, double-walled tanks with alarm systems built into them. All piping running from the tanks to the pumps are also double walled. Although Sheet 2 of 7 submitted with the plans states that there are existing tanks that have to be removed, those tanks were removed several years ago, as noted above. This application is necessary in order to install the new tanks in compliance with DEP regulations.

Paragraph 13 Response:

The benefits if this application is granted substantially outweigh any detriment pursuant to NJSA 40:55D-70c(2). Specifically, the building on the property occupies roughly 15% of the square footage of the property, thereby greatly promoting light, air and open space. Furthermore, the newly constructed state of the art facility will provide a much more favorable visual environment than currently exists, with the entire property being

repaved, new pumps installed, new curbing, new landscaping, and site-directed state of the art lighting. Finally, the use proposed is certainly consistent with what has occurred on the site previously and is currently prevalent in the immediately surrounding area.

Paragraph 14 Response:

Denial of the application will create an undue hardship for the owner since the permitted uses in the OVCC District, in which this property is located, cannot be reasonably accommodated on this property given its size and location. As noted above, the property has been vacant for several years due to the lack of any practical year round long-term use of the property as shown by the inability to identify another occupant of the property with a proposed use aside from the use proposed in this application.

15. Set forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (N.J.S.A. 40:55D-70a)

N/A

16. Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b)

N/A

17. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, and plat and the following Zoning Board of Adjustment forms together with all attachments required in connection with the forms:

ZB-1 Application form including verification of application

ZB-2 Survey, plan, plat affidavit

ZB-4 Escrow, fees and application fees

ZB-5 Proof of payment of taxes

ZB-6 Notice of hearing

ZB-7 Affidavit of Service

ZB-10 Applications involving subdivisions

ZB-11 Applications involving Site Plans

18. For undersized lot cases only, the following additional forms are supplied.

Notice to Applicant's Concerning Undersized Lots.

ZB-8 Applicant's Offer to Abutting Property Owners.

ZB-9 Response to Abutting Property Owners.

19. List the names, addresses, telephone and fax numbers and professions of any and all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name:	Address:	Phone:	Fax:	E-Mail
Stephen D. Barse, Esq.	817 E. Landis Avenue Vineland, NJ 08360	(856) 691-0100	(856) 692-4095	sbarse@grucciopepper.com
Vincent C. Orlando Engineer	5 Cambridge Drive Ocean View, NJ 08230	(609) 390-0332	(609) 390-9204	vorlando@engineeringdesign.com

VERIFICATION OF APPLICATION

(Indicate Status of Applicant Below)

 X Applicant is owner of property
 Applicant is not owner of property but has an Agreement of Sale and the consent
of the owner to make this application.
 Other (specify)

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

RICHARD E. CUMMINES, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the variance application, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which variance relief and accompanying approvals (if any) are sought.

OCEAN VIEW PETROLEUM, LLC

By:


Richard E. Cummines, Member

Sworn and subscribed to before
me this 14th day of SEPTEMBER,
2022.


Notary Public

My Commission Expires: _____

Stephen Borse
Attorney At Law of New Jersey

CONSENT TO APPLICATION BY OWNER OF PREMISES

(Need not be signed if Owner is Applicant)

I hereby consent to the application submitted to the Dennis Township Zoning Board of Adjustment with regard to the premises referred to in this application which premises is owned by me.

 N/A

Owner's Signature

Sworn and subscribed to before
me this _____ day of _____,
2____.

Notary Public
New Jersey

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS

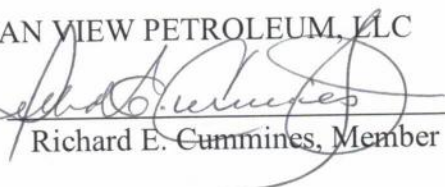
COUNTY OF CAPE MAY:

RICHARD E. CUMMINES, MEMBER OF OCEAN VIEW PETROLEUM, LLC, being duly sworn according to law, upon his oath deposes and says:

1. Ocean View Petroleum, LLC is the owner of the property known and identified as Block 245, Lot 55, in the Township of Dennis, Cape May County, New Jersey.
2. The attached sealed survey/plan/plat prepared by Engineering Design Associates, P.A., and dated September 14, 2022 accurately reflects the physical condition of the property as of the date of this Affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.
3. Ocean View Petroleum, LLC, owner of the property, makes this Affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understands that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.

OWNER/APPLICANT:

OCEAN VIEW PETROLEUM, LLC

By: 
Richard E. Cummines, Member

Sworn and subscribed to before
me this 14th day of SEPTEMBER,
2022.


Notary Public

My Commission Expires: _____

Stephen Barse

Attorney At Law of New Jersey

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW FEES AND APPLICATION FEES**

Applicant's Name: OCEAN VIEW PETROLEUM LLC
Address: 3938 S. MAIN ROAD, VINELAND, NJ 08360

Address of Property
Subject to the Application: (Street Address): 2495 RT 9, DENNIS TOWNSHIP, NJ

Block: 245 Lot (s): 55

Amount of required Escrow: \$ 1300

Amount of required Application Fees: \$ 6500

All escrow funds shall be deposited by the applicant with the Municipal Treasurer who shall, in turn, deposit them in a separate escrow account and carry them under the Township's Trust Fund section of accounts on the books of the Township as a professional, inspection and consulting fee escrow fund. Said escrow fund shall be used to pay the fees of professional personnel employed to assist the Dennis Township Zoning Board of Adjustment in review of the application, to prepare Board Resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Zoning Board of Adjustment. Any excess of funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed shall be returned to the applicant. If at any time it become evident that the escrow account is or will be insufficient to cover said fees, the developer shall increase the fund as required by the appropriate Zoning Board of Adjustment Official having jurisdiction over the matter.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date: September 15, 2022

Applicant: By:

OCEAN VIEW PETROLEUM, LLC

Richard E. Cummines, Member