

**ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2017-08-06**

**CONCERNING THE APPLICATION OF  
TRI-STATE PETRO, INC,  
EXTENSION OF PRELIMINARY AND FINAL SITE PLAN APPROVAL**

**WHEREAS**, Tri-State Petro, Inc., has applied to the Zoning Board of Adjustment of the Township of Mansfield for an Extension of Preliminary and Final Major Site Plan Approval for property located at 3372 Route 206, known as Block 1, Lots 1 and 2 (the “Property”); and

**WHEREAS**, the Zoning Board granted Use Variance, Bulk Variance, Conditional Use and Preliminary and Final Site Plan Approvals to the Applicant on November 4, 2013, memorialized by Resolution No. 2013-10-15, adopted on December 2, 2013, for the construction of a convenience store with gasoline and diesel dispensing islands and the fencing in of a parking lot use; and

**WHEREAS**, *N.J.S.A. 40:55D-52* provides a two year period of protection for final site plans, commencing on the date the Resolution approving the subdivision is adopted; and

**WHEREAS**, *N.J.S.A. 40:55D-52* further provides a zoning board with the discretion to grant up to three (3) one year extensions to the period of protection for final site plan approvals, upon application made by an applicant and subject to current design standards; and

**WHEREAS**, the Permit Extension Act of the State of New Jersey, *N.J.S.A. 40:55D-130* et seq., has tolled the running of the period of protection for certain approvals until December 31, 2015; and

**WHEREAS**, the Permit Extension Act is applicable to the Final Site Plan Approval granted to the Applicant and extended the period of protection until June 30, 2016; and

**WHEREAS**, by Resolution No. 2016-8-5, the Zoning Board granted a one (1) year extension to the Applicant extending the period of protection for Final Site Plan Approval to June 30, 2017; and

**WHEREAS**, the Applicant has requested the that the Zoning Board grant a second one (1) year extension in accordance with *N.J.S.A. 40:55D-52* to commence on June 30, 2017; and

**WHEREAS**, the Board after carefully considering the Applicant’s request for an extension to the period of protection for the Final Site Plan Approval granted by the Board on November 4, 2013, has made the following findings of fact:

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1. The Applicant is the owner of the Property located at 3372 Route 206, known as Block 1, Lots 1 and 2, located in the Township's C-2 Highway Commercial Zoning District. The total area of the Property is 7.21 acres. The Property is currently improved with a gasoline service station.

2. The taxes on the Property are current or exempt.

3. The Applicant's escrow account is current.

4. The Applicant received Use Variance, Bulk Variance, Conditional Use and Preliminary and Final Site Plan Approvals to construct a convenience store with gasoline and diesel dispensing islands and the fencing in of a parking lot use, as memorialized by Resolution No. 2013-10-15, on December 2, 2013.

5. The period of protection applicable to the Applicant's Final Site Plan Approval in accordance with *N.J.S.A. 40:55D-52* and *N.J.S.A. 40:55D-130* expired on June 30, 2016.

6. Prior to June 30, 2016, the Applicant requested three (3) one year extensions of the period of protection in accordance with *N.J.S.A. 40:55D-52*.

7. The Zoning Board granted a one (1) year extension to the Applicant, as memorialized by Resolution No. 2016-8-5, extending the period of protection for Final Site Plan Approval to June 30, 2017.

8. The Applicant is now requesting a second one (1) year extension to its Final Site Plan Approval.

9. The granting of one-year extensions is discretionary on the part of the Zoning Board.

10. The Applicant's attorney represented to the Board that the Applicant has been delayed in commencing construction because of economic conditions and the need to acquire an easement from an adjacent property owner. Representation was also made that the Applicant desires to take advantage of less stringent NJDEP Rules, currently being promulgated.

**AND WHEREAS**, based upon the above factual findings, the Zoning Board has come to the following conclusions:

1. It is within the Board's discretion, in accordance with the Municipal Land Use Law of the State of New Jersey, to grant up to three (3) one year extensions to a final site plan approval.

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2. A second one (1) one year extension to the Applicant's Final Site Plan Approval is appropriate at the current time and any further extension requests will require the Applicant to appear before the Board to identify the action taken to satisfy Resolution No. 2013-10-15.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of Mansfield, on the 7<sup>th</sup> day of August, 2017, that this Board hereby grants to the Applicant a one (1) year extension to the period of protection for the Variances and Final Site Plan Approvals granted to the Applicant, subject to the following:

1. Subject to the Applicant complying with Resolution No. 2013-10-15.
2. Subject to Resolution No. 2016-8-5, by which the Board granted the first one (1) year extension to the period of protection.
3. Subject to the Applicant complying with the current design standards of the Ordinance, excluding changes relating to the permitted uses and bulk requirements in the Zoning District where the Property is located.
4. Subject to the period of protection for the Final Site Plan Approval now expires on June 30, 2018.
5. Subject that any additional extension requests submitted by the Applicant shall require the Applicant to appear before the Board and identify the action taken to satisfy the conditions of approval as contained in Resolution No. 2013-10-15.

**ROLL CALL VOTE**

Those in Favor: 7  
Those Opposed: 0  
Those Abstaining: 0

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Zoning Board of Adjustment of the Township of Mansfield in accordance with its decision at its regular meeting on August 7, 2017.

**ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF MANSFIELD**

**Attested:**

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**WILLIAM TAHIRAK, CHAIRMAN**

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**ASHLEY JOLLY, LAND USE COORDINATOR**

**Dated:** 08/30/2017

**Date of Approval:** 08/07/2017

**Date of Memorialization:** 09/05/2017