

~~PB memo~~  
~~BOA uses~~  
~~HPC memo~~

45 day 5/10/20  
 review  
 120 day decision  
 date is 8/12/20

**BOA 20-05**  
TOWN OF WESTFIELD  
APPLICATION

**I. Identification:**  
 This appeal is from (applicant's name) Shaan Realty, LLC  
 street address 809 Central Avenue telephone 973-615-2032  
 c-mail waseemshel@aol.com fax 973-301-9437  
 for property in Westfield, NJ located at (street address) 809 Central Avenue

**II. To: (check one)**

- Planning Board  Board of Adjustment  
 Board Secretary: Ms. Linda Jacus 908-789-4100 extension 4602  
 Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

**III. For a Hearing For: (Check all applicable)**

	<u>Specific Applicable Sections of the Westfield L.U.O. for:</u>	
	<u>Submission Requirements Checklists</u>	<u>Procedures</u>
<input type="checkbox"/> *C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

\*Public noticing is required pursuant to Section 4.03 & 4.04 \*\* A major site plan review is also required with a conditional use application

FILED  
 3/27/20

**IV. Application Description:** Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

This application is in reference to a sign variance plan in which existing signs on site will be re-paneled. No site improvements are proposed.

**V. Reasons:** Briefly summarize the reasons why you believe this appeal should be granted.

There are no site improvements proposed. Existing signs which are currently internally illuminated are proposed to be re-paneled and will maintain existing measurements.

Amended Site Plan approval is being requested to modify Condition #3 of the Board of Adjustment's 11/8/2004

Resolution, which states that all signage should have exterior illumination only. A copy of the Resolution is attached.

**VI. Property Description:** Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 809 Central Avenue

Zone district GB-3 Block No. 4802 Lot No. 12

•Dimensions of lot As shown on plan Area of lot 14,249 sq. ft.

•Use of premises present Gas service station and automobile repair shop  
proposed Gas service station and automobile repair shop

The proposed use is:  permitted by ordinance  a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment

a use permitted by variance  a nonconforming (i.e. "grandfathered") use  not a permitted use

Name of Owner Shaan Realty, LLC Telephone No. 973-615-2032  
Street address of Owner 809 Central Avenue, Westfield NJ 07090 Fax No. 973-301-9437

•Does the above owner also own any property that abuts the subject property?

No  Yes If yes, address: \_\_\_\_\_

If yes, is the abutting property subject to the Lochner-Campoli rule of merger?  No  Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property?  No  Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority?  No  Yes If yes, list here and attach a brief description of each.

 3/27/20

**VII. Attorney Identification:** Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Christopher A. Erd Telephone No. 908-252-4316  
Attorney's firm Norris McLaughlin Fax. No. 908-722-0755  
Street address 400 Crossing Boulevard, 8th Floor, PO Box 5933, Bridgewater NJ 08807-5933

**VIII. Notarization:**

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct

**CRYSTAL M. MANCILLA**  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 4/8/2020

Sworn and Subscribed to  
before me this 13<sup>th</sup>  
day of December, 2019

Crystal M. Mancilla  
Notary Public

[Signature]  
Signature of Applicant (in the presence of a Notary)

Print Name: Waseem Chaudhary  
Address: 98 Main Street, 2nd Floor  
Madison, NJ 07940

Home phone \_\_\_\_\_  
Business phone 973-615-2032

**IX. Do not write in the following spaces:**

**TO BE COMPLETED BY THE ZONING OFFICER:**

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
  - \_\_\_\_\_ Zoning violation notice, No. \_\_\_\_\_, copy enclosed.
  - \_\_\_\_\_ Municipal Court complaint, docket No. \_\_\_\_\_, copy enclosed.
  - \_\_\_\_\_ Other pending action, (describe) \_\_\_\_\_
  - \_\_\_\_\_ None of the above

\_\_\_\_\_  
Signature

**TO BE COMPLETED BY THE BOARD SECRETARY:**

Has there been any previous appeals(s) involving these premises?  
 No  Yes If yes, attach copies of resolution(s)

**TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:**

Application accepted as complete on 4/14/20 \_\_\_\_\_  
Signature



RECEIVED

3/27/20

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

**Please see attached  
Preliminary List of Variances &  
Existing Non-Conforming  
Conditions**

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:	Conditions
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

RECEIVED  
3/27/20

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

**SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION**

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

**Please see attached  
Preliminary List of Variances  
& Existing Non-Conforming  
Conditions**

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

RECEIVED  
3/27/20

**APPEAL OF JAMES PINKMAN  
(WESTFIELD SERVICE CENTER)  
809 Central Avenue**

At the meetings of the Zoning Board of Adjustment held on September 13 and October 18, 2004, the Board heard and considered the within appeal.

Based upon the evidence presented and the Board's familiarity with the Land Use Ordinance, the subject property and the surrounding neighborhood, the Board found and determined as follows:

1. The applicant appeared with legal counsel to present his case to the Board. It is noted that the applicant's existing service station premises are being proposed for site plan and variance relief to allow and permit the construction of canopies over existing gasoline island-type pumps on the property. The proposed construction of the applicant requires expansion of a conditional use with major site plan approval also being requested. The proposed usage and/or additional construction at the property requires variance relief from Sections 13.03D6, 13.03E, 16.04E1 with various subparts of the Land Use Ordinance. The applicant's proposed usage violates the existing front-yard requirements of the Ordinance for the canopy, the maximum allowable illumination at the property line permitted by Ordinance for this property is being violated, also internal illumination of the free-standing sign is proposed which is prohibited by the Ordinance. The maximum area of free-standing signs and the horizontal dimension of a free-standing sign are also contrary to the Ordinance requirements. The setback for the freestanding sign violates the Ordinance requirements. The Ordinance requires maximum horizontal dimensions of the wall sign to be a certain dimension which is being violated herein. The dimension of the wall sign is contrary to the Ordinance. The height of the wall sign is contrary to the Ordinance. The applicant also requested waiver of the section of the Land Use Ordinance which requires floor plans and building facades for all site plan applications.
2. A general description of the application and the existing service station use was given by the legal representative of the applicant.

3. The Board acknowledged its familiarity with the subject property which has been long in use as a service station premises. The applicant's surveying and/or planning consultant offered detailed testimony as to existing conditions on the site.
4. The planning representative of the applicant offered exhibits to the Board which were marked into evidence showing all proposed improvements in relationship to existing conditions.
5. In response to a further discussion and testimony with the planning representative of the applicant, the Board requested that the applicant produce details of the proposed canopy construction and the type of shingles proposed for same to relate it to conditions that the Board could visually inspect at other stations.
6. The Board then heard testimony from neighboring property owners as to their concern with lighting, buffering, landscaping, fencing and overall usage of the property. Concern was expressed by neighboring property owners that the applicant had not complied with prior site plan approvals for the property and that the property was becoming a concern or had objectionable conditions to neighboring owners. A neighboring property owner submitted pictures of the gas station and same were marked as exhibits before the Board. These pictures also showing dead landscaping, pile of dirt, and vehicles parked improperly were also discussed by the neighbors with the applicant.
7. The Board then discussed with the applicant its concern about the status of all of the objectionable conditions raised by neighboring owners. The applicant stipulated that he would meet with the neighboring owners and prepare for additional proposed improvements to the property and on this basis the case was continued to the October meeting of the Board.
8. At the October meeting of the Board the applicant's attorney offered a series of exhibits, including a letter from the lighting consultant from the applicant as to an amended lighting plan which had been submitted for review and approval. Also amended landscaping plans and more details showing the construction of the proposed canopy or canopies was also discussed at length with the Board. Photographs of additional service stations already with canopies similar to what was being proposed in this case were also discussed and reviewed with the Board. Finally the landscaping plan with replacement trees for dead

vegetation was also discussed and reviewed with the Board and neighboring property owners.

9. The Board then heard further testimony from the applicant as to the type of construction for the canopies which the applicant stated would be substantially similar to that of the Exxon station already in existence on Central Avenue and in close proximity to the applicant's premises. The applicant stated that the same look and aesthetic appeal of that station would be incorporated into the design for the present canopies including the Elm Sunoco station which would be varied by the timberline-type style and/or shingles shown by the exhibits before the Board and testified to by the applicant.
10. A further exhibit was marked into evidence before the Board showing the condition of the station before and with the proposed improvements superimposed upon same.
11. In response to the detailed plans and proposal now submitted the applicant responded to a question from a Board Member as to the type of molding which would be placed around the canopy. Same was described as being "closer to the Shell station". Further discussion then followed between the Board and the applicant on an exhibit marked as A-6 which showed photographs of existing conditions on other canopies and the applicant confirmed that Exhibit A-7 would be the construction and/or final appearance of what the canopy would look like.
12. The Board discussed its concern with the lighting from the property notwithstanding that it would be subject the lighting plan and revisions submitted to the Board. The Board discussed inserting bulbs in the fixtures in front of the station that would control the illumination with the two front light poles removed from the premises as part of site plan approval to issue. The applicant stipulated to comply with these conditions and requirements.
13. The neighboring property owners discussed with the applicant the improved landscaping and lighting plans which were now being proposed as part of the site plan relief requested. Also the existing soil pile at the property which had been taken away from the premises from the last meeting was discussed by the applicant with the Board and noted by the Board as being a favorable condition for the approval which was now being requested.
14. It was noted by the Board that the revised plans and proposal submitted in this case and with the stipulation of

the applicant as now agreed that the premises were being substantially improved and/or conditions objectionable to the neighbors being minimized or eliminated. It was also emphasized by the Board that most of the variances sought in this case were grandfathered by the existing use of the property.

15. The Board discussed with the applicant Exhibit A-7 which showed the changes in the illumination proposed for the property. The dimensions and size of the signage were once again confirmed by the applicant as being pursuant to Exhibit A-7 now marked into evidence and testified to before the Board in this case.
16. There was no further testimony, evidence nor opposing arguments heard by the Board in connection with this case.

Based upon the applicant's revised plans submitted and the stipulations and agreement of the applicant to comply with the terms, conditions and requirements of this Ordinance, the Board finds and concludes that it is appropriate for the applicant's request for conditional use and major site plan approval to now issue from the Board. The Board finds and concludes that the improvements proposed in this case are reasonably related to the continued effective use of the property as a gasoline service station which has been a long-established use from this property. The Board further finds and concludes that the improvements proposed in this case are not an overuse of the property.

The Board further finds and concludes that with the conditions and stipulations as now agreed to by the applicant and which will follow in this Resolution that there will be considerable positive benefits and advantages to the applicant through the grant of approval from the Board and no negative impact nor any detriment whatsoever that the Board can find connected with same. Therefore approval for the conditional use to be continued and for the site plan as revised is now appropriate to request from the Board.

Based upon all of the above, the request of James Pinkman (d/b/a Westfield Service Center) for conditional use approval with variances and major site plan approval and with waiver of specific floor plan drawings for the existing gasoline service station now operating from the premises in accordance with the site plan drawings and all amendments including exhibits marked into evidence before the Board in this case and consistent with

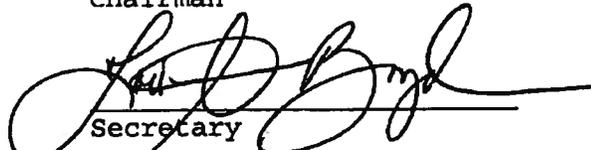
the testimony, evidence and other matters made of record before the Board in this proceeding with variance relief from Sections 13.03, 16.04 and with waiver of Section 9.00 Floor Plan and Building Façade Requirements to allow and permit the construction and/or installation of canopies with signage and related site improvements in accordance with drawings as amended designated "Site Plan for Westfield Service Center" and "Proposed Lighting ISO Footcandle Plan" and with additional plans depicting the canopies and the signage as specifically amended during the course of this hearing **BE AND HEREBY ARE ORDERED GRANTED AND APPROVED.** This approval is subject to the following conditions that will apply to this resolution and the applicant's further use of the property:

1. The two pole signs fronting Central Avenue are to be removed by the applicant as required in this Resolution and prior to any Certificate of Occupancy to be issued for the premises; and
2. The applicant to strictly comply with the lighting requirements as set forth in a memo of June 30, 2004 with reduced wattage bulbs to be utilized in said signage now and in the future as testified to and stipulated by the applicant throughout the course of these proceedings; and
3. The signage to be utilized by the applicant is to be as shown in Exhibit A-7 marked into evidence before the Board in this case with dimensions to be 8 ft. by 6 ft. There shall be no internal illumination of any signage at the property. All signage shall have exterior illumination only.
4. The shake-type shingle and roof for the canopies is to be substantially similar to the Shell Station on Elm Street and as testified to by the applicant and designated in Exhibit A-5 marked into evidence before the Board; and
5. The applicant is to comply any and all further engineering requirements as may be reasonably set or required by the Town Engineer for the Town of Westfield; and
6. All work is to be strictly in accordance with the plans and testimony before the Board in this case; and

7. That the applicant is to obtain permit or permits as necessary and required prior to any work at the property in accordance with the requirements for the Town of Westfield.

  
\_\_\_\_\_

Chairman

  
\_\_\_\_\_

Secretary

Dated: November 8, 2004

---

**Preliminary List of Variances and Existing Nonconforming  
Conditions**

**November 2019**

**Last Revised February 2020**

**Proposed Sign Repaneling  
Block 4802, Lot 12  
809 Central Avenue (CR 613) & Elizabeth Avenue  
Town of Westfield, Union County, NJ**

**Zoning – GB-3 (General Business) Zone:**

- [§ 11.28.C] – GB-3 General Business District Conditional Use Regulations

*Gasoline service stations are conditional uses in the GB-3 Zone. The existing gasoline service station is an existing non-conformance.*

- [§ 11.28.D] – GB-3 General Business District Prohibited Use Regulations

*Automobile repair shops are prohibited uses in the GB-3 Zone. The existing automobile repair shop is an existing non-conformance.*

- [§ 11.28.F] – GB-3 General Business District Bulk and Lot Regulations

- Required minimum front yard canopy setback: 35 FT  
*Under existing conditions, the canopy front yard setback is 1.6 FT. Therefore, this is an existing non-conformance.*
- Required minimum side yard parking setback: 20 FT  
*Under existing conditions, the parking side yard setback is 0.0 FT. Therefore, this is an existing non-conformance.*
- Required minimum rear yard building setback: 35 FT  
*Under existing conditions, the building rear yard setback is 14.0 FT. Therefore, this is an existing non-conformance.*
- Required maximum impervious coverage: 70%  
*Under existing conditions, the impervious coverage is 77.1%. Therefore, this is an existing non-conformance.*

RECEIVED  
3/27/20

**Gasoline Service Station Conditional Use Requirements:**

- [§ 18.12] – Gasoline Service Station Bulk and Lot Regulations
  - Required minimum rear yard building setback: 25 FT  
*Under existing conditions, the building rear yard setback is 14.0 FT. Therefore, this is an existing non-conformance.*
  - Required minimum side yard building setback: 25 FT  
*Under existing conditions, the building side yard setback is 14.4 FT. Therefore, this is an existing non-conformance.*

**Signage:**

- [§16.03-§16.04] – Sign Regulations in the GB-3 Zone

Freestanding Sign (To remain and be re-paneled):

- Required maximum sign area: 16 SF  
*Existing sign area: 34.20 SF*  
*Therefore, this is an existing non-conformance.*
- Required maximum horizontal dimension: 6 FT  
*Existing sign area: 8.02 FT*  
*Therefore, this is an existing non-conformance.*
- Required minimum sign setback: 5 FT  
*Existing sign setback: 1.6 FT*  
*Therefore, this is an existing non-conformance.*

Wall Mounted Sign (To remain and be re-paneled):

- Required maximum sign area: 50 SF  
*Existing sign area: 92.46 SF*  
*Therefore, this is an existing non-conformance.*
- Required maximum horizontal dimension: 20 FT  
*Existing sign area: 60 FT*  
*Therefore, this is an existing non-conformance.*

- [§16.04-I] – Sign Regulations for Gasoline Service Stations

Freestanding Sign (To remain and be re-paneled):

- Required maximum sign area: 25 SF  
*Existing sign area: 34.20 SF*  
*Therefore, this is an existing non-conformance.*

 RECEIVED  
3/2/20

- Required maximum horizontal dimension: 6 FT  
*Existing sign area: 8.02 FT*  
*Therefore, this is an existing non-conformance.*
- Required maximum sign height: 6 FT  
*Existing sign area: 7.89 FT*  
*Therefore, this is an existing non-conformance.*

Wall Mounted Sign (To remain and be re-paneled):

- Required maximum sign area: 50 SF  
*Existing sign area: 92.46 SF*  
*Therefore, this is an existing non-conformance.*
- Required maximum horizontal dimension: 20 FT  
*Existing sign area: 60 FT*  
*Therefore, this is an existing non-conformance.*
- [§16.03-E(1)] – Sign Illumination Standards
  - Internally illuminated signs of any kind shall be prohibited.  
*There is an existing internally illuminated freestanding sign. The proposed freestanding sign is maintaining the internal illumination. Therefore, variance relief is requested.*
- [§16.03-E(2)] – Sign Design Standards
  - The light source of illuminated signs shall be shielded so that the light source shall not be visible.  
*LED Price point lighting is proposed for the re-paneled freestanding sign. Therefore, variance relief is requested.*

 RECEIVED  
3/27/20

Description of Application (1-8-2020)  
Prepared by Christopher A. Erd, Esq.  
Norris McLaughlin, PA  
Attorneys for Applicant

This is a very simple Application involving a long-existing gasoline service station that just wants to update and modernize its existing signs on the Property. The Applicant seeks all necessary approvals, including but not limited to preliminary and final major site plan, amended site plan, or minor site plan approval, along with all necessary bulk and/or use variances, waivers, exceptions, and/or other approvals to reface several existing, internally illuminated signs, and replace only the existing price point parts of the signs with LED lighting.

The Applicant seeks to modernize the signs at the site to keep up with the times as well as for public safety and employee safety reasons. The new signs would be more easily seen by the general public, including passing motorists. Also, the sign price point sections, which are required and heavily regulated by New Jersey law (See, N.J.S.A. 56:6-2 and -3; N.J.A.C. 18:19-2.1, -2.2, -2.4, -2.6, -2.7, and -3.1) would more easily be changed by employees with a simple push of a button, instead of manually changing each digit. Nevertheless, in accordance with NJ State law, the price point sign sections would not be changed more than once per day. See, N.J.S.A. 56:6-2(a). Furthermore, the Applicant believes that the following United States Supreme Court and New Jersey Supreme Court legal opinions on sign ordinances are in point here, and they lead to the conclusion that the Board should grant the requested approvals. See, Reed v. Town of Gilbert, Arizona 135 S.Ct. 2218 (2015) (content discriminatory based sign ordinance was unconstitutional); E & J Equities LLC v. Board of Adj., Twp. of Franklin Twp., 226 N.J. 549 (2016) (ordinance banning electronic billboards was unconstitutional free speech restriction). In addition, NJ municipalities have begun to realize that gas stations are special when it comes to signs, and have adopted ordinances permitting signs such as those sought here. Please see the attached ordinances from Wayne Township (Ord. 2017-33) and Pequannock Township (Ord. 2014-26) for two such examples.



RECEIVED

1/10/20

**TOWN OF WESTFIELD**

**LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS**

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

**Please see attached**

Note: This list must be consistent with the Variance Table, if otherwise required. **Preliminary List of Variances & Existing Non-Conforming**

1.	Section:	Nature of Deficiency:	Conditions
	Permitted:	Present:	Proposed:
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

**TOWN OF WESTFIELD**

**LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED**

**SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION**

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

**Please see attached  
Preliminary List of Variances  
& Existing Non-Conforming  
Conditions**

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
2.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

Notes East

Block 4802  
Lot 12

Qualifier: Owner: SHAM REALTY, LLC

Prop Loc: 869 CENTRAL AVE

Account Id: 00007907

Tax Bill

PTR Form

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2020	2		4,752.57		.00	4,752.57
2020	1		4,752.58		.00	4,752.58
2020		Total	9,505.15		.00	9,505.15
2019	4		5,796.77		.00	5,796.77
2019	3		5,781.93		.00	5,781.93
2019	2		3,718.80		.00	3,718.80
2019	1		3,718.80		.00	3,718.80
2019		Total	19,010.30		.00	19,010.30
2018	4		3,739.20		.00	3,739.20
2018	3		3,739.20		.00	3,739.20
2018	2		3,698.40		.00	3,698.40
2018	1		3,698.40		.00	3,698.40
2018		Total	14,875.20		.00	14,875.20
2017	4		3,785.20		.00	3,785.20
2017	3		3,785.20		.00	3,785.20
2017		Total	7,570.40		.00	7,570.40

Other Delinquent Balances: .00 Interest Date: 10/30/19  Interest Date:  Interest Detail:   
 Other APR2 Threshold Amt: .00 Per Demr: .0000 Last Payment Date: 10/04/2019

**TOTAL TAX BALANCE DUE**  
 Principal: .00 Penalty: .00  
 Misc Charges: .00 Interest: .00 Total: .00

\* Indicates Adjusted Billing in a Tax Quarter.

**CERTIFICATION**  
**TAXES PAID UP TO DATE**  
 NEXT TAX DUE 1/20  
 ANY QUESTIONS, CALL 900-700-4061

TAX COLLECTOR *Henry Wang*

RECEIVED  
 1/10/20

TOWN OF WESTFIELD  
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Shaan Realty, LLC, of full age, being duly sworn  
(Print Name)

according to law, do hereby certify that I am the (check one) owner or duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) 4802, 12

Street Address(es) 809 Central Avenue

Check one:

1.  As the owner (or officer of), I am the Applicant in the within application.
2.  As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: \_\_\_\_\_

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): \_\_\_\_\_

[Signature]  
(Signature of Owner/Officer of Owner)

Sworn and subscribed to  
before me on this 17<sup>th</sup>  
day of December, 2019.

Crystal M. Mancilla  
Notary Public

CRYSTAL M. MANCILLA  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 4/8/2020

RECEIVED  
1/10/20

OWNER & ADDRESS REPORT

01/16/20 Page 1

WESTFIELD

809 CENTRAL AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
4008	15		2	LORUSSO, PAUL A & ERICA 119-121 E GROVE ST WESTFIELD, NJ 07090	119 GROVE ST E	
4008	16		4A	SPRING 999 LLC 10 NORTH RD WARREN, NJ 07059	111 GROVE ST E	
4008	17		4A	SHREEJI EXIM, INC 781 CENTRAL AVE WESTFIELD, NJ 07090	781 CENTRAL AVE	
4103	27		4A	RINSHAWN GROVE LLC 772 CENTRAL AVE WESTFIELD, NJ 07090	772 CENTRAL AVE	
4801	8		4A	7-ELEVEN INC PO BOX 2440 SPOKANE, WA 99210	800 CENTRAL AVE	
4801	9		4A	812 CENTRAL AVENUE ASSOCIATES, LLC 929 ROUTE 202 RARITAN, NJ 08869 07090	812 CENTRAL AVE	
4801	10		2	SIMONE, ALLISON & JOSEPH 112-114 GREENE PL WESTFIELD, NJ 07090	112-114 GREENE PL	
4801	22		2	VARUGHESE, ROBIMON & SWAPNA 111 GREENE PL WESTFIELD, NJ 07090	111 GREENE PL	
4801	23		2	BAIK, SEUNG MIN & LEE, JIYOON 902 CENTRAL AVE WESTFIELD, NJ 07090	902 CENTRAL AVE	
4801	24		2	SBORDONE, CARMEN 908 CENTRAL AVE WESTFIELD, NJ 07090	908 CENTRAL AVE	
4802	1		4A	VALLEY NATIONAL BANK 1455 VALLEY RD WAYNE, NJ 07470	801 CENTRAL AVE	
4802	2		2	ISLAM, SHARFUL & JULES, LINA 112 GROVE ST E WESTFIELD, NJ 07090	112 GROVE ST E	
4802	3		2	WONG, DERRICK C & SHARON F 116 GROVE ST E WESTFIELD, NJ 07090	116 GROVE ST E	
4802	4		2	SMITH, MICHAEL & SAN MIGUEL, MARGARET 124 E GROVE STREET WESTFIELD, NJ 07090	124 GROVE ST E	
4802	8		2	BAKER, DAVID J & YELENA 127 ELIZABETH AVE WESTFIELD, NJ 07090	127 ELIZABETH AVE	
4802	9		2	BEHZADPOUR, NASER & MARIA T 123 ELIZABETH AVE WESTFIELD, NJ 07090	123 ELIZABETH AVE	
4802	10		2	SOTOLONGO, FERMINA 117 ELIZABETH AVE WESTFIELD, NJ 07090	117 ELIZABETH AVE	
4802	11		2	HARRIS, ZACHARY S & CHRISTINA L 111 ELIZABETH AVE WESTFIELD, NJ 07090	111 ELIZABETH AVE	
4802	12		4A	SHAAN REALTY LLC 11 DEAN ST MADISON, NJ 07940	809 CENTRAL AVE	

OWNER & ADDRESS REPORT

01/16/20 Page 2

WESTFIELD

809 CENTRAL AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
4813	1		2	LEE, FABIAN D & AZIZ, SAHAR F 901 CENTRAL AVE WESTFIELD, NJ 07090	901 CENTRAL AVE	
4813	2		2	KARIRA, GAURAV & NAWANI, MEENAKSHI 112 ELIZABETH AVE WESTFIELD, NJ 07090	112 ELIZABETH AVE	
4813	3		2	DIAZ, JOHN J & CAROLINE E 116 ELIZABETH AVE WESTFIELD, NJ 07090	116 ELIZABETH AVE	
4813	4		2	CHAFETZ, ERIC & SORAYA 120 ELIZABETH AVE WESTFIELD, NJ 07090	120 ELIZABETH AVE	
4813	35		2	D'ATRIO, GARY & NANCY E TUCKER 915 CENTRAL AVE WESTFIELD, NJ 07090	915 CENTRAL AVE	
4813	36		2	ZHANG, ZHIXIAN 911 CENTRAL AVE WESTFIELD, NJ 07090	911 CENTRAL AVE	



## Photograph Location Report



Key:



= Photo Location

RECEIVED  
1/10/20

1904 Main Street, Lake Como, NJ 07719 T. 732-974-0198

245 Main Street, Suite 110, Chester, NJ 07930 T. 908-879-9229  
8 Robbins Street, Suite 102, Toms River, NJ 08753 T. 732-974-0198  
826 Newtown Yardley Rd., Suite 201, Newtown, PA 18940 T. 267-685-0276

100 NE 5<sup>th</sup> Avenue, Suite B2, Delray Beach, FL 33483 T. 561-921-8570  
14521 Old Katy Road, Suite 270, Houston, TX 77079 T. 281-789-6400  
714 S. Greenville Avenue, Suite 100, Allen, TX 75002 T. 972-534-2100



**Photo 1: Photo from the western corner of the property along Central Avenue facing northwest towards existing the free standing sign to be repaneled.**



**Photo 2: Photo from the southern corner of the property at the intersection of Central Avenue and Elizabeth Avenue facing northwest along Central Avenue towards the existing free standing sign and edge of the property.**



**Photo 3: Photo from the southern corner of the property at the intersection of Central Avenue and Elizabeth Avenue facing north towards the western half of the property. The existing free standing sign and existing wall mounted sign along the principal structure are shown.**



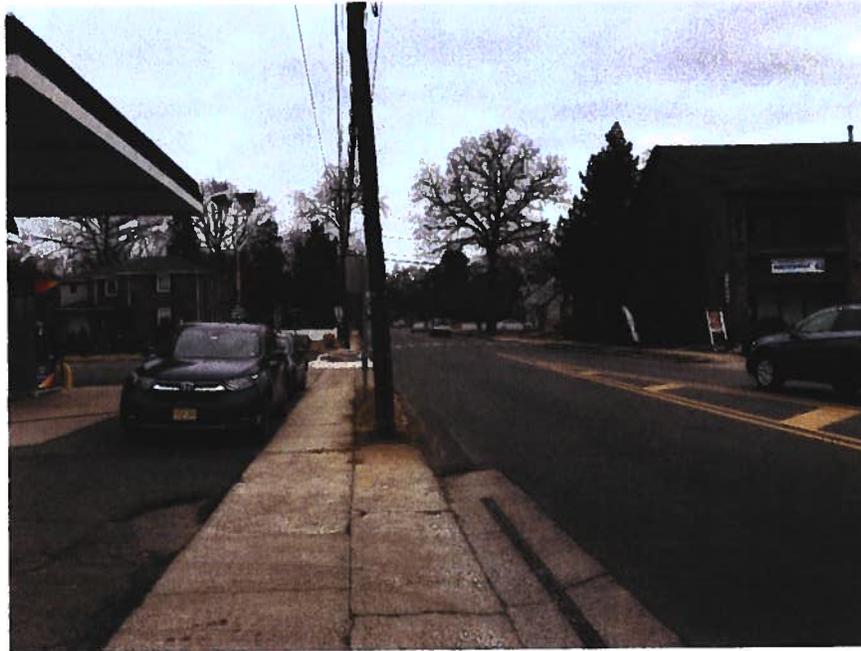
**Photo 4: Photo from the southern corner of the property at the intersection of Central Avenue and Elizabeth Avenue facing north towards the eastern half of the property and the existing wall mounted sign along the principal structure.**



**Photo 5: Photo from the southern corner of the property at the intersection of Central Avenue and Elizabeth Avenue facing northeast along Elizabeth Avenue towards the eastern half of the property.**



**Photo 6: Photo from the western corner of the property along Central Avenue facing northeast towards the existing wall mounted sign along the principal structure.**



**Photo 7: Photo from the western corner of the property along Central Avenue facing southeast along the property line and along Central Avenue.**



**Photo 8: Photo from the eastern corner of the property along Elizabeth Avenue facing southwest towards the intersection of Elizabeth Avenue and Central Avenue.**



**Photo 9: Photo from the eastern corner of the property along Elizabeth Avenue facing northwest towards rear and eastern side of the principal structure.**



**Photo 10: Photo from the western corner of the principal structure along property edge facing southwest towards Central Avenue and the existing free standing sign.**



**Photo 11: Photo from the western corner of the principal structure along property edge facing south towards the fueling station and the intersection of Central Avenue and Elizabeth Avenue.**