

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
RESOLUTION NO. ZB 23-12**

**WHEREAS**, Ocean Food and Fuels, LLC has applied to the Zoning Board of Adjustment of the Township of Franklin for a use variance and amended site plan approval to allow the sale of propane at a previously approved convenience store with automobile and truck fueling; and

**WHEREAS**, the property in question is located on the corner of Harding Highway (State Highway Route 40) and Porchtown Road and known as Lot 1, Block 4601, on the tax map of Franklin Township, said property being in an Interchange Commercial Zone (IC); and

**WHEREAS**, the Zoning Board of Adjustment, after carefully considering the evidence presented has made the following factual findings and statements of reason:

1. All notices of the public meeting were properly served in compliance with New Jersey State Statute and the Franklin Township Land Use Ordinance and the application was deemed complete.

2. Elias Manos, Esquire appeared on behalf of the applicant and presented the testimony of Professional Engineer and Professional Planner, Steven L. Fillipone and Douglas Frohoch, Sales Manager for Allen's Oil and Propane. The applicant received prior approval for construction of a convenience store and gas station which allows for fueling of automobiles and trucks. Construction of the site is almost complete. The applicant now wishes to add a propane tank and fenced in area to allow for the retail sales of propane, primarily for barbeque grills. A use variance is necessary as the sale of propane is not a permitted use in the zone and an amended site plan is required to address the site changes necessary to add the propane sales. The site changes will include the rearrangement of landscaping and parking which will result in no change in the number of parking spaces and the amount of landscaping. There will be an insignificant change in impervious cover which will not require any change in the storm water management design. The applicant will utilize stone instead of mulch in landscaped areas. The applicant will also be permitted to add 2 yard signs, one along each road frontage with dimensions of 2 x 3 feet. The Board considered the review letter of November 22, 2023 prepared by Zoning Board Engineer and Planner, David S. Scheidegg. No one from the public appeared in opposition to the application.

3. The applicant is the owner of 30 gas stations, 15 of which include propane sales. Hours of operation at the site will be from 4:00 a.m. to midnight with propane sales taking place from 6:00 a.m. to 6:00 p.m. There will be no new employees or

additional attendants added as a result of the propane sales. The person who will dispense the propane to customers will be trained and certified by the State of New Jersey. The propane sales site will be State regulated, approved and inspected.

4. The Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Franklin. The applicant has shown the special reasons necessary to grant the variance.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Township of Franklin this 6<sup>th</sup> day of February, 2024, confirming action heretofore taken, that the application of Ocean Food and Fuels, LLC for a use variance and amended site plan approval to allow the sale of propane at a previously approved convenience store with automobile and truck fueling is hereby granted, subject to the following conditions:

1. The applicant shall obtain all other necessary governmental approvals from State, County, Federal and Municipal governmental agencies or bodies. If the applicant fails to obtain and execute a zoning permit within six months of this approval, then this approval shall be null and void and no permit shall be issued.

2. The applicant shall satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. The applicant shall be responsible for the payment of any and all Affordable Housing Development Fees due pursuant to Franklin Township Ordinance, Chapter 138 within the time required by the Ordinance.

4. Pursuant to Franklin Township Ordinance Section 329-1, et seq. trash pickup and recycling for commercial business is the responsibility of the business owner and the business owner shall arrange for pickup on a weekly or biweekly basis.

5. Landscaped islands adjacent to the convenience store which were previously approved by the Board shall be removed with an equivalent amount of landscaping to be added to other areas. Landscaped areas shall utilize stone instead of mulch.

6. The bollards surrounding the propane sales area will be yellow. The applicant will not be required to have black or green vinyl coated fence surrounding the propane facility. The fence shall be a 6-foot tall galvanized chain link.

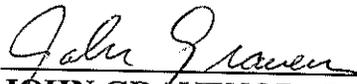
7. No additional lighting will be required.

8. The applicant shall be permitted to add 2 - 2 x 3-foot yard signs, one along each road frontage.

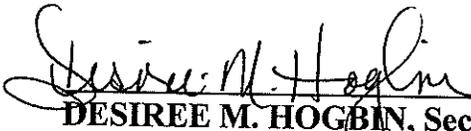
9. The applicant shall submit revised plans addressing all changes made as part of this approval and addressing all issues raised in the Zoning Board Engineer's review letter of November 22, 2023 not already addressed herein.

10. All conditions of prior approvals shall remain in full force and effect.

**FRANKLIN TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

  
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**JOHN GRAVENOR, Chairman**

**ATTEST:**

  
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**DESIREE M. HOGBIN, Secretary**