

**QUINTON TOWNSHIP PLANNING BOARD**

**RESOLUTION NO.: 10- 4**

**RESOLUTION DETERMINING THAT A BULK VARIANCE IS NOT REQUIRED DUE TO GRANDFATHER CLAUSE**

**RE: BLOCK 53, LOT 2.01 (133 Cool Run Road)**

WHEREAS, an application was made to the Quinton Township Planning Board by Lakeside Assets, LLC d/b/a Brandt & Mason, whose address is 614 E. Landis Avenue, Vineland, New Jersey 08360, for bulk variance approval for a single family residence which the applicant proposes to build at property it owns which is located at 133 Cool Run Road in Quinton Township, designated as Block 53, Lot 2.01 on the municipal tax map (hereinafter referred to as the "PIQ"), and more particularly described in the materials that were filed with the application, all of which are incorporated by reference herein; and

WHEREAS, at its February 9, 2010 meeting the Board determined that it had jurisdiction to hear the application; and

WHEREAS, prior to the hearing the Board and the Applicant discussed the grandfather provision found in Section 170-53(A) of the Code of the Township of Quinton and determined that if the Board found that provision to be applicable there would be no need to determine the bulk variance request; and

WHEREAS, Section 170-53(A) of the Code states that a bulk variance will not be required for the construction of a single-family residence for any non-conforming lots that are in separate ownership and not contiguous to lots in the same Ownership, the owner made a conscientious effort to acquire additional property and where the non-conforming lot existed prior to December 6, 1976; and

WHEREAS, on the aforesaid date the Board conducted a hearing at which it heard testimony from Robert Zikowski (the applicant) and the representations of Richard Milstead, Esquire, of the firm of Milstead and Associates, LLC (the applicant's attorney); and

WHEREAS, the Board also discussed the application with the Planning Board Engineer and Solicitor; and

WHEREAS, after hearing the above testimony and representations, and reviewing and considering the application materials as aforesaid, the Board made the following findings:

1. The applicant has requested bulk variance approval to construct a single family residence on a non-conforming lot. The bulk variances requested were Lot Area of 0.846 acres where 3.0 acres is required, Lot Width of 100 feet where 300 feet is required and sideyard setbacks of 18.9 and 19.0 feet where 50 feet is required.
2. The Applicant purchased the PIQ approximately two years ago. The PIQ is located within a residential district.
3. The property is located within the P-BR zoning district. The applicant's proposed principal use and structure are permitted in the P-BR zoning district.
4. The Applicant provided a deed of the property which pre-dated December 6, 1976 and which was reviewed by the Board Engineer. The Board Engineer determined, based upon the deed and property description contained therein, that the PIQ existed in its current state prior to December 6, 1976.

5. Prior to filing this application, the Applicant made diligent inquiry from all adjoining property owners as to whether it could purchase property necessary to make the PIQ a conforming lot. Two of the three adjoining property owners did not respond. The third adjoining property owner was the Township of Quinton who advised the Applicant that it was not exactly sure what it was going to do with the lot or when.
6. The Applicant does not have ownership or ownership interest in any of the adjoining properties.
7. The Board found that due to the fact that the PIQ existed in its current non-conforming use prior to December 6, 1976, because the Applicant does not own any of the adjoining properties, because the applicant made diligent inquiry to purchase additional land from adjoining property owners and because the Applicant intends to construct a single family residence on the PIQ, that the grandfather clause set forth in Section 170-53(A) of the Code of the Township of Quinton is applicable and a variance is not required.
8. This matter was not opened to the public due to the fact that Board did not consider the variance application.
9. A motion was made and seconded for the determination that Section 170-53(A) of the Code is applicable and bulk variances are not required for the Applicant to construct a single-family residence on the PIQ. All nine qualified members voted in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board, that a determination has been made that Section 170-53(A) of the Code is applicable and bulk variances are not required for the Applicant to construct a single-family residence on the PIQ subject to the following conditions:

1. The applicant must pay any and all required fees that are due or may become due to the Township, and replenish review and/or inspection escrows as may be required by the Township, within seven (7) days notice thereof.
2. The applicant must obtain approvals or letters of inapplicability from all other agencies having jurisdiction over the applicant's proposed development.
3. The applicant must comply with all representations made through any representative during the course of the presentation to the Planning Board and in all documents and materials filed with the application.
4. The applicant may not engage in any clearing, land disturbance or preparation, or construction of improvements at the PIQ until building permits have been issued.
5. If, following commencement of any clearing, land disturbance or preparation, or construction of improvements at the property, the Township determines that the applicant has failed to satisfy any one or more conditions of this approval, all work at the property must cease as directed by the Township Zoning Officer and/or Township Engineer.

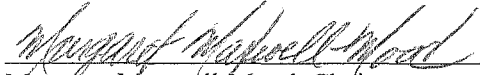
The undersigned, Chair of the Quinton Township Planning Board, hereby certifies that the above is a true copy of a resolution adopted by said Board on March 9, 2010 to memorialize action taken on February 9, 2010.

*Attest:*



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Jane Bell, Secretary  
Quinton Township Planning Board



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Margaret Maxwell-Mood, Chair  
Quinton Township Planning Board