

**TOWNSHIP OF QUINTON  
COUNTY OF SALEM  
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP  
ERDNER REAL ESTATE HOLDINGS, LLC  
PRELIMINARY, FINAL SITE PLAN AND USE VARIANCE APPROVAL  
RESOLUTION NO. 2011-18**

**WHEREAS**, Erdner Real Estate Holdings, LLC. made an application to the Quinton Township Planning Board for preliminary and final site plan approval and a use variance and bulk variances to permit the construction of a 24,200 square foot retail furniture store on property located on Salem- Quinton Road, also known as Block 3, Lots 17.01 and 18 on the Quinton Township Tax map; and

**WHEREAS**, the applicant appeared before the Quinton Township Planning Board on August 22, 2011 and was represented at this hearing by John Ford Evans, Jr., Esquire with the applicant seeking to be deemed complete at said hearing; and

**WHEREAS**, the property consists of 1.19 acres and is located in an LIO (Light Industrial/Office) Zone; and

**WHEREAS**, Martin Erdner, Jr. appeared on behalf of Erdner Real Estate Holdings, LLC. along with their Engineers James Clancy, PE and Larry Maltman and they were duly sworn; and

**WHEREAS**, Andrew Hogg, PE of Land Dimensions Engineering issued a completeness review letter on behalf of the Board dated August 22, 2011 which was issued after reviewing the following information submitted by the applicant which letter is incorporated herein by reference thereto:

1. Quinton Township Planning Board Application Cover Sheet
2. Plan of Survey
3. Site Plans for: Erdner Real Estate Holdings, LLC Sheets 1 through 3.
4. Copies of Fee and Escrow checks
5. Planning Board Application
6. Checklists, as follows:
  - Schedule "A", General Requirements
  - Schedule "B", Checklist Approvals requested
  - Schedule "I", Preliminary Major Site Plan
  - Schedule "N", Use Variance
  - Schedule "O", Environmental Impact Statement
7. Statement of taxes paid
8. Attorney Representation Letter for LLC
9. Photograph of Site
10. Witness List
11. List of Requested Checklist Waivers
12. Written Description of Proposed Use and Development

13. Phase One of Environmental Site Assessment, prepared by Fralinger Engineering

;and

**WHEREAS**, a review of the application and review letter took place between all parties present with the following findings being made in regard to completeness:

1. A determination was made by the Township Engineer that a Use Variance was not required and that retail stores are permitted in the LIO Zone.

2. It was determined as a result of doing the survey that the use of Block 3, Lot 19 encroaches approximately 13 feet onto the applicant's property which property is owned by J. Bobbitt Properties, LLC. The applicant's property is bordered to the rear by Block 3, Lot 19.

3. An agreement was reached between Erdner Real Estate Holdings, LLC. and J. Bobbitt Properties, LLC to do a land swap to provide an additional area for drainage for the applicant in exchange for the property upon which Bobbitt is encroaching.

4. It was determined that a minor subdivision would be required to accomplish this land swap.

5. The Board agreed to waive the requirement on Schedule I, Item 18 requiring a cross section and centerline profiles and all existing and proposed streets and watercourses since no changes are proposed.

6. The application would be deemed complete subject to the applicant identifying an area to be set aside for storm water management with supporting design calculations for review and approval by the Board.

7. Completeness is granted subject to the applicant providing a copy of the soil erosion and sediment control plan submitted to the Salem County Soil Conservation District.

8. The Board waives the requirement for an Environmental Impact Statement since a Phase I Environmental Study was performed with a finding of no contaminants.

;and

**WHEREAS**, the Board deemed the application complete subject to the foregoing conditions; and

**WHEREAS**, an application was subsequently filed by J. Bobbitt, LLC. and Erdner Real Estate Holdings, LLC seeking a minor subdivision; and

**WHEREAS**, this application as well as the foregoing application for preliminary and final site plan approval with variances were scheduled for the regular Planning Board Meeting of October 11, 2011 with the applicant waiving any deadline for a decision to be made by the Board; and

**WHEREAS**, the applicant's were represented at the October 11, 2011 by John Ford

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Evans, Jr, Esquire; and

**WHEREAS**, John Bobbitt and Martin Erdner, Officers for the applicants as well as James Clancy, PE appeared for the applicants and were all duly sworn; and

**WHEREAS**, the Board determined that the bulk variance for floor to land ratio required a D Variance under the Municipal Land Use Act and the Board determined to address this issue first sitting as a Zoning Board of Adjustment with six members present and voting; and

**WHEREAS**, Martin Erdner testified as to the need for having a building larger than permitted stating:

1. Furniture will be sold in the stores which items are bulky.
2. His suppliers require certain setups of furniture with walking space between which takes up a great deal of space.
3. The average retail furniture store in the Tri-State area is 30,000 square feet versus the 24,200 square foot building proposed.
4. If required to reduce the size of the store, the project would no longer be financially viable.
5. Adding a second floor is not an option in that customers wish to see a single showroom and they're not inclined to go to a second floor and a second floor would also require mechanical means of access.
6. There is no additional property that can be acquired to increase the size of the lot.
7. The Board found that the proposal is similar to the condition on other existing buildings in the area.

**NOW THEREFORE BE IT RESOLVED**, the Board grants the use variance in that there were special reasons for permitting this D Variance and that the grant of such variance would not impair the intent and purpose of the Zone Plan and Zoning Ordinance nor would it be a detriment to the public good ;and

**WHEREAS**, upon a grant of this D Variance to the applicant, the Board moved forward sitting as a Planning Board to consider the minor subdivision with bulk variances as well as the application for preliminary and final site plan approval with bulk variances; and

**WHEREAS**, Lawrence M. DiVietro, Jr., PLS, PP, AICP and Andrew Hogg, PE of Land Dimensions Engineering, the Board's Professionals issued review letters dated October 6, 2011 concerning the preliminary and final site plan approval with bulk variances for Block 3, Lot 17.01 and 18 and a letter dated October 11, 2011 addressing the issues of the minor subdivision application with bulk variances which letters are incorporated herein by reference thereto; and

**WHEREAS**, the Planning Board reviewed the minor subdivision application as they

combined completeness review and technical application review and acknowledged the receipt of the following documents from the applicant:

1. Planning Board Application Form
2. Property Swap Agreement between Erdner and Bobbitt
3. Checklist Schedule A: General Requirements
4. Statement of Erdner Taxes Paid (Bobbitt Taxes to be Supplied at Hearing)
5. Attorney Representation Letter for LLC
6. Site Photographs
7. Witness List
8. List of Requested Checklist Waivers
9. Checklist Schedule B: Approval Request
10. Checklist Schedule D: Minor Subdivision
11. Attorney Opinion on Number of Lots being Created
12. Checklist Schedule M
13. Written Description of Proposed Use and Development
14. Positive Criteria Bulk Variance
15. Negative Criteria Bulk Variance
16. Plan of Minor Subdivision prepared by Land Engineering, LC, dated 09/13/2011, signed by Mr. James Clancy, PE, PLS.

;and

**WHEREAS**, the Planning Board heard the testimony and representations from the applicants and made the following finding of fact and reached the following conclusions of law based upon said evidence:

1. Erdner Real Estate Holdings, LLC proposes to transfer ownership of a strip of land approximately 13 feet wide and 160 long bordering the property of J. Bobbitt Properties, LLC in exchange for a parcel of land measuring 140 feet by 50 feet to the rear of the Erdner property as shown on the minor subdivision prepared by Land Engineering, LLC dated September 1,3 2011 signed by James A. Clancy, PE, PLS.

2. The 13 foot by 160 foot strip is presently being utilized by J. Bobbitt Properties, LLC. The 140 foot by 50 foot partial will be utilized by Erdner Real Estate Holdings, LLC for drainage and runoff.

3. The transfer by Erdner to Bobbitt would reduce the frontage from the minimum of 300 feet to 287 feet thereby requiring a bulk variance.

4. The parties have a signed agreement concerning this land swap which is being done as an even trade.

5. Neither of the Lots meet the required area of 5 acres.

6. Any approval is conditioned upon meeting conditions A through E of the Land Dimensions Engineering review letter of October 11, 2011.

7. The Board determined that the land swap would be beneficial to both parties and is a

unique situation which would not cause any detriment to the intent and purpose of the land use ordinance of Quinton Township.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board that the application for a Minor Subdivision as well as Bulk Variances for the area of the two lots concerned as well as for the frontage of proposed Block 3, Lot 18 shall be granted in that the applicant has shown a unique situation for the grant of this relief and that the benefits of the deviation substantially outweigh any detriment subject to the follow conditions:

- A. Confirmation by the applicant's surveyor that there are no easements, covenants or deed restrictions that would affect the proposed subdivision.
- B. Block 3, Lot 17.01 shall be merged into proposed Lot 18.
- C. Submission of metes and bounds legal description with closure for approval.
- D. Approval of the Salem County Planning Board.
- E. Submission of Deeds for review by the Board's Engineer and Attorney prior to signature by the Chairperson and Secretary of the Board.
- F. Replenishment of the escrow accounts for the payment of the Board's Professionals.

**WHEREAS**, the Planning Board then considered the application of Erdner Real Estate Holdings, LLC for preliminary and final site plan approval with bulk variances and considered the following submissions by the applicant:

1. Quinton Township Planning Board Application Cover Sheet
2. Plan of Survey
3. Site Plans for Erdner Real Estate Holdings, LLC, Sheets 1 though 3
4. Minor Subdivision Plan
5. Stormwater Management Report and Drainage Maps
6. Copies of Fee and Escrow Checks
7. Planning Board Application
8. Checklists as follows:
  - Schedule "A", General Requirements
  - Schedule "B", Checklist Approvals requested
  - Schedule "D", Minor Subdivision
  - Schedule "T", Preliminary Major Site Plan Application
  - Schedule "N", Use Variance
  - Schedule "O", Environmental Impact Statement
9. Statement of Taxes Paid
10. Attorney representation letter for LLC
11. Photograph of Site
12. 500' Overlap Exhibit
13. Witness List
14. List of requested Checklist Waivers
15. Written Description of Proposed Use and Development.
16. Phase One Environmental Site Assessment, Prepared by Fralinger Engineering

;and

**WHEREAS**, the Board heard the testimony of James Clancy, PE and the representations of John Ford Evans, Jr., Esquire and made the following findings of fact and reached the following conclusions of law:

1. A Bulk Variance is required for the Lot area in that 1.30 acres is proposed whereas 5 acres are required.
2. A Bulk Variance is required for a minimum front yard in that 47.5 feet is proposed when 125 feet is required.
3. A Bulk Variance is required for minimum rear yard setback in that 10.7 feet is proposed, whereas 40 feet is required.
4. A Bulk Variance is required for minimum side yard setback in that 10.8 feet is proposed, whereas 40 feet is required.
5. A Bulk Variance is required for total lot coverage in that 67 percent is proposed, whereas 50 percent is allowed.
6. A Bulk or Hardship Variance is required for the number of parking spaces provided in 99 spaces are required and 13 are proposed.
7. A Bulk or Hardship Variance is required for the purpose of locating the parking lot in front of the building rather than on the sides.
8. A Bulk or Hardship Variance is required for locating the loading area within the front yard setback.
9. A Hardship Variance is required for not providing 75 feet of landscaped buffer at the street right of way.
10. The Board waived the requirement for a professional landscape plan.
11. The plans will be amended to show lighting on the building which was represented to be the shoebox type.
12. There will be one loading dock with deliveries to be made by agreement with the trucking company between 11 p.m. and 3 a.m.
13. The building will be of a neutral color with a professional appearance, with double doors and a four foot eave.
14. Lighting will be provided at .5 foot candles across the full front and far edge of the parking lot with any further requirement to be waived with said lighting to be shown on the plans.

15. The signage shall meet the Ordinance requirements with the applicant being permitted to apply to the Board for a variance for additional signage.
16. A waiver for landscaping is granted by the Board.
17. The applicant will require approval from the NJDOT.
18. The applicant shall store trash inside of the loading dock and utilize a roll out dumpster.
19. The applicant shall revise the stormwater management report to be in compliance with the requirements of a "major development" and since applicants proposed basin does not meet the standard will as an offset alleviate a drainage problem located at Robinson and Smithfield Street in the Township.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board that the application for preliminary and final site plan approval as well as bulk or hardship variances for the proposed development are hereby granted in that the applicant has a unique piece of property which presents an exceptional practical difficulties in order to comply with the Township Land Use Ordinance and that the benefits of a deviation from the Zoning Ordinance requirements substantially outweigh any detriment to said Land Use Ordinance subject to the following conditions:

- A. The circulation of the traffic on the property shall be subject to the approval to the Township Fire Marshall. The applicant shall submit the site plan to the Quinton Fire Marshall for review and approval.
- B. The applicant shall be required to revise the plans to comply with the requirements set forth herein.
- C. The applicant shall alleviate the drainage problem at Robinson and Smithfield Street to the satisfaction of the Township Engineer.
- D. The applicant is required to post an inspection escrow and performance bond and provide an estimate for all on-site improvements (excluding structures) which must be reviewed and approved by the Board's Engineer. The inspection escrow must be posted prior to the issuance of any building permit.
- E. The applicant must obtain approval from the Quinton Township Environmental Commission, Salem County Soil Conservation District, Salem County Planning Board, New Jersey Department of Transportation and any other agency necessary with said approvals being obtained prior to final signature of the plans.
- F. The applicant must comply with all representations made and testimony given as well as with the documents submitted.
- G. The applicant shall provide additional construction details to provide with the October 6, 2011 letter of Land Dimensions Engineering.

H. The applicant shall replenish the escrow account as necessary to pay the Board's Professionals.

I. The applicant shall provide a copy of the floor plan prior to final approval.

Dated: November 8<sup>th</sup>, 2011

ATTEST: Bonita K. Bell  
Bonita K. Bell, Secretary

Marjorie S. Sperry  
Marjorie Sperry, ~~Vice Chairperson~~

Certification

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Planning Board of Quinton Township at a regular meeting held on Nov 8<sup>th</sup>, 2011 in the Quinton Township Municipal Building.

Bonita K. Bell  
Bonita K. Bell, Secretary