

RESOLUTION NO. 2013-10  
BULK VARIANCES AND SITE PLAN APPROVAL  
FOR APPLICANTS, PAUL AND BOBBI JO COBLENTZ  
T/A NIBLOCK'S PORK STORE

WHEREAS, Paul Coblentz and Bobbi Jo Coblentz, t/a Niblock's Pork Store (hereafter "Applicants") have made application to the Quinton Township Planning Board for the following relief in connection with property situate at 94 Quinton-Marlboro Road, and also known as Lot 15 in Block 33 on the official tax assessment map on the Township of Quinton (hereafter the "Property"):

Use Variance  
Bulk Variances  
Site Plan approval

WHEREAS, the application has been deemed complete by the Quinton Township Planning Board (hereafter "Board") and a hearing was held on the application on June 11, 2013 at 7:00 PM at the Quinton Township Municipal Building; and

WHEREAS, prior to the commencement of the hearing it was determined that Applicants have complied with the Municipal Land Use Act NJSA 40:55D-1, et seq. (hereafter the "Act") as it pertains to notice to adjoining property owners and notice through publication; and

WHEREAS, Applicants were represented at the hearing by Howard D. Melnicove, Esquire who made an opening statement to the Board and certain representations on behalf of his clients; and

WHEREAS, Mr. Melnicove advised the Board that the use variance in this case was applied for pursuant to NJSA 40:55D-70d(2)- an expansion of a non-conforming use; and

WHEREAS, Mr. Melnicove provided testimony of his client, Paul Coblentz who testified as follows:

He and his wife have been owners of the business since 1987. The business is run as a sole proprietorship. Mr. Coblentz and his wife own the Property themselves. The Property supports a business for the retail sale of fresh pork products. The business was started by Mr. Coblentz's grandparents in or about 1929 in the Village of Quinton. The store was moved to its present location in the mid 1940's where it has remained to the present day. The business went bankrupt in the mid 1980's and was out of business for a period of approximately 1 ½ years. Mr. Coblentz and his wife then purchased the Property and continue to run it today.

The business operates from 9:00 AM to 6:00 PM on Monday through Saturday. (These hours will not change as a result of the proposed expansion of the building.) Currently the business is closed for a portion of the summer months. Mr. Coblentz is not sure if this will change after the proposed improvements are made. Applicants seek to add an addition to the existing building, and to make certain site improvements, so that they can expand their product line; i.e. for the sale of other types of meat including beef and chicken. Mr. Coblentz also testified that the proposed

building would make it easier for storage and for access by customers. He stated that the current building presents many functional limitations.

Mr. Coblenz testified that his peak days for sales are Friday and Saturday. During these times of peak activity he stated they have no more than 4-6 people in the store at any one time. The business currently employs 2-3 people which includes both Mr. Coblenz and his wife. Mr. Coblenz is hoping that the expansion will produce more business.

Applicants are proposing ten (10) parking spots for the proposed building. Because of the customer activity mentioned above, Mr. Coblenz feels it would be unusual to have all ten (10) spots occupied at the same time. The area in front of the counter is currently rather small and is used for customers. With the expanded building, this area will remain relatively small since Applicants do not feel that the proposed improvement will cause significantly more customers to be in the store at any one time.

Mr. Coblenz testified that he attempted to purchase additional ground to add to the Property so that the bulk variances he is requesting could be eliminated or reduced. However, Mr. Coblenz advised that he was unable to purchase any additional ground. Essentially there were two (2) parcels surrounding the Property from which land could be purchased to add to the Property. One of the parcels is owned by the Quinton Baptist Church. Mr. Coblenz spoke with various members of the Church and was advised that they have no desire to sell any of the property. The other parcel is preserved farm ground and could not be sold to the Applicants for their intended purpose.

Mr. Coblenz testified that there are no residential buildings near the Property and across the street from the Property there is currently a retail store.

In regards to the site plan, Applicant is proposing the handicapped parking space to be located where loading and unloading of deliveries will be made. Mr. Coblenz stated that he would have all deliveries made either before or after operating hours so as to not interfere with the use of the handicapped parking space. Applicants also seek a new sign for the front of the store which would be self illuminating and 60 square feet in size. The proposed sign exceeds the maximum allowable under the Ordinance (12 square feet) but is less in size than the current sign on the building. Mr. Coblenz testified that a sign less than 60 square feet would not be adequate to advertise his business to the public.

WHEREAS, Thomas J. D'Arrigo, Sr., a New Jersey Licensed Architect who was qualified before the Board as an expert, provided the following testimony in support of the application:

Mr. D'Arrigo provided the Board with a thorough analysis of the site plan (SP-1). Mr. D'Arrigo advised that a licensed engineer consulted on the site plan and a New Jersey Licensed Surveyor prepared the survey of the Property. Mr. D'Arrigo explained to the Board that there will be certain improvements to the current site layout as a result of the proposed expansion. For example, there will be a reduction in the size of the

current curb cut at the roadway. It is now completely open and it will be reduced to 50' and will further be in conformance with New Jersey State Department of Transportation requirements. The parking layout will also be considerably safer according to Mr. D'Arrigo as a result of the proposed expansion. Although six (6) parking spaces are proposed for the easterly side of the Property, in accordance with recommendations of the Board Engineer/Planner, the size of the parking spaces will be increased to 23' but there will be consequent reduction of one (1) proposed space along the easterly side of the Property. There are four (4) parking spaces proposed along the rear of the Property. In addition there will be one (1) handicapped parking spot along the westerly side of the building. Twelve (12) parking spaces are required as per Ordinance but Applicants propose nine (9) parking spaces and one (1) handicapped space. It was Mr. D'Arrigo's opinion that there would be ample parking as proposed due to the nature of the business.

Landscaping is proposed along two (2) island areas along the roadway together with other landscaping on the Property. Applicants testified that in regards to landscaping they would be willing to meet recommendations for same as per the Board's Planner.

Mr. D'Arrigo also testified that the sign as proposed is the minimum size that would be appropriate for this use along the highway. Mr. D'Arrigo concurred with representations of Mr. Melnicove that the proposed site plan will be a significant aesthetic improvement to what currently exists on the site. Both Mr. D'Arrigo and counsel for Applicants stated that they would comply with the Board's professionals' recommendations as contained in their joint letter dated June 6, 2013 (said letter being attached hereto and incorporated herewith).

WHEREAS, the Board found that in addition to the use variance mentioned herein Applicants will require the following bulk variances in accordance with NJSA 40:55D-70(c):

	<u>Required</u>	<u>Proposed/Existing</u>
Min. Lot Area	3 acres	0.34 acres (existing)
Min. Lot Width	300'	100' (existing)
Min. Lot Depth	300'	150' (existing)
Min. Front Yard	50'	37.7' (existing)
Min. Side Yard	50'	26.75' (proposed)
Min. Rear Yard	50'	42.44' (proposed)
Max. Improvement	10%	87.1% (proposed)

WHEREAS, the Board also found that Applicants will need the following waivers in regards to their application:

- Waiver to allow less than the required 12 parking spaces.
- Waiver from providing 2 bike parking spaces
- Waiver to allow parking spaces in the front yard.
- Waiver/Variance to allow a 60 s.f. illuminated wall sign that exceeds the maximum permitted size of 12 s.f.

WHEREAS, the Board made the following conclusions:

Use Variance - Applicants had met their burden of proof for the granting of the use variance under NJSA 40:55D-70(d)(2). In particular, the Board found that Applicants met their burden of proving that two (2) of the purposes of zoning listed in NJSA 40:55D-2 were met by this application

a. To encourage municipal action to guide the appropriate use for development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

The Board concluded that the proposed expansion of the current non-conforming use would improve the site considerably from an aesthetic viewpoint and would also be an improvement for customers as it relates to ingress and egress and parking.

The Board further concluded that the use variance could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The Board made this decision based on the fact that the public good will actually be enhanced by the application due to the improvements to be made. There will be no substantial impairing of the intent and purpose of the zone plan and zoning ordinance since the site already supports the existing business enterprise.

WHEREAS, the Board further concluded that all of the proposed bulk variances should be granted for the following reasons:

a. Applicants made a valid attempt to purchase additional ground to be added to the Property to alleviate or reduce the need for certain variances but were unable to purchase said ground;

b. Most of the bulk deficiencies are currently existing and are not affected by the application;

c. Those deficiencies which are increased/enhanced by the application are either minimum in nature or, in the case of maximum improvement coverage, a significant portion of the increase relates to parking which is needed and will be an improvement from the current conditions.

The Board concluded that due to the size and shape of this particular property it would be a hardship to the Applicants to have to comply with those certain bulk requirements since it would mean that no improvement or improvements to the Property could be made under the current ordinance. The Board also concluded that the bulk requirement relief requested by Applicants could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance since the site already supports the existing business enterprise. Once again the Board concluded that the proposed relief in this regard would actually be a benefit to the public.

WHEREAS, the Board finally concluded that the waivers requested by Applicants, as more particularly contained herein, should be granted for the reasons provided above.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Quinton that Applicants request for use variance, bulk variances and site plan approval (together with waivers) are hereby approved.

  
MARJORIE L. SPERRY, Vice-Chairperson

  
BONITA K. BELL, Secretary

The undersigned Secretary of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on the 9th day of July, 2013.

  
BONITA K. BELL, Secretary