

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP APPROVING
THE MINOR SUBDIVISION APPLICATION OF ASHRAF RABI
RESOLUTION NO. 2014-13

WHEREAS, Ashraf Rabi made an application to the Quinton Township Planning Board for approval of a Minor Subdivision of land located on Jericho Road, also known as Block 54, Lot 5 on the Municipal Tax Map of Quinton Township (the "Property"); and

WHEREAS, the applicant is the current owner of Block 54, Lot 5 in Quinton Township; and

WHEREAS, the minor subdivision also involves Block 34, Lot 18.04 located in Lower Alloways Creek Township which property is owned by James H. and Loretta E. Dilks; and

WHEREAS, the proposed new lot would consist mostly of a portion of Block 54, Lot 5 with a smaller portion consisting of a portion of Block 34, Lot 18.04 in Lower Alloways Creek Township; and

WHEREAS, the Board's professionals, Lawrence M. DiVietro, Jr. P.L.S., P.P., A.I.C.P., and Andrew Hogg, P.E., issued a letter report dated November 4, 2014 which report is incorporated herein by reference thereto; and

WHEREAS, the applicant was represented by Howard D. Melnicove Esquire and Henry V. Engel III of Engel Land Surveying submitted a proposed minor subdivision plan dated January 5, 2014; and

WHEREAS, Walid Rabi appeared on behalf of the applicant through the authority of a power of attorney dated November 9, 2010; and

WHEREAS, James H. and Loretta E. Dilks also appeared at the hearing of November 11, 2014 with Walid Rabi and the Dilks being duly sworn prior to providing testimony; and

WHEREAS, the applicant agreed to revise item 4 on Schedule C to delete the words 'zoning board' and substitute the words 'planning board'; and

WHEREAS, the Board deemed it appropriate to grant waivers for items 3, 8, 10, 12 and 13 of Schedule C and thus voted to deem the application complete; and

WHEREAS, the Board proceeded to consider the application for technical review and made the following findings of fact and reached the following conclusions of law:

1. James H. and Loretta E. Dilks are the owners of Block 34, Lot 18.01 in Lower Alloways Creek Township which property is land locked, not a part of this application but is

where they reside.

2. The current access to James and Loretta Dilks is by way of an earthen driveway from Jericho Road across Block 54, Lot 5 in Quinton, across Block 34, Lot 18.04 in Lower Alloways Creek, to their residence.

3. There is a dwelling on Block 54, Lot 5 where the applicant resides and there are also out buildings consisting of a shed, barn and greenhouse which are utilized by the applicant but which are located either partially or wholly on Block 34, Lot 18.04 owned by James and Loretta Dilks.

4. The present Block 54, Lot 5 consists of 5.13 +/- acres.

5. Applicant proposes to subdivide 1.75 +/- acres from the current Block 54, Lot 5 leaving Lot 5 to consist of 3.38 +/- acres and proposed Block 54, Lot 5.01 to consist of 1.75 +/- acres.

6. Block 34, Lot 18.04 in Lower Alloways Creek Township presently consists of 4.46 +/- acres.

7. The applicant proposes to acquire .48 +/- acres of Block 34, Lot 18.05 from James and Loretta Dilks. This will leave Block 34, Lot 18.04 to consist of 3.98 +/- acres.

8. This transfer would accomplish the joining of the shed, barn and greenhouse into the same property that contains a residential dwelling of Ashraf Rabi.

9. Upon the transfer of the .48 +/- acres from Dilks to Rabi, Rabi will transfer to Dilks the remainder of Block 54, Lot 5 consisting of 3.38 +/- acres.

10. There will be a single legal description provided for the new Block 34, Lot 18.04 in Lower Alloways Creek Township and Block 54, Lot 5 in Quinton Township and the deed created thereby will prohibit the sale of Block 34, Lot 18.04 separate and apart from Block 54, Lot 5.

11. The proposal would place the earthen driveway access to Block 34, Lot 18.01 in common ownership.

12. The proposed Lot 5.01 would have a lot area of 1.75 acres whereas 3 acres are required under the land use ordinance. In addition, the road frontage on proposed Lot 5.01 would be 229.31 feet whereas 300 feet of frontage is required. The proposed dividing line between proposed Lot 5.01 and Lot 5 is approximately halfway between the access driveways to each of the properties. The earthen driveway on Block 54, Lot 5 could not be moved in a northerly direction to provide more frontage to proposed Lot 5.01 due to the presence of low ground and wetlands.

13. Under the proposal, the proposed Lot 5.01 would not meet the minimum side yard or rear yard setbacks. These variances are necessary due to the topography of the property and the presence of wetlands.

14. The variances requested would not be detrimental to the public good or substantially impair the land use ordinance of Quinton Township.

15. Proper notice was given of the meeting and no one from the public appeared to speak either in favor or in opposition to the application.

NOW THEREFORE BE IT RESOLVED by the Quinton Township Planning Board that the application for a Minor Subdivision and the variances for minimum lot area, minimum lot width, and minimum side yard and rear yard setbacks be and hereby are granted subject to the conditions set forth below.

A. The legal description and the deeds for the proposed Block 54, Lot 5 and proposed Block 54, Lot 5.01 need to be reviewed and approved by the board engineer and board attorney prior to being signed by the vice chair- person and secretary.

B. The deed for Block 54, Lot 5 in Quinton Township shall prohibit the sale thereof separate and apart from Block 34, Lot 18.04 in Lower Alloways Creek Township.

C. The approval is subject to the outside approvals of the Quinton Township Environmental Commission, the Salem County Health Department and Planning Board.

D. The applicant shall revise the plans to comply with the requirements of the engineer's review letter of November 4, 2014.

E. The applicant shall replenish the escrow account as necessary for the payment of the Board's professionals and the deeds shall not be signed until said escrow has been replenished.

Dated: December 9th, 2014

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

Marjorie H. 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 December 9th, 2014 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary