

TOWNSHIP OF QUINTON
COUNTY OF SALEM

**RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP APPROVING
THE MINOR SUBDIVISION APPLICATION OF HAROLD AND JULIA MOSLEY
RESOLUTION NO. 2015 - 10**

WHEREAS, Harold and Julia Mosley made an application to the Quinton Township Planning Board for approval of a minor subdivision of land located on South Burden Hill Road also known as Block 34, Lots 31 and 31.01 on the Municipal Tax Map of Quinton Township (the “property”); and

WHEREAS, the applicant is the owner of both of the aforesaid lots; and

WHEREAS, the applicant resides in Lot 31.01 with Lot 31 being occupied by the applicant’s tenant; and

WHEREAS, Lot 31 presently consists of 7.96 acres and Lot 31.01 consists of 2.02 acres; and

WHEREAS, the applicant proposes to transfer 6.82 acres from Lot 31 with said acreage to be combined with the present Lot 31.01 resulting in Lot 31 being 1.14 acres and Lot 31.01 being 8.84 acres; and

WHEREAS, the applicant submitted the following documents:

1. Quinton Township Application for a Minor Subdivision including the following information:
 - A. Quinton Township Planning Board Application Cover Sheet.
 - B. Planning Board Application Form.
 - C. Checklist, Schedule A - General Requirements.
 - D. Checklist, Schedule C - Land Subdivision, Plat Details and Information Requirements.
2. Plan of Proposed Minor Subdivision prepared by Bruce A. Ewing of Ewing Associates dated April 22, 2015, revised September 8, 2015;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 August 28, 2015 in regard to completeness and a letter dated October 7, 2015 concerning completeness as well as the technical review with those reports being incorporated herein by reference thereto; and

WHEREAS, the applicant was self-represented and appeared before the Board initially on September 8, 2015 at which time it was determined that the properties were located in a P-BR zone not an R-2 zone thereby requiring a bulk or hardship variance in regard to the proposal to reduce the area of Lot 31 to 1.4 acres which is less than the required 3 acres in that zone; and

WHEREAS, the plans were revised on September 8, 2015 to reflect the correct zone with the matter being scheduled for a hearing on October 13, 2015 at which time the application

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was reviewed for completeness but the technical review did not take place due to a deficiency in the public notice; and

WHEREAS, the Board deemed it appropriate to waive items 8, 10 and 12 of Schedule C since no new construction was contemplated and thus the Board voted to deem the application complete. Those items are for percolation tests, a preliminary environmental impact statement, a concept landscape plan and an aerial photograph respectively; and

WHEREAS, proper notice was given of the relief requested by the applicant and they appeared for the technical review on November 10, 2015 at which time 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. Currently both Lots are substandard in regard to minimum lot width with the requirement being 300 feet with Lot 31 presently having a width of 160.83 feet and Lot 31.01 having lot width of 150 feet.
2. Lot 31.01 is undersized in that it consists of 2.02 acres rather than the required 3 acres.
3. The front yard setback of Lot 31 is 44.91 feet rather than 50 feet which condition is a preexisting condition.
4. The side yard setback for Lot 31 is presently 35.89 feet whereas 50 feet is required and this setback will be reduced to 25.89 feet.
5. The applicant intends to sell Lot 31 to their tenant.
6. The applicant uses the 6.82 acres being transferred for hunting and therefor wants to retain this property while transferring the remainder of Lot 31 to their tenant.
7. The effect of the transfer will be that Lot 31.01 will now be in compliance with the minimum lot area while Lot 31 will not be in compliance.
8. Both properties have a single family dwelling located upon them.
9. No new lots are being created and no new construction is contemplated with the transfer of the 6.82 acres having little or no effect upon the land use ordinance of the Township of Quinton.
10. Approval of the application will result in Lot 31 being owner occupied rather than being used as a rental unit.
11. No one from the public appeared either for or against the relief sought.
12. The variance requested would not be detrimental to the public good nor substantially impair the intent and purpose of the land use ordinance of Quinton Township.

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13. Proper notice was given by the applicant for the relief requested.

NOW THEREFORE BE IT RESOLVED BY the Quinton Township Planning Board that the application for a minor subdivision (Lot line adjustment) and the variance for minimum lot area, minimum lot width, front yard setback and side yard setback be and hereby is granted subject to the conditions set forth below:

A. The legal descriptions and the deeds for the new Lot 31 and new Lot 31.01 shall be reviewed and approved by the board engineer and board attorney prior to being signed by the Chairperson and Secretary.

B. The approvals are subject to any outside approvals required from the Salem County Health Department, Salem County Planning Board, and the New Jersey Department of Transportation.

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

Dated: December 8, 2015

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

Margaret Maxwell-Mood
Dr. Margaret Maxwell- Mood, 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 Dec 8, 2015 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary