

TOWNSHIP OF QUINTON
COUNTY OF SALEM

**RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP APPROVING
THE MINOR SUBDIVISION APPLICATION AND APPROVING THE BULK
VARIANCE RELATED TO THE APPLICATION OF JEFFREY E. HARRIS
RESOLUTION NO. 2015 - 11**

WHEREAS, Jeffrey E. Harris made an application to the Quinton Township Planning Board for a minor subdivision and bulk variance on property at 774 Quinton-Salem Road also known as Block 6, Lot 2 on the Quinton Township Tax Map; and

WHEREAS, the applicant appeared before the Quinton Township Planning Board on November 10, 2015 and was represented at this hearing by William L. Horner, Esquire with the applicant appearing for the completeness hearing as well as for the technical review; and

WHEREAS, the property consists of 121.1 acres and is located in an L.I.O. (Light Industrial/Office) zone; and

WHEREAS, William L. Horner, Esquire appeared with Jeffrey E. Harris at the hearing with Mr. Harris being duly sworn; and

WHEREAS, Lawrence M. DiVietro, Jr., P.L.S., P.P., A.I.C.P., and Andrew Hogg, P.E., issued a completeness review letter dated August 31, 2015 as well as a technical review letter dated October 23, 2015 which letters were issued after the following information was submitted by the applicant and which letters are incorporated herein by reference thereto:

1. Quinton Township Application for a Minor Subdivision with variance, including the following information:

- A. Cover Letter from Mr. William L. Horner, Esq. on Behalf of the Applicant, Mr. Jeffrey E. Harris
- B. Planning Board Application form.
- C. Certification of Ownership by Mr. Harris.
- D. List of Maps and Exhibits.
- E. Checklist Schedule "A" General Requirements.
- F. Checklist Schedule "C" Land Subdivision, Plan Details and information.
- G. List of Subdivision Waivers (with explanation).
- H. List of Variances Requested.
- I. Witness List.
- J. For Document for "Notice of Hearing".
- K. Certification of Taxes paid.
- L. E-mail Communication with Tax Assessor for Lot Number Confirmation.
- M. Deed Form and Legal description for severable farm area to be retained for agriculture.
- N. Deed Form and Legal Description for Area to be accepted from Farmland

JEFFREY E. HARRIS
RESOLUTION NO. 2015 - 11

Preservation.

2. Plan of Survey prepared by Keith M. Ludwig PLS of Drewberry Engineers, Inc., dated May, 11, 2015;and

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

1. The applicant wishes to subdivide a three acre parcel from the property in question. To do so would require a bulk variance in that five acres are required in the L.I.O. District.

2. The applicant requested waivers from Items 8, 9, 10 and 11 of Schedule C checklist since no new construction was contemplated and thus the Board voted to deem the application complete. Those items are for percolation tests, a preliminary environment impact statement, a concept landscape plan and an aerial photograph respectively; and

WHEREAS, the Board proceeded with a technical review of the application and made the following findings of fact and reached the following conclusions of law:

1. The applicant is under contract with the New Jersey State Agricultural Development Committee for Farmland Preservation in regard to 118.1 acres. Once this contract is finalized, the 118.1 acres will be farmland preserved in perpetuity.

2. Farming is a permitted use in the L.I.O. District.

3. The subdivision of three acres is all that is permitted by the applicant's contract with the State Agriculture Development Committee. This three acres contains the single family dwelling and out buildings of the applicant.

4. There is a one acre parcel in the northern corner of the property along Sandy Ridge Road which contains a non-habitable structure which is non-severable from the remainder of the property being farmland preserved.

5. There is a .6 acre severable exception which parcel contains an old cemetery. There is access to this cemetery from the Salem-Quinton Road.

6. Although the proposed subdivision is three acres rather than five acres, there will be a large buffer of preserved farmland surrounding the three acre parcel.

7. The Master Plan of Quinton Township promotes the preservation of farmland with the proposed configuration preserving an additional two acres of farmland. Approval of the applicant's bulk variance request would thus promote one or more purposes of the Municipal Land Use Law as set forth in *N.J.S.A. 40:55D-2*, and as presented in the applicant's List of Variances Requested.

8. The applicant is unable to comply with the five acre minimum lot size because the

JEFFREY E. HARRIS
RESOLUTION NO. 2015 - 11

applicant's contract with the State Agricultural Development Committee will only permit the exclusion of three acres for the residence and out buildings.

9. The benefits of granting the variance outweigh any detriment and there is no detriment to the public good, or to the Quinton Township Land Use Ordinance nor master plan in that the maximum area of farmland is being preserved.

10. No one from the public appeared to speak either for or against the application.

11. The applicant gave proper public notice of the hearing of the application thereby permitting the Board to proceed to consider and act in regard to the application.

NOW THEREFORE BE IT RESOLVED BY the Quinton Township Planning Board that the application for a minor subdivision and the variance for minimum lot area pursuant to *N.J.S.A. 40:55D-70.c.(2)* be and hereby is granted with the Board finding that there would be no detriment to the land use ordinance in regard to the variance and that the grant of the variance would advance the township purpose in preserving farmland subject to the conditions set forth below:

A. The findings of the Board engineer and attorney that the legal descriptions and proposed deeds provided by the applicant are in compliance with the approval herein.

B. The approval of any outside agencies to which this application is applicable including the Salem County Health Department, Salem County Planning Board, New Jersey Department of Transportation and any other agency applicable.

C. The applicant shall replenish the escrow account as necessary for the payment of the Board's professionals and the signed 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 November 8, 2015 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary