

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE ZONING BOARD OF QUINTON TOWNSHIP INTERPRETING
THE PROPOSED USE AS PERMITTED AND THE PLANNING BOARD OF QUINTON
TOWNSHIP APPROVING THE MINOR SUBDIVISION AND PRELIMINARY AND FINAL
SITE PLAN SUBJECT TO CONDITIONS
RESOLUTION NO. 2016 - 11

WHEREAS, Joshua Dewitt applied to the Quinton Township Planning Board for a minor subdivision and preliminary and final site plan approval for the construction of a maintenance shop, show room and office on property located on Pecks Corner – Cohansey Road also being known as Block 56, Lot 5.07 on the Municipal Tax Map of Quinton Township (the “property”); and

WHEREAS, the applicant initially appeared before the Quinton Township Planning Board on July 12, 2016 and was represented by Katie B. Coleman, Esquire; and

WHEREAS, the Board professionals were of the opinion that a use variance was required for the proposed use and the applicant and his attorney were given the option of withdrawing the application and returning to the Board at a later time to seek a use variance or in the alternative seek an interpretation that the proposed use is similar to or the same as permitted uses in the HC Highway Commercial Zone; and

WHEREAS, the applicant withdrew the application; and

WHEREAS, Land Dimensions, the Board professionals had submitted a review letter dated July 5, 2016 for the July 12, 2016 meeting which letter report is incorporated herein by reference thereto; and

WHEREAS, the applicant Joshua Dewitt and his attorney Katie B. Coleman, Esquire appeared before the Quinton Township Zoning Board on August 9, 2016 after having filed an application seeking an interpretation of the ordinance that the proposed use is permitted in a Highway Commercial District; and

WHEREAS, as part of the submission, the applicant provided a proposed floor plan depicting the intended use areas of the proposed building which floor plan is incorporated herein; and

WHEREAS, Lawrence M. DiVietro, Jr., P.L.S., P.P., A.I.C.P. and Andrew Hogg, P.E., prepared a letter report dated August 2, 2016 which is incorporated herein; and

WHEREAS, the Quinton Township Zoning Board of Adjustment heard the representations from counsel and the testimony of the applicant and made the following findings

of fact and reached the following conclusions of law:

A. The existing Lot 5.07, Block 56 consists of 16.92 acres. The applicant proposes to subdivide and purchase an area of 5.55 acres for proposed Lot 5.10, Block 56 leaving Lot 5.07, Block 56 with 11.37 acres.

B. The new lot would consist of the entire frontage on Peck Corner – Cohansey Road and leave access to the remainder lot off of Ecret Road.

C. The Highway Commercial District permits the retail sales of goods and services and also permits offices and office buildings.

D. The applicant is in the masonry business. He constructs patios, driveways, sidewalks, foundations and performs similar work.

E. There would be no manufacturing of products taking place on the property.

F. The hours of retail operation would be by appointment only with one or two employees on site to meet with the customers.

G. While 93% of the building space is designated as maintenance shop, the applicant testified that this area would be used for maintenance on his equipment only and also for the storage of product.

H. The show room area of 12 feet by 20 feet would contain sample products and pictures of previous work completed by the applicant. The customers would come to the show room to select products and work with Joshua Dewitt to design the project.

I. No cement trucks would enter the property or be stored upon the property.

J. The only cement mixer stored at the property would be the small type which is towed behind a truck.

K. The applicant estimated that only two trucks would enter and exit the property on a daily basis.

L. Typically the materials for a job would be delivered directly to the job rather than being transported from this property.

M. The applicant testified that without the office space and show room, he would have no need to construct the building.

N. The majority of the applicant's nine employees would not be traveling to the proposed building daily but would be traveling directly to the job from home and then be returning home at the end of the day.

NOW THEREFORE BE IT RESOLVED BY the Zoning Board of Quinton Township that based upon the testimony of the applicant and the representations of his attorney that the principal proposed use for the property is the retail sales of goods and services and for an office. Therefore, it is determined that the proposed use as set forth on the record is a permitted use. As

a result of said interpretation the applicant was required to appear before the Planning Board of Quinton Township for minor subdivision approval and preliminary and final site plan approval; and

WHEREAS, the applicant submitted information to the planning board in regard to the minor subdivision approval and preliminary and site plan approval as follows:

1. Quinton Township Planning Board Application Cover Sheet.
2. Planning Board Application.
3. Schedule "A," (General Requirements).
4. Schedule "B," (Site Plan Application – Plan Information Requirements).
5. Schedule "C," (Land Subdivision, Plat Details and Information Requirements).
6. Schedule "D," (Environmental Impact Statement).
7. List of Requested Waivers from the Quinton Township Land Development Ordinance.
8. Site Photographs.
9. Stormwater Management Report, prepared by Land Engineering, LLC, dated 5-20-16.
10. Minor Subdivision Plan, prepared by Land Engineering, LLC, dated 5-20-16, rev 8-11-16.
11. Plan of Survey and Topography, prepared by Land Engineering, LLC, dated 8-11-16.
12. Site Plan, prepared by Land Engineering, LLC, dated 5-20-16, rev 8-11-16.
13. Grading and Utility Plan, prepared by Land Engineering, LLC, dated 5-20-16, rev 8-11-16.
14. Soil Erosion Plan, prepared by Land Engineering, LLC, dated 5-20-16, rev 8-11-16.
15. 11 x 17 500' Overlap Exhibit, dated 5-20-16.
16. Environmental Impact Statement (EIS), prepared by Land Engineering, LLC, dated 8-16.
17. Proposed Building Floorplan, undated.
18. Typical Building Elevations, undated.

;and

WHEREAS, the applicant, his attorney Katie B. Coleman, Esquire and James A. Clancy appeared before the Quinton Township Planning Board on September 13, 2016; and

WHEREAS, the applicant and engineer were duly sworn; and

WHEREAS, Larry M. DiVietro, Jr., P.L.S., P.P., A.I.C.P., and Andrew Hogg, P.E. of Land Dimensions Engineering reviewed the application and information submitted and issued a letter report dated September 6, 2016 which report is incorporated herein by reference thereto; and

WHEREAS, the Board deemed the application in regard to the minor subdivision complete; and

WHEREAS, the Board proceeded with the technical review finding that no variances were required in regard to the subdivision; and

WHEREAS, the Board then considered the technical review of the preliminary and final site plan and made the following findings of fact and reached the following conclusions of law:

A. The proposed new lot is bordered by residential dwellings located in the PBR Zone and the HC Zone.

B. The frontage on Pecks Corner – Cohansey Road is 188.9 feet wide. The driveway would be located roughly in the center of said frontage and with a width of 25 feet would provide a buffer for the dwellings on each side of the driveway.

C. An Environmental Impact Statement was provided by the applicant.

D. A copy of a typical manufactures cuts illustrating the style of outdoor lighting was provided.

E. A copy of the proposed building elevations has been provided as well as a copy of the proposed ground floor plan. The applicant provided a rendering of the proposed building marked as exhibit A and agreed that the building would be substantially similar to the one shown.

F. The township ordinance stipulates a 25 foot landscape transition area shall be maintained between non-residential and residential uses. This provision would affect the homes on Block 56, Lot 5.03 and Block 56, Lot 6. The Board recommended and the applicant agreed that this area has mature tree cover and that these trees should be maintained and that a 25 foot wide easement should be created along the perimeter of the proposed lot where it shares a common property line with Block 56 Lots 5.03 and 6. These easements shall be set forth in the deed for Block 56, proposed lot 5.10.

G. The applicant's engineer, James A. Clancy, P.E. confirmed that there are no easements, covenants or deed restrictions that would affect the proposed subdivision.

H. The applicant's engineer agreed that he would submit metes and bounds legal descriptions with closure for approval of the new lot and remainder lot.

I. The applicant agreed that any approval would be subject to the Salem County Planning Board approval. The applicant's engineer agreed that deeds would be submitted for review and for the signature of the planning board chairperson and secretary.

J. The applicant requested a waiver from providing a landscape plan and due to the property being heavily wooded, the Board agreed to the waiver upon the condition that a minimum number of trees would be removed.

K. The applicant agreed that the lighting on the building would be screened to eliminate any glare offsite.

L. Marjorie Sperry, a member of the Township Environmental Commission stated that the plans would be reviewed by the commission and a finding issued within ten days of the hearing.

M. The applicant stated that he would have two parking spaces in front of the building for customers. The seven parking spaces behind the building would be for employees with the applicant stating that typically it would just be an employee and him on the premises at any one time.

N. The applicant requested that the driveway be constructed of crushed concrete. A concern about dust from the concrete was raised and the applicant agreed the first 200 feet of driveway off of Pecks Corner – Cohansey Road would consist of washed stone.

O. The applicant shall construct a sidewalk from the customer parking area to the building with curb bumpers for the parking spots being permitted rather than six inch curbing.

P. The applicant will provide street lighting of a minimum of three foot candles on the driveway at the intersection of Pecks Corner – Cohansey Road. The Board agreed to waive the requirement for lighting along the length of the driveway since that could negatively affect the residential property owners on each side of the drive. The lighting at the street is subject to the approval of Salem County.

Q. Any approval is subject to the applicant providing a satisfactory stormwater management maintenance plan.

R. A painted stop bar shall be provided where the driveway meets Pecks Corner – Cohansey Road.

S. Additional spot elevations shall be provided at the accessible parking spaces for customers to ensure compliance with ADA design criteria.

T. The applicant shall show the concrete apron section detail on the site plan.

U. The applicant agreed that an inspection escrow and performance bond is required for this project and that an estimate for all onsite improvements (excluding structures) must be reviewed and approved by the township engineer. The inspection escrow must be posted prior to the issuance of any building permit.

V. The driveway plan shall be provided to the Quinton Township Fire Marshal and unless there is an objection by the marshal within thirty days, the plans shall be deemed acceptable.

W. The plans may be subject to the review and approval of outside agencies including the Quinton Township Environmental Commission, the Quinton Township Fire Marshal, the Salem County Soil Conservation District, the Salem County Board of Health and the Salem County Planning Board.

X. When the plans are revised pursuant to the terms herein above, they are to be accompanied by a point by point response by the applicant's engineer.

Y. The meeting was opened to the public and Ann McCoy inquired as to the location of the entrance and exit to the property. Mr. Clancy showed this to her on the site plan.

NOW THEREFORE BE IT RESOLVED BY the Planning Board of Quinton Township that the application for a minor subdivision and preliminary and final site plan be and hereby are approved subject to the following conditions:

1. The applicant to provide deeds with legal descriptions for review by the Board professionals.
2. Compliance with the testimony given and representations made.
3. Compliance with the plans submitted and as revised by the planning board approval.

4. Replenishment of the escrow account as necessary with the deeds being held until this has been done.
5. Salem County Planning Board approval.
6. Salem County Soil Conservation District approval.
7. Approval of the Quinton Township Environmental Commission.
8. Approval of the Quinton Township Fire Marshal or waiver of said approval.
9. The first 200 feet of the driveway is to be constructed of washed stone.
10. All other conditions as set forth herein above.
11. Acquiring all permits necessary prior to the commencement of the project.

Dated: October 11th, 2016

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

Cynthia Sherman
Cynthia Sherman, 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 October 11th, 2016 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary