

TOWNSHIP OF QUINTON  
COUNTY OF SALEM  
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP APPROVING  
THE USE VARIANCE APPLICATION OF THE APPLICANT SUBJECT TO CONDITIONS  
RESOLUTION NO. 2016 - 07

**WHEREAS**, Daniel P. Atanasio applied to the Quinton Township Planning Board for a use variance to permit the placement of construction vehicles and equipment on the property located at 137 Pecks Corner-Cohansey Road also being known as Block 61, Lot 3 on the Municipal Tax Map of Quinton Township (the "property"); and

**WHEREAS**, the applicant appeared before the Quinton Township Planning Board on November 10, 2015 and on March 8, 2016 and was represented by G. Phillip Lewis, Esquire; and

**WHEREAS**, the property consists of 18.2 acres and is located in a P-BR Zone where said use is not permitted; and

**WHEREAS**, this matter was continued from November 10, 2015 to the December meeting at which time the Board did not have a quorum for voting on a use variance and the matter was thereafter continued at the request of applicant and a neighbor to the meeting of March 8, 2016; and

**WHEREAS**, in the interim, it was discovered that the recording from November 10, 2015 was defective and therefore there was no recorded record of said meeting; and

**WHEREAS**, due to the length of time from the initial hearing and the lack of a record from said hearing, the Board solicitor advised the applicant and the Board that the Board should hear the application from the beginning; and

**WHEREAS**, an initial application was made by the applicant on June 2, 2014 which application was rejected by the Board due to deficiencies; and

**WHEREAS**, the Board planner, Lawrence M. DiVetro, Jr., PLS, PP, AICP and Andrew Hogg, PE of Land Dimensions Engineering issued letter reports dated July 3, 2014, November 9, 2015, December 8, 2015 and March 1, 2016 which reports are incorporated herein by reference thereto; and

**WHEREAS**, the applicant gave proper notice to the adjoining property owners and to Alloway Township and published notice in the South Jersey Times; and

**WHEREAS**, the applicant submitted the following information:

1. Existing condition plan dated November 25, 2015 prepared by James A. Clancy, PE.

2. A list of vehicles and equipment located on the property with the designation of use as construction equipment or farm equipment or construction and farm equipment; and

3. A Google map showing among other structures and land, the area being utilized for the storage of construction vehicles and equipment submitted by the Board's engineer.

**WHEREAS**, the applicant did not apply for nor provide a formal site plan of the property; and

**WHEREAS**, the Planning Board heard the testimony and representations from the applicant and the comments of the Board's professionals and members and the input from the public and made the following findings of fact and reached the following conclusions of law based upon said evidence:

A. A portion of the property is located in Alloway Township Block 113, Lot 1. The dwelling and majority of frontage on Pecks Corner – Cohansey Road (Route 540) is located on this lot.

B. Farm and agricultural uses of land are permitted in the P-BR Zone.

C. The majority of the vehicles and equipment located on the property are for farming or farming related purposes.

D. The property is owned by Karen Atanasio with her son, Daniel P. Atanasio being the owner of DPA Construction, which business is registered at this address, which stores the vehicles and equipment on the property.

E. The driveway, which was paved in 2015, runs through the Alloway lot for access to Peck Corner – Cohansey Road.

F. Daniel P. Atanasio will require the approval of the Alloway Township Planning Board to continue to traverse the Alloway lot with the vehicles and equipment.

G. Mr. Atanasio recently purchased 2,000 beehives which he will transport around the country on a seasonal basis. On those occasions when the bees would be on the site, they would have to be transported in and out during the night. The keeping of the beehives is a permitted conforming use in New Jersey.

H. No crops are grown on the farm. Mr. Atanasio has four horses, three cows/steers and some chickens. The animals graze in the pasture.

I. The 18.2 acres are insufficient to be able to make a living solely from farming the property.

J. Mr. Atanasio began the construction business in or about 2006. There has been a substantial expansion of his business since 2013.

K. Mr. Atanasio testified as follows:

1. His employees drive to the property to pick up vehicles and equipment for his construction business between 6:00 a.m. and 7:00 a.m. six days a week.
2. He has 8-10 employees with some of them carpooling to the site or driving directly to the job where the vehicles and equipment are located.
3. Some the vehicles and equipment remain at the job site rather than being returned to this property at the end of the day.
4. The vehicles and equipment that is returned, is brought back between 3:00 p.m. and 7:00 p.m. six days a week.
5. He contracts with Salem County for snow removal which entails having the vehicles and equipment coming and going on the property at all hours of the night and day.
6. He has a small office at the house for billing, but has no customers come to the house.
7. He is seeking a use variance, not approval or any new buildings for construction.
8. Some of the vehicular traffic at this property is that of friends and family who come to visit who often drive trucks.

L. Mr. Atanasio is required to present a formal application and site plan as a condition of this approval setting forth the current conditions.

M. Mr. Atanasio is limited to the number of (9) and relative size of the current construction vehicles and equipment located on the property and as set forth on the vehicle and equipment list submitted to the Board and incorporated into this approval.

N. The area utilized for the parking/storage of construction vehicles and equipment of approximately 2 acres is not to be expanded. Any increase in the number of vehicles and equipment or area of parking/storage would require further approval from the Quinton Township Planning Board.

O. Both construction vehicles and farm vehicles have safety equipment that produces a rather loud beeping noise when backing up to put individuals on notice of such.

P. The Board opened the meeting to the public with the following comments being made:

1. Ronald Vassallo of 198 Commissioners Pike spoke in favor of the application stating that he has a 300 acre farm and has many of the same vehicles and equipment as the applicant.
2. Ken Coleman of 67 Pecks Corner – Cohansey Road (Route 540) spoke in favor of the application. He said he had no problem with noise from the applicant's business. He did complain of the noise due to heavy traffic on Route 540.
3. Dan Vassallo of Commissioners Pike spoke in favor of the application stating that most vehicles and equipment of the applicant are multipurpose.
4. Craig Clayman, Esquire appeared with his client, Christy Horwell and stated the applicant does not farm crops nor own a tractor.
5. Christy Horwell of 2 Neil Court, Alloway is directly across the street from the driveway of the applicant. She presented an exhibit of pictures showing conditions years ago and conditions presently. She stated that the business has expanded, trucks come in and out at all hours of the day and night, shine their lights in her window, hit their brakes, rattle her windows, beep when they back up and make noise loading and unloading equipment. She checked the zoning prior to purchasing the property to assure herself it was residential. She strongly opposed the application.
6. Dorothy Coleman of 167 Pecks Corner – Cohansey Road has had a horse farm for years. She was unaware of any noise coming from the applicant's property.
7. Tanita Sanders of Neil Court wanted to know what a use variance was and whether granting it would lower her property value.

Q. The Board members discussed the planting of trees to block the headlights. They also discussed the possibility of moving the driveway to access Pecks Corner – Cohansey Road (Route 540) away from homes. These issues can be revisited when the application for formal site plan approval is heard.

**NOW THEREFORE BE IT RESOLVED BY** the Planning Board of Quinton Township that the application for a use variance to permit the parking of construction vehicles and equipment at 137 Pecks Corner – Cohansey Road (Route 540) being known as Block 61, Lot 3 shall be granted with the Board finding that special reasons exist in that due to the size of the lot it would be impractical to utilize it solely for farming purposes. The application can be granted without substantial detriment to the public good and said grant will not substantially impair the intent and purpose of the zone plan and zoning ordinance in that the hours of operation are similar to those of a farming operation and the noise generated by the construction vehicles and equipment is similar to those noises produced on a working farm. Said approval is conditioned upon the following:

1. Approval of a site plan application and site plan.
2. Approval from the Alloway Township Planning Board for the ingress and egress of the vehicles and equipment through Block 113, Lot 1 in Alloway.

3. Salem County Planning Board Approval.
4. Any other governmental agency approvals necessary.
5. Satisfaction of any outstanding invoices presented by the Board's professionals.

Dated: May 10, 2016

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 May 10, 2016 in the Quinton Township Municipal Building.

Bonita K. Bell  
Bonita K. Bell, Secretary