

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2018-11

RESOLUTION CERTIFYING COMPLETENESS/INCOMPLETENESS

RE: APPLICATION # 2018-01

Block 33, Lot 19.03

Name of Applicant: **Barrett N. and Lori Brown**

Type of Application: **Variance for Ground-Mounted Solar Array**

The above referenced application is hereby certified to be:

- ☐ Complete. The applicant is requested to contact the Planning Board Secretary to schedule the application for hearing at a regular Planning Board meeting.
- ☐ Complete, subject to the requirements set forth below being satisfied on or before _____. If the requirements are not satisfied by such date, the application will automatically be certified "incomplete" retroactive to the date of this resolution.
- ☒ Incomplete, with the following requirements to be satisfied before the application will be certified as complete.

All Incompleteness items specified in Land Dimensions
letter dated March 5, 2018 (signed by PB Engineer
and Planner) and February 27, 2018 email from
PB Solicitor.

The undersigned Chair of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on March 13, 2018.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



Cynthia Sherman, Chairperson
Quinton Township Planning Board

Bonita K. Bell

From: William L. Horner <wlh@hornerlaw.net>
Sent: Tuesday, February 27, 2018 10:54 AM
To: Bonita K. Bell
Cc: Cynthia Sherman; Lawrence M. DiVietro Jr.; Andrew Hogg P.E.; Barrett N. Brown; William L. Horner
Subject: QPB/Brown Completeness Review

Follow Up Flag: Follow up
Flag Status: Flagged

Bonnie, the Brown application should be scheduled for completeness review by the Planning Board at the March 13 meeting. Please distribute this email to the Board members in advance of that meeting.

I have reviewed the Brown variance application for a proposed ground mounted solar array between the applicant's house and the street and have determined that the application is incomplete for the following reasons, in addition to whatever completeness concerns the Planning Board Planner and Engineer may have:

1. The zoning district must be specified in item 10 of the application cover sheet.
2. The lot dimensions and zoning district must be specified in item 1 of the application form.
3. The applicant must provide a certification that taxes have been paid per item 24 of the application form (and also checklist item A-2).
4. The applicant must sign the certification of truthfulness in item 27 of the application form.

In addition to the above completeness concerns I believe the applicant should submit a Google Maps or Satellite aerial photo of the entire property because my review of the property on Google Maps suggests to me that there might be sufficient cleared area in the northern end of the lot, behind the house, in which the solar array could perhaps be placed in conformance with all ordinance requirements. This would be an important factor for the Board to consider in its decision on whether to grant the requested variance to allow the array to be placed between the house and the street despite the ordinance's prohibition on such placement. The applicant has included two Google aerial photos with the application but neither includes the entire lot or the entire cleared backyard area.

Also, the applicant has submitted a proposed form of notice but it needs to be revised to be correct and complete. I will provide a revised form of notice for distribution and publication by the applicant once the application has been certified complete and scheduled for hearing.

Finally, I have discussed the application with the Board's Planner who noted that it is unclear whether the applicant's driveway is located on another lot. If it is, the other lot will have to be properly included in the application in order for the application to be certified complete.

Best Regards,

Bill Horner

William L. Horner
HORNER & HORNER, L.L.C.
67 Market Street/P.O. Box 66
Salem, New Jersey 08079
Tel.: (856) 935-0958

January 30, 2018

Ms. Bonita Bell
Planning Board Secretary
Quinton Township Planning Board
10 Cottage Ave.
P.O. Box 227
Quinton, NJ 08072
qntwpplanbd@comcast.net

RE: QTPB Application 2017-04
427 Quinton-Marlboro road
Mr. John Allen
Use Variance for Expansion of a Nonconforming Use and Minor Site Plan
Completeness and Technical Review
Block 39, Lot 38.04

Dear Board Members:

The application before the board is by Mr. John Allen for approval of an expansion to a residential/welding shop at the referenced property.

To refresh your memory, Mr. Allen had previously applied under application 2016-2 in June 2016 for approval to operate his welding business as a pre-existing use. At that time, while there was no proposed expansion of the use, due to the welding business being a non-conforming use, a use variance approval was necessary and was granted by the board.

As currently presented, while the operation of the existing welding business at the property is considered permitted, (consistent with the terms of the grant of the use variance in 2016), to expand the welding business at the site, the grant of a new use variance for the expansion of the nonconforming use is required.

The following is a breakdown of the zoning for Mr. Allen's property:

- 1) The property is situated in the P-BR zone.
- 2) Area and bulk requirements require minimum lot size of 3 acres, 300 feet lot width and 300 feet minimum lot depth.

- 3) Pursuant to section 170-23 principal permitted uses include; residential and agricultural related uses.
- 4) Section 170-23; A-8, Home Occupation is permitted in the P-BR Zone when used as a continued existing residential use, occurring subject to the criteria governing such home occupations as contained in Section 170-44.
- 5) Section 170-23; B Permitted Conditional Uses in the P-BR Zone; subsection 2 provides for Home Occupation subject to the requirements of Section 170-44.
- 6) Pursuant to our prior review of Mr. Allen's application in June 2016, it was determined that while a certain home occupied business are permitted in the PB-R zone, the stipulated terms and conditions were not applicable to Mr. Allen's use as a welding business

The current application is being presented for the grant of the use variance for expansion of the nonconforming use as well as minor site plan and waiver of the Environmental Impact Statement.

The following is presented for the purpose of a three (3) part review:

- A. Consideration for minor Site plan and waiver of Environmental Impact Statement
- B. Completeness
- C. Technical review

SUBMITTED INFORMATION

- 1) Quinton Township Planning Board application, designating the application for site plan review and variance relief for expansion of a nonconforming use.
- 2) Aerial and on ground photographs of the property
- 3) Narrative outline of reasons for relief, positive criteria and negative criteria
- 4) Schedule (A) General Requirement checklist
- 5) Schedule (B) Site Plan application checklist
- 6) Schedule Environmental Impact Statement checklist
- 7) 2016-10 resolution of prior approval granted by Quinton Township
- 8) Copy of Tax Assessment Map
- 9) Copy of property deed and Atlantic Electric easement

- 10) Statement of taxes paid dated November 15, 2017
- 11) Copy of Quinton Township Zoning chapter 170-23 P-BR District Use Regulations
- 12) Copy of the notice served on owners within 200 feet
- 13) Survey/Plot plan of property prepared by Tedesco Engineering, LLC, dated June 23, 2017, indicating the proposed 24' x 42' addition to the existing pole barn which will function as expansion of the welding business.

A. CONSIDERATION FOR MINOR SITE PLAN AND WAIVER OF ENVIRONMENTAL IMPACT STATEMENT

As part of the application, while the attorney has submitted the "Schedule (B) Site Plan Checklist" and "Schedule Environmental Impact Statement Checklist", they are requesting a waiver of the Environmental Impact Statement due to the limited activity proposed.

As part of the project description furnished, the applicant is expanding the foot print of the Pole Barn facility as well as noting the intention for outside storage of material and potential for an additional employee parking.

The plot plan submitted does not designate specific employee parking or the area of outside storage with associated loading/unloading areas. Additionally, various information suggested in the Preliminary Site plan checklist are not included on the plot plan presented.

While the proposed expansion at the site may be perceived as minor, the applicant must provide sufficient testimony in order for the board to be satisfied that further plans and documentation are not necessary for the Board to make an informed decision that the proposed development at the site will not have a negative impact on the surrounding property and therefore justification for waiver of site plan details as well as the Environmental Impact Statement.

B. COMPLETENESS REVIEW

Regarding the general requirements the following information has **NOT** been provided with the submission for which waivers are being requested:

- 1) Site plan details for the proposed expansion – "partial waiver requested"
- 2) Environmental Impact Statement – "waiver requested"
- 3) Proposal landscaping plan – "waiver requested"

Predicated on testimony by the applicant and the applicant's attorney, the board will need to determine if sufficient information exist as a matter of record and as presented at the hearing if the application can be considered complete and thereafter proceed to hearing for formal action on the expansion of the nonconforming use.

Following the testimony by the applicant and the board's review, should the board feel sufficient information/clarification has been presented in order to make an informed decision/action relative to the completeness of the application and waivers, the Board may consider the application complete and permit the application to proceed with the formal hearing and action by the board for the grant of use variance to permit the expansion of the non-confirming use.

In the alternative, should the Board determine additional information/documents should be provided, the Board may consider the application as incomplete and require the applicant to furnish additional information.

C. TECHNICAL REVIEW

As noted, the board previously reviewed the application by Mr. Allen, for the maintaining of the nonconforming use of is welding operation at the property in 2016.

At this time, Mr. Allen's requesting approval for expansion of business use to allow a 24' x 42' (1008 S.F.) addition to the existing pole barn with the potential for one additional employee (where the welding operation currently occurs). Additionally, in the narrative portion of the application, the applicant is requesting permission to permit outside storage at the existing poll barn in order to facilitate his use and operations of the welding business.

In 2016, the board considered an application by Mr. Allen to allow him to operate his welding and metal fabrication business on his home site. Mr. Allen fabricates steel and stainless-steel items such as platforms, railings and conveyancing platforms for various commercial and industrial facilities.

Pursuant to Resolution 2016-10 the Board determined that Mr. Allen's request met the positive and negative criteria for such variance and found that the site was particularly suited for this use. At the prior hearing the Board found the following:

- The site is 6 ¼ acres in size.
- The Applicant and his family reside on the property in a single-family home. There is an outbuilding on the property which measures 42 feet by 60 feet in size which is utilized as a welding and metal fabrication shop.
- The Board noted at the time of the prior application that s septic, landscaping business had previously been operated at the site for over 30 years.

- As such the site was particularly suited for the Applicant's commercial use.
- All of Mr. Allen's work is done inside the building. The site is operation from 7:30 am to 4:00 pm Monday through Friday with some hours on Saturday.
- There are deliveries of materials to the site by tractor trailer approximately twice a month. Other materials are brought to the site by the Applicant using his personal truck.
- Fire suppression was adequately served by the extinguishers on site.
- Mr. Allen had been in operation at this site since 2012 and there were no complaints from the neighbors.
- There is a parking area of packed gravel in place. Adjacent to the out building the employee parks near the home.

As Mr. Allen conducted his operation on site over the last five years, he has found that the existing building is not large enough to house the materials and the work projects. He would like to add 24 square feet to the existing building. The business is operated by Mr. Allen and one employee. He may like to bring on one additional employee.

He would like to continue his hours of operation, expanding to 5:00 pm, but no evening hours so no night lighting would be needed.

No customers generally come to the site. There may be an in frequent meeting with a Project Manager from time to time but that is a rare occurrence.

All product once completed is transported off site to the customer's location and installed off site.

No new signage is requested. No increase in the truck deliveries to the site with the expanded operating space.

No removal of any trees with the addition. There is no additional asphalt parking being requested.

Mr. Allen has been in operation at this site for the last 5+ years and there have been no complaints by the neighbors or any burden on the municipal infrastructure and services.

The Applicant would like some exterior storage of materials on site near the building. They can be housed in containers if required by the Board.

Ms. Bonita Bell
January 30, 2018
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CONCLUSIONS:

Testimony for consideration of the use variance must meet the statutory standards which include:

- a. The applicant should provide reasons of zoning that is applicable to the application.
- b. The applicant must provide testimony addressing enhanced quality of proof with such findings that the variance sought is not inconsistent with the master plan and zoning ordinance.
- c. The applicant should demonstrate that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance.

Should the Board be satisfied with the applicant's testimony for grant the "Use Variance", for expansion of a nonconforming use in the P.B.-R zone, any approval should be subject to any additional conditions deemed appropriate by Quinton Township Zoning Board.

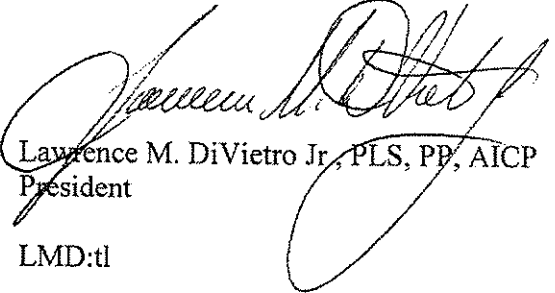
Following your receipt and review should you have any questions, please do not hesitate contacting me.

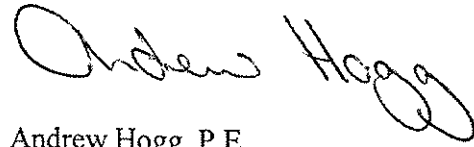
Very truly yours,

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LAND DIMENSIONS ENGINEERING

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Lawrence M. DiVietto Jr., PLS, PP, AICP
President


Andrew Hogg, P.E.
Vice President, Engineering

LMD:tl

cc: Cyndie Sherman, Planning Board Chair, Cyndie.sherman@gmail.com
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