

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2021-19

ESTATE OF RUTH H. WEGHORST

MINOR SUBDIVISION/BULK VARIANCE APPROVAL

Re: Block 61, Lots 9 and 13 (18 Lawrence Road)

WHEREAS, an application was made to the Quinton Township Planning Board by Catherine S. Ayars, Executor of the ESTATE OF RUTH H. WEGHORST, whose address is 324 Jericho Road, Bridgeton, New Jersey 08302, for minor subdivision and bulk variance approval to reconfigure the two lots comprising applicant's property located at 18 Lawrence Road in Quinton Township, designated as Tax Map Block 61, Lots 9 and 13, and depicted and described in the following documents:

- Township of Quinton Planning Board Application Cover Sheet, Application Form, and Submission Checklist Schedules; and
- Plan entitled "Plan of Survey/Minor Subdivision – #18 Lawrence Road, Township of Quinton, County of Salem, New Jersey," prepared by Donald C. Pennell, PLS, NJ Lic. No. 35393, of Pennell Land Surveying, Inc., 327 Clems Run, Mullica Hill, New Jersey 08062, dated April 14, 2021 (one page);

all of which are hereby incorporated by reference herein; and

WHEREAS, it appears that the Board has jurisdiction to hear the application and that it is complete and in conformity with the Quinton Township Land Use Ordinance and the New Jersey Municipal Land Use Law, except for the matters that are subject to variance relief or which will be resolved as conditions of this approval; and

WHEREAS, at its August 10, 2021 meeting the Board heard testimony and representations from Catherine S. Ayars, the Executor of the Estate of Ruth H. Weghorst (the applicant) and Robert J. Pryor, Esq. (the applicant's attorney); considered the May 28, 2021 completeness and technical review report of Lawrence M. DiVietro, Jr., PLS, PP, AICP (the Board's professional planner); discussed the application with the Planning Board's Planner, Engineer and Solicitor; and provided an opportunity for interested members of the public to make statements or ask questions regarding the application; and

WHEREAS, after reviewing the application materials and hearing the above testimony and representations, the Board made the following findings:

1. The property which is the subject of this application consists of approximately 36.76 acres of mostly undeveloped land with a frame dwelling, three frame sheds, a block building, a metal building, and an asphalt parking area. The property is comprised of Lot 9, which consists of 0.78 acres and contains the frame dwelling and a portion of the asphalt parking area, and Lot 13, which

consist of 35.97 acres and contains all of the other buildings and the remainder of the asphalt parking area. The applicant proposes to reconfigure the two lots to create enlarged Lot 9 that will consist of 6.46 acres and contain all of the buildings and the entire asphalt parking area, and reduced-in-size Lot 13 that will consist of 30.30 acres of undeveloped land. No additional lots will be created, and the proposal is properly classified as a minor subdivision.

2. The applicant has applied for variance relief relating to the metal building, which is located only 28.4 feet from the front lot line (where a minimum 50-foot setback is required for accessory structures), and from the maximum improvement coverage of 13% for proposed Lot 9 (where a maximum coverage of 10% is permitted). The applicant provided testimony and representations to confirm that the buildings and asphalt pavement have been in existence in their present locations at the property for many years; that they are in good condition and will continue to be useful as a principal single-family dwelling and residential accessory structures on proposed Lot 9; and that undue effort and expense would be required to move the metal building to a conforming location, or to remove any of the buildings or portions of the asphalt parking area to reduce the lot coverage on proposed Lot 9. In all other respects both proposed lots will conform to applicable zoning requirements for the P-BR zoning district in which the property is located.
3. The property was previously used as a tack shop or other commercial purposes, but the applicant has represented that all commercial uses have been abandoned, and has confirmed that proposed enlarged Lot 9 will be used only for single-family residential purposes, and perhaps agricultural purposes, in conformance with P-BR zoning district requirements.
4. The Board's engineer and professional planner expressed no technical concerns about approving the application subject to the conditions set forth below.
5. No interested persons appeared with respect to the application.
6. The Board finds that, due to the extraordinary and exceptional situations uniquely affecting this specific property, the strict application of the minimum front yard setback and the maximum improvement coverage limitation would, in this instance, result in peculiar and exceptional practical difficulties to, and undue hardship upon the applicant, and therefore the Board finds it appropriate to grant the requested bulk variances to relieve these difficulties and hardships. Moreover, because the buildings and asphalt parking area which comprise the existing improvement coverage at the property are in good condition and appropriate for the ongoing single-family residential and potential agricultural use of proposed Lot 9, and because the sizes and configurations of proposed Lots 9 and 13 are appropriate as presented (and that it would be inappropriate to attempt to enlarge proposed Lot 9 to reduce the percentage of improvement coverage upon it), the Board finds that the requested bulk variances can be granted subject to the conditions of this approval without substantial detriment to the public good, and without substantially impairing the intent and the purpose of the Quinton Township zone plan and zoning ordinance. The Board therefore concludes that the applicant has satisfied both the "positive criteria" and the "negative criteria" for the requested bulk variances as required by *N.J.S.A. 40:55D-70.c.(1)*, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board, that

minor subdivision and bulk variance approval is hereby granted for the division depicted in the aforementioned plan subject to the following conditions that must be satisfied by the applicant:

- A. The applicant must pay any and all required fees and escrow replenishment amounts that are due or may become due to the Township within seven (7) days' notice thereof. The applicant must contact the Quinton Township Planning Board Secretary to settle any outstanding review escrow accounts prior to signature of the applicant's minor subdivision deeds.
- B. The applicant must comply with all representations made, either personally or through any representative, during the course of the applicant's presentation to the Planning Board and in all documents filed with the application.
- C. The applicant must obtain the Quinton Township Tax Assessor's approval of both proposed lot designations.
- D. The applicant must obtain approvals or submit letters of non-applicability from any governmental or regulatory body having proper jurisdiction, including but not limited to the Salem County Planning Board.
- E. The applicant must submit to the Planning Board Engineer, for his review and approval, the metes and bounds descriptions to be included in the two (2) deeds that will effectuate the subdivision (one for reconfigured Lot 9 and one for reconfigured Lot 13), which descriptions must be based upon an actual field survey.
- F. The applicant must submit to the Planning Board Solicitor, for his review and approval as to form, the two (2) deeds that will effectuate the subdivision. The minor subdivision deeds must contain the statement "Minor subdivision approval of the premises described herein was granted by the Quinton Township Planning Board at its August 10, 2021 regular meeting, as memorialized on that date in Resolution [insert resolution number]." This language must be followed by signature lines for John Allen, Planning Board Chairperson, and Bonita K. Bell, Planning Board Secretary.
- G. The applicant must submit the minor subdivision deeds to the Planning Board for signature by the Chairman and Secretary after approval by the Planning Board Engineer and Solicitor.
- H. The applicant must comply with above **conditions A. through G.** prior to signature of the minor subdivision deeds by the Planning Board Chairman and Secretary.
- I. The applicant must record the minor subdivision deeds with the Salem County Clerk, and file the deeds with the Township Engineer and Tax Assessor, within 190 days of the date of this resolution.
- J. The property and the structures upon it may be used only for single-family residential and agricultural purposes as permitted by, and subject to, the requirements of the Quinton Township Land Use Ordinance. The property may not be used as a tack shop or for any other commercial or business purpose without first obtaining all required land use and development approvals.

- K. The Planning Board Secretary shall mail a copy of this resolution to the applicant within ten (10) days following the date of its adoption.
- L. The Planning Board Secretary shall cause the following form of notice to be published in *The South Jersey Times* as soon as practicable following the adoption of this resolution:

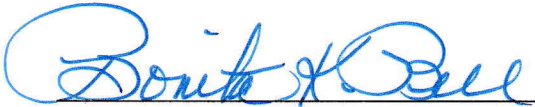
QUINTON TOWNSHIP PLANNING BOARD

NOTICE OF DECISION

TAKE NOTICE that on August 10, 2021, the Quinton Township Planning Board adopted Resolution [insert resolution number] to memorialize its August 10, 2021 grant of minor subdivision approval to the Catherine S. Ayars, Executor of the Estate of Ruth H. Weghorst, to reconfigure the lots designated as Block 61, Lots 9 and 13 on the municipal tax map. The resolution and copies of the application, plans, and related materials are currently on file at the office of the Quinton Township Planning Board Secretary, 10 Cottage Avenue, Quinton, New Jersey 08072, and are available for public inspection by appointment only by contacting Bonita K. Bell, Planning Board Secretary, at (856) 935-8404, or by writing to her by mail at Quinton Township Planning Board, 10 Cottage Avenue, P.O. Box 227, Quinton, New Jersey 08072, or by email at planning@quintonnj.com.

The undersigned Chairperson of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on **August 10, 2021** to memorialize action taken on **August 10, 2021**.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



John Allen, Chairperson
Quinton Township Planning Board