

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2022-09

GARY AND TINA STITES

MINOR SUBDIVISION/BULK VARIANCE APPROVAL

Re: Block 57, Lots 14, 16 and 18 (52 Gravelly Hill Road)

WHEREAS, an application was made to the Quinton Township Planning Board by Gary and Tina Stites, whose address is P.O. Box 161, Port Elizabeth, New Jersey 08348, for minor subdivision and bulk variance approval to reconfigure the three lots currently comprising the applicants' property located at 52 Gravelly Hill Road in Quinton Township, designated as Tax Map Block 57, Lots 14, 16 and 18, to create two lots as depicted and described in the following documents:

- Township of Quinton Planning Board Application Cover Sheet, Application Form, and Submission Checklist Schedules; and
- Plan entitled "Minor Subdivision Plan for Gary and Tina Stites" prepared by James A. Clancy, PLS, NJ Lic. No. 33998, of Land Engineering, L.L.C., 84 East Grant Street, Woodstown, New Jersey 08098, dated September 17, 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 December 14, 2021 meeting the Board heard testimony and representations from Gary and Tina Stites (the applicants) and Kenneth W. Miller, Jr., Esq. (the applicants' attorney); considered the October 4, 2021 and November 8, 2021 completeness and technical review reports of Lawrence M. DiVietro, Jr., PLS, PP, AICP and Andrew Hogg, P.E. of Land Dimensions Engineering (the Board's Professional Planner and Engineer); discussed the application with the 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 13.75 acres of mostly undeveloped land with an existing shed, septic system, and driveway that previously served a dwelling that has since been removed from Lot 18 (the largest of the three existing lots). The property is comprised of Lot 18, as aforesaid, which has no frontage on Gravelly Hill Road and consists of approximately 11.41 acres; Lot 14, which is vacant and rectangular in shape, lying to the north of Lot 18, which has no frontage on Gravelly Hill Road and consists of approximately

1.9 acres; and Lot 16, which is vacant and roughly triangular in shape, lying to the west of Lot 18 (between Lot 18 and Gravelly Hill Road), consisting of approximately 0.48 acres. Also, notably, to the north of Lot 16 and west of Lot 14 there is a small triangular lot with frontage on Gravelly Hill Road that is depicted on the tax map but not numbered and not assessed to anyone, the ownership of which is currently unknown. The applicants propose to reconfigure Lots 14, 16 and 18 to create an enlarged Lot 14 that will consist of 6.99 acres, and a reduced-in-size Lot 18 that will consist of 6.76 acres, both of which will have frontage on Gravelly Hill Road and be developed and used as single-family residential homesites having separate driveways. No additional lots will be created, and the proposal is properly classified as a minor subdivision.

2. The applicants have applied for variance relief for the width/frontage of proposed Lot 14 (198.62 feet) and proposed Lot 18 (62.17 feet) where a minimum width/frontage of 300 feet is permitted. Also, the frontage for proposed Lot 18 consists of a 50-foot-wide, 160-foot-long strip of land for the driveway that would extend from Gravelly Hill Road into main interior portion of that lot. The Quinton Code contains design requirements for this sort of “flag lot” which are set forth in Section 170-127.G and incorporated by referenced into zoning Section 170-48. These requirements provide that, in order to create a “flag lot,” there must be an existing single-family dwelling on the property but, as noted above, there are no existing dwelling houses on the applicants’ property. Accordingly, the applicants’ proposal also requires variance relief from this flag lot requirement. 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 applicants provided sufficient testimony and representations to confirm that the width/frontage limitations of the three existing lots constitute a substantial hardship. Given the large size of the two proposed lots and their compliance with all other applicable zoning requirements, the Board is satisfied that undue effort and expense would be required for the applicants to acquire additional adjoining land to bring the width/frontage into conformity, particularly since there is not even a known owner for the most appropriate adjoining land for such purposes (that being the aforementioned unassessed triangular lot along Gravelly Hill Road that lies north of Lot 16 and west of Lot 14).
4. The applicants testified that the two proposed lots would each be developed and used only for single-family residential and/or agricultural purposes, and that each lot would be served by a separate driveway to Gravelly Hill Road. The Board is satisfied that the proposed lot configurations and residential/agricultural use would not be inconsistent with other lots in the vicinity of the subject property, and that it is not necessary to impose any particular conditions relating to the houses or the driveways at the proposed lots as long as they conform with all applicable requirements of the Quinton Township Code (other than the requirements for which variance relief is hereby granted).
5. The Board’s engineer and professional planner expressed no technical concerns about approving the application subject to the conditions set forth below.
6. No interested persons appeared with respect to the application.
7. The Board finds that, due to the extraordinary and exceptional situations uniquely affecting this

specific property, the strict application of applicable minimum width/frontage and flag lot requirements would, in this instance, result in peculiar and exceptional practical difficulties to, and undue hardship upon the applicants, and therefore the Board finds it appropriate to grant the requested bulk variances to relieve these difficulties and hardships. Moreover, because of the large sizes of the two proposed lots relative to the 3.0-acre minimum required in the P-BR zoning district, and the general character of other lots and land uses in the vicinity, 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 applicants have 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 applicants:

- A. The applicants 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 applicants must contact the Quinton Township Planning Board Secretary to settle any outstanding review escrow accounts prior to signature of the applicants’ minor subdivision deeds.
- B. The applicants must comply with all representations made, either personally or through any representative, during the course of the applicants’ presentation to the Planning Board and in all documents filed with the application.
- C. The applicants must obtain the Quinton Township Tax Assessor’s approval of both proposed lot designations.
- D. The applicants 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 applicants 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, which descriptions must be based upon an actual field survey.
- F. The applicants 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 December 14, 2021 regular meeting, as memorialized on January 11, 2022 by 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 applicants 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 applicants 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 applicants 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.
- 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

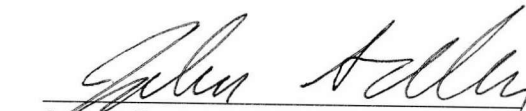
TAKE NOTICE that on January 11, 2022, the Quinton Township Planning Board adopted Resolution [insert resolution number] to memorialize its December 14, 2021 grant of minor subdivision and variance approval to Gary and Tina Stites to reconfigure three lots designated as Block 57, Lots 14, 16 and 18 on the municipal tax map to create two lots, each having frontage of less than 300 feet. 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 **January 11, 2022** to memorialize action taken on **December 14, 2021**.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



John Allen, Chairperson
Quinton Township Planning Board