

**QUINTON TOWNSHIP PLANNING BOARD**

**RESOLUTION NO.: 2023- 18**

**APPLICATION NO.: 2023-01**

**GEORGE SPARKS ELECTRIC, LLC**

**MINOR SITE PLAN APPROVAL  
WITH USE AND BULK VARIANCES**

**(Electrical contracting business, with business office, retail sales, on-site storage of equipment and supplies, and dispatch of contractor vehicles to and from off-site jobs)**

**Re: Block 5, Lot 8.01  
(584 Salem-Quinton Road – N.J.S.H. Route 49)**

WHEREAS, an application was made to the Quinton Township Planning Board by GEORGE SPARKS ELECTRIC, LLC, a New Jersey limited liability company whose address is 186 Locust Avenue, Salem, New Jersey 08079, for minor site plan and use and bulk variance approval to develop and use the applicant's above referenced property as the site of an electrical contracting business, with a business office, retail sales, on-site storage of equipment and supplies, and fleet management which would involve storing contractor vehicles at the property and dispatching them to and from off-site jobs, all as depicted, described, and otherwise represented in the following documents:

- Planning Board application, checklists, and supporting documents filed with correspondence from Paul H. Scull, Jr., Esq., dated January 3, 2023, and supplemented with correspondence from Mr. Scull dated June 5, 2023; and
- Minor Site Plan for George Sparks Electric, LLC, Block 5, Lot 8.01, Tax Map Sheet 2, Quinton Township, Salem County, New Jersey, prepared by Boston & Seeberger Professional Engineers, Land Surveyors & Planners, dated October 20, 2022,

all of which are hereby incorporated by reference herein; and

WHEREAS, at its May 9, 2023, meeting the Board granted submission waivers as recommended by the Board's Solicitor, Engineer, and Planner, and certified the application complete; and

WHEREAS, the application was scheduled for hearing at the Board's June 13, 2023 meeting at which the Planning Board Solicitor confirmed, based on the applicant's notice proofs and the *South Jersey Times* affidavit of publication that were provided by the applicant's attorney, that proper and timely notice had been mailed and published pursuant to the Township Land Use Ordinance ("Ordinance") and *N.J.S.A. 40:55D-11, et seq.*, of the New Jersey Municipal Land Use Law ("MLUL"); and

WHEREAS, fewer than seven eligible Board members were in attendance at the June 13 meeting so, at the applicant's attorney's request, the Board postponed the application hearing to the Board's July 11, 2023 meeting, and the applicant's notice was carried forward to that specific date and time by announcement to all persons present at the June 13 meeting; and

WHEREAS, the Board (not including the Class I and Class III members) conducted a public hearing on the application at its July 11, 2023 meeting at which the Board heard testimony and representations from the following persons:

Paul H. Scull, Jr., Esq. (the applicant's attorney);

Dale E. Boston, P.L.S. & P.P. (the applicant's surveyor/professional planner); and

George Sparks III (member/manager of the applicant limited liability company)

Andrew Hogg, PE, of Land Dimensions Engineering (the Board's Engineer);

Lawrence M. DiVietro, Jr., PP, of Land Dimensions Engineering (the Board's Planner); and

William L. Horner, Esq., of Horner & Horner, L.L.C. (the Board's Solicitor);

AND WHEREAS, the applicant's representatives presented the following exhibit during the hearing:

Exhibit A-1 – an enlarged, colored copy of the applicant's minor site plan;

AND WHEREAS, after hearing all of the applicant's testimony and representations, reviewing all application materials and the aforesaid exhibit, considering the Planning Board Engineer's and Planner's review correspondence, and discussing the application with the applicant's representatives, and the Planning Board's Engineer, Planner, and Solicitor, the Board makes the following findings and conclusions:

1. The applicant's project involves a 5-acre parcel of land owned by the applicant that was recently the site of the former Butler Gardens retail store. The property is developed with a 2,400 s.f. building, a 4,000 s.f. building, an unpaved stone driveway and parking area with a 5-foot wide concrete apron and depressed curb at the entrance of Route 49, and various other structures and improvements as depicted on the minor site plan.
2. Mr. Sparks testified that the applicant proposes to use the property as the site of the applicant's electrical contracting business, with a business office, retail sales, on-site storage of equipment and supplies, and fleet management which will involve storing up to six (6) service vans at the property and dispatching them to and from off-site electrical jobs. Specifically, the applicant proposes to use the 2,400 s.f. building as an office, and to use the 4,000 s.f. building as supply storage, minor retail sales, and a

conference/meeting room, all relating to the applicant's electrical contracting business. No new buildings are proposed, and only minor additional site improvements are proposed as indicated on the applicant's minor site plan. Mr. Sparks testified that the applicant's business operations at the property will involve no more than eight (8) employees, with one or two employees working on-site, and five or six employees dispatched to off-site work locations in the service vans; that business hours will be from 7:00 a.m. to 6:00 p.m., Mondays through Fridays, with some weekend hours as needed; that all materials, supplies, tools, and equipment used in connection with the business will either be stored in the existing 4,000 s.f. building at the site or delivered directly to off-site work locations; and that there will be no outdoor storage at the property, or on-site storage of vehicle fuels.

3. The property is located in an LI/O Light Industrial/Office zoning district in which the applicant's proposed use (or combination of uses) is not permitted or conditionally permitted, and the applicant's proposed use is therefore prohibited per Quinton Code § 170-14.A. Accordingly, the applicant has requested "use" variance relief pursuant to *N.J.S.A. 40:55D-70.d.(1)*.
4. The applicant has also requested the following "bulk" variance relief pursuant to *N.J.S.A. 40:55D-70.c.* to allow existing noncompliant conditions at the property to remain:
  - a. Lot Width/Frontage (300 feet min. required; 199+/- feet existing/proposed); and
  - b. Front Yard Setback (125 feet min. required; 123.5 feet existing/proposed).
5. The applicant has applied for minor site plan approval as defined in Ordinance § 170-7 because the applicant's proposal involves "...the conversion of an existing building from one use to another...does not exceed 5,000 square feet for retail commercial uses; exceed 10,000 square feet for industrial uses; or require more than 25 new parking spaces as prescribed by this chapter."
6. Mr. Boston (the applicant's professional planner and surveyor) testified that, in his opinion as a professional planner, the traffic generated within and near the property by the applicant's proposed use would be less intense than that of the previous retail uses of the property; that the property is ideally located, configured, and developed for the applicant's proposed use (despite the noncompliant 199-foot lot width/frontage), with no anticipated detrimental impacts to the surrounding neighborhood; and that the applicant's business provides services that are beneficial to the community. Mr. Boston also explained that only a small portion of the front porch overhang of the 2,400 s.f. building encroaches into the required 125-foot front yard setback, and the extent of the encroachment is only 1.5 feet, and therefore it is a *de minimus* noncompliant condition that causes no harm.
7. The Board's Engineer and Planner confirmed that the existing/proposed parking areas, which consist of fifteen (15) parking spaces, one of which will be a single van

accessible handicap parking space on a concrete pad, will adequately serve the applicant's proposed use, and expressed no objections to granting the requested variances subject to conditions consistent with their recommendations as presented in their April 26, 2023 review correspondence.

8. The applicant consented to the Board Engineer's and Planner's recommendations as conditions of approval, including plan revisions to show sections and proposed final grades of the proposed expanded driveway and parking areas; extension of the proposed driveway apron to at least thirty (30) feet from the existing Route 49 curb line; and a landscape design plan showing landscape treatment along the property's Route 49 frontage, along the entrance drive leading from Route 49 to the 4,000 s.f. building, and in front of the proposed perpendicular parking area off the entrance drive.
9. No interested persons appeared with respect to the application.
10. Based on all of the application materials, evidence and testimony, the Board finds that the applicant's proposed development and use of the property will promote the public good for the reasons expressed by the applicant's professional planner. Specifically, the Board finds that the applicant's proposal promotes the public good pursuant to *N.J.S.A. 40:55D-2.a.* because the proposed development and use are peculiarly fitted to the particular location for which the variance is sought, as articulated by the New Jersey Supreme Court in *Kohl v. Mayor and Council of Fair Lawn*, 50 N.J. 268, 279 (1967). The Board has determined that these "special reasons" are sufficient to satisfy the "positive criteria" for the requested use variance approval pursuant to *N.J.S.A. 40:55D-70.d.(1)* to permit the applicant's proposed development and use of the property, subject to the conditions set forth below. Although the applicant's proposed use (or combination of uses) of the property is not listed among those permitted or conditionally permitted in the LI/O zoning district, the Board has determined that such use would not be substantially inconsistent with the uses that are permitted or conditionally permitted within the LI/O zoning district if the applicant's proposed use is conducted in compliance with the conditions of approval below. For these reasons, and subject to the conditions of this approval, the Board has determined that the applicant's requested use variance approval can be granted without substantial detriment to the public good, and without substantially impairing the intent and the purpose of the Township's zone plan and zoning ordinance, and that, accordingly, the applicant has satisfied the "negative criteria" for the use variance as required by *N.J.S.A. 40:55D-70*. The Board has also determined that, for the reasons expressed by the applicant's professional planner, granting this use variance approval would not be inconsistent with the intent and purpose of the Township Land Use Ordinance and Master Plan, and that the applicant has thus satisfied the so-called "enhanced quality of proof" as expressed by the New Jersey Supreme Court in *Medici v. BPR Co.*, 107 N.J. 1, 21 (1987).
11. Based on all of the application materials, and the evidence and testimony presented, the Board finds that the existing noncompliant lot width/frontage of 199 feet is adequate for the applicant's proposed use of the property, and that to require the applicant to expend

the time and money that would be necessary to attempt to purchase and subdivide a portion of adjoining lands to cause the property to conform, even if theoretically possible, would impose an undue hardship on the applicant. The Board further finds that requiring the applicant to partially remove the porch-roof overhang from the front of the 2,400 s.f. building at the property, or to move the building 1.5 feet into conformity with the front yard setback requirement, would also constitute an undue hardship, particularly considering the *de minimus* extent of the nonconformity. No adjoining owner or other interested person appeared at the application hearing to express any concerns about these existing conditions. Accordingly, the Board finds that, due to the extraordinary and exceptional situation uniquely affecting the specific property that is the subject of this application, the strict application of the aforesaid minimum lot width/frontage and front yard setback requirements 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 these conditions are existing and will remain unchanged, and considering the other characteristics of the property in the context of the general character of other lots and land uses in the vicinity, the Board finds that the applicant's 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. For all of the above reasons the Board concludes that the applicant has satisfied 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. Finally, the Board finds that any parking variance that may be required from the table of specifications set forth in Ordinance § 170-94.B.(1) (which does not specifically include the applicant's proposed use or combination of uses) is subsumed within the Board's grant of use variance relief, and thus granted as part of this approval.

12. Based on the applicant's testimony and representations, as well as information set forth in all application materials, and subject to the conditions of approval below, the Board finds that the applicant's proposal conforms with all zoning requirements that are not the subject of requested variance relief, and that minor site plan approval should be granted.
13. At the request of the Chair, the Board Solicitor framed a motion to approve the application subject to the conditions below. The motion was then seconded and approved by unanimous vote of the seven participating Board members.
14. After the hearing date the applicant's attorney contacted the Planning Board Solicitor and informed the Planning Board Solicitor that the applicant also intended to store the following additional vehicles at the property and dispatch them to and from off-site jobs: a 50-foot two-axle bucket truck; a smaller two-axle bucket truck; and a two-axle augur truck. The Planning Board Solicitor conferred with the Planning Board Engineer about this and the Planning Board Engineer confirmed that the property, if developed and used as proposed, could adequately accommodate the three described additional

vehicles, and that for aesthetic purposes it would be best if these three additional vehicles were stored in the rear portion of the property beyond the buildings.

**NOW, THEREFORE, BE IT RESOLVED**, by the Quinton Township Planning Board (not including the Board's Class I and Class III members) that, for the reasons set forth above, the applicant's requested use variance, bulk variances, and minor site plan approval are hereby granted for the applicant's proposed use of the property as the site of an electrical contracting business, with a business office, retail sales, on-site storage of equipment and supplies, and fleet management which would involve storing contractor vehicles at the property and dispatching them to and from off-site jobs, subject to the following conditions:

- A. The applicant must pay any and all required fees and review escrow replenishment amounts that are due or may become due to the Township within seven (7) days' notice thereof. As set forth below, the applicant's review escrow will be the source of payment or reimbursement to the Township for the Planning Board Engineer's and Planner's inspections pursuant to this approval. The applicant must contact the Quinton Township Planning Board Secretary to settle any outstanding review escrow account prior to issuance of any zoning, construction, or occupancy approval or permit. Failure to pay required escrow replenishment amounts may be enforceable as a zoning violation.
- B. The applicant must comply with all representations made through any representative during the course of the applicant's presentation to the Board and in all documents filed with the application.
- C. The applicant must revise the minor site plan to the Planning Board Engineer's and Planner's satisfaction to extend the proposed driveway apron for a minimum distance of thirty (30) feet from the existing curb line at Route 49.
- D. The applicant must revise the minor site plan to the Planning Board Engineer's and Planner's satisfaction to depict a typical section for the proposed expanded stone driveway and parking areas noting a required minimum depth of six (6) inches of compacted stone.
- E. The applicant must revise the minor site plan to the Planning Board Engineer's and Planner's satisfaction to designate the existing grades at the proposed edges of the completed driveway and parking areas as proposed final grade to be confirmed at the time of site improvements.
- F. The applicant must prepare, to the Planning Board Engineer's and Planner's satisfaction, a landscape design plan showing landscape treatment along the property's Route 49 frontage, along the entrance drive leading from Route 49 to the 4,000 s.f. building, and in front of the proposed perpendicular parking area off the entrance drive.
- G. No land disturbance, site work, or other development activity may commence at the property until the applicant has obtained written approval from the Planning Board Planner and Engineer confirming that conditions C. through F. have been satisfied, and approving the revised minor site plan and the landscape design plan.
- H. No municipal zoning permit or Uniform Construction Code construction permits may be issued

for the property until the Planning Board Engineer and/or Planner have inspected the property and confirmed in writing that all required site improvements, including landscaping, have been installed in conformance with the approved revised plans. The Planning Board Engineer's and Planner's inspections will be paid or reimbursed to the Township from the applicant's review escrow. This condition is in lieu of any performance or maintenance guarantee requirements, or separate inspection escrow requirements.

- I. The property may not be occupied or used as an electrical contracting business until all conditions of this approval have been satisfied, and a municipal zoning permit and all necessary Uniform Construction Code certificates or approval or occupancy have been issued for the applicant's proposed use.
- J. The applicant must comply with all applicable review or approval requirements of outside agencies, such as, but not limited to:
  - 1. Quinton Township Fire Inspection Officer
  - 2. Salem County Planning Board
  - 3. Salem County Board of Health
  - 4. Any other as may be necessary
- K. The fleet of vehicles dispatched to and from off-site jobs or otherwise maintained and operated at the property must consist of no more than six (6) service vans or similar four-wheeled service vehicles; two (2) two-axle bucket trucks not exceeding 50 feet in length; and one (1) two-axle augur truck (i.e., no "heavy" or multi-axle trucks). The two bucket trucks and the augur truck must be stored in the rear portion of the property beyond the buildings.
- L. The 2,400 s.f. building at the property must be used only as a business office for the electrical contracting business.
- M. The 4,000 s.f. building must be used only as supply storage, minor retail sales, and a conference/meeting room for the electrical contracting business.
- N. The electrical contracting business operated at the property may involve no more than eight (8) employees, with one or two employees working on-site, and five or six employees dispatched to off-site work locations in the service vans.
- O. The electrical contracting business hours of operation at the property are limited to 7:00 a.m. to 6:00 p.m., Mondays through Fridays, with some weekend hours as needed
- P. No outdoor storage is permitted at the property. All materials, supplies, tools and equipment used in connection with the electrical contracting business must either be stored in the existing 4,000 s.f. building at the property or delivered directly to off-site work locations.
- Q. No on-site storage of vehicle fuels is permitted at the property.
- R. No new buildings or structures may be constructed or installed at the property other than those

depicted on the applicant's approved minor site plan (except for any new or modified signage that can be approved by the zoning officer), and no changed or additional uses may be conducted at the property other than the electrical contracting business as approved herein, without further site plan review (and any further variance relief as may be applicable).

- S. The Planning Board Secretary is hereby directed to mail a copy of this resolution to the applicant's attorney within ten (10) days following the date of its adoption.
- T. The Planning Board Secretary is hereby directed to forward a copy of this resolution to the Quinton Township Zoning Officer within ten (10) days following the date of its adoption.
- U. The Planning Board Secretary is hereby directed to 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 8, 2023, the Quinton Township Planning Board adopted Resolution 2023-18 to memorialize its July 11, 2023 grant of minor site plan approval and use and bulk variances to George Sparks Electric, LLC, for development and use of property located at 584 Salem-Quinton Road (N.J.S.H. Route 49), designated as Quinton Township Block 5, Lot 8.01, as an electrical contracting business, with a business office, retail sales, on-site storage of equipment and supplies, and fleet management which would involve storing contractor vehicles at the property and dispatching them to and from off-site jobs. The Quinton Township Planning Board's resolution and copies of the application and related materials are currently on file at the office of the Quinton Township Planning Board Secretary located at 10 Cottage Avenue in Quinton Township, New Jersey, and are available for inspection by appointment only, by contacting the Secretary at (856) 935-8404, or via email at [planning@quintonnj.com](mailto: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 8, 2023 to memorialize action taken on July 11, 2023.

Attest:



Melissa N. Thom, Secretary  
Quinton Township Planning Board



John Allen, Chairperson  
Quinton Township Planning Board