

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2023-20

L.B. REAL ESTATE HOLDINGS, LLC

Application No. 2023-02

MINOR SUBDIVISION/BULK VARIANCE APPROVAL

Re: Block 33, Lots 1 and 15 (94 Quinton-Marlboro Road – N.J.S.H. Route 49)

WHEREAS, an application was made to the Quinton Township Planning Board by L.B. Real Estate Holdings, LLC, a Pennsylvania limited liability company, whose address is 212 Redwell Road, New Holland, Pennsylvania 17557, for minor subdivision and bulk variance approval to subdivide and adjust the lot line between two adjoining Quinton Township lots currently owned by Quinton Baptist Church (Block 33, Lot 1, having frontage on Quinton-Marlboro Road and Lake Avenue) and the applicant (Block 33, Lot 15, located at 94 Quinton Marlboro Road)¹ to create two reconfigured lots as depicted and described in the following documents:

- Township of Quinton Planning Board Application Cover Sheet, Application Form, and Submission Checklist Schedules (filed with transmittal correspondence from the applicant's attorney dated August 17, 2023);
- Project Narrative and Variance Justification;
- Plan entitled "Proposed Minor Subdivision Plan of Lots 1 & 15, Block 33, Zone R2 [sic], 94 Quinton Marlboro Road" prepared by Erik F. Valentine, PLS, NJ Lic. No. 43394, of Ewing Associates, 900B N. Delsea Drive, P.O. Box 145, Clayton, New Jersey 08312, dated June 12, 2023 (one page) (also presented at the application hearing as Exhibit A-1); and
- One (1) Google Maps aerial photo and one (1) street-view photo of subject property presented at the application hearing as Exhibit A-2.

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 October 10, 2023 meeting the Board² heard testimony and representations

¹ Block 33, Lot 15 was owned by Paul B. and Bobbi Jo Coblentz when the application was filed, but it was purchased by the applicant shortly before the October 10, 2023 hearing.

² Board member Larry Winkels did not participate in the application hearing as a board member because his son Christopher Winkels owns property within 200 feet of the subject property as indicated in the assessor's list that was provided with the applicant's notice proofs (although as reflected in this resolution, Mr. Winkels asked a question when the hearing was opened to the public). Kiel Winkels, son of Larry Winkels and brother of Christopher, also did

from Michael L. Beiler (a member of the applicant limited liability company); Gregory J. Simonds, P.E., of Ewing Associates (the applicant's professional engineer); and Raymond J. Went, Jr., Esq. (the applicant's attorney); considered the October 5, 2023 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 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 lot that is currently designated as Block 33, Lot 1 (hereafter "Lot 1") is an irregularly shaped parcel consisting of 22.09+/- acres of farmland and wooded areas with 716.82 feet of frontage along Quinton-Marlboro Road (N.J.S.H. Route 49) near its southern-most boundary, and 34.96 feet of frontage along Lake Avenue at its northern-most boundary. Lot 1 is owned by Quinton Baptist Church, P.O. Box 6, Quinton, New Jersey 08072.
2. The lot that is currently designated as Block 33, Lot 15 (hereafter "Lot 15") is a 100'W x 150'D rectangular parcel located at 94 E. Main Street consisting of 0.34+/- acres, and having 100.00 feet of frontage along Quinton-Marlboro Road (N.J.S.H. Route 49). Lot 15 is owned by the applicant. Lot 15 has been developed with a masonry building and other improvements as depicted on the applicant's subdivision plan, and is the site of Niblock's Pork Store.
3. The applicant, having recently purchased Lot 15, is also under contract to purchase a portion of Lot 1 from Quinton Baptist Church, with the intention of operating the pork store in its current location, and possibly enlarging or expanding the pork store and its operations at some point in the future onto part of the land acquired from Quinton Baptist Church. Accordingly, the applicant proposes in this application to reconfigure Lots 1 and 15 to create an enlarged Lot 15 that would consist of 14.49+/- acres (to be owned by the applicant), and a reduced-in-size remainder Lot 1 that would consist of 7.95+/- acres (to be retained by Quinton Baptist Church). No additional lots would be created, and the proposal is properly classified as a minor subdivision. The property is located in the P-BR Residence zoning district.
4. The Board Solicitor noted as a point of information for the Board and the applicant's representatives that, notwithstanding the existence of the pork store at Lot 15 for many years, retail stores are not permitted or conditionally permitted in the P-BR zoning district, and are therefore prohibited per Quinton Code § 170-14.A. The applicant's proposal does not include any proofs regarding prior approvals or other established legal rights by which the pork store use may be conducted at Lot 15, nor has any use variance or site plan approval been requested for expansion of the pork store improvements or operations. Accordingly, the Board's jurisdiction and review of the applicant's current proposal is strictly limited to the requested subdivision and bulk variance approvals. Any future proposed expansion or increase of the pork store operations,

not participate in the hearing. Board members Marjorie Sperry and Alison O'Boyle did not participate in the hearing because Ms. Sperry's son (Ms. O'Boyle's brother) Bryan Sperry owns property that is near the subject property but not included in the assessor's 200-foot list. Board member James Freels, who owns property within 200 feet of the subject property as indicated on the assessor's list, did not attend the Board's October 10, 2023 meeting.

or any proposed development, use, expansion, or extension of the pork store or its related structures, improvements, or operations onto any portion of the land that currently comprises Lot 1, is prohibited unless and until the applicant (or any present or future owner or operator of the pork store) obtains all required permits and approvals, including but not limited to any applicable nonconforming use determination, use and bulk variances, and site plan approval for such expanded, extended or increased development or use.

5. The applicant has requested the following “bulk” variance relief pursuant to *N.J.S.A. 40:55D-70.c.* to allow the continuation of the masonry building’s existing noncompliant yard setbacks at Lot 15:
 - a. Front Yard Setback (50 feet min. required; 38.6 feet existing/proposed); and
 - b. Side Yard Setback (50 feet min. required; 32.29 feet existing/proposed).
6. The applicant has also requested “bulk” variance relief pursuant to *N.J.S.A. 40:55D-70.c.* to eliminate Lot 1’s currently conforming southern width/frontage along Route 49, and to allow proposed remainder Lot 1 to have only 34.96 feet of width/frontage along Lake Avenue, where a minimum lot width/frontage of 300 feet is required.
7. Andrew Hogg, P.E., the Planning Board Engineer, testified that he had no comments or concerns beyond those presented in his October 5, 2023 technical review letter except to request an explanation as to why the applicant is proposing to eliminate all of the 716.82 feet of Route 49 frontage from proposed remainder Lot 1 rather than retaining some extent of frontage along Route 49. The applicant’s representatives explained that Quinton Baptist Church wanted to retain the portion of Lot 1 as depicted because the new lot boundary would align with an existing wooded area that creates a natural barrier between the two proposed reconfigured lots. Gregory J. Simonds, P.E., the applicant’s professional engineer, testified that the 34.96-foot width/frontage along Lake Avenue could probably be developed with a sufficient vehicular driveway to serve a single-family dwelling on proposed remainder Lot 1 (although no such development is proposed as part of this application).
8. When questioned by the Planning Board Solicitor, Michael L. Beiler, a member of the applicant limited liability company, testified that the masonry building at Lot 15 is in good condition and that demolishing or otherwise removing the building to conform with the applicable 50-foot front and side yard setbacks would constitute undue hardship.
9. The Planning Board Engineer expressed no technical concerns about approving the application subject to the conditions set forth below.
10. Two interested persons (Larry Winkels and Barbara Henderson) asked questions about the subdivision during the public portion of the hearing which were answered satisfactorily by the applicant’s representatives.
11. With regard to the continuation of the existing building setbacks on proposed enlarged Lot 15, the Board finds that, due to the extraordinary and exceptional situation uniquely affecting the existing

masonry building on Lot 15, which is in good condition but located too close to the front and side boundaries of that lot, the strict application of applicable minimum front and side yard setback requirements would, in this instance, result in peculiar and exceptional practical difficulties to, and undue hardship upon the applicant if the applicant were required to demolish or otherwise relocate the building into conformity, and therefore the Board finds it appropriate to grant the requested bulk variances from the applicable front and side yard setback requirements to relieve these difficulties and hardships. Based on the application materials, including the street-side photo of the building that was provided by the applicant as part of Exhibit 2, and the Board members' personal knowledge of the property, the Board further finds that, if the pork store continues to operate in the same manner without any change or expansion, the requested bulk variances for front and side yard setbacks 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, subject to the conditions set forth below, that the applicant has satisfied both the "positive criteria" and the "negative criteria" for the requested setback variances as required by *N.J.S.A. 40:55D-70.c.(1)*.

12. With regard to the elimination of the Route 49 frontage of proposed remainder Lot 1, and allowance of only the remaining noncompliant 34.96-foot frontage on Lake Avenue, the Board finds that, because the applicant's overall lot reconfiguration proposal will bring undersized Lot 15 into conformity with the P-BR zoning district's minimum lot area requirements, the applicant's overall proposal will advance the purposes of the Quinton Township master plan and zoning ordinance. The Board is satisfied that the benefits of allowing the enlargement of Lot 15 as proposed will substantially outweigh any resulting detriment because the Lake Avenue frontage is sufficient for ongoing use of remainder Lot 1 in its currently undeveloped state for agricultural purposes (as permitted in the P-BR zoning district), and that the Lake Avenue frontage is probably sufficient for development of remainder Lot 1 as the site of a single-family dwelling, which is a permitted use in the P-BR zoning district. The Board further finds that, for all of the above reasons, the requested bulk variance for lot width/frontage 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. Accordingly, and subject to the conditions set forth below, the Board concludes that the applicant has satisfied both the "positive criteria" and the "negative criteria" for the requested bulk variance for lot width/frontage as required by *N.J.S.A. 40:55D-70.c.(2)*.

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 applicant's subdivision plan 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. 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, and 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, 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 three (3) deeds that will effectuate the subdivision (i.e., descriptions for the portion of Lot 1 to be combined with Lot 15; for enlarged Lot 15; and for reduced-in-size remainder Lot 1), 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 three (3) 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 October 10, 2023 regular meeting, as memorialized on November 14, 2023 by Resolution [insert resolution number]." This language must be followed by signature lines for John Allen, Planning Board Chairperson, and Melissa N. Thom, 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. This approval is strictly limited to the applicant's requested minor subdivision, and the bulk variances that are necessary to accomplish it. No expansion, increase, extension, change, or further development of the pork store or its related structures, improvements, or operations may occur on the area comprising current or enlarged Lot 15 unless and until the applicant (or any present or future owner or operator of the pork store) obtains all required permits and approvals, including but not limited to any applicable nonconforming use determination, use and bulk variances, and site plan approval for any such expansion, increase, extension, change, or further development or use.
- K. This approval does not permit or grant variances for any development or use of remainder Lot 1 other than its current agricultural use as undeveloped farmland. No other use or development of

remainder Lot 1 may occur unless and until all required permits and approvals have been obtained, including variance approval for driveway access to and from any such proposed use or development via the 34.96-foot Lake Avenue frontage.

- L. The Planning Board Secretary shall mail a copy of this resolution to the applicant within ten (10) days following the date of its adoption.
- M. 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 November 14, 2023, the Quinton Township Planning Board adopted Resolution [insert resolution number] to memorialize its October 10, 2023 grant of minor subdivision and variance approval to L.B. Real Estate Holdings, LLC, to reconfigure two lots designated as Block 33, Lots 1 and 15 on the municipal tax map to reduce the size of Lot 1 and enlarge Lot 15, and to allow a noncompliant lot width/frontage of remainder Lot 1 along Lake Avenue, and the continuation of noncompliant front and side yard setbacks for the existing building on enlarged Lot 15. 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.

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 **November 14, 2023** to memorialize action taken on **October 10, 2023**.

Attest:


Melissa N. Thom, Secretary
Quinton Township Planning Board


John Allen, Chairperson
Quinton Township Planning Board