

**QUINTON TOWNSHIP PLANNING BOARD**

**RESOLUTION NO.: 2024- 11**

**APPLICATION NO.: 2023-05**

**JARED P. TURNER**

**BULK VARIANCES**

**(Construct new pole barn for residential accessory storage; maintain existing storage shed within rear yard setback area; remove existing storage shed from the applicant's adjoining commonly-owned Lot 4.02)**

**Re: Block 55, Lot 4.01  
(417 Harmersville-Pecks Corner Road – Salem County Route 667)**

WHEREAS, an application was made to the Quinton Township Planning Board by JARED P. TURNER whose address is 417 Harmersville-Pecks Corner Road, Salem, New Jersey 08079, for bulk variance approval to construct a proposed 30' by 40' pole barn for residential accessory storage, and to maintain an existing storage shed within the rear yard setback area at the applicant's above-referenced property designated as Lot 4.01, as depicted, described, and otherwise represented in the following documents:

- Planning Board application, checklists, and supporting documents filed with correspondence from Adam I. Telsey, Esq., dated December 11, 2023, requesting variances for construction of a proposed new pole barn, and supplemental correspondence from Mr. Telsey dated December 27, 2023 confirming the applicant's intention to remove an existing storage shed from the applicant's adjoining commonly-owned and otherwise vacant Lot 4.02, and requesting further bulk variance relief to allow a frame shed to remain on Lot 4.01 despite its noncompliant proximity to a rear lot line; and
- Survey of Quinton Township Block 55, Lots 4.01 and 4.02, prepared by Steven R. Kelly, P.L.S., Lic. No. 22714, dated November 12, 2023, and marked by the applicant to depict the location and dimensions of the proposed pole barn,

all of which are hereby incorporated by reference herein; and

WHEREAS, due to the last-minute storm-related cancellation of the Board's January meeting, and miscommunications regarding the agenda for the Board's February meeting, the Board did not certify the application complete or incomplete within the 45-day deadline specified in *N.J.S.A. 40:55D-10.3*, thus causing the application to be "deemed" complete as of February 12, 2024, by operation of that statute, thereby establishing the date of June 11, 2024, as the 120-day deadline for decision of the application pursuant to *N.J.S.A. 40:55D-73*; and

WHEREAS, the application was scheduled for hearing at the Board's March 12, 2024

meeting for 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, the Board conducted a public hearing on the application at its March 12, 2024, meeting at which the Board heard testimony and representations from the following persons:

Jared P. Turner (the applicant);

David A. Avedissian, Esq. (the applicant's attorney, substituting for Mr. Telsey);

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

1. The applicant owns and resides at property designated as Tax Map Block 55, Lot 4.01, which consists of 0.91 acre of land improved with a one-story frame dwelling, a frame shed, and a stone driveway. According to assessment records, the house at the property was built in 1976.
2. The applicant also owns adjoining property designated as Tax Map Block 55, Lot 4.02, which consists of 0.79 acre of land that is undeveloped and vacant except for a small frame shed depicted on the applicant's marked survey.
3. The applicant acquired both lots by deed dated September 13, 2023, and now proposes to construct a 30' by 40' pole barn on Lot 4.01 as depicted on the applicant's marked survey for residential accessory storage, including storage of the applicant's personally-owned (non-commercial) vehicles.
4. The applicant described Lot 4.02 as low-lying, undevelopable woodland, on which the applicant has no intention to build, but which he wishes to maintain as a separate lot rather than causing it to be formally "merged" or combined by deed with Lot 4.01.
5. The applicant and his attorneys have acknowledged that a small frame shed located on Lot 4.02 violates applicable zoning requirements because it constitutes either an illegal principal structure/use on that lot, or an illegal "off-site" accessory structure/use that is

not located on Lot 4.01 with the principal structure/use it serves, and therefore the applicant and his attorneys have confirmed that, as a condition of any approval of the requested variances for construction of the proposed new pole barn, the applicant would remove the small frame shed from Lot 4.02 by causing it to be lawfully demolished or moved to a conforming location on Lot 4.01 prior to issuance of any zoning or construction permit for the new pole barn.

6. The applicant confirmed that the new pole barn would be used only for residential accessory storage, and not for any business or commercial purpose.
7. The applicant's lots are located in a P-BR zoning district, in which, pursuant to Code § 170-24, residential principal and accessory structures and uses are permitted by right on parcels having a minimum lot area of three (3) acres, or on parcels having a minimum lot area of one (1) acre if developed for residential use prior to June 19, 2007. Although Lot 4.01 was developed for residential use prior to the aforesaid "grandfathering" date, it does not meet the one-acre minimum requirement. Moreover, if Lot 4.01 were formally combined with adjoining Lot 4.02, such action would constitute a change that would render the "grandfathering" provisions inapplicable, and the enlarged combined lot would fail to meet the three-acre minimum lot size that is required for any further development. Accordingly, the applicant has requested the following "bulk" variance relief pursuant to *N.J.S.A. 40:55D-70.c.* to construct the proposed pole barn on Lot 4.01, and to keep the on-site shed in its current location, without formally merging or combining Lots 4.01 and 4.02:
  - a. Lot Area (3 acres min. required; 0.91 acre existing/proposed);
  - b. Lot Width/Frontage (300 feet min. required; 150.02 feet existing/proposed);
  - c. Lot Depth (300 feet min. required; 189.6 feet existing/proposed);
  - d. Rear Yard Setback for new pole barn (50 feet min. required; 30 feet proposed); and
  - e. Rear Yard Setback for existing frame shed (50 feet min. required; 3.96 feet existing/proposed).
8. The Board's Professional Planner and Engineer issued a review letter dated March 5, 2024, outlining the variance relief that would be required to approve the application, and explaining the appropriate analysis for review. At the hearing the Board's Planner opined that the proposed location for the new pole barn, specifically its proximity to the existing house and driveway, and its distance from the public road, is appropriate in the context of the existing size and configuration of Lot 4.01. The Board's Planner and Engineer expressed no objections to approving the application as proposed.
9. No interested persons appeared with respect to the application.

10. Based on the application materials, and the evidence and testimony presented, the Board finds that the existing noncompliant lot area, width/frontage, and depth of Lot 4.01 is adequate for the applicant's proposed pole barn, and that to require the applicant to formally combine Lot 4.01 with Lot 4.02 would neither bring the lot into full conformity with applicable zoning requirements nor improve the suitability of the overall premises for the proposed pole barn. Further, to require the applicant to expend the time and money that would be necessary to attempt to purchase and subdivide one or more portions of other 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 attempt to construct the new pole barn in a conforming location within applicable yard setbacks, even if possible, or to remove or relocate the existing small shed into conformity with the rear yard setbacks, would also constitute an undue hardship, particularly considering the appropriateness of the locations of both of these structures with respect to their proximity to the dwelling at the property and the public road, and the property's wooded, well-screened surroundings. No adjoining owner or other interested person appeared at the application hearing to express any concerns about the existing or proposed conditions for which variance relief has been requested. 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 area, width/frontage, depth, and rear 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, considering these and all 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.

11. Based on the application materials, evidence and testimony, the Board also finds that Lot 4.01 is currently appropriately developed and used as a residential dwelling site; that the proposed pole barn and existing shed in their respective locations will enhance the utility of Lot 4.01 for residential purposes; and that granting the requested variances will therefore advance the purposes of the Quinton Township master plan and zoning ordinance. The Board is satisfied that the benefits of granting the requested variances to accomplish these purposes will substantially outweigh any resulting detriment. Accordingly, for all of the above reasons, 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 variances as required by *N.J.S.A. 40:55D-70.c.(2)*.

12. 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 Board members.

**NOW, THEREFORE, BE IT RESOLVED**, by the Quinton Township Planning Board that, for the reasons set forth above, the applicant's requested bulk variances are hereby granted for construction of the applicant's proposed pole barn as a residential accessory storage structure, and to keep the existing small shed on Lot 4.01 in its current location, 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 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 by him or 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 remove the small frame shed from Lot 4.02 by causing it to be lawfully demolished, or by causing it to be moved to a conforming location on Lot 4.01 in compliance with all applicable accessory structure yard setback requirements, prior to issuance of any zoning or construction permit for the proposed new pole barn.
- D. No municipal zoning permit or Uniform Construction Code construction permits may be issued for the property until the Zoning Officer has inspected Lots 4.01 and 4.02 and confirmed in writing that the existing frame shed on Lot 4.02 has been lawfully demolished, or else moved to a conforming location on Lot 4.01 in compliance with all applicable accessory structure yard setback requirements.
- E. The applicant must obtain any required demolition permits if the applicant proposes to demolish, rather than relocate, the frame shed that is currently located on Lot 4.02. No land disturbance, site work, or other development activity may commence at Lot 4.01 until the applicant has obtained a zoning permit from the Quinton Township Zoning Officer, and all applicable building and construction permits from the Quinton Township Construction Official.
- F. Lot 4.01 may be occupied and used only for residential and residential accessory purposes. Lot 4.02 must remain vacant and undeveloped except for any use or development that may be permitted by the Quinton Township Land Use Ordinance or for which variance relief is requested and obtained.
- G. 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, if applicable

3. Salem County Board of Health, if applicable
  4. Any other as may be necessary
- H. The Planning Board Secretary is hereby directed to mail a copy of this resolution to the applicant's attorney Adam I. Telsey, Esq., within ten (10) days following the date of its adoption.
- I. 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.
- J. 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:

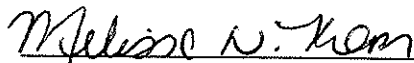
## QUINTON TOWNSHIP PLANNING BOARD

### NOTICE OF DECISION

TAKE NOTICE that on April 9, 2024, the Quinton Township Planning Board adopted Resolution 2024-11 to memorialize its March 12, 2024, grant of bulk variances from minimum requirements for lot size, width, depth, and rear yard setbacks to Jared P. Turner to construct a new pole barn for residential accessory storage, and to maintain an existing frame storage shed in its current location within the rear yard setback area, at property located at 417 Harmersville-Pecks Corner Road (Salem County Route 667), designated as Quinton Township Block 55, Lot 4.01. 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 April 9, 2024 to memorialize action taken on March 12, 2024.

Attest:

  
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Melissa N. Thom, Secretary  
Quinton Township Planning Board

  
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John Allen, Chairperson  
Quinton Township Planning Board