

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2017-12

**APPROVAL OF THE
QUINTON SPORTSMEN'S CLUB
APPLICATION FOR CONDITIONAL USE APPROVAL
AND WAIVER OF SITE PLAN REVIEW**

RE: BLOCK 55, LOT 87 (346 Jericho Road)

WHEREAS, an application was made to the Quinton Township Planning Board ("Board") by QUINTON SPORTSMEN'S CLUB ("applicant"), whose mailing address is 346 Jericho Road, Salem, New Jersey 08079, for conditional use approval and waiver of site plan review to construct six (6) pole barns over the next ten (10) years for storage in connection with the applicant's social club that is currently being operated at the applicant's property located at 346 Jericho Road in Quinton Township, designated as tax map Block 55, Lot 87 (the "property"), and more particularly depicted on the single-sheet plan entitled "Plot Plan for Quinton Sportsmen's Club" prepared by James A. Clancy, P.E. & P.L.S., New Jersey License No. 33998, of Land Engineering, L.L.C., 84 East Grant Street, Suite 1, Woodstown, New Jersey 08098, dated July 21, 2017, which plan was filed with the application and is hereby incorporated by reference herein; and

WHEREAS, Lawrence M. DiVietro, Jr., the Board's Professional Planner, and Andrew Hogg, P.E., the Board's Professional Engineer, issued a completeness and technical review letter dated September 1, 2017, in which they set forth the background of the application, the nature and extent of approvals requested, and their recommendations as to same; and

WHEREAS, the Board determined that it has jurisdiction to hear the application¹, and that same is complete and in conformity with the Quinton Township Land Use Ordinance and the Municipal Land Use Law except for any matters that must be resolved as conditions of approval; and

¹ Review of the applicant's notice proofs just prior to the hearing disclosed that the zip code used for the mailed notice to Verizon was one digit off from the zip code specified in the Tax Assessor's list for the application, and also that no green return receipt card for that mailing had been received by the applicant's attorney or submitted to the Board for that mailing. The address on the mailing was correct in all other respects. In response to these discoveries, the applicant's attorney represented on the record that U.S. Postal Service had corrected the zip code on the Verizon mailing to reflect Verizon's current zip code for the specified address. The applicant's attorney also agreed to indemnify and represent the board should there be a jurisdictional challenge based on the incorrect or corrected zip code. Based on the foregoing, and after consulting with the Substitute Planning Board Solicitor, the Board determined that Verizon's zip code may have changed since the time Verizon originally registered its address with the Tax Assessor, and that the USPS has authority to correct incorrect zip codes on mailings when necessary. Accordingly, the Board concluded that that the zip code discrepancy in this instance did not invalidate the applicant's notice or otherwise undermine the Board's jurisdiction to hear the application.

WHEREAS, at its September 12, 2017, meeting, the Board heard testimony and representations from Kris Alexander (the applicant's manager) and Adam I. Telsey, Esq. (the applicant's attorney); discussed the application with the Board's Professional Planner, Professional Engineer, and Substitute Solicitor (Joan Sorbello Adams, Esq.); and provided an opportunity for interested persons to make statements or ask questions about the application; and

WHEREAS, the Board made the following findings and conclusions based upon its review and consideration of the application materials, correspondence, testimony and representations:

1. The property consists of 122.8 acres of land located on the northeast side of Jericho Road. The property is currently the site of a social club and used by its members for hunting and target shooting. The property is currently improved with a clubhouse, paved driveway and parking area, and various barns and shooting ranges, all of which are used in connection with the applicant's social club activities. As depicted on the applicant's plan, much of the property is heavily wooded and set back nearly 1,000 feet from Jericho Road.
2. The applicant seeks approval to construct six (6) pole barns at the property. Three of the pole barns are proposed to be 32 x 60 s.f., and the other three are proposed to be 22 x 30 s.f. The applicant's manager, Kris Alexander, testified consistent with the application materials as follows:
 - a. The pole barns would be used to store targets, shooting range equipment, and property maintenance equipment that are used in connection with the applicant's social club activities.
 - b. The pole barns would remain locked at all times and would only be accessed by the applicant's board members and employees when necessary, and not by the general membership.
 - c. The pole barns would be accessed only during daylight hours.
 - d. The pole barns are proposed to be located in relatively out-of-the way, low-traffic areas of the property, and therefore would not interfere with any existing structures or uses at the property.
 - e. No new lighting, driveways, or other improvements are proposed in connection with the pole barns, nor are any needed.
 - f. The pole barns are not intended to be used for ammunition storage, as the applicant does not store ammunition anywhere on the property.
3. Social clubs are conditionally permitted in Quinton Township's P-BR zoning district in which the property is located, subject to the following requirements of Quinton Code § 170-23.B.(4):

- a. The location of access driveways, landscaping and site plan design shall be compatible with the neighborhood in which [the social club] is to be located;
 - b. No building or part [of the social club] or any parking or loading area shall be located nearer than 50 feet to any street line or lot line;
 - c. The minimum lot area shall be two acres;
 - d. The project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located;
 - e. Undue traffic congestion on streets providing access to the project is not created; and
 - f. Adequate landscaping or screening from adjacent residential lots along each side and rear lot line in accordance with standards established herein and in Part 3, Site Plans, is provided.
4. The applicant proposes no site improvements other than the six (6) pole barns as shown on the plan and accordingly has requested a waiver of site plan review pursuant to Quinton Land Use Ordinance § 170-72.
 5. The Board's Professional Planner testified, consistent with the above referenced September 1, 2017, letter, that the applicant's current and proposed use meet all social club conditions of Ordinance § 170-23.B.(4) with the possible exception of landscaping. The applicant testified that all of the existing buildings at the property, and the designated locations of the six proposed pole barns, are situated internally within the property and not visible from any lot line, and that the existing trees and other vegetation at the property serve as a naturally occurring buffer or screen that accomplishes the objectives of the ordinance. The Board's Professional Planner expressed no concerns about this explanation of compliance and the Board concluded that the conditional use condition requiring "adequate landscaping or screening" is, in fact, satisfied by the natural vegetation at the property.
 6. Based on the application materials and the applicant's representations at the hearing, the Board's Professional Planner concluded that the additional impervious coverage resulting from construction of the proposed pole barns would not create any flooding or other stormwater management problems; that the pole barns would have no negative impact on environmentally sensitive areas of the property; that no improvements are being proposed for the public health and safety, so performance and maintenance guarantees are not necessary; and that the pole barns would not be served by water or septic systems, and therefore would not be subject to review or approval by the Salem County Board of Health.

7. Ms. Alexander explained that the applicant seeks approval for all six (6) of the proposed pole barns now in anticipation of future needs, but wishes to construct the pole barns over a ten (10) year period for financial reasons, that is, so that the applicant can accumulate and save enough money for each proposed pole barn before initiating its construction. The applicant's attorney acknowledged on the record that the applicant agrees to the Planning Board Solicitor's proposed conditions as set forth below which include a post-approval zoning permit process that would allow construction of the pole barns, as currently proposed, over the desired ten-year period. The Board determined that the zoning permit conditions set forth below are necessary and appropriate because conditional use and site plan waiver approvals have no statutory periods of protection or expiration, and because there are no proposed site improvements that would require performance or maintenance guarantees, or Township Engineer inspections.
8. No member of the public appeared with respect to the application.
9. 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 concluded that the applicant's current social club use of the property and the structures upon it conform with the conditions of Quinton Code § 170-23.B.(4), and such conformance will not be altered by the construction of the six (6) proposed pole barns. The Board also concluded that the application, plan, and testimonial representations satisfy the purposes of site plan review as set forth in Ordinance § 170-67; that the literal enforcement of site plan review requirements would, in the circumstances of this application, impose undue hardship upon the applicant; and that it is therefore appropriate to waive site plan review pursuant to Ordinance § 170-72.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board that, for the reasons set forth above, the applicant's conditional use and site plan waiver application to construct six (6) pole barns at the property over the next ten (10) years for use in connection with the applicant's social club, as depicted and described in the applicant's plans and other application materials, is hereby granted subject to the following conditions:

- A. As long as no changes are made to the social club use or structures at the applicant's property requiring Planning Board approval, the applicant may construct any one or more of the proposed six (6) pole barns as depicted on the approved plan at any time during a period of ten (10) years following the date of this resolution, provided that:
 1. The applicant must apply for and obtain a zoning permit from the Quinton Township Zoning Officer for each pole barn no more than ninety (90) days prior to its construction.
 2. The Zoning Officer may not issue any such zoning permit unless the Zoning Officer first obtains written confirmation from the Planning Board Solicitor confirming that the conditional use requirements for the applicant's social club as currently set forth in Ordinance § 170-23.B.(4) (and as incorporated into paragraph 3., of the Board's findings and conclusions, above) have not changed as of the time of the zoning permit

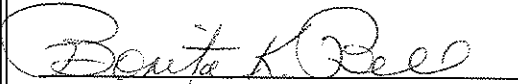
application.

3. If any application is made to the Planning Board during the aforesaid 10-year period for further land development or use approval relating to the applicant's property, or if any changes are made to the use or structures at the applicant's property during that time which require Planning Board approval, then any of the currently proposed pole barns that have not been built but are still being proposed for construction must be reconsidered, and if appropriate, re-approved by the Planning Board as part of such further land use or development approval.
 4. If the Planning Board Solicitor determines in response to a zoning permit request that the conditional use requirements for social clubs applicable to the applicant's property have changed since the date of this resolution, the pole barn(s) subject to the zoning permit request, and any other un-built pole barns that are still being proposed for construction, must be submitted for approval by the Planning Board in a new application prior to any construction.
 5. Any change to the proposed size, orientation, or location of a pole barn from what is depicted on the approved plan must also be submitted for approval by the Planning Board in a new application prior to any construction.
- B. 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. Prior to issuance of any zoning permit pursuant to **conditions E. and F.**, below, the applicant must accomplish replenishment of any outstanding fees or review escrow amounts.
- C. 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.
- D. No land disturbance, site work, or other development activity relating to the construction of any one of the proposed pole barns may occur until a zoning permit and all applicable construction permits have been issued for construction of the pole barn in question.
- E. A zoning permit must be applied for and obtained from the Quinton Township Zoning Officer no more than ninety (90) days prior to construction of any one of the proposed pole barns. The Zoning Officer must review and ensure compliance with all requirements of **condition A., subparts 1 through 5**, above, and all conditions referenced in **condition F.**, below (including payment of any required fees and escrow requirements), prior to issuance of any zoning permit. If any outside agency claims jurisdiction over installation of any one or more of the proposed pole barns the applicant will have to comply with those agencies and produce proof of approvals prior to issuance of any zoning permit for such pole barn(s), and prior to any land disturbance or development activity relating to construction of such pole barn(s). Each zoning permit must include a written reference to the aforesaid ninety (90) day expiration period.

- F. No zoning permit will be issued for construction of any proposed pole barn until the Zoning Officer has confirmed (1) that the proposed pole barn in question will comply with the size, orientation, and location of the pole barn as depicted on the applicant's approved plan; (2) that no changes have been made to the social club use or structures at the applicant's property requiring Planning Board approval since the date of this resolution; and (3) that all requirements set forth in **conditions A. through E.**, above, have been and continue to be satisfied as of the date of the zoning permit application, including but not limited to written confirmation from the Planning Board Solicitor that the conditional use requirements for the applicant's social club as currently set forth in Ordinance § 170-23.B.(4) (and as incorporated into paragraph 3., of the Board's findings and conclusions, above) have not changed since the date of this resolution.
- G. No construction permit for any one of the proposed pole barns may be issued unless the Quinton Township Zoning Officer has, within ninety (90) days prior to the construction permit application, issued a zoning permit as required by **conditions A. and D. through F.**, above, for construction of the pole barn in question as confirmation that all "local approvals" are in place for such construction as required by *N.J.A.C. 5:23-2.15(f)4.ii.(1)*. The applicant may not state pursuant to *N.J.A.C. 5:23-2.15(a)5.* in any construction permit application for any pole barn that "local prior approvals have been given" unless the Quinton Township Zoning Officer has, within the previous ninety (90) days, issued a zoning permit for construction of the pole barn in question.
- H. No use of any one of the completed proposed pole barns may occur until (a) construction of all aspects of the pole barn has been completed in compliance with all applicable New Jersey Uniform Construction Code specifications as evidenced by a final NJUCC certificate of occupancy or certificate of approval; and (b) all other conditions of this resolution of approval have been and continue to be satisfied.
- I. The property and the structures upon it may only be used for social club as conditionally permitted by Ordinance § 170-23.B.(4) and as depicted on the applicant's approved plan. No additional structures or uses may be constructed or conducted at the property unless first approved by the Planning Board.
- J. Violations of any conditions of this approval may be enforced as zoning violations or in any other manner as may be permitted by law.
- K. This approval will expire on October 10, 2027.

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 October 10, 2017 to memorialize action taken on September 12, 2017.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



Cynthia Sherman, Chairperson
Quinton Township Planning Board