

**CLAYTON PLANNING BOARD
PLANNING BOARD MEETING MINUTES
FEBRUARY 26, 2024**

The regular meeting of the Clayton Planning Board was called to order at 7:00 PM. Invocation was given and we had a Salute to the Flag.

SUNSHINE LAW

The public notice of this meeting pursuant to the Open Public Meeting Act of 1975 has been properly given in the following manner:

- A. Posting written notice on the Official Bulletin Board in the Municipal Building.
- B. Mailing written notice to the South Jersey Times and the Franklinville Sentinel.
- C. Filing written notices with the Clerk of the Borough of Clayton.

ROLL CALL:

Ayes: Abate, Cerone, Culver, Miller, B. Saban, T. Saban, Thomas, Vondran, Wise, DePoe, Wiseburn
Absent: Bianco

APPROVAL OF MINUTES

M/ Thomas, S/ B. Saban - Approve the Minutes of the reorganizaiton meeting of the Clayton Planning Board/Zoning Board held on January 22, 2024.

Ayes: Cerone, Culver, Miller, B. Saban, T. Saban, Thomas, Vondran, Wise, DePoe, Wiseburn
Abstain: Abate

OLD BUSINESS:

None.

NEW BUSINESS:

John Sparacio – 305 W. Clayton Ave., a/k/a Block 316, Lot 12 – Use Variance

Robert MacFeeters, Esquire of Puff, Sierzega & MacFeeters represents the applicant, John Sparacio. He and his client were sworn in by Alexis Smith, Solicitor. This is a use variance application for 305 W. Clayton Avenue which is an existing multi-family property. There currently is zoning approval from a Resolution from 1987 taking it from a single family to a triplex. It was previously renovated by the previous owner to include three units as a triplex. Mr. Sparacio purchased the property in December 2020 and unfortunately discovered that the property only had approval for a duplex not a triplex.

The relief sought tonight is for a use variance to permit the property to exist with three residential units. The property is located in the RB medium/high density residential district. Notice of this hearing was published in the NJ Times on February 13, 2024 and notices on the 200' list and required entities were sent by certified mail. Accordingly the notice has properly been provided and submit that this application is properly before this board's jurisdiction.

John Sparacio advised the board that he currently resides at 512 Moore Blvd., Clayton, NJ. He has resided in Clayton almost ten years. He currently owns property located at 305 W. Clayton Avenue which he purchased in December 2020. The current use of the property is a residential duplex. There is a third unit in the property which currently is not occupied. Upon applying for a Certificate of Occupancy he was advised that the property was approved as a duplex not a triplex. The applicant's understanding was that it was occupied by the previous owner along with units one and two also being occupied. The relief sought tonight is to get board approval to have the property as a three-unit property.

The property is on the corner of Linden and W. Clayton Avenue. It's a large lot with a two and a half story building. The property was built in approximately 1900. It has a large yard and is on the west side of the property. That yard separates the next nearest home. The property also has a large parking lot in the back approximately 50' x 50'. There have never been any issues with parking since he has owned the property. There are exhibits marked as A-2 which are color photos of the individual units.

Mr. Sparacio explained the layout of the property. Unit One – It is the first floor and you can gain entrance by either the front door which goes into the common area of the foyer for both unit one or two or you can access it through the rear in the shared laundry area. The first floor living area is a living room, kitchen, bathroom, and bedroom. Unit Two – You gain access from that same shared front foyer from the front porch. You immediately go upstairs to the second-floor unit. There is a living room, bathroom, eat-in kitchen, and bedroom. The third unit shares part of the second floor. There is an exterior rear stairwell. You enter into a kitchen and dining room on the second floor and then there is a staircase up to the third floor which is the living room and two bedrooms.

Trash is handled through standard town pick up. The trash cans along with the recycling cans are placed out to the curb every week. He doesn't feel the third unit would increase the trash and recycling substantially. The property does have public water and sewer. The landscaping is handled by a contractor on a weekly basis. The property currently has four electric meters; one for each unit and one for the common areas. There are three hot water heaters and three separate gas meters. All of that was done by the previous owner.

In regards to the parking, Exhibit A-3 shows a proposed parking plan. Mr. Roorda had asked that testimony be provided for the parking. That plan will be to utilize the existing parking lot which is approximately 50' x 50'. All five vehicles would park on the back side of the dwelling. A shrub line will also be installed on the rear property line of the property to separate the adjacent property and to help with headlights. He is satisfied with this. They will also be replacing existing shrubs on the Atlantic Ave. side of the property for aesthetic appeal. It will also create a buffer for the vacant lot behind the property. The five parking stalls are approximately 9'x18'.

There is an existing shed in the rear of the property which he is intending on removing. There is some landscaping in front of it that just needs to be spruced up. The trash is

currently stored in front of the shed but could be moved closer to the dwelling. If extra parking is needed, where the existing shed is could be used as short-term parking to alleviate parking out on the street. This would not be permanent parking. There is ample parking there. Exhibit A-4 is a secondary layout. They deferred to the board as to what they prefer for parking. The applicant added that there would be two parking spaces behind the building and three on the west end of the parking lot adjacent to the existing shed. The shed can be removed as well. The applicant, himself, would prefer Exhibit A-3 for the layout.

The neighborhood is a mixed use. There is a commercial railroad that runs across the street by Atlantic Avenue. There is an empty lot behind the property in question. There is a former concrete plant which is now a recycling plant across the street. There is another commercial property across the street as well. The applicant believes the property is well suited to handle that occupancy. It was already set up that way by the previous owner. He believes that having a third unit would be an appropriate use for the development of the property. He feels it is well suited. It was pre-existing before. The property is turn-key. It has its own separate living unit. No exterior modifications need to be made other than landscaping. No changes are proposed to the exterior of the property. The lawn will continue to be a buffer between the next closest property. There will be adequate light.

He believes adding a third unit will be a sufficient use of the land. It was used as a triplex before. He doesn't think it will negatively affect the character of the area by adding a third unit. There is ample parking. It would be consistent with other units in the area. It would not negatively impact the area as there would be no increase in traffic and no increase in street parking. There is no substantial impairment to the intent of the zoning plan. They satisfied most of the positive criteria required and the zoning allows for medium to high density. He believes the positives greatly outweigh the negatives.

Wayne Roorda, Jr., P.E., and P.P. of Bryson & Yates indicated that the applicant applied for a D-1 Use Variance. Mr. Roorda feels it would be a D-2. The proofs between the two are close to the same. They did apply for a D-1 variance and their intent is still to ask for a D-2 variance. Wayne will agree it's a D-1 and Alexis agrees as they spoke before the meeting.

Mr. Roorda referenced Mr. MacFeeter's memorandum which is a summary of the application. Wayne asked that it be part of the record. They do meet the proofs. It is a corner property so there are two front yards. They would have had to been approved previously for some bulk variances. There was a previous Resolution from 1987 and it is not clear if the shed was approved as it's less than five feet from the property line. It's not clear in the Resolution if those bulk variances were granted. He asked Mr. MacFeeters to ask for those bulk variances tonight to keep it clean as they are pre-existing, non-conforming and it will be in the resolution if approved.

In regards to parking, Mr. Roorda is satisfied with either or that was presented tonight and knows that the applicant prefers Exhibit A-3 and five spaces along the rear. He

would like to add that he knows the parking lot is stones and you don't normally mark the stones with parking lines. He suggested using parking concrete or plastic wheel stops to show the parking spaces. If eventually has to be paved, ADA is on the applicant for compliance. The applicant understood that.

Joe Abate asked about the wheel stops for parking he suggested that he mark what apartment they are for (i.e. Apt. #1, #2, etc...) so there are no questions as to who the parking stall is for. Joe asked what the fourth electrical meter was for and the applicant answered for common areas such as outside, the foyer, the shared laundry area, etc... The applicant pays the bill for this. Joe asked if it is 100-amp service as he thinks he read that in the paperwork. He believes it's 200-amp service for the entire property and will look into it. Mr. MacFeeters advised that he doesn't believe that was in his paperwork. It was mentioned in the real estate listing, however, Mr. Sparacio bought it directly from the seller without it being on the market.

Joe asked if the shed has electricity and if he is going to leave it up. It does not have electricity. It is not currently used and he doesn't have a problem taking it down. Joe asked eventually it's going to be who has the right to use the shed. The applicant responded currently it is not used by a tenant and that it would be for his own use but it is currently empty. He said it's likely to go.

Doc Cerone asked about the square footage of the house and it will be big enough to have three units. Mr. Sparacio doesn't think it's going to be a problem. The first and second units are one-bedroom and the one being proposed tonight is two-bedroom. He owns other properties in Clayton that are three units and he has no issues whatsoever. As far as he knows, there was not problem when the property housed three units previously. The last time the property was listed it was listed as three-units. He didn't know there was a problem.

Joe asked about the lighting in the parking lot. Mr. Sparacio advised that currently there is a flood light that was already existing. It's a motion light. They aren't proposing anything else. Wayne added that it's sufficient and less intrusive.

Hope asked about the stairway being the only way to get to the third floor and Mr. Sparacio responded yes. She asked if it's fire safety. He said he would have to verify that. Mr. Sparacio added that if it's approved he would have to go through the DCA process as well.

Sue Miller asked if he said that there is shared space on the second floor. He said no. There is a foyer on the first floor. You can come in off o the front porch where the first unit can go into their unit or the second unit would go up the stairs to their unit. The other common area is the shared laundry in the rear. The third and second are completely separate. The third unit has its own laundry as well.

Rachel Wise added that she thought the third unit had a shared area on the second floor also. Mr. Sparacio indicated it's not shared but that's where the third unit enters the

staircase from outside. It's on the second unit but is not shared. She asked where the bedrooms are for the third unit and he indicated they are on the third floor. The kitchen and dining room for the third unit are on the second floor but separate from the second unit and there is a staircase that leads up to the third unit where the bedrooms and living room are. It is completely separate.

MOTION TO OPEN TO THE PUBLIC

M/ Miller, S/ B. Saban

John Ardecki – 30 N. Atlantic Ave. – He was sworn in by Alexis Smith, Solicitor. He lives next door. He has lived there for over 17 years and there has always been three apartments there. He has never had any issues.

MOTION TO CLOSE TO THE PUBLIC

M/ Miller, S/ B. Saban

Alexis Smith, Solicitor, summarized the application. Scott Wiseburn asked if they are going to have to get approval from the town. Alex Smith responded yes along with outside agency approvals as well such as the DCA.

MOTION TO GRANT USE VARIANCE PERMITTING THREE UNITS (TRIPLEX) AS IT IS CURRENTLY BEING USED AS TWO UNITS (DUPLEX) ALONG WITH BULK VARIANCES AND SITE PLAN WAIVER

M/ B. Saban , S/ Miller

Ayes: Abate, Cerone, Culver, Miller, B. Saban, Thomas, Wise

Clayton Apartments NJ, LLC – 516, 544, 552 S. Delsea Dr. & 257 Novack Dr., a/k/a Block 905, Lots 13, 14, 15, & 29 – Amendment/Revision to an Approved Site Plan

Marsha Moore, Esquire from the firm Post Polak, PA represents the applicant, Clayton Apartments NJ, LLC. This matter came before the board on January 24, 2022 where the previous owner received preliminary and final site plan approval to demolish the dwellings and construct a high-density apartment complex consistent of five separate three story buildings with a total of 112 residential units with approximately over 7,000 sq. ft. in commercial retail space. The reason for tonight's application is for building #5 which is closest to Delsea Dr. in addition to management and common space to the complex's off-street parking.

The previous owner sold the property to my client and they are seeking an amended approval. They are not changing the number of units as they will remain 112. They are still proposing three story five separate buildings. They are approximately 28 one-bedroom units and 82 two-bedroom units and 10 percent will be affordable in accordance with the town's Ordinance.

The reason they are seeking amended approval tonight to remove the commercial retail space from #5 building and construct a tenant amenity multi use recreational athletic

space. They are adding other amenities such as ADA compliant elevators and other improvements that will be discussed tonight. The removal of the commercial and retail space lowers the amount of parking spaces from 260 which was previously proposed to 219 which they are requesting tonight.

She received Mr. Roorda's report and her professionals will address them tonight. The comments from 2022 from the Public Works Director and Fire Chief have been received, and nothing has changed and the applicant will comply. William Gilmore, P.E. is here tonight along with their architect. In regards to the previous design of the building, they previously approval was for a contemporary design and they are changing to a colonial style. Those changes will be discussed. Our traffic engineer is here as well should the board or public have any questions.

Alexis Smith, Solicitor, swore in all of the professionals. William Gilmore, P.E., is certified as an engineer in NJ and has appeared before this board on many occasions. He also was the engineer on the previous approval in 2022. His license is current and the board accepts his credentials.

Mr. Gilmore went over the plan. The main change is the elimination of the commercial retail in building 5 which is adjacent to Delsea Drive. They wish to remove 39 parking spaces. The applicant wants to provide amenities for multi-purpose uses for their tenants. One other change is that the foot print on the building changed to an additional 700 feet. In regards to the storm water management, it will provide more greenery on the one side of the building.

The only access is from Delsea Drive to enter the complex. It is like a P loop and then you would exit the complex. It has a mailbox area inside each unit so there is no remote outside facility where you would have to go and park. In building #5, there will be some additional amenities that will be discussed later. There will also be an area for Fed Ex and Amazon packages to be dropped off so packages won't be sitting outside. They will comply with the appropriate regulations from the Borough. Both trash/recycling will be picked up by a private company in a frequency so that it is kempt. Landscaping and lighting is also proposed. They proposed parking lot lights and service area lights. They will be revising that and working with the architect to provide building lighting, down lighting, and illuminating the pedestrian areas which weren't originally lit. There is an emergency access to Novak. This is only utilized by emergency responders only. The access will have bollards that they are still working out with the fire company. They will be the only ones that will be able to remove them. To everyone else driving by it will look like a lawn area. There is a stone base underneath and a geo grid that holds soil. There will also be some landscaping around the edges. It will be basin fencing. It will only be utilized by emergency personnel and not residents.

They are still proposing the walking trail as well. They are not planning on lighting that, however, if it is the board's pleasure they can. They are not looking to encourage activity behind the buildings.

Ms. Moore asked who is responsible for the maintaining of the property. Mr. Gilmore advised that there is a service agreement which lists items that need to be done such as vacuuming the parking lot. In regards to snow removal, there are certain things that you can and cannot use and it will damage the parking area. Signage is going to be added about snow removal, etc... and what they can use. This goes along with the storm water management basins. There is a manual that goes along with that as well. Most municipalities require that it be submitted to the construction department to document that they are complying. He's not sure if Clayton does. DEP requires it as well.

Ms. Moore also mentioned about the load in space that was mentioned by Mr. Roorda. Mr. Gilmore answered that with the elimination of the commercial and retail space, it was initially proposed that we provide a load-in area to the west side for what was formerly the commercial building with assigned spaces for just the commercial use only. We are losing some parking spaces and we are proposing 223 and 219 spaces are required. He will work with Mr. Roorda for the best location for a parking spot for loading/unloading which they don't expect to have a lot of. Ms. Moore clarified that they are reducing some parking spaces, however, they are not seeking any variances and are still going to comply.

She asked Mr. Gilmore to elaborate on the lighting. The areas on the other side of the buildings which are not lit up by the parking lot lights, he will work with the architect in to provide lighting on the building which will point down so as not to affect the neighbors. They will also be providing some shrubs on the Delsea Drive side and will work with Wayne Roorda regarding this. They will comply with Mr. Roorda's comments and work with him on them.

Joe Abate asked if Ms. Moore was representing the applicant tonight or if there was someone from the applicant there as well. She said she is representing the applicant tonight plus there is someone there from the applicant as well. He asked if they have built any similar apartments around this area before. Alexis Smith, Solicitor, swore the applicant in. Mr. Hazen is the member of the Limited Liability Company. He is the Managing Director of Winchester Properties. Their firm does do multi-family developments primarily in North Jersey. This is their first time working in South Jersey.

Joe added that when this application was first approved there were several variances and waivers that the board gave them to keep this project moving along. The commercial and retail part along Delsea Drive was part of the approval of the application. Last year a request was made to eliminate the commercial and retail from the application. I reviewed this application a few days ago and I noticed that there was a change in the architecture from what we approved previously to what is shown in this application. The architecture was early American matching Clayton and now it's shown as a flat roof dormitory style. There was no DRC meeting about the changes in this project and was just submitted a few days ago.

Ms. Moore responded that his application was submitted at the end of January with the architectural design change which they are seeking to change. The reason will be

discussed in regards to this change. They were told the board approved this change and Mr. Abate doesn't remember it and that he just saw this for the first time. He asked the other board members and they do not recall seeing this either. They said it was presented in this room. Joe asked if it was before this board and they said yes. It actually was presented to Mayor and Council and not the planning board. He added that they need to get approval before planning board and not council.

Joe Abate made a Motion for this matter to be tabled until it gets straightened out. Bill Culver seconded this. Ms. Moore asked if this matter was deemed complete. Joe Abate responded that he didn't ask for the application to be cancelled but to be tabled until it was worked out as he was okay with the architectural design but not the one being proposed tonight. Mr. Hazen indicated that they had met with the neighbors surrounding the area and their feedback was positive in regards to changing the aesthetics. Mr. Abate advised that he wasn't at that meeting and didn't know about this change and that it doesn't fit with Clayton as Clayton is not a contemporary community. The first approval fits with Clayton.

Ms. Moore understands that they are tabling the matter because of the design of the building but wants to know if their application is deemed complete. Bill Gilmore indicated that he doesn't have a problem with the matter being tabled in regards to the design. There is a rule change that will seriously affect this project in regards to the storm water. They would like to be deemed complete and then table the matter and work something out in regards to the design. Joe asked what storm water benefits benefit Clayton which is all he is interested in. Brief discussion took place about this. Alexis spoke briefly about deeming the application complete and it doesn't affect the application itself. It just deems it complete.

Mr. Hazen indicated that when they presented in to Mayor and Council they didn't think there was another procedure that they had to do. He isn't here to complete problems. They want to make sure their tenants are happy. Ms. Moore added that they are willing to meet with the DRC Committee and then come back before the board. She works with this developer and you have their word. The didn't come here to cause problems. Alexis added that some boards work this way where an applicant may just come in at first to be deemed complete or they may also go over the engineer's review letter. Alexis added that they can go through Wayne's letter tonight just the completeness portion not the other pages. Alexis added this is also redevelopment.

Bill Culver asked about the storm water regulations. Mr. Gilmore advised that they until those rules are adopted by council to be deemed complete. Brief discussion took place in regards to the DEP changing the rules. There are already drainage problems on Novack Dr. without this development being there. Joe advised that he was going back to his original suggestion of tabling this matter and had a second motion and have these issues worked out at a DRC meeting which is held monthly. Alexis advised that she wouldn't deem completeness on the storm water regulations but work with the applicant. Wayne added that the board has the obligation to deem the application either complete or incomplete within 45 days of submission so they are not out of line for asking for that.

The hairsplitting is going to come into effect about the old storm water rules and the new storm water rules. This application was approved for preliminary and final approval a couple of years ago subject to the approval at that time. They are coming in now for an amendment so there may be a technicality and if they don't receive a preliminary and/or final approval they may be subject to the new rules if this matter is tabled tonight. Completeness has no impact if the rules or applied. He's not sure if they can ask if they be grandfathered in since they originally did receive preliminary and final approval a couple of years ago. Alexis added that usually the regulations when the applicant applied which was January is what is applicable. She's not sure if that applies to storm water regulations. The general rule is the rules that apply are the rules that were in place when they applied. It wouldn't be the new rules since the new Ordinance wasn't adopted or in place when they applied.

Mr. Hazen added that they do not have an issue with revisiting the architectural design on the previous approval as they are not married to the new design. They are not here tonight to cause issues with the community. They want to work with the community. If they want them to go back to the retail they can, they aren't married to this new design. They weren't trying to force them into accept this new design. He apologized and Joe accepted. Joe still wants to do a DRC meeting and iron everything out before they come to the board. Mr. Gilmore indicated that some changes were made and they removed the retail. Joe advised that they removed the retail the board did not suggest this. Joe added they will take the retail back and the old design and iron everything out at the DRC and then they can go before the board. Alex Smith added that the redevelopment plan was amended to remove the retail. Brief discussion took place between Darlene Vondran and Joe Abate regarding the aesthetics of the building.

Alexis proposed that Wayne just go through the completeness items in his letter. There are about 12 items. Alexis asked the board if they are deeming the application complete tonight yes or no. Then the time frame starts to run. Then they can come before the DRC and then back to the board. Ms. Moore advised that she will grant an extension of time and put it on her letterhead. Barb Saban indicated that she thinks it would be fair to do the application tonight since they are spending their time doing that tonight and then maybe we can just get it done.

The applicant advised that they will rework the design plan and go before the DRC but would like to have this matter heard tonight for completeness. Barb asked why it was changed so drastically. As a developer, this is the type of product that people want right now. If it's not what the board wants, we are not going to force it down your throat.

Mr. Gilmore suggested since much isn't changing just the commercial and retail being taken out and adding the amenities is it possible to get completeness and preliminary tonight with the condition of changing it back to what was previously approved or go to DRC and work something out and then come back to the board. Alexis added if they are willing to do preliminary also with completeness you can. Then go to DRC and back to the board for final. Brief discussion took place.

Bill Gilmore also added that they are removing some basins and the retaining walls along the side adding more green space to the back for the residents and adding more porous paving. Tony Saban asked Mr. Gilmore if he thinks that adding the porous paving will make up for the loss of those basins and he said yes. Tony added that back on Novack they swim when it rains. The porous paving is made deeper. Mr. Gilmore added that everything has to meet Mr. Roorda's approval or they can't move forward.

MOTION WITHDRAWN TO TABLE THE APPLICATION

M/ Abate, S/ T. Saban

Wayne Roorda, Jr., PE, PP, went over his letter dated February 22, 2024. In regards to completeness, he believes they will comply with the exception of items 33 and 36. Testimony was given. Wayne spoke about this in detail. Mr. Roorda has no objections to the waivers for items 33 and 36 and they did attest that they will comply to everything else in regards to completeness.

In regards to depiction of stop signs at intersections, Wayne wanted to point out that there is no delineated stop control. He thinks Mr. Gilmore will agree that they can work together to figure out what is best for the circulation. Mr. Gilmore agreed.

The letter is split up into three sections in terms of our previous engineer letter from two years ago, our previous planning letter, and Mr. Roorda's comments combined for engineering and planning regarding the changes to the application.

In regards to the planning review, they are not changing anything to the overall application. They are eliminating the retail, therefore, they are lessening the impact in terms of noise, light pollution. Due to the elimination of the retail they are looking to either stay the same or be less. They agree to that.

The fire department should receive a copy of the new layout. He doesn't think they wouldn't agree to it since there isn't a substantial change to it.

Wayne added that Mr. Gilmore advised that they would provide a parking spot for deliveries (mail, Amazon, UPS, Fed Ex). He strongly recommends that they have that spot even if they don't use it. You have people coming in that main drag off of Delsea Drive and if a delivery truck is parked there it could cause some issues since there is only one way in and out. The parking spot should also have a sign that says UPS/Fed Ex parking. Mr. Gilmore agrees to this.

Scott Wiseburn also asked about deliveries such as pizza delivery/uber, etc... Mr. Gilmore added that they would have to come in the development and will probably just stop and drop the food off.

Wayne asked that they clarify on their plans what is open space areas. The applicant indicated that they will comply with the affordable housing requirements. Ms. Moore added yes it will be 10% of the units.

Wayne asked Mr. Gilmore if they will be complying with everything in the engineering review letter from January 19, 2022. He agreed. It was confirming that mailboxes will be inside the building and not exterior. The applicant was asked to highlight the plan. They will comply and will work out landscaping with Wayne.

Wayne asked if they have submitted water/sewer applications. Mr. Gilmore answered that they did under the prior one. He has also been in touch with Mark Brunermer who will be looking at it. Wayne also asked about DEP approvals. Mr. Gilmore responded that they are very close to be completed.

Mr. Roorda touched based on his general comments. The applicant/owner will be responsible for the parking lot. They are not looking to make the Borough of Clayton responsible. They agree.

Wayne asked Bill Gilmore if he has any objections to the general comments in his letter. He said no and believes they will be complying with all of the comments. In regards to the multi-use court, what is going to be provided. It's being shown as a basketball court. At this time, they are not proposing any fencing around it but will be graded for ADA accessibility. They will have some benches and trash receptacles around it.

Pursuant to traffic, they will need a circulation plan and they agreed to provide it. In regard to the Trip Generation, Wayne thinks with the elimination of the retail it will actually be less. The space that remains will actually be for tenant amenities. Brief discussion took place about the ADA ramps and that they be added to the plan. Mr. Gilmore indicated they will probably be flush.

In regards to stormwater management, the elements are there in regards to compliance. Brief discussion took place. Mr. Gilmore will need to revise his calculations. In regards to water and sewer, they are obligated to submit Form A and Form B again. It will be owned and operated by the owner.

Wayne asked that landscaping be shown on the plan. There is a conflict with Basin A-1. He asked that Mr. Gilmore take a look at it.

Wayne added that the applicant is looking for preliminary approval and deemed complete. They should then go to DRC and work out some items and then back to the board for final approval.

Joe Abate asked if the basins going in will retain water. Mr. Gilmore answered yes and it will mimic what happens now. It keeps the system working and it is described in the maintenance manual which they are required to submit to the Construction Office to make sure they are complying. It's to their benefit to have that done as it is expensive to replace the system. By law, they have to drain within 72 hours and they are quicker than that.

Bill Culver asked about the lot that was purchased on Novack Drive. How soon are you going to do something with that? The applicant responded that they are in the midst of demolishing it. Joe also asked if they are going to work out with the fire company what kind of bollards they are going to have. Mr. Gilmore added yes, they are working it out with them.

Doc Cerone asked if there is a picnic area there. Mr. Gilmore showed him on the plan where it is. This was all approved before just the size changed. Wayne spoke briefly again about the storm water calculations.

MOTION TO OPEN TO THE PUBLIC

M/ Vondran, S/ Miller

Ayes: Unanimous

MOTION TO CLOSE TO THE PUBLIC

M/ Vondran, S/ Wise

Joe Abate told Ms. Moore to see the board secretary for the next DRC meeting date. The secretary advised that is March 20th.

MOTION TO DEEM THE APPLICATION COMPLETE AND GRANT PRELIMINARY SITE PLAN APPROVAL AND GOING TO THE DRC AND BACK TO THE BOARD FOR FINAL APPROVAL

M/Vondran, S/ Thomas

Ayes: Abate, Cerone, Culver, Miller, B. Saban, T. Saban, Thomas, Vondran, Wise

MOTION TO OPEN TO THE PUBLIC

M/ Vondran, S/ Miller

MOTION TO CLOSE TO THE PUBLIC

M/ Vondran, S/ Miller

CORRESPONDENCE:

None.

DISCUSSION:

Resolution #60-24 – Referring Certain Matters to the Clayton Planning Board for Review and Recommendations Pursuant to NJSA 40:55D-26 (attached Ord. #4-2024 Amending Chapter 88, Storm Water Control, Article XII, Repealing Sections 85-95 to 88-105.3 and Adopting New Sections 88-95 to 88-104 of the Code Book of Clayton

Wayne Roorda advised that DEP made changes to the storm water regulations in July 2023. When they make a change, they require that you re-adopt the stormwater ordinance. The State has already adopted the new rules. The municipality has to update their ordinance. Projects are not subject to the new rules unless one of two things occur.

One, that the municipality has updated their Ordinance which we are looking to get concurrence with tonight. Or if the project requires State review through the DEP and permits be it for wetlands, stream encroachment, and flood hazard. If it has a storm water review element then they have to abide by the new rules. Further discussion took place. Alexis asked Wayne if he thinks with this change it is consistent with the Master Plan and he responded yes.

MOTION THAT THE ABOVE IS CONSISTENT WITH THE MASTER PLAN

M/ Miller, S/ Thomas

Ayes: Abate, Cerone, Culver, Miller, B. Saban, T. Saban, Thomas, Wise, DePoe, Wiseburn

RESOLUTIONS:

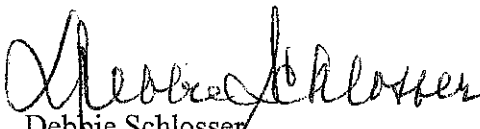
None.

ADJOURNMENT

M/ Vondran, S/ Thomas

Ayes: Unanimous

Submitted by,

A handwritten signature in black ink, appearing to read "Debbie Schlosser". The signature is fluid and cursive, with a large initial "D".

Debbie Schlosser
Planning Board Secretary

