

**CLAYTON PLANNING BOARD
PLANNING BOARD MEETING MINUTES
MARCH 25, 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: Vondran, Culver, Wise, Cerone, Abate, B. Saban, Wiseburn, Thomas, T. Saban, Miller

Absent: Bianco, DePoe

APPROVAL OF MINUTES

M/ B. Saban, S/ Thomas - Approve the Minutes of the regular meeting of the Clayton Planning Board/Zoning Board held on February 26, 2024.

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

Abstain:

OLD BUSINESS:

None.

NEW BUSINESS:

MotorMax, LLC – 949 & 941 N. Delsea Dr., a/k/a/ Block 1601, Lots 11 & 11.01 – Change of Use and Small addition

Brian Hall, Esquire of the Law Firm Ward, Shindle & Hall represents the applicant, MotorMax, LLC. Anthony Pinto was also there who is the owner of MotorMax, LLC and also Pinto Homes who owns the property. They are seeking site plan approval. Alexis Smith swore in the applicant.

In regards to Mr. Roorda's letter, he had several items that he addressed. Mr. Hall sent a responding letter. He requested waivers for items 4, 24, 34, 36, 61, and 65. They are changing the use which is now strictly a car repair shop and they are looking to do automobile sales. This site was actually approved for car sales back in 2003 under Resolution #03-2012. It is conditionally allowed in the zone. They did submit to the County and the County has given their waiver letter.

They are looking to reconfigure the parking lot. They will also be cleaning up the parking lot. They are also proposing a small addition to the office. It will be two small

offices. They are going to request the variances in Mr. Roorda's letter. It's nothing new, they are all pre-existing, non-conforming. They are asking for variances tonight to make a record of it because when the original Resolution was passed in 2003 none of them were mentioned.

Alexis swore in the applicant's engineer, Roberta Hare. When they did the site survey there were a few vehicles parked there. They marked the spot for the vehicle and then there was an s for shadow so you won't get a true reading on it. The whole grid was laid out in eight-foot squares so there was a reading done at every intersection and these are eight-foot candles. She believes that was all of the questions. The lighting plan will be marked as Exhibit "A" per Alexis Smith, Solicitor and the site survey as Exhibit "B".

Mr. Pinto wants to do all display vehicles around the perimeter of the parking lot. Since it's automobile sales you want to showcase your product. Parking for customers will be along the building. There will also be a parking lot area for repairs. They will also be using EP Henry block wall and hardscaping as it makes it look really clean. The sign location will remain. The railroad ties are going to be replaced with parking bumpers. The office is also going to be extended.

Joe Abate asked how many cars are going to be on display and he was told about 35. He also asked who is going to be in the office. Mr. Pinto answered himself, a salesman, and an office girl. Joe also asked if they are just doing repairs on the cars they sell. Mr. Pinto answered yes just on the cars they sell. There will be no outside work. Tony Saban asked if it's going to be just mechanical repairs or mechanical and body. Mr. Pinto said just mechanical. Tony also asked about approximately how many cars will they have for repairs. Mr. Pinto believes about five to ten as they cycle in. They sell approximately 25-30 cars a month. Some need things and some don't need anything. The cars that need to repairs will sit back by the garage. This area is gated off from the customers.

Joe Abate asked if he will be moving his cars from the other lot in Glassboro. He answered eventually as he only has the lease for another year and a half. It looks like the owners are going to have to move back in as they sold their property. If he can keep that property, he will probably just keep the property in Glassboro as retail and this as storage. If he does have to move, then yes all of those cars will come to Clayton and everything will be in one spot. Joe asked if there is going to be a maximum number. Mr. Pinto responded probably about 35 for sales and between five to ten for repairs. It should be approximately 45 cars total. Joe added that he doesn't want it to start to look like a junk yard.

They were asked about delivery trucks. He indicated they are usually single car trailers and they try and guide them in. They try to keep them off of the street. They spoke briefly about the fire trucks as well.

Mr. Cerone asked about the space on the right side and in the middle. He was told it's all fenced in and is not used for the vehicles. It's used for storage and accessible through a huge gate.

Joe Abate asked Wayne to go over his letter. In regards to completeness, he doesn't have an issue with compliance with the items on the list. He just has a few things. In regards to easements, to 10 and 11, items #22 & #23 on the checklist. He asked Mr. Hall if there is a need for a waiver. The owner was not aware of any waivers when he purchased the property. He went through Core Title and everything went right through. As far as he knows, there are no deed restrictions, covenants on the property, or existing easements. The owner said no. None are being proposed either. He is not aware of any wetlands on the property either.

Mr. Hall provided a letter dated March 22, 2024 in response to Mr. Roorda's letter. Alexis Smith added that this will be marked as Exhibit "D". Number 18 – item #49 – in regards to barrier-free sub code. In absence of topography Mr. Roorda cannot confirm whether or not if the area is ADA compliant. It is on the applicant for ADA compliance. The owner said they do have a spot out there. Number 19, item #54 all utilities are just being maintained. They are not changing anything. There will be no additional plumbing in the office space. There is already one bathroom in there which is totally fine.

In regards to zoning, there are a few variances the applicant will need. Everything is being kept generally the same. Mr. Roorda has no objection to the variance request.

In regards to general comments, Mr. Hall's letter indicated there are items they will comply with. Was there a signed and sealed copy of the survey included with the application because one was not provided to the engineer. They thought one was submitted to the board secretary. He's also asking that the plans be cleaned up a little clarifying some information.

He asked in regards to the parking stalls, can you label them customer vs. display parking. Are they actually going to paint them on there. Mr. Pinto agreed it's a good idea and he tried it at his other place but the customers don't listen. Wayne said he can do posted signs or stencil lettering.

Nothing is changing on the site and is staying the same. An asphalt repair detail showing on the plans. The lot is going to be seal coated. Known areas of repair shall be delineated on the plans. Mr. Pinto added that the new addition will cover most of that up anyway. He was just asked to clarify it on the plan.

Construction details need to be provided and they have agreed to comply. The applicant was asked about the trash enclosure. Mr. Pinto said he would like to do PVC enclosure and maybe two black metal chain link fence with gates so they can see the enclosure. It will be on gravel.

In regards to architectural design on the building Mr. Pinto was asked what they are planning on doing. He said they are just doing a bump out on the side of the office keeping the facade the same for now. It will be the same materials and color. He will paint over it. He just needs a little more space in that office.

Mr. Roorda advised that he will be looking for the actual truck turning templates. He thinks there probably won't be an issue but he needs to see it on paper. They asked if it is ok if a fire truck enters the one entrance and exits out the other one. They were told yes but there has to be circulation to be in and out.

The lighting was very detailed and there are no issues. If nothing is changing, there will be no need to go to the water/sewer department. They might want to check in with the Water/Sewer Department as he is not sure if Mark Brunermer will require an application. Mark Brunermer did email him and they advised him they are not changing anything.

Wayne confirmed that they are keeping the same foot print for the sign. The applicant was asked about the parking lot lighting. All of the lights are dusk to dawn. There are two sets on the polls. They may keep the top lights on a little later in the winter to have some lighting on.

Tony Saban asked about the disposal of tires, batteries, junk parts. The applicant advised that they don't really collect things. Any junk tires he takes them immediately to a tire shop. They are getting a tire machine but they will only be for new ones. The old ones are sold to another place. He doesn't store them. Old parts (little things) are just thrown in the dumpster. Scrap metal is not stacked up or anything. He has an engine guy come and pick up engines the next day. They have an oil holding tank for old waste oil that sits right behind the shop. He just had it emptied out. He usually has it emptied when it's half full. The tank is in very good condition and it's not very old. There is only one tank. The batteries just get switched out. If there are two batteries sitting there, that's a lot.

Joe Abate mentioned that it was brought up at the DRC about doing fencing improvements around the building. Mr. Pinto said he likes the idea once they get settled in. He wants to take care of some other issues first. Brief discussion took place. Joe asked what kind of parking stops he's going to use. He said it would be easier to use plastic. He would probably have to anchor them down. If it needs to be concrete, he understands. He thinks the plastic looks nicer over time and they are easier to replace. Wayne Roorda said if he does use the plastic they do need to be anchored down.

Joe asked what protection is going to have for the curbing where the delivery truck comes in on Louis Drive. Joe said he would like to maintain them and asked if he would be willing to replace them if they become damaged and he said yes.

Joe asked what their sales hours will be. He said they are 10 a.m. to 7 p.m. Monday-Thursday. 10 a.m. to 6 p.m. on Friday, and 10 a.m. to 5 p.m. on Saturday all year round.

MOTION TO OPEN TO THE PUBLIC

M/ Vondran, S/ T. Saban

Ayes: Unanimous

MOTION TO CLOSE TO THE PUBLIC

M/ Vondran, S/ Thomas

Ayes: Unanimous

Doc Cerone asked what he typically sells? Used cars, typically trucks, jeeps? He does a lot of financing for bad credit and good credit as well. He isn't like another business in town and sells 80 cars a month but it is normally a lot of junk. He does do a lot of heavy duties for contractors. He does get a lot of jeeps. He doesn't have a lot of older cars. He maintains a lot of the cars himself. They are inspected at the auction and then we get the car, his mechanic also inspects it. They usually do an oil change and stuff. He does all of his bidding online because they are pre-inspected.

Doc Cerone asked why he painted everything black and that he needs to add some color. He said he knows but he's not sure what he's doing yet but does want to add some kind of accent. The sign is black with gold letters and it will light up.

MOTION TO APPROVE MINOR SITE PLAN W/VARIANCES AND WAIVERS FOR AUTO SALES IN ADDITION TO AUTO REPAIRS

M/ T. Saban, S/ B. Saban

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

OPEN TO THE PUBLIC

M/ Vondran, S/ T. Saban

CLOSE TO THE PUBLIC

M/ Vondran, S/ T. Saban

CORRESPONDENCE

None

DISCUSSION:

Joe Abate asked why the DRC was scheduled for the fourth Wednesday of the month and not the third Wednesday of the month?

RESOLUTIONS:

Resolution #6-2024 – Granting Use Variance for Block 316, Lot 2 (305 W. Clayton Ave.) – Johnathan Sparacio

M/ B. Saban, S/ Abate

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

Abstain: Vondran, T. Saban

Resolution #7-2024 – Granting Preliminary Major Site Plan for Block 905, Lots 13, 14, 15 & 29 (516, 544, 552 S. Delsea Dr. & 257 Novack Dr.) – Clayton Apartments NJ, LLC

M/ Vondran, S/ B. Saban

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

Res. #8-2024 – 024 Confirming Maser Plan Consistency of Ord. #4-2024 (Tree Ordinance)

M/ Miller, S/ T. Saban

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

MOTION TO AMEND THE AGENDA

M/ T. Saban, S/ Vondran

Ayes: Unanimous

Added after the Agenda was prepared – Ordinance Repealing Chapter 87, Trees, & Adopting A New Chapter 87 to be Entitled “Tree Removal” of the Code Book of the Borough of Clayton Borough for discussion

Alexis Smith advised that this is a DEP requirement about the tree replacement and removal. All municipalities are recommended to have one and this is in compliance with what the DEP proposed. Wayne Roorda, Jr. agrees it is consistent with the Mater Plan.

M/ Vondran, S/ B. Saban

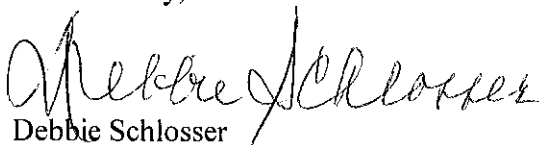
Ayes: Vondran, Culver, Wise, Cerone, Abate, B. Saban, Wiseburn, Thomas, T. Saban, Miller

ADJOURNMENT

M/ Vondran, S/ Thomas

Ayes: Unanimous

Submitted by,


Debbie Schlosser
Planning Board Secretary