

**CLAYTON COMBINED ZONING/PLANNING BOARD  
REGULAR MEETING MINUTES  
OCTOBER 26, 2020**

**joe abate**

I like to call to order the Borough of Clayton Combined Zoning and Planning Board for October 26, 2020. I would like to do the flag salute.

**All**

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands one nation under God indivisible and justice for all.

**joe abate**

Sunshine law, public notice of meeting, the Open Public Meeting Act of 1875 this, and properly given, in the following manner:

- posting written notice on the official bulletin board in the municipal building;
- mailing written notice to the South Jersey Times and The Franklinville Sentinel;
- and filing written notice with the Clerk of the Borough of Clayton.

**joe abate**

Roll call.

**Debbie Schlosser**

Abate -	Here
Branco -	Absent
Fox -	Here
Miller -	Here
Barb Saban -	Here
Tony Saban -	Here
Thomas -	Came late
Vondran -	Absent
Culver -	Here

**joe abate**

I would like to have a motion to approve the minutes of the Clayton Planning Board of September 28, 2020.

M/ Miller, S/ T. Saban

**joe abate**

Roll Call

**Debbie Schlosser**

Abate	Yes
Miller	Yes
Barb Saban	Yes
Tony Saban	Yes

**Joe Abate**

I have a lot of static

**Donna Nestore**

So if you don't need to speak, maybe we mute our microphones and just try to unmute when we need to speak that might help with the background.

**joe abate**

I really did not hear the approval or the final approval of the minutes

**John Alice**

Well, that's just for voice vote.

**Debbie Schlosser**

Everyone voted.

**joe abate**

All right , all in favor? All opposed, none.

Ayes: Unanimous

Minutes are approved.

Under old business – none.

Under new business we have the First Baptist Church of Clayton – 110 S. Delsea Dr., a/k/a Block 809, Lot 4. Is Mr. Wiltsee the attorney?

**James Carter**

Chairman, my name is James Carter, I'm in for Mr. Wiltsee same Law Office, Hoffman DiMuzio.

**John Alice**

Good to see you, did you guys bring anybody with you, any witnesses?

**James Carter**

Dave Deegan is here from the First Baptist Church of Clayton.

**John Alice**

Mr. Chairman, with your permission, I'm going to swear our professionals and Mr. Deegan in.

**joe abate**

Yeah, sounds good.

**John Alice**

Stanley Bitgood, Paul Breier, and Dave Deegan, each raise your right hand. And do each of you swear or affirm that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief?

**Dave Deegan, Stan Bitgood, Paul Breier**

Yes.

**John Alice**

That's three yes's. Mr. Chairman so we're good to go.

**joe abate**

Yes, all right proceed Mr. Carter

**James Carter**

What we have on behalf of First Baptist Church of Clayton is a minor subdivision application of a large lot, about 2 1/3 acres. This lot takes up much of the block bounded by S. Delsea Dr., Linden Street, West Chestnut Street. At the south-west corner of that block there is a two story building that is the parsonage for the church. What the church is proposing to do at this point is to cut off that corner, subdivide that corner, and essentially, sell that new lot, which we've identified as 4.01 as a residential lot, with, again, the existing two story frame building that's on it. The remainder of the lines would continue to operate as the Church. Now, I believe we provided all of our notices. I have reviewed the professional's review letters. There will be some existing non conformances and I believe there is one variance that may or may not be, depending on an explanation from Mr. Deegan, in play. I would be happy to, unless the Board or the professionals have a different recommendation,. I'd be happy to go through some of the issues that the professionals wanted us to address with Mr. Deegan.

**joe abate**

All right, proceed, thank you.

**John Alice**

Jim, before you do that, just help me out as I may have missed it Mr. Deegan's title.

**Dave Deegan**

I am the Chairman of the Deacon Committee and also the Treasurer of the Church.

**James Carter**

So, Mr. Deegan for tonight's purposes, are you authorized to act on behalf of the church?

**Dave Deegan**

Yes, sir.

**James Carter**

Ok, when I say you, I will be talking about the church collectively unless I indicate otherwise. You are asking for the committee to subdivide this existing lot four, is that right?

**Dave Deegan**

That's correct.

**James Carter**

You had a plan submitted, showing what the new lot would be, and then what the remainder lot would look like, right?

**Dave Deegan**

That is correct.

**James Carter**

Just to be clear what is the purpose of doing this? Why cut off this piece of property?

**Dave Deegan**

Well it's twofold. Pastors today do not want housing. They want to own their own homes and build equity. So, we had a Pastor who was living in that home, who moved on to another venture in life. With this Covid, financially we need to generate some additional money because the impact of Covid, smaller you know members coming in just the actual offerings each week has put a tremendous financial strain on the church.

**James Carter**

Ok. Now you and I have gone over the professionals' letters, the engineer's review letter, and the planner's review letters is that right?

**Dave Deegan**

That is correct.

**James Carter**

Ok, I'm gonna go through some of the highlights, and they may come back and have additional questions, but I want to highlight some of the things that they asked us to do or to consider ok? There is a lot five that is bound on three sides, it fronts on Delsea Drive and it is bound on three sides by existing lot four. Are you familiar with lot five?

**Dave Deegan**

Yes, I am.

**James Carter**

Ok. Now the engineer has suggested that you consider consolidating lot five with the remainder of lot four, or in the alternative, to adjusting the lot lines to enlarge it and to move it south away from the existing church. Do you have any position on behalf of the Church with regard to consideration of consolidating lot five with the remainder or what will be the remainder of lot four?

**Dave Deegan**

I thought we were going to do that again tonight. We are willing to do that. Then maybe I misunderstood Mr. Wiltsee but I thought, in fact, that was going to happen tonight as well.

**James Carter**

Ok, maybe Mr. Alice can help us but I did not see that that was on our application for tonight's purposes. Mr. Alice?

**John Alice**

No, it's not on the application for tonight's purposes. But I think it's fair to say that it's in play because it's certainly contemplated as part of this application, as part of the review letters, and if that's where everyone winds up, then that's fine. That's where we will wind up.

**joe abate**

If we can legally do it, then we should do it.

**James Carter**

It is your desire and, frankly, was your desire from the beginning to consolidate lot five with the remainder of lot four as suggested by the engineer?

**Dave Deegan**

Yes, sir that's correct.

**James Carter**

Ok, very good. Moving on to some landscaping issues.

**James Carter**

There is a buffer requirement pursuant to section 88:43 of the borough code that requires that lots with frontage on multiple streets as lot four has, provide a landscape buffer and a restrictive development easement, at least 25 feet in depth along the street without direct driveway access. So, to be clear, once Lot 4.01 is cut off from the remainder of lot four this frontage, on west chestnut of the remainder of lot four will have no driveway access because the only driveway will then be on the new lot to the house.

**Dave Deegan**

That is correct.

**James Carter**

So the engineer is suggesting that the plans be revised to show this along West Chestnut Street, with the lot four remainder and basically says, the buffer vegetation should be improved to comply with the Borough Ordinance. Is that a problem, at all.

**Dave Deegan**

None whatsoever, we will do what we need to do.

**James Carter**

Alright, so you're representing that you'll be in conformance with the Borough Ordinance regarding the vegetation buffer along West Chestnut Street once Lot 4.01 is removed.

**Dave Deegan**

That is correct.

**James Carter**

I can represent the next issue in that the engineer says the applicant is to provide confirmation that, if approved and intends to record the subdivision by Deeds. Of course, absolutely we will take care of that. We will make sure that the appropriate language is on the revised plan. Now, parking Mr. Deegan, there was some indication that there is parking on the existing lot 5, which again, we're going to be incorporating hopefully, if the board approves, incorporating into the remainder of lot 4. The engineer indicates that lot 5 is used for parking. Can you tell us about

exactly how lot 5 is used?

**Dave Deegan**

We haven't had anyone park there. When we demoed the house, if everyone remembers that particular location, we demoed the house, and we were still paying taxes on it. When I went to the County Tax Office and asked them how do we get tax exempt because the church owns it. They said they had to make it into a parking lot or give a use for it and they suggested a parking lot. So we put up the signs to be conformant but nobody uses it as a parking lot. So we've had nobody park there.

**James Carter**

I think, and the engineer may be able to speak to this, but I think if, as we're now requesting the board incorporates or consolidates lot 5 with the remainder of lot 4, that may not be an issue. But if it is an issue, are you willing to comply with the recommendations of the engineer with regard to parking?

**Dave Deegan**

Yes, if that's what we have to do, yes, sir. We would prefer not to use it as parking. But if we have to we'll do whatever we need to do.

**joe abate**

If I can interrupt here, it would seem to me it'd be better off as a park rather than a parking lot.

**Dave Deegan**

That's what we had thought for use. We thought about having build a little stage back there so that we can show movies on the wall for the community so we can have music at night and the garage that is there we'd like to turn it into like a snackbar type down the road so, again, we can have it for community events as part of an outreach.

**joe abate**

It sounds like a good use to me.

**James Carter**

Mr. Deegan, I'm going to move over to the planner's review letter he indicates that the minimum lot width dimension of 99.89 feet for the remainder of lot four should be shown on the plan and again I'll represent that. We will certainly on the revised plan, have that done. The fence is an interesting issue that came up and was I thinking it was news to us. If we're looking at lot 4 as it exists it fronts West Linden St. We have the church to the left. If you're looking on what I think the Chairman is sharing right now, if you're on Linden Street, which would be along the north there looking South so you're in the street looking at the church, the church is on your left. Then we have three small lots. Lots, 3, 2, and 1 going to the corner of Pearl Street. Now the planner points out that the chain link fence on lot 4 actually encroaches

onto lot 3 and he says, the applicant should address this issue. That's not going to be a problem addressing, is it?

**Dave Deegan**

No, sir, we own lot 3 also.

**James Carter**

Ok, so we don't anticipate any problems working with the owner of lot 3 because we are the owner of lot 3 right?

**Dave Deegan**

That is correct.

**James Carter**

Ok, so we're gonna resolve that however it needs to be resolved, right?

**joe abate**

Resolved then?

**John Alice**

Yeah, it's self settled.

**James Carter**

Then, finally for what I have, the planner talks about some existing trees while there is not a specific requirement concerning the trees because this is not a major subdivision. There was some concern about some of the trees, and, I guess, large branches, on what is our proposed residential lot 4.01. He recommends that the existing trees on the proposed lot be examined and any large dead branches or trunks be removed prior to recording of the new deeds or sale of the property. Do you have a plan to address that issue Mr. Deegan?

**Dave Deegan**

Yes, we do. We have identified dead branches on the large tree behind the garage and we hope to address that on November 14th on our work day. If we can't get it done, we will have it done before the home is sold.

**James Carter**

Mr. Chairman those are the issues I think that the professionals raised that we really needed to focus on. If there's anything else that they or the Board members have we'll be happy to address it.

**joe abate**

There was one other thing too about cleaning up the sidewalk in that area. To make sure they're all in good condition. Was that a problem?



**Dave Deegan**

Sure, we will address that.

**John Alice**

Mr. Deegan is there any problem with the sidewalks over there?

**Dave Deegan**

Not that I'm aware of. The sidewalk runs in the front of the house not along South Pearl Street. I'm not that familiar with it. I know there is grass growing between the connecting slabs. But again, we hope to address all of along the curbs and the sidewalks shortly.

**John Alice**

Thank you Mr. Deegan. How about this Mr. Carter, if the applicant agrees to work with the board professionals to repair or replace any deteriorated sidewalk or sidewalk, which simply is not going to pass muster? I think that's in everyone's best interest really.

**James Carter**

Absolutely, it would probably be required if we're talking about Lot 4.01 before the sale anyway.

**John Alice**

Well, that's kinda what I was getting that.

**joe abate**

Ok. Mr. Breier, would you like to address any concerns that you have?

**Paul Breier**

I guess I have one final question. Will they be proposing to put a fence on that new lot line for 4.01 since it now will be a private residence you're selling to differentiate between that property and the remaining church property.

**Dave Deegan**

We have no intention of doing that.

**Paul Breier**

Ok, I just wanted to know if you would or not because of the existing fence in the backyard. I just wanted to clarify.

**joe abate**

A fence is not required is it Mr. Alice between the church property and the property they want to sell.

**John Alice**

No, whomever owns the property is. Is this going to be an arm's length transaction Mr. Carter?

**James Carter**

Absolutely. That's the whole point of our application.

**John Alice**

So if the new owner wants a fence they will put a fence. If the new owner is anti-fence, no fence.

**joe abate**

That sounds reasonable to me. Anything else, Mr. Breier?

**joe abate**

Are there any concerns from Mr. Bitgood's letter.

**Stan Bitgood**

The only other comment I have is due to the existing drainage pattern a blanket drainage usage should be granted between the two lots.

**James Carter**

We'll definitely take care of that.

**John Alice**

Inaudible.

**joe abate**

I'm getting garbled sounds here.

**John Alice**

Inaudible.

**joe abate**

I'm sorry Mr. Alice I didn't understand what you said.

**John Alice**

Inaudible.

**Stan Bitgood**

The only other issue I had was a blanket drainage easement to be granted between the lots which I believe the applicant agreed to.

**James Carter**

That's correct.

**Joe Abate**

Any other concerns from our professionals, if not, we can go to our board members to see if they have anything they want to add.

**Sue Miller**

I have nothing.

**joe abate**

Ms. Fox, do you have anything?

**Melissa Fox**

Nothing for me, Mr. Chair.

**joe abate**

Thank you. Ok, anyone else have anything Mr. or Mrs. Saban?

**Barb Saban**

No, nothing for me.

**Dawn McMillen**

I do have a question if it's ok. On this letter that I received, it said the application and the plans will be available on the website. When I last checked they were not up, are they up there now?

**Donna Nestore**

The application and the plan are both on the website. That's at claytonnj.com, under the Planning Board Agenda.

**Dawn McMillen**

Maybe it just got added there. I checked on the 22<sup>nd</sup> and I couldn't see it.

**Donna Nestore**

I had added it last week. I can show you the survey now if you want to see it.

**Dawn McMillen**

Yes could you do that.

**john alice**

Inaudible.

**joe abate**

You're still garbled Mr. Alice.

**Sue Miller**

Joe, we could tell him the call in number to call by phone instead of trying to use the audio on the computer.

**joe abate**

Ok, that sounds like a good idea because I cannot make out anything that Mr. Alice is saying. I can see Mr. Alice but I can't hear him.

**Sue Miller**

John, can you hear us, just nod. The number to call is 646-749-3112. And the passcode is 759495845.

**James Carter**

Ms. McMillan, I don't know about you but on my screen, it's actually pretty small.

**Dawn McMillen**

Yes it is. Something just happened and it kind of went away, and now I can't seem to get back to the meeting. I don't know if you can hear me, , but I can't seem to get back into the meeting.

**Dawn McMillen**

Which one was Lot 4.01 and which one was Lot 5, which I think was addressed.

**James Carter**

Well, if you go to view every one in the top center, I think you may be able to see everyone at the top, and then the plans in the middle.

**Dawn McMillen**

I can't even see it. I saw it very briefly but I wasn't sure which one was Lot 4.01 and which one was Lot 5.

**James Carter**

Lot 4.01 is the new one, if approved, and that is in the bottom left corner of the south-west corner of the lot. And when, I say lot, I mean the block. Lot 4.01 will be a house on a corner lot and that corner is South Pearl Street and West Chestnut St. Lot 5 if you're looking at the frontage along Delsea Drive of that entire block. Lot 5 is

actually right in the middle so if you're on Delsea Drive or the middle of the block you'd be looking at lot 5 and to the left and to the right would be lot 4.

**Dawn McMillen**

Ok.

**James Carter**

Lot 4 surrounds Lot 5

**Dawn McMillen**

Their trying to make on additional lot or two?

**James Carter**

We're trying to incorporate lot 5 into lot 4 which already surrounds it. That way there will be one continuous lot there. Then we're trying to cut off the south-west corner of that block which already has a house, and then sell that as a residential property.

**Dawn McMillen**

But this isn't the lot next to the church that had a house on it?

**James Carter**

No the house was demolished, and I will ask Mr. Deegan to correct me if I'm wrong, but the house that was demolished was on Lot 5. So Lot 5 does not have a house.

**Dave Deegan**

The demolished house was on Lot 5.

**Dawn McMillen**

Alright.

**John Alice**

Inaudible.

**Dawn McMillen**

When it says variance of the waiver on the need to install paving and curbing, I thought they already had curbs.

**James Carter**

I think they'll have curbing but the pavements and sidewalks. Actually, if you want to direct me to the part of the letter that you're referring to.

**Dawn McMillen**

It's in the first paragraph at the bottom, it says a waiver variance of needing to

install paving, curbing, and landscape buffering on the parking area and a waiver to consolidate remaining lot 4 and lot 5. It sounds like somebody is saying I don't want to put in paving and curbing and that concerns me because I know that everybody needs to have that in town as it's a requirement.

**James Carter**

I think Mr. Deegan is saying that Lot 5, which if it were being used as a parking lot, would require paving but he's saying it's not used as a parking lot.

**Dawn McMillen**

Oh he's saying it's not being used. I'm sorry, like I said, I had something important I had to take care of.

**John Alice**

Your name.

**Dawn McMillen**

My name is Dawn McMillan. I live across the street on West Chesnut.

**John Alice**

Thank you.

**James Carter**

So you'll be across the street from the parsonage house.

**Dawn McMillen**

Will it be on Pearl St. or Chestnut?

**James Carter**

Well the driveway to the garage fronts on Pearl Street, the house, I believe faces Chestnut.

**Dawn McMillen**

They're not taking that house down, right.

**James Carter**

No, they want to sell it as a residential house.

**joe abate**

So Mr. Alice I still cannot make out what you're saying.

**John Alice**

Ok.

**joe abate**

Is there anyone else having trouble hearing Mr. Alice?

**Donna Nestore**

John, I sent you the dial in.

**John Alice**

I'm getting feedback. I dialed in.. inaudible. So this is not working.

**Donna Nestore**

Do you want to try to reconnect?

**John Alice**

No, we're almost done.

**Sue Miller**

I can conference in on my cell phone.

**Sue Miller**

Can you hear us?

**John Alice**

I can hear you. I just think we're going to start a feedback loop.

**joe abate**

Ok, I can hear you better now, John.

**joe abate**

Dawn McMillen, you are part of the public? I was wondering who you are. I didn't open it up to the public but you asked your questions anyway.

**Dawn McMillen**

It said on the letter that I could.

**joe abate**

Oh, yes without a doubt, you have the right to speak. I didn't really know who you were until now but that's fine.

**joe abate**

John, I can't hear you at all. I see you, but I can't hear you.

**Donna Nestore**

John, try again.

**John Alice**

I can hear Joe.

**joe abate**

Ok, I can hear you now.

**joe abate**

Is there anyone else that has any other comments tonight?

**joe abate**

Ok, I like to hear a motion to approve the First Baptist Church of Clayton, 110 S. Delsea Dr., a/k/a Block 809, Lot 4. With all the professionals' requests and all the things that we talked about tonight.

**Motion to approve.**

M/ B. Saban, S/ Fox

**joe abate**

Roll Call

**Debbie Schlosser**

Abate	Yes
Fox	Yes
Miller	Yes
B. Saban	Yes
T. Saban	Yes
Culver	Yes
Thomas	Yes

**James Carter**

Thank you very much board members.

**joe abate**

Thank you.

**Dave Deegan**

I have one question. Do we have to re-apply to consolidate lot 5 into 4?

**James Carter**

No, we did that tonight.

**joe abate**

Thank you and good luck with everything.



**joe abate**

Ok, under correspondence, I see none. Under discussion, is there anyone that has anything for discussion tonight? Hearing none. I don't see any resolutions that have to be granted. Would someone make a motion to adjourn?

**Motion to adjourn.**

M/ B. Saban, S/ Thomas

Ayes: Unanimous

**joe abate**

Next meeting, November 23rd, 2020

A handwritten signature in cursive script, appearing to read "Joe Abate".

**End**