

**CLAYTON PLANNING BOARD
MEETING MINUTES
DECEMBER 12, 2022**

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, Miller, B. Saban, T. Saban, Thomas, Vondran, Wise, Wiseburn
Absent: Bianco, Culver, Moorhouse

APPROVAL OF MINUTES

Not Available

OLD BUSINESS:

None.

NEW BUSINESS:

April Alpheaus – 97 E. Jackson Ave., a/k/a Block 2002, Lot 7

Greg Simonds of Ewing Associates representing April & Michael Alpheaus for a use variance. Mr. Simond asked if it was also for site plan waiver. Mr. Breier indicated he didn't see it on the application. They proceeded accordingly.

Susan Purvin, Esquire sat in for Solicitor, John Alice. Ms. Purvin swore in April & Michael Alpheaus, Greg Simonds, Paul Breier, P.P., and Stan Bitgood, P.E. Mr. Simonds as Mrs. Alpheaus to present the project.

April Alpheaus advised the board that they are proposing an outdoor event venue that will be a secondary family run business for herself, her husband, and their children. It will be a season weather permitting venue. The hours of operation will be limited. In the Spring they are offering events Monday – Friday 5 p.m. to dusk and on 9 a.m. to dusk. Summer hours will be Monday – Thursday 5 p.m. to dusk, and Friday and Sunday 9 a.m. to dusk. In the Fall it will just be Sundays and the Winter will be limited availability.

On average they would expect to host three to five events monthly with an annual average of 30-40 events. The events will be hosted one at a time. There will be an hour transition time between each event. It will allow the directional flow of traffic also. Currently, the property is there primary residence. They are requesting a use variance to allow them to be able to have a commercial use on the property. There will be no impact

on the municipal services or utilities. The events will be over by sundown so there will be no need for additional lighting. There is currently an electric poll with string lighting at the handicapped area. It's already there if needed.

There will be minimal increased traffic on Jackson Avenue. At maximum capacity, we are expecting that there would be no more than 20-25 cars at any event with a more realistic average of 15. There will be no negative impact of light or noise. Our neighbors will not be able to see any of the festivities of any of the events going on due to the seclusion of the property. There will be no negative impact on the environment. There will be no permanent structures needed.

There will be minimal site improvements needed as the property is sufficient as is. The pond management will include, if required, a certified life guard on duty for all events along with a "DO NOT ENTER" chain sign where the gazebo entrance is. There will be no access to the gazebo for any reason. There will be no access to the water/no swimming permitted for any reason. The business will hold a \$1,000,000.00 limited liability insurance policy that will be for the protection of the guests.

There will be minimal landscaping consisting of natural landscaping to enhance the event areas. They are working with Joe from Triple Oaks Nursery on what plants would work well. There will be portable trash cans provided at each event. There are no receptions offered just wedding ceremonies in addition to bridal showers, birthday parties, tea parties, etc... There will be minimal trash. The porta pots will be drained by a company as needed. They will add tables and chairs to the event areas as needed. They will also provide a pop up tent for a minimally rainy day. There is nothing permanent.

The property is suitable "as is" for the type of outdoor events that they plan to host. The natural landscape provides a beautiful background for wedding ceremonies, showers, or birthdays. There will be no negative impact to the neighbors or municipality due to the seclusion of the property. Allowing the use variance will only have a positive impact to our community as the business will pair well with the other businesses in town such as the florist, the photographer, the hair salon/barber shop and we have eateries and hall rentals. They will also recommend their local businesses and offer convenience options for our friends if they decide to go with one of the businesses in town.

The property is easily accessible for emergency vehicles. There is a turnaround cul de sac at the parking area for vehicles to be able to pull through. All parking is out of the way of the turnaround. We have pictures of approximately 35 cars parking and the turnaround is still easily accessible. They will have parking attendants to assist the guests to ensure they are parking the way they need to. The emergency vehicles can loop around at the handicap parking and come up the middle pathway which will provide direct access to all three event areas. The fire department is already familiar with this process as the pond is our water source if there was ever a fire.

They did apply for site plan waiver in their application so they are proposing at this time a site plan waiver from the board. The property "as is" is sufficient with no proposed

improvements which would warrant a site plan. Upon review of the permitted uses for zoning they found that their proposed use variance does not deviate too far from what uses are permitted. They are looking to further invest in the community by sharing their property and offering their unique picturesque location at an affordable rate for their guests which will provide a truly memorable experience for all.

Greg Simonds added that she spoke about the positive criteria regarding the service that is needed in the community. The property is well suited for this service. She also touched on the negative impact on the neighbors with the noise and the lights. April Alpheaus mentioned that there is one of two neighbors at the meeting if they want to hear from him.

Doc Cerone asked about food and beverage. It will be bring your own. However, for wedding ceremonies there will be no food/drink at all needed. They would needed for bridal showers or little girls tea parties. They could offer services from Yhanne's Cheesecake and they will go pick up the cheesecake for them. Paper products would be the responsibility of the guest. No alcohol will be permitted due to insurance purposes. They were asked how long an event would be. They would do two to three hours for weddings to allow time for photographs. Parties/showers would be approximately two hours. They were thinking of offering for weddings if the couple wanted to do a first dance or have some time to mingle or even have finger foods to add an extra hour at an additional cost.

Joe Abate asked if where the source of the pond comes from and April responded Little Ease. Joe added that he went to the property on Saturday. He added that the pond was full and asked where it goes. She said it does not overflow as there is a pipe underground off to the other side of Jackson Avenue. He asked about the trash removal. April answered that she doesn't think the trash is going to be much more than what they have now. The Borough would move it with their regular trash. Joe asked about the porta potty. She said they have one now which is for personal use when they have parties. She is looking into get another one which is handicapped accessible along with a handwash station. After the business gets going, they would like to get a porta pot trailer. One side would be the bathroom and the other side a dressing area for brides. She's not sure if that is even an option. For now they are going to start with the handicapped accessible. Joe Abate asked how it is maintained. She responded that they will have a septic company come out and do the waste removal.

Joe Abate asked if they currently have septic and a well and asked if it has been certified. April Alpheaus indicated they do but wasn't sure about it being certified. She wouldn't think it would have to be since the guests will not have access to the house. Brief discussion talked about the porta potties. She feels one is sufficient to start with. Greg Simonds added that they can add more as needed. She again stated that she is looking to eventually get a porta potty trailer which would look nicer.

Joe asked about the parking area and asked what will be parking on. She advised that it is gravel now which is the majority and will overflow into a grass area. The handicapped

spot which they do have signage for but is not up yet is on concrete. Joe suggested that they might want to have stone that it might prevent it from getting torn up. Usually in the nicer weather you have storms. Greg Simonds indicated the gravel area will be used pretty much for the parking. There will be 17 parking spots on the gravel and the overflow parking will be on the grass. There are also two handicapped spaces proposed up by the porta potties which is on a concrete slab. Joe Abate responded that the parking looked like a sufficient area which was not a problem for him. He had an issue with what they would park on. April advised that they will be offering a rain date in their contract due to inclement weather if the person wants to reschedule. That will be an option for them.

Joe asked what will they offer to attract people to have their event there as opposed to Autumn Pasquale Park and Scotland Run Park which are both close by. April advised that those places do not have any services there and you are on your own. She doesn't know if the bathrooms are even open regularly at Autumn Pasquale Park so you are limited there. She also isn't sure if it is free or if there is a cost there. She can't compete with that but you will get services at her place. She feels her place will offer more with the services. They will be doing marketing and social media.

Doc Cerone asked where her events will be. April indicated there is like a cul de sac area which could be like a secret garden which will be personal and enclosed. Approximately 30 feet off of the ponds edge there would be another event as there is a wall to the side and landscaping and it opens up to the pond right behind which will be the second event. The third event is a covered bridge in the woods which will be like an enchanted forest. She also added that the fire company/emergency management can easily get to all three event areas if need be.

Greg Simonds added that this event area is well over 500 feet from the nearest residence. There are two other residences on the street. One is 650 feet from the property line and the other one is 685 feet from the property line. It is a very heavily wooded in that area.

Barb Saban asked if all of the events are going to be done by contracts and April responded yes. She also asked if they are protected as a homeowner in case anything happens. April advised that they have a quote for a million dollar insurance policy. April indicated that they would like to do some fencing for aesthetics just to draw that line along the residence. You also cannot see any of the events from their residence. Brief discussion took place about having the proper verbiage in your contract to protect them and their property. They are also planning on having a security deposit in the contract. We will have an hour in between events to reset the property for the next event in addition to seeing if there is any damage done, etc...

Barb Saban asked about how many people approximately for an event. April said that these micro weddings usually average 30-35 people. She does think they could house approximately 50 people if they wanted to go a little bigger. Barb Saban also asked about how many people would be working for them. She said right now it is just the four of them (herself, her husband, and two kids). She thinks it's going to take a little while

with word of mouth, etc.. She said they have already done a wedding and reception personally in their yard and they know they can handle it and it can be done in a bigger magnitude of what is being represented here. She would eventually like to have people working for her as her daughter is a junior in HS and her friends will probably be looking for a job. She was also asked if they have a name and April indicated Winding Woods.

Joe Abate asked how deep the pond is. April doesn't know but thinks it is pretty deep and Joe Abate agreed. Greg Simond's thinks probably around 20 feet definitely more than 10 feet. Joe said he noticed a dock and slide on the property and asked if they use it in the summer time. April said the boys use it sometimes. She said her siblings used it more growing up than her own kids do but she is not getting in there. She said they do use it to fish and stuff. April will be cleaning up that area and want's to remove the slide as she doesn't think it looks nice aesthetically. She said they will remove the boats too so there is nothing to entice anyone.

Stan Bitgood, P.E. went over his review letter dated June 20, 2022. He advised that most of the items have been addressed. He mentioned that she said that the porta pot would be used as if and as needed basis. April answered no that a porta pot will be necessary and they will have one. Stan asked about the concrete that exists now and the porta pot would be presumably paved and made ADA accessible and he was told yes. They will move the porta pot tight to the concrete. Has it been verified that the slope is less than 2% and Mr. Simonds answered it has not but they can do that.

Stan asked how they define where the parking spaces are when guests come in. April responded that either her or her husband will be out there directing traffic. Stan asked about the pathway up the middle. April responded that it is a crushed asphalt pathway. Some areas have some grass on it but it is a hard pathway all the way up. It has not been confirmed to be ADA accessible. They added that they have golf carts where they can transport someone from the handicapped area to the event area and are driven by April's husband.

She was asked about the slide which they will be removing and Stan also asked about the deck being used for photo opportunities. She said no it will not be used due to safety reasons but they can use it in the background. Stan agreed that the septic should be certified either by County or State. April questioned even if its not being used by the public/guests. Stan responded that he doesn't think there is a safe path either between the parking and event area. The bridge is over a little run off that drains to the pump. Stan added that what he sees does not warrant a site plan waiver in his opinion especially if they are going to 50 people events. He questions the use of the parking tabulation of three seats per guest at a typical sit down ceremony. He does agree that you have enough parking area for 25-30 cars but not 50. April indicated not 50 vehicles but 50 people. With lack of topography Stan doesn't think it warrants a site plan waiver.

In regards to the port a pots they do not allow trailers on commercial properties because they are not anchored down primarily. He asked how the town or the applicant is going to enforce the signs and the use. Stan asked if a person says they are going to show up

with 50 and 75 show up. How will it be enforced. It's going to happen. April indicated that the maximum occupancy is 50 so 50 is 50. She said if you rent a hall and they say the maximum occupancy is a certain number you're not going to show up with more. Stan responded but this will be outside. Greg Simonds added that they can provide additional topography to the plan to show the ADA spaces are acceptable and meet the regulations. Regarding the septic system, it's not going to be used for the events or the commercial use at all. If the board wants it, they can have an inspection done by a septic company. April added it is not going to be used. Joe said he understood that but it's in the area and you're having events there which is his concern. April asked what is in the area. The events are not near the house which is where the septic area is.

Stan asked how the well is protected. The well is in the back. There are tires and cones around it. There is a buffer around it. Greg Simonds answered that they can add some bollards around it and Stan answered that is a good idea. The applicant doesn't have an issue with that.

Sue asked about the need/desire to have a permanent porta pot did you think about just having one for an event and when the event is done it gets picked up. Then you would have one dropped off for the next event. That way if something gets damaged you don't have to worry about repairs. You won't have to worry about winterization, etc... Brief discussion took place.

Joe Abate asked Stan Bitgood's what is major concerns are. He replied a clear delineation of pedestrian access between the parking and event areas; topography to demonstrate the walkways and the parking area for the ADA are compliant; if the dock and the pond are going to be off limits then how are they going to be made off limits. If it's a fence, all of them go to site plan. If they do want to do a site plan waiver, it's up to them but Stan doesn't recommend it. Joe Abate asked Mr. Simonds if he is in agreement with what is being asked. Mr. Simonds responded that they can provide what he is asking for.

Paul Breier, P.P. outlined his review letter dated December 7, 2022. A lot of the items have been addressed in the presentation. With the site plan, add the setback of the house to the plan. A lot of time was spent discussing the porta pots but how is some one going to wash their hands. April answered that they are going to have the portable handwashing stations that are part of the handicapped porta pots. Some are inside or some are on the outside.

He mentioned that the driveway is very narrow but the applicant testified that there is one way in and out. He's not sure if the engineer wants to a site inspection or if Greg wants to look at it and maybe have them fill in some potholes, etc... April advised that there are a few potholes that they fill on a regular basis. There is no longer a gate and hasn't been one since the house was built. In regards to landscaping if you have a better idea of that that you can give to Mr. Simonds and he can show it on the plan in addition to the fencing that was mentioned. Even if you don't know the species but if you want a row of something you can add that on the plan. The parking spaces we have been talking about

Paul recommends putting concrete wheel stops. If it's on stone, no one knows where to park but if you have the concrete wheel stop they will. April said they have talked about that. She said they do a lot of soccer tournaments where they just have a parking attendance telling you where to park so they figured they could do that as well. The applicant said they could do that as well. You can discuss it with Greg and then he can discuss with the professionals and it can be shown on the plan.

Joe Abate asked if the Zoning Officer, Rose Ann Lafferty, had anything to add. She responded no and thinks that the applicant did a wonderful presentation. She does feel there should be something there to show how to park. They just have to be careful what they do that.

MOTION TO OPEN TO THE PUBLIC

M/ B. Saban, S/ S. Miller

Ayes: Unanimous

Darlene Vondran – 156 Bernard St. – She recently had the pleasure of attending an event there and walking that whole area. It was great and highly recommend it. The applicant, April Alpheaus, added that it was a night time event. It was a scary Halloween event. April said they had the parking attendant there and people walking from the parking area.

Doc Cerone added that he was there that night as well. He asked how many people were there that night and he was told 25.

Nick Priore – 810 E. Academy St. It also intersects with Jackson Ave. He is here to just show his support and to help this family on their endeavor with this project. He wishes them much success and he also said he knows if they need any help they can come to him. He wished them luck.

MOTION TO CLOSE TO THE PUBLIC

M/ B. Saban, S/ Thomas

Ayes: Unanimous

MOTION TO APPROVE USE VARIANCE AND SITE PLAN WAIVER

M/ Miller, S/ B. Saban

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

Stan Bitgood added that they can do a site plan review internally for the board rather than a public hearing for the site plan

Sue asked when they are looking to open. They are looking to open this Spring.

MOTION TO OPEN TO THE PUBLIC

M/ Miller, S/ B. Saban

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

MOTION TO CLOSE TO THE PUBLIC

M/ B. Saban, S/ Miller

Ayes: Unanimous

CORRESPONDENCE:

None

DISCUSSION:

None.

RESOLUTIONS:

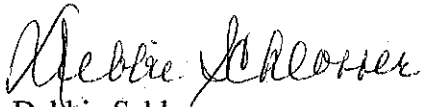
Not available.

ADJOURNMENT

M/ Vondran, S/ S. Miller

Ayes: Unanimous

Submitted by,

A handwritten signature in cursive script, appearing to read "Debbie Schlosser".

Debbie Schlosser

Planning Board Secretary