

**CLAYTON PLANNING BOARD
REGULAR MEETING MINUTES
MAY 25, 2020**

I would like to call to order the Clayton planning and zoning board meeting of May 18, 2020.

First, I'd like to have a moment of silence for the victims of both Coronavirus and all the veterans on Memorial Day. Please stand for that.

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, with liberty and justice for all.

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

Abate –	Here
Bianco –	
Branco –	Here
Fox –	Here
Glennon –	Here
Miller –	Here
Barb Saban –	Here
Tony Saban –	Here
Thomas –	Here
Vondran –	Here
Culver -	Here

Approval of the regular minutes of the regular meeting of February 24th, 2020.

Motion to approve. Barb Saban

Second:. Joe Abate

Roll call:

Abate –	Abstain
Branco –	
Fox –	Yes
Glennon –	Yes
Miller –	Yes
B. Saban -	Yes.
T. Saban –	Abstain
Thomas –	Yes
Vondran –	Abstain

Culver –

Yes

Old Business,

None.

New Business, we have D&E ironworks, LLC/Raymond D. Feliciano – 1078 N. Delsea Dr., a/k/a Block 1902, Lot 13 – Site Plan/Use Variances/Bulk Variances

Dale Taylor, Esq. - Thank you very much, and good evening, ladies, gentlemen.

The application is for some variances. A use variance, because it's a pre-existing non conforming use, and we're expanding that use, so that's the use variance, and then some pre-existing bulk conditions and one new bulk condition.

The Board has jurisdiction, we submitted the necessary publication of notice and Affidavit of Service.

The chairman already indicated the block and lot number. This is a property that has been in existence as everyone there knows for quite some time. It's a pre-existing business, which is a metal and steel fabrication welding service. Going back for some time now with multiple prior owners, Mr. Feliciano in a little bit can provide you with some background if you feel it is important. So what we wanted to do is add a 400 square foot building on the property. I have my chart up, but I'm sure you have the plans. The property fronts Delsea Drive. On the right is a commercial building where a lot of the welding goes on inside there, and it also has an office in there. On the left there is a single family 1.5 story frame building. Mr. Feliciano rents that out back from the time when the previous person that lived there. The person who used to live there also operated the business.

In the rear of the house, you'll see on the left that we're proposing a 20 foot by 20 foot or 400 square foot building to accommodate a new piece of expensive machinery that Mr. Feliciano is going to be purchasing. It is a machine that drills holes in steel and different metals, which is going to enormously help him and his business and expand his business. It's a critical need to be able to store that piece of equipment in that proposed building there and he'll talk a little bit more about that.

The variance is preexisting and a very unusual lot here. The property is located in the commercial district. The minimum lot area for that district is 30,000 square feet. This lot is 229,000 square feet. The problem is it's very narrow. It has 150 foot frontage and then it goes back over 1500 square feet. If you apply the side yard setback requirements, those are 50 feet so the width is only 115. So if you applied the side yard setbacks on the left and on the right, you basically would take up two thirds of the lot. There would only be a 50 foot strip in the center that could be used, and of course, that makes no sense. So what we're asking for is a couple of things, the existing, pre-existing non conforming uses, and the associated setback requirements, which don't meet code to the extent that they are pre-existing and we want to reconfirm that they are permitted.

In the front yard, leading up to the commercial building, on the right there's a setback of about 30.5 feet. The required setback is going to be 150 feet on that setback. In the right rear corner of the existing commercial building, the corner there, it's only four feet from the property line. This is a pre-existing condition. It's an abundance of caution when I learned that that variance is required. The new one, which is caused by the proposed building, we would like to have a five foot setback on the side property line. We can't really move it forward any closer to the center of the lot for two reasons. Number one, there's a drive aisle that goes between the house and building that goes into the back of the rear. If we move that over, that will interfere with a lot of the maneuvering that has to be done back there with equipment. The rear of the existing building and some materials and construction goes on here. So we kind of just have it there for a five foot setback.

The other issue is the opening to that building will be facing the center of the lot. The equipment from time to time will have to be brought out and put back in. We really need it fairly well close to the side yard so that's a five foot setback. On the other side is the gas company and the only thing that's over there are gas tanks. There are no homes and there are no structures where anybody will be looking in there. Since we are expanding the pre-existing non conforming uses we are asking for a use variance.

What I'd like to do is maybe have Mr. Feliciano talk a little bit with some brief background about what we're doing. Once this building is constructed then he can order the equipment. How long that takes to get the equipment is up in the air right now. Once that gets in, and things get settled, at some point, in the very near future, we tend to come in with a major site plan which I think is something the Borough wants. Then that whole lot will be nicely developed.

John Alice swore in Mr. Feliciano, Borough professionals Stan Bitgood, P.E., and Paul Breier, P.P., and Greg Simonds, P.E. representing the applicant.

Ray Feliciano advised the board that he has been there for probably about 12 years and would like to stay in Clayton. He has overgrown the building that he is in. Once he purchases this machine it will allow him to bring my business to the next level. It will allow us to produce more and allow in the near future put a bigger building in the rear. Dale Taylor, Esq. asked if anyone had any questions for the applicant. Dale Taylor, Esquire added that the proposed building will stay at the property.

John Alice, Solicitor, asked the applicant if the resident that is occupying the residence is the seller of the property. No, it is now a tenant. The prior owners, at some point, lived there, and also operated the business. The prior owners moved out when they sold the business, so now it's just a rental for Mr. Feliciano. John Alice, Solicitor, asked if that may go away with the major site plan but for the time being wants to keep it and the answer was correct.

Dale Taylor, Esquire, advised Mr. Simonds to give a brief overview and then they would go over the review letters. Greg Simonds, P.E. said it's an existing developed steel manufacturing property. We are only proposing a 20'x20' pole barn. We do have some elevations and there are some doors and windows on it. Basically it's going to be a pole barn building located five feet from the property line. There is some existing on-site parking for customers and employees.

Dale Taylor, Esquire advised that unless anybody has any questions for Mr. Simonds he would like to move to the review letters.

Stan Bitgood, P.E. reviewed his letter dated April 8, 2020. I agree, the applicant, as the site plan shows and how Mr. Taylor described the applicable variances that have been requested, they are needed and shown on the plan. The plan was revised and addresses my initial comments, which I appreciate. The current plan Revise 05/05/20 should be what is online. It does now show the Wellhead Protection Area which crosses the back of the lot and is not affected by the proposal. In regards to completeness, I do not object to any of the waivers with the exception of the elevation view which was submitted. It shows an elevation BB, 20 foot wide by 18 foot high with a pitched roof shingle. For clarification, that elevation B will it face the residents. Mr. Simonds answered that would be facing the residents and the overhead doors would be facing the center of the lot. Stan Bitgood, P.E. deemed it can be complete and we can continue.

Technical requirements. I'm going to skip over zoning and let the planner address that. Drainage addressed by downspouts facing the rear of the lot. The runoff is minimal and they don't need any stormwater calculations. No changes in grading are proposed and the limits of disturbance are shown. Although a bulk variance is needed, they do comply with the work clearance to the adjacent property line in the grading provision of the Ordinance. There are really no further engineering issues to be addressed. I would like to make one correction. I believe I had mentioned that the front apron needed to be repaired. That has already been repaired by the sewer installation work that was done upfront. I have no engineering issues. If you have questions, I'll try to answer them.

Paul Breier, P.P. referenced his letter, dated April 16, 2020 and received the revised plan and the elevation with a garage, and concur with the completeness for the application. His first comment is about the use variance. Mr. Taylor talked about that, and it is an expansion of a pre-existing non conforming so it's not a brand new use variance. I guess it holds a little bit of different weight on that. I don't know if any board members want more testimony from either the applicant and the engineer or Mr. Taylor, to support that request. John Alice, Solicitor added that what Mr. Breier's talking about is under the case law, when you have a pre-existing non conformity or pre-existing non conforming use, the standard is lessened on an expansion. Now, that doesn't mean it's a license to have an expansion, or whatever you see fit. Mr. Taylor didn't spend too much time on it, and what Mr. Breier is frankly asking, whether you wish to spend more time here is because I think this Board is acquainted with the area and we also had an S&F Gas Works application before us. We know that along Delsea Dr. there are some pretty strong business uses. Being familiar with that site, do you need more testimony on the positive and negative criteria in regards to why this would be an appropriate site for this expansion, or is the board generally ok with what they have before them? Joe Abate added he would like to hear a little more.

Dale Taylor, Esquire included in the application an addendum but I think it's appropriate to put it on the record. So, I'll give you a very brief one. First of all, any subsection D, or use variance has to go to the positive criteria, which is the zoning, in this case, under Section 40:55D-2 meet several of them. Number one, the proposed development and use, does promote the general welfare of the community by expanding a business which provides a solid foundation for the

business section in the community. The positive is the proposed development will not interfere with the development and welfare of any neighboring municipalities or the county or the state. The proposed development provides sufficient space in an appropriate location. It's an appropriate location, because it has been operating this way for decades. It's only natural to expand that, which will help the applicant, as well as improve the area. It meets the needs of the commercial, industrial needs of the citizens in New Jersey, especially this time, because it's a thriving business. It's in the best interests of Clayton in the County Gloucester, to continue to support and promote the already established businesses.

I don't believe there is any negative criteria, the, as, counsel for the board and the board knows, the negative criteria has to make sure that there's not a substantial detriment to the zone plan or the master plan. There is no substantial detriment to this as it is an existing business. They are only adding a small 20'x20' small building or 400 square feet so that doesn't have any substantial impact. It meets all the engineering concerns in terms of grading and the location and the rest of the particular lot. On the left side of the lot, as you're looking at it, they have the S&F Gas Works which has large gas tanks there. There are no buildings there to interfere there and there are no homes whatsoever. On the right side, the use of the BDK, LLC building on the very front of the lot, which is for the people with behavioral issues, and in the rear, where it is. On the side of where the main business uses are in the back. There is nothing in that real lot, I did talk to the Owner of BDK, LLC and he has no problems with it whatsoever. If he did, he was invited to show up. So I think that those are the main reasons why we believe that we meet the positive and the negative criteria.

John Alice, Solicitor, added the only issue that the Board is probably going to inquire about is five foot off the property line. I'm looking at the plan and you have a shed which is 15.5 feet, and you have got this proposed building that is five feet in. So, I would inquire of the applicant, why not at least be able to get it in if not 50 feet, which I fully appreciate, but 15.5 feet, or something like that. I already addressed this at the beginning, and maybe I went through it too quickly. The way the opening to the building, the doors that you'll be entering, that will face the center of a lot. So they need really to maneuver in and out of that building to move the equipment outside, where sometimes it's going to be operated outside. Have your engineer or applicant testify to this. Ray Feliciano advised that it is a C&C Machine which is used in the building. The machine comes out and it has a track so the machine needs enough ample room so when he puts the steel on there. He did measure and I would love to bring it out more but that would tie into my driveway.

John added that he is going to leave it alone because the board is very pro business, This is a great business. You've been there a long time. There is a little bit of a challenge cause if it was shown on the plan the members could see it. They want nothing but success for you. Joe Abate wanted to hear from Stan Bitgood, P.E. Stan asked that the applicant's engineer, Greg Simonds, P.E. weigh in on it first. Greg Simonds, P.E. indicated that the track is going to be roughly about the size of the building, so the equipment will come out roughly about 20 feet outside of the building, so the exact dimension of the building. The equipment will be on the outside of the building and it would butt up to where it says Existing Earth Drive on the plan. In order to maneuver the vehicles to the track where the equipment will operate. Stan asked can't it be moved closer to the corner of the fence shown in the interior corner of the fence with the drop

during movements, correct?. Greg Simonds responded that's my understanding, yes, that's correct. Mr. Bitgood advised that he is satisfied with that. Joe Abate verified that there are no issues with grading and drainage and tree removal. Both professionals responded correct. Joe Abate asked about sidewalks. What I understand there aren't any sidewalks in that area along Delsea Drive drawn on the plans. I don't know if there is a need for a sidewalk on Delsea Drive to go cross a property when it wouldn't really be used by anybody or connect to anything. Dale Taylor, Esquire added there's no sidewalk in front of the gas company and no one needs to walk over there. There's no sidewalk in front of BDK, LLC, because most of the frontage that is there is their parking area so it would literally be the sidewalk to nowhere.

Sue Miller added that if they're predicting something down the road with a major site plan, why don't we just wait till then. Joe Abate asked when they plan on going forward with their major site plan? Dale Taylor responded they are talking about it now and the big issue is to be able to get this building up and then get the equipment. We're not sure the order will be put in or exactly when that equipment comes, When we settle that down then we will go into full bore, taking a look at it and putting together a conceptual, major site plan. However, once the equipment's in we will probably get started on the major site plan. I'll leave it up to Mr. Feliciano. Maybe 6 to 8 months or so but we can't be sure of the time that the machinery is up and running Ray Feliciano added that if he can get this machine going. He's been in contact with them, but because of Covid 19, he can't get them to give him a date of when the machine will arrive. He did give them a preliminary deposit to hold the machine so that he could be guaranteed a machine.

John Alice added that no one's trying to pressure you or put some time constraints on you. They are only words of encouragement. You may not be back for a year or whatever just wanted to see you get situated and it all work out for you. Mr. Feliciano added that's what he wants. He wants to be able to come back with a plan to build a building on the back of the property for business growth with this. He wants some time to get this machine going and get some income and come in a year after that. If it's feasible, I will come in there before that and start the process. I need to keep growing as the demand increases for me.

Joe Abate wished him luck and asked if he could between now and doing his major site plan to spruce up the front of his property to make it look more presentable because it needs some improvement. Work that out with Mr. Breier please on what your plans are on sprucing up the front of your property. But what I'm saying is to spruce it up before your major site plan. John Alice said we should inquire of our professionals, because while obviously, everyone would love to see, including the applicant, the front of that business looking better. If he's coming in for major site plan, does it really make sense at this time to spend money? John Alice, Solicitor, asked Dale Taylor if he was comfortable with having an agreement that the applicant will work with the Board's professionals to come up with what might be described as a modest bit of landscaping improvement along the front of Delsea Drive. Yeah, in front of a commercial building itself, it's basically asphalt but we will spruce it up. I don't think Mr. Feliciano will have an issue. To the extent that, it may look a little bit better. Mr. Taylor advise that they agree to work with the professionals. The board members had nothing to add.

Ray Feliciano added that he would to make a correction on the elevation BB that was discussed earlier. The elevation BB plan does not face the house it actually faces towards the hill. Stan Bitgood, P.E. added that on the last sheet of the pole barn. Mr. Feliciano is correct in that the BB view faces away from the house toward the rear of the lot. Mr. Bitgood confirmed that there will be no windows facing the street or the dwelling. The garage door faces the center of the lot.

Dale Taylor, Esq. has two other things. We did get the letter of May 17th from the Clayton Fire Department regarding installation of a knox box, electric line must have a minimum height of 14 feet and they want a marker to be placed on the building on the door side of the building (i.e., roof truss). They agree to comply with that. The Public Works Director, Mr. Hunt, also talked about the connection to the water system that is already connected. He also talked about the sewer main in the front and suggested a sewer lateral should be provided. They will address that issue when they come in for major site plan. Right now we're fine the way it is. We do have the water connection, but we would like to hold off on any sewer lateral until we get this major site plan done. Other than that, we agree to those two letters.

Joe Abate asked Stan Bitgood, P.E. his opinion on the sewer lateral. Stan answered he thinks it's a big commitment to do the sewer lateral connection within a certain amount of time. He feels this is the more appropriate way to go. At this point, we can't hold the applicant to doing a major site plan ever. So, if we're going to require the sewer lateral, I think the best we can do is either require it now as a condition of this approval or within a certain amount of time. John Alice asked why not do it now and Joe Abate agreed. Ray Feliciano offered that he would like to do it as part of the major site plan as he is going to have to deal with sewer for the new building as well. He added that if the members want it done now he will. Greg Simonds, P.E. also added that there are also Borough connection fees. So it will be the borough connection fees for the existing dwelling, and the office building and also Gloucester County Utilities Authority connection fees for the frame dwelling and the metal shop and office building.

John Alice advised that there could be a problem if the board says we will give you a year and come a year from now the applicants not ready to pull the trigger on the major site plan. We will agree that if we don't submit the major site plan within a year that we will, as a condition of approval tonight, make sure that the sewer connection is made. We just want to make sure that with the major site plan that we're planning for that we configure the connections given the context of the development for the entire site. I understand where we don't want to kick the can down the road for some reason we delay beyond a reasonable period to do the major site plan and for that reason, we'd like to just hold that off. If within a year, we haven't submitted the site plan then we will agree to do it.

John Alice asked what the Board thinks. Darlene Vondran confirmed that it has no running water or anything and it's just the pole barn. It's not going to impact any sewer right now. She doesn't think it's a big deal if they wait a year. Sue Miller added that she agrees with Darlene. She mentioned there are two things. One is when you connect to sewer do you have to have the board of health and other approvals to decommission the septic? So that's another approval process that's going to delay this. The second thing is we are just two days ago coming off of and moving forward with any non essential construction with Governor Murphy. Who only knows how long any contractors are going to be backed up with trying to do projects that have

been put on hold because of that executive order. Sue Miller added she would be comfortable even giving a little bit longer than a year, maybe 18 months, given the state of what we've all faced with Covid. Joe Abate is not good with giving more than a year. Sue Miller, Darlene Vondran, and Barb Saban agree that 18 months is good. Joe Glennon added his concern about economic problems in the country during the recovery. I think trying to put additional burden on this gentlemen, a developer, who's trying to get his business going during these distressed times is admirable but I think we really ought to be trying to give him as much girth as possible. Joe Glennon suggested revisiting it in 18 months. If he hasn't done it, because the economic conditions may be trying. Joe Abate asked if he could submit a plan in writing, nothing formal, a letter of indication within a year and then we can let you go to 18 months. Dale Taylor, Esq. agreed to that. All the members agree to it. Dale Taylor, Esquire advised that he didn't have anything else to add.

If anyone is in the public and would like to address the Board, please make your come forward and state your name and address what you, what your question is.

Darlene Vondran - I'm gonna make a motion to close the public portion.

Second: Sue Miller

All in favor: Ayes

Joe Abate - Motion to Approve Bulk Variances and Site Plan

Second: Eric Thomas

Roll Call:

Abate –	Yes
Branco –	Yes
Fox –	Yes
Glennon –	Yes
Miller –	Yes
Barb Saban –	Yes
Tony Saban –	Abstain
Thomas –	Yes
Vondran –	Abstain
Culver -	Yes

Both Dale Taylor, Esq. and Raymond Feliciano thanked the board.

Cenco Properties, LLC, - Cenco Industrial Park a/k/a Block 1904, Lots 24.03, 24.04 & 24.05 – Major Site Plan – Preliminary & Final

This is Emily Givens, Esq. of Maley Givens on behalf of the applicant Cenco Properties, LLC, for preliminary and final major site plan approval. This property is in the Cenco Blvd. Industrial Park.

They are proposing a 1,881 square foot building. We have two witnesses. One is Michelle Young who is with Maser Consulting and is the applicant's engineer and planner. We also have Mark Richie of Sea Shore Asphalt who is the General Manager for that facility and will be working as a tenant for this facility.

Emily Givens, Esq. asked John Alice, Solicitor swore in Mark Richie,, Michelle Young, Stan Bitgood, and Paul Breier.

Emily Givens, Esq. added that Ms. Young has not appeared before this board and she would like to qualify her as an expert. John Alice advised that he has known Ms. Young as a professional engineer for, over 10 years now, and has actually used her as a professional engineer in Applications and has had the benefit of her serving as a Board Professional for Applications. He's well acquainted with Ms. Young. The board accepted her as a professional.

We did provide appropriate notice to the 200 foot list as well as the newspaper notice with all of the instructions on how to access this go to meeting.

Proof of this meeting was provided to the addresses on the 200' list and the newspaper. We have provided proof of that to your board secretary. John Alice, Solicitor, add that the board has jurisdiction to hear this matter.

Hi, good evening, Thanks for having us. Michelle Young advised that she is going to start out with testimony, and will have this exhibit up (colored site plan). We are here tonight seeking preliminary and final site plan approval for a contractor's yard with office, vehicle maintenance building, and truck parking. This is, Block 19.04, Lots 24.03, 24.04, and 24.05 and the address is 301- 305 Cenco Blvd. It's a 16.5 acre overall track between the three lots and we're only proposing to develop a portion, less than half. This is located on the northeast side of Cenco Blvd. which intersects with Academy St. approximately 1,500 feet away from the proposed project. It is zoned I – Industrial and is vacant and partly wooded.

The proposed operators are contractors working construction of critical infrastructure like roads, utilities, and bridges. We are proposing a 1,881 square foot office, contractors yard with truck parking, and a maintenance building which will be used for the repair and maintenance of their vehicles. The 24 hour operation is due to them supporting overnight construction which helps to keep the roads open during the day. We propose a dedicated loading zone and a trash compound area. No variances are proposed and it meets all bulk requirements for area setbacks. The uses

proposed include a general business office, contractor's dock, automobile repair, and the storage, parking, and garaging of motor vehicles and associated trailers. Those are all the types of things that they'll be doing on this site. The intent of the industrial district is to promote the development of appropriate areas within the borough, which will provide opportunities for the use of buildings large and small for industrial uses on individual parcels or in industrial parks. This project meets this intent and is proposed within an existing industrial subdivision that was built in the late seventies.

Refer to the map. There are three separate parking areas proposed. In the front, there is a nine parking space lot that will service the office. There's the maintenance building here which will have eight employee parking spaces for the eight employees. Any overflow or visitors', there's ample room in the parking lot, as there are also about eight employees proposed for the office. In the rear, there'll be 30 parking spaces for construction type vehicles semi trucks, but mostly tri-axle vehicles, and then along the side, 30 personal vehicle parking spaces for the truck drivers to park their personal vehicles.

We propose two full access driveways. The site will be led by a system of polls and building lights. They will all be LED and directed downward to avoid glare. The lighting plan has been designed to comply with the code requirements. The lights will turn on and off by photo self sensors and will be, since this facility is 24 hours, the lights will be on throughout the night, but will be turned off during daylight hours. There's a landscaping plan. This is actually our older plan. We will be enhancing it based on comments by your board professionals. There's firms along the frontage. Along the side property lines we will have landscaping, as well as foundation plantings, and planting around the trash enclosure and this will specifically be enhanced. There's one freestanding sign proposed by the second northern driveway. It is double sided and complies in size and height. Per the code it is under the maximum height and areas. It's a setback 25 feet from the right-of-way which is also part of the code. We are also going to add one directional sign to the first driveway as suggested by your board engineer. We agree to do that. It will say Exit Only to encourage most vehicles to go inside, especially for visitors.

At this time, I know the professionals had suggested that we submit very detailed sign plans and the applicant, was hoping that at this time, we can get the size and location approved. Then they can come back at a later date with a compliant time still, but with the more of the esthetic details.

As for stormwater, this is a major plan. We propose an infiltration basin in the rear of the property. It meets stormwater quantity, quality and groundwater recharge requirements. We have done non structural and low impact development techniques using cresswell, disconnected, impervious surfaces, perforated roof runoff. Your board engineer, Mr. Bitgood, has suggested that we add language to the Stormwater Report, suggesting that any future development within the drainage area will require site plan approval and we agree to add that. We're not proposing a fence around the Basin that has been brought up by both the fire chief and your professionals. We feel that fencing around basins makes it harder to maintain and we prefer not to do that. Mr. Bitgood suggested that he would like some protection between the parking and the basin, A couple of different ways to do that. We propose to put NJDOT precast concrete barriers along here. We'll figure out how far apart to keep any trucks going into the basin. That's a very strong type of barrier and with these larger trucks, we think, that that would be appropriate.

For utilities, there is already a water and sewer main in Cenco Boulevard so we will just be connecting via services. We've already had applications to your water and sewer department and will be complying with some comments that they've made.

Regarding environmental aspects, Maser Consulting did perform an environmental investigation. The main thing that was found was across the street on Cenco Boulevard the property formerly known as Safety Clean. There is some groundwater contamination that comes across this site and causes groundwater plumes in this area. There are several monitoring wells there and they will have to remain there and maintained by the responsible party. We haven't proposed any buildings in those areas. The impacts to the property do make this industrial use more suitable than other types of uses since it does have some contamination from another party. But just to re-iterate, it is not an area of the buildings.

We originally proposed a fueling area that was only for convenience and have decided to remove them from the application. There are plenty of gas stations off-site for the trucks to be refueled. We don't propose any washing of vehicles, on-site this will also occur off site. Any new or used fluids such as oil changes for vehicle repair and maintenance will be stored in containers inside the maintenance building and disposed of by a recycling company that comes to the site and disposes of it. There's also a tire supplier that will visit the site several times a week, every few days, and will exchange and change tires. There will be a tire rack. It will just have a few tires on it in between those visits and they propose to have that along the back of the maintenance building.

From an ecological perspective, in the rear of the property, is a very large wooded area that will not be disturbed in any way by this development. There's wetlands there, a stream that's quite far away from the development. We had a field investigation done to confirm about the wetlands that had been deed restricted years ago. It appears to be in generally the same place and well over 150 feet away from any development per this application.

From a traffic perspective, this does not generate a significant increase in traffic to the adjacent roadway system. We had a traffic assessment done and it was concluded, based on light industrial use and office use, that there's a maximum of 19 new peak hour trips. The traffic coming into the site will be personal vehicles to the office and to the yard, and then the construction vehicles, which will leave and return to construction sites twice a day for daytime and nighttime projects.

There was a couple of waivers that we requested. For submission waivers, one was we provide 100 feet topographic contours in lieu of the 200 feet. The reason for that is the adjacent properties on each side are owned by the applicant as well. That hundred feet gave us enough to be able to establish drainage patterns and show effect on those adjacent properties. We also asked for a waiver from locating trees over eight inches in diameter. There's a small area in the front here because it will be removed but these are emergent and not very good quality. In the back where you have the better quality, a good wooded area again, we're not touching that. We would ask for a waiver from identifying all of those trees in basically that eight acre land that we

won't be touching. We're also asking for a waiver from a recreation plan. This is not a residence, school, or public facilities so we don't think that a recreation plan is required.

There are a couple design standard waivers that we're also requesting. One is for providing sidewalks along Cenco Blvd. There are no sidewalks anywhere on Academy St. where it connects to. They don't anticipate much pedestrian traffic. Another thing that they've asked a waiver for is for striping this back parking lot. The rear parking lot is for private use. All visitors parked in the parking lot for the office will be striped. The operations of the parking lot in the back will be monitored and controlled by the applicant. In the front in this parking area and in the two driveways, we have proposed pavement and curb and will be extending the curb around that was requested by your board professionals. However we are asking for a waiver from providing curb all along the outside of what I'm calling the yard. It adds to positivity to stormwater management of disconnecting impervious surfaces. It's a semi-private industrial setting. The user is well suited to repairing anything or any kind of damage that happens over time or just wear and tear.

Mr. Bitgood suggested that in the stormwater maintenance manual we add that the grass edge along that pavement be inspected regularly to prevent erosion and we agree that that is an appropriate mitigation. I mentioned about the other labor lists for the fencing. I already went over that a little bit about on how we would prefer not to fence the basin but will provide barrier here. Another question that came up was about security. The applicant would prefer not to fence in the entire site as they are going to have staff on the site throughout the day and night. They are also going to have security cameras so they don't think it's necessary for their operations.

In regard to your planners and engineers review letters, we will comply with the remaining technical comments with the exception of the waivers, and the exceptions that I previously mentioned. Of course we can go through them. There was some comments by the fire chief. Like the last application they asked about knocked boxes and we'll certainly add those. If there's any other questions, I'm here to answer them, but that is my presentation.

Joe Abate asked if anybody has any questions. Steve Branco asked if it's going to be a 24 hour operation. Yes, so this user of the property supports heavy highway construction so they need to be able to come to the site or leave the site if they were to have one of those nighttime jobs. Steve then asked if the repairs are all hours. Michelle Young deferred to Mr. Richie. Mr. Richie advised yes they are during all hours inside the building. He indicated there would be some work outside but at night it should be all inside. Well, if there's a time where something is getting done outside the doors, but in the middle of the night, that the nothing going on outside will be on my. John Alice inquired that since the equipment is inside isn't that where most of the work would be done and Mr. Richie responded yes. So there really wouldn't be any expectation that you'd be doing repairs on trucks and vehicles outside since the equipment is inside. Michelle Young added that they do need to come and go at the end of the shift.

Steve also verified that the fuel pumps are not going to be installed? Michelle Young answered that they are no longer proposed. Joe Glennon added that taking a look at the detail on the entire package you have gone to a lot of time and expense and surely you know your own project than

any of us do. What if the site does well and can't handle the amount of work. Is it possible that you might want to consider moving the storm drain management system further towards the end of the site subject to our professionals review in order to give you some expansion capability. So there are constrained areas on the other side of there, towards the back there's 150 foot wetland transition area. We don't want to cause any problems with that, if they didn't want to expand and they could maybe the left or right, they own these two properties here as well. We would have to expand the basin, but again, we would go to the left and the right as opposed to the back. They don't want any impact on Little Ease Run at all. There is already a storm system here and we would just be tying into it. We don't need any wetland or flood hazard permits because we're not doing any new disturbance to those areas.

Joe Abate asked about the monitoring wells that are going to be on the property. Are they going to interfere at all with your operation or maybe future operations. Michelle Young answered that they need to be relocated and they will have to be by the responsible party or in conjunction with the responsible party. Once they are relocated, they can still come and check them and do their well monitoring. It won't be an issue because they're all up in the front portion here away from the actual circulation. And the responsible Party is ok with moving them in the future.

Joe Abate asked for clarification on how often the tires are going to be removed from the property? Mark Richie answered that they have a tire service that we deal with that comes in a few times a week and gets rid of any junk tires replaces with new and puts them back on the rack which will be behind the shop. Joe Abate advised that he doesn't want tire storage back there. They come out a couple of times a week.

Joe Abate also asked about the basin and them mentioning that they didn't want to put a fence around it. The fence is for protection and he would like to ask Mr. Bitgood's opinion. Mr. Bitgood indicated that as far as this basin and the location of it being at the rear of an industrial site like this. It is distant from any potential resident or strangers being able to access the basin and sees no reason to require a fence. In the past projects, I've heard of an equivalent amount of testimony regarding the benefits of fences and the problems with fences. He has also seen animals and birds trapped because of fencing and they couldn't get out. So he is not in favor of requiring it. John Alice added that Ms. Young testified a little bit ago, that there was going to be the utilization of bollards which would be as good as or a superior way of protecting that transition area. Michelle Young added that they are going to use an NJDOT pre cast concrete barrier. Michelle Young advised that she forgot to mention that this is not the type of basin that is going to be filled with water at all times. There will be water in it immediately after a storm. They can't let the water be in there for more than 72 hours. Based on their calculations we think it's going to be less than 15 hours so it's well below the maximum allowed for water to be in there. It is not a very deep amount anyway. It's maybe a foot or foot and a half before it drains out over the course of the day. Joe Abate added that we want the basin to be protected from an accident of a truck or another vehicle going into it. Stan indicated that the New Jersey barriers will do that nicely.

Joe Abated asked Paul Breier, PP to go over his review letter. His second letter was revised, based on the additional information that was provided, dated May 12, 2020. On the second page, the applicant's engineer went through the completeness items and the design waiver so I don't

want to repeat all that. He feels the application is complete if the board is comfortable with the waivers. On page three of his technical review for the code it's stated it's an office use so it is in compliance. In regards to the maintenance building in my letters I quoted the ordinance and it doesn't specifically say maintenance of vehicles. But that section of the code is about the only place where it would cover maintenance of vehicles. It talks about garaging of vehicles and storage but not necessarily maintenance of vehicles. Again, it will be up to the board to interpret the meaning of that to make sure that this is a use that is in compliance with that section of the ordinance.

Joe Abate asked if he is suggesting that our code be clarified as far as maintenance goes. Mr. Breier answered yes or maybe the ordinance needs to be broader or maybe there are some other projects that have already been approved that don't necessarily follow the wording of the ordinance. If that's the case, and the board has been proceeding in that way, it's just something to consider with this application. Michelle Young added that it says automobile repair and suggested that if they were to call it something different, instead of maintenance, contractor's shop and repair, instead of trying to use the word maintenance as a catch all for those types of maintenance and repairs? Stan Bitgood indicated under 88-21B(c), repair and service of home, business, and or industrial appliances, equipment, or instruments. He believes one could interpret that to cover the equipment and vehicles.

John Alice, Solicitor, thinks Stan is 100% correct and in order to do this heavy road construction, they need these particular vehicles. These vehicles are the tools. They aren't tractor trailers that haul things from one place to another. They are the things that bring the asphalt there and take away materials. They don't want to get hung up on the language I agree that to have this use on one of those properties, then it would be approved through one of those sections.

Next item, the fuel tanks are out, so we don't worry about that. In the ordinance it also mentions some performance standards about fire and explosive hazard, liquid and solid waste, sound, vibration, glare, and odor. Can the applicant or the engineer just provide a little bit of testimony on this. Michelle Young responded that it was indicated to her that they could comply with this entire section 88-38 Performance Standards for Industrial Developments. Joe Abate advised that they are interested if there is any odor mitigation there. Paul Breier, PP asked if there is going to be any painting of vehicles. Mr. Richie answered that it is not going to be done on the property. It will be done off-site.

Next, page, affordable housing, to be coordinated later. The buildings, did we discuss or whether the more information provided about the style and color and facades for the two buildings? Michelle Young asked if they want her to bring up the architectural plan that was submitted? Or, Mark could describe what the office and the maintenance building is going to look like. Per Mark Richie, the office is 18 foot high and the bottom half would be cultured stone, white windows and doors and architectural roofs. The shop or maintenance building is 30 foot tall. The outside is gray and the doors and trim are white. Joe Abate asked if anybody had any comments on that because he didn't see the elevation. The elevations were shown on the screen at that time. The board was good and no one had any comments.

They don't feel that they need a fence for security because they are going to have staff there 24/7 along with security cameras. Mr. Breier doesn't have an issue with that. Landscaping there was testimony that they will add some around the trash enclosure. The center area between the two driveways is where the berms would be increased to six foot. Michelle Young added that they are going to increase what we had originally proposed four foot berms to stay within a 25 foot buffer. The landscaping will just be adjusted. Paul Breier, PP, asked about the far left-hand, lower corner by the car parking, and not having enough space for it there. Michelle Young said we will do it in the frontage wherever we had proposed the four foot berm we will increase it to six foot. Paul was happy with that. He asked that they label the grass areas on the plan and they agreed. Paul mentioned that it's a 24 hour operation and asked if that means the lighting would be on at night time. Michelle Young answered they are photo cells turn on and off as a cell when the sun comes back up. They tried to keep the lighting to the minimum that was required so it's not overly bright. Most of the area are owned by the same applicant at this time. There is one here but we'll put a shield on the back of it to prevent it from spilling into the property.

This is Joe Glennon, with regard to the lighting. A lot of the newer photo cells have dimmer capabilities on them. We're doing some work on our buildings and we find that the payback is just as effective with sites that can automatically dim late at night when the lights are less used or not used at all. Michelle Young responded if they were to dim them when they were on they wouldn't be compliant with a minimum and she didn't know if that was an issue. Mark Richiie added that he can operate with the dimmer light. Michelle Young asked if they were to put a dimmer on it so that the lighting levels go down. Or maybe we can just turn off some of the fixtures during the night. Maybe we can do one or the other, but it would be ok if some areas were below minimums during that time. John Alice, Solicitor, responded that the board is trying to say site safety and security is paramount as it's the applicant's responsibility and, frankly, his concern. Again, I don't think the board was trying to put anything or requirement on you other than just think about it. Joe Abate agreed. Paul Breier, PP agreed with everything. It's a 24 hour operation and he doubts there'll be any work being done outside. He doesn't think they would be changing a tire out back during the nighttime after 9 or 10 p.m., or twilight hours. They would only need lighting around the perimeter of the building, or any of the employees coming in and leaving. Just so they can see where they're walking.

Parking, There are lot of parking spaces could you provide testimony as to the number of employees anticipated and the shifts changes and possible visitors at the office? Michelle Young answered they are anticipating eight office employees. The office parking is calculated by 4.5 spaces per 1,000 sq. ft., or nine spaces. We actually have 19 spaces there. At first, we thought employees of the maintenance building would also park there but knowing how people are they are more likely to park next to the building that they work in so we added eight spaces for the employees of the maintenance building adjacent to it. They decided to leave the extra spaces here for any visitors. If they were to have more than eight office employees, they could probably accommodate more than eight employees based on what the parking calculation comes up with.

Joe Abate asked if they mentioned a walkway between the parking lot and the office building. Michelle responded there is a walkway and there's actually a ramp too for disability. All accessible parking will be handled at the office. Recreation is not really applicable in

commercial developments. In regards to sidewalks, there are no sidewalks on Academy St. They requested a waiver for that in which Mr. Breier supports.

We had testimony on the signs that is double faced. They just want to get approval for the size and location right now. Then they would be submitting more detailed plans for the sign measurement, colors, and things like that at a later date. Mr. Breier is fine with that. Of course the outside agency approvals. He asked if anyone had any questions. Michelle Young asked if they want her to comment on the outside agencies? They got the Gloucester County Planning Board waiver which they received that last week. The only other thing is the County Fire Marshal that you listed and we will be submitting to. Also, the water and sewer department, which we've also already submitted applications for and received comments. We will be resubmitting to them shortly as well.

They also have to submit payment to the Gloucester County Utilities Authority for connection fees which may have already been done. Joe Abate asked if they are ok with the Public Works Department comments and the Clayton Volunteer Fire Companies comments. The only thing on there was a comment about adding the fence around the basin which we already spoke about. In regards to the Public Works Director's letter is the spill prevention plan since they are no longer doing the fuel station.

Stan Bitgood, P.E. referenced his letter dated May 12, 2020. The applicant submitted a response to our original letter dated May 8, 2020 along with the color rendering that has been presented this evening in response to that. He agrees with Mr. Breier in regards to the design waivers that have been requested. He thinks we have heard some justification for them as well. So no objection to considering it complete. Most of his items have already been addressed. The applicant has agreed to address all of them, I believe, with almost no exceptions. The elimination of the fuel service facility takes away most of my concerns. With that not in the picture we basically have a conforming standard site plan. All surfaces will be paved. So storm water quality has been addressed with their management plan. The creek will be protected to the levels that's required by the State storm water rules. I understand Ms. Young has agreed to add an inlet at the front of the office building to convey the swail to go into the basin instead. Michelle Young agrees and will incorporate that.

Adding the exit sign and extending the curb between the two driveways internally and the paving takes care of most of the circulation issues that we had. The NJ barriers are an excellent way to protect the trucks from going into the basin. He thinks the lighting with dimmers is a good idea. He wasn't sure if the LED lights can be controlled with motion sensors or not which might be something to consider as well for the areas away from the buildings? Joe Abate asked Stan Bitgood, P.E. about the deteriorated truck scales mentioned in his letter. It is going to be removed and filled in. John Alice, Solicitor, verified that the truck scales are gonna get removed as part of this this approval and was advised yes. The utililties are being addressed by the water/sewer department. The fire official's comments are noted. As we understand it, neither of these buildings will require fire suppression. They will just require potable water service. All in all he thinks the plans are complete and all of our comments are being addressed. If anyone has any questions, I will try to answer.

Joe Abate asked Mr. Bitgood if the trash enclosure is okay. Mr. Bitgood responded yes with the extension of the pavement and the agreement to add landscaping in front of it and around it satisfies my concerns.

Joe Glennon questioned about the pervious and impervious coverage as he thought the site was not a full asphalt site. They are extensively under asphalt pavement throughout the region. I had objected to that knowing that that would create dust and would break down over time with the heavy truck traffic. It gets way into the storm system, The applicant agreed in their response letter to my comment to pave the entire parking area three with inches of asphalt. Outside of the asphalt we understand it to be grass and landscape and the entire parking area will be paved. There should be no bare areas except the bottom of the basin which is required to be bare so it can percolate runoff into the ground.

Steve Branco asked if there will be any roadway improvements to Cenco Boulevard? Stan Bitgood, P.E. answered that he doesn't see any requirement for it. Their traffic volume is actually relatively light for the size of the industrial park there. He investigated some curb damage up front and doesn't attribute that to inadequate roadway widths. There's plenty of room for their vehicles to maneuver, without impacting any road width. Joe Abate asked Steve if he is suggesting that maybe they pay for it? He said the entire length of that is in disrepair and Joe Abate agreed. He lives in the senior complex behind the industrial park and you hear it all the time with all of the laterals in the road and the cracks in the road. He doesn't know if this is going to create more of a problem with more heavy trucks Stan answered that accumulated traffic will continue to where the roads without question. This doesn't seem to be an extremely heavy volume of traffic based on the testimony provided.

Joe Abate asked if there were any suggestions from representatives of the Borough. I have a suggestion. Sue Miller added that she can't really tell by this diagram asked if there's an egress in and out and was advised yes. She asked if the out is directly across from the cutout in the island? If they go out and come out right they are going to cut right across the island and not even have to traverse much of the road. Michelle Young added that the island is quite a distance away from the proposed driveway. Sue Miller asked if it was possible to get another cutout and then just cut across so you're not even traversing much of the road. Michelle Young responded that the island is a couple hundred feet away from the driveways. Darlene Vondran asked who was responsible for the roads and was told the Borough is. Darlene advised that you can't make them fix it but the Borough would have to. Joe Abate added that she is technically correct but he has seen a 50/50 split between the Borough and the applicant.

John Alice, Solicitor added that this applicant doesn't have any obligation to do off site improvements. They have a traffic study that talks about a de minimus increase in vehicle traffic. I think that kind of spoke to some of the employees so maybe we should ask the applicant. How many trucks do you expect to be in and out of there each day? Mark Richie responded 30 trucks that are about 25,000 pounds. Mr. Bitgood and Mr. Breier were asked if they had any thoughts. Stan Bitgood responded that while that may seem large a percentage of the total industrial development, it's actually quite small. You have other facilities there now and you have a significant amount of undeveloped lots there. To burden this applicant with the significant road improvement when it is a conforming use with essentially no variance requested. I don't think I

can support justifying that with the municipal and use law. If it were a non conforming use, and if it were a much greater traffic demand than any of the other developments that are there or foreseeable then I think you could make the argument that they should pay a fair share. At this point, they are not the dominant use and will not be the dominant use necessarily.

Is the board comfortable with that situation, that they understand that this is an applicant who's coming in with an application and it's looking at an industrial use here. Joe Abate added that he is comfortable with it but knows that Cenco Boulevard needs work. John Alice added that Cenco Properties, LLC will enhance the tax base of the Borough of Clayton and with other businesses like that the Borough may be able to do something about it perhaps. Everyone is okay with that. There were no other comments.

Motion to Open to the Public

M/ Miller, S/ Vondran

All in Favor: Ayes.

Anyone one in the public want to address the Planning Board on Cenco Property on this issue of Block 1904, Lots 23.03, 24.04, and 24.05. Step forward and state your name and address and your question.

Motion to Close to the Public

M/ Vondran, S/ Miller

All in favor: Ayes

Motion on the approval of Cenco Properties, LLC, Cenco Industrial Park, a/k/a, Block 1904, Lots 23.03, 24.04 & 24.05 – Major site plan, preliminary and final, and with all waivers, accepted and all agreements from our professionals to be completed.

M/ Miller, S/ T. Saban

Roll Call:

Abate - Yes.

Branco – Yes

Fox – Yes

Glennon – Yes

Miller – Yes

B. Saban – Yes

T. Saban – Yes

Thomas - Yes

Vondran – Yes

Culver - Yes

Joe Abate wished the applicant luck and hopes that they are a friendly neighbor and business. The applicant thanked everyone.

Motion to Open to the Public state your name, address, and issue:

M/ Miller, S/ Vondran

All in Favor: Ayes

Motion to Close to the Public:

M/ B. Saban , S/ Glennon

All in Favor: Ayes

Correspondence: None

Discussion: None

Resolution #08-20 – Booras – 123 W. Academy St. a/k/a Block 1404, Lot 28

M/ Miller , S/ T. Saban

Roll Call:

Abate - Yes

Branco - Yes

Fox - Yes

Glennon - Yes

Miller - Yes

B. Saban – Yes

T. Saban - Yes

Thomas - Yes

Vondran - Yes

Culver - Yes

Resolution #09-20 Confirming the review and adoption of the 2019 report of the planning board.

M/ B. Saban, S, Vondran

Roll Call:

Abate - Yes

Branco - Yes

Fox - Yes

Glennon - Yes

Miller - Yes

B. Saban – Yes

T. Saban - Yes

Thomas - Yes

Vondran - Yes

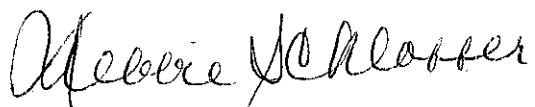
Culver – Yes

Motion to Adjourn the Meeting:

M/ Vondran, S/ T. Saban

All in Favor: Ayes

Submitted by,

A handwritten signature in cursive script, reading "Debbie Schlosser". The signature is written in dark ink and is positioned above the printed name.

Debbie Schlosser

Zoning/Planning Board Secretary