

JUNE 22, 2020  
COMBINED ZONING/PLANNING BOARD MINUTES

Joe Abate: I call to order the Borough of Clayton Combined Zoning and Planning Board Meeting of June 22nd, 2020.

- I pledge allegiance to the flag within the United States of America and to republic for which it stands one nation under God indivisible with Liberty and Justice for all.

Joe Abate: The public notice of this meeting pursuant to the Open Public Meeting Act in 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 Franklinville Sentinel and the South Jersey Times

C Filing written notices to the Clerk of the Borough of Clayton

Roll call please

- Debbie Schlosser:
- Abate – Here
- Bianco
- Branco - Here
- Fox
- Glennon – Logged on after roll call
- Miller - Here
- B. Saban - Here
- T. Saban - Here
- Thomas - Here
- Vondran
- Culver - Here

I'd like to have a motion and a second to approve the minutes of the regular meeting of the planning Board held on May 25, 2020.

- M/ Branco, S/ Thomas
- 
- Roll Call:
- Abate – Yes
- Branco – Yes
- Miller – Yes
- B. Saban – Yes
- T. Saban – Yes
- Thomas – Yes
- Culver - Yes

Old Business. None

New Business. Hetal Darshita, LLC – 369 N. Delsea Dr., a/k/a Block 1301, Lot 1 – Minor Site Plan

This is Peter Rhodes Attorney for the applicant. Tonight I have the applicant through its principles, Hetal Darshita, LLC. I also have our expert, Robert Sheairs, but I don't see that he is on video but it looks like his mic is working.

- Robert Sheairs
- I have a problem with the video.
- Peter Rhodes
- I represent the applicant Clayton Liquors, It is located at 369 North Delsea Drive at the south-east corner of the intersection with East Academy Street. The application is either for site plan waiver or minor site plan approval. The proposed addition to the property is so inconsequential that my personal feeling is a site plan waiver would be appropriate. But of course, we will rely on your good judgement.
- Peter Rhodes

The applicant is proposing to construct a 1,500 square foot addition to his facility that will be used to help expand the business slightly. It results in the loss of six parking places, reducing his parking from 39 spaces currently to 33, where only 29 parking spaces are required. So there's no variance for parking or for any other aspect of your ordinances.

- Peter Rhodes
- So with that in mind, I would ask Bob Sheairs to present to you what he has designed.
- John Alice

If I may, Mr. Chairman, I think it's time that maybe we'll swear some people in. Mr. Rhodes you have identified your architect as an individual who's going to testify? Is anyone else going to testify?

- Peter Rhodes

Just administer oaths to Robert Sheairs and Hital Modi. Hital Modi is on the screen.

- John Alice

I ask you and I ask Mr. Sheairs, although we can't see him to raise your right hand, Do each of you swear that the testimony that you are about to give is true and correct to the best of your knowledge, information and belief. Both responded yes.

- John Alice

I'll ask our gentlemen, Mr. Breir and Mr. Bitgood, to each raise their right hand. Mr. Breir and Mr. Bitgood I ask each of you. Do you swear that the testimony that you are about to give is true and correct to the best of your knowledge, information, and belief. That's a yes and a yes. So I think we're ready to go Mr. Chairman.

Peter Rhodes, Esq.

Bob, I'm not sure if you have appeared before this board but I'm sure you have appeared before others in New Jersey.

- Peter Rhodes

Have you appeared before this board?

- Robert Sheairs

No, I have not appeared before this board but I have done work in this Borough.

- Robert Sheairs

I'm a registered architect in the State of New Jersey. I've been practicing since 1982. I've testified as an expert on commercial and residential matters and have testified before other land use boards dozens of times over the years.

- John Alice

We welcome you to Clayton.

Robert Sheairs

Ok I prepared the plans for Clayton Liquors being a 1,500 square foot addition on the right hand side of the building. It is a frame construction and the exterior of the building is to be of vinyl siding and shingle Roofs which meets the existing building which is how it is constructed right now. The parking, as they had stated, was 39 at the beginning of the project and we've cut it down to 33 parking spaces of which 29 of those are all that's required.

Consulting Engineers had reviewed the plans and sent a letter the first time asking for additional information. I just got another letter saying that most of these items were addressed in the revised plans that were submitted to the board.

- Peter Rhodes

The review letter that you're referring to is that dated June 5, 2020?

- Robert Sheairs

Yes it is.

- Peter Rhodes

Is there anything in that letter that you would to take objection to.

- Robert Sheairs

Most of it was taken care of. There is a few items that were left open. The Engineer had also stated here to be limited scope. Waiving the outstanding items were not complete in his letter. The applicant could send me information or ask for a submission for a waiver.

- Peter Rhodes

Well, there is only 12 comments so let's run through them quickly so that the board can understand what we have.

- Peter Rhodes

First one references bulk requirements and says that the architectural plan includes a table listing of parking calculations and the required setbacks. They recommend that a complete table of all requirements be submitted. Do you agree with that?

- Robert Sheairs

Yes.

- Peter Rhodes

2. Architectural plans.

It appears that 2a he has indicated satisfied.

2b says roof drains should be added to the plan with information on size and color. Are you agreeable to that?

- Robert Sheairs

That's no problem.

- Peter Rhodes

C. The site plan includes on sheet A1 should be shown on a larger scale so that the small text and features are legible. Is that acceptable?

- Robert Sheairs

Yes, I can blow them up.

- Peter Rhodes

3. No new curbs are proposed or required. Obviously, we agree with that.

- Peter Rhodes

4. No new fencing is proposed and we agree.

5. Landscaping apparently none is required.

6. Lighting. Indicates partially satisfied.

- Robert Sheairs

I had noted on there that the lighting would be to two foot candles at the surface at the paving. They could see at night but it would not give the detrimental reflection anywhere on the site other than right where the lights work.

- Peter Rhodes

7. Loading spaces.

- John Alice

Well, that wasn't necessarily just a simple ok, because that's what number six was talking about it was actually depicting some of the existing on-site lighting.

- Peter Rhodes

Ok.

- John Alice

Isn't that the obvious question?

- Robert Sheairs

Yeah, sure I can show that on the plan. I'll take care of that.

- Peter Rhodes

7. Loading space. The plan should be revised to show any existing or proposed loading space or testimony provided about the current unloading operations. I don't know if your plan proposes a designated loading space or testimony showing how it's loading and unloading is performed now and in the future.

- Robert Sheairs

Could that be answered by the owner/applicant?

- Peter Rhodes

Mr. Alice is it okay if we jump to the applicant himself to answer.

- John Alice

Sure.

Peter Rhodes

Ok, Hetal tell us how you currently get your deliveries and where the truck parks and how does it interfere with parking, if at all?

- Hetal

Deliveries come in the parking lot and it depends on the time of the day. Usually I get my deliveries in the morning and they usually park. It's not that busy and they just get that done. It's usually by the main entrance where the liquor store entrance is. It's been like five years and I haven't had a problem with the deliveries.

John Alice

Mr. Rhodes, if we could boil it down, there's no dedicated loading and unloading area.

- Peter Rhodes

Yes.

- Peter Rhodes

So you don't have a dedicated spot but how you're receiving deliveries now has not interfered or caused traffic problems. Is that correct?

- Hetal

Yes most of my deliveries come in the morning. So it's been five years and I never had a problem with getting deliveries.

- Peter Rhodes

8. Talks about parking. We're proposing to add two new ADA Compliant parking spaces with the required striping and signage, etc... Details should be included in the plan. Comments from the boards' professionals is two handicap spaces with a five foot wide aisle in between are shown on the sketch to the rear near the entrance ramp. If there's something more that we need to do, I'm sure we can do it. We can comply with what the board, professional wants.

- Robert Sheairs

We're going to relocate the existing handicap signs to that area from where they are now.

- Peter Rhodes

9. Just to comment that new sidewalks are not proposed or required which we agree.

10. Signs. Any proposed signage that is to be mounted or applied to the addition should be shown on the plan with appropriate detail. Bob if you're proposing any signs mounted to the building you should show it.

- Robert Sheairs

There are no additional signs to my knowledge to be on the building.

- Peter Rhodes

11 is referencing solid waste. Any existing and proposed trash and recycling containers should be shown. Are you in agreement with that.

- Robert Sheairs

Yes, I did show a location on the site between the parking, a couple of parking spots. The engineer said when he was at the site that the dumpsters were located in two other parking spot areas. I don't know if they were moved by the trash pick up people or how they got moved. There'll be back in the corner in an enclosed area indicated enclosed by parking.

- Peter Rhodes

Last comment tree protection and planting. We're not proposing any additional plantings. Is that correct?

- Robert Sheairs

Correct.

- Peter Rhodes

Those are all up to comments from the Board's professional. My witnesses are available for questions from the Board or public as you deem fit.

- John Alice

Thanks Mr. Rhodes. If I could jump in Mr. Chairman for a second, I think we've got a threshold issue of fundamental question, which is, what's the pleasure of the board? When I say that, I mean, does the board look to having a minor site plan before them for review? Or is the board sufficiently satisfied that this is such a small improvement that it doesn't require site plan review and one hopes approval? Now, having said that, we have the benefit of Mr. Breier who just did that June 5th review letter. So you may wish to inquire of him as to what his opinion is. But I think if we have that question answered that then frames the rest of the hearing.

- Joe abate

Well I would like to ask Mr. Bitgood his opinion on that.

- John Alice

That's why I picked Mr. Breier this time, but you're the Chairman, There you go.

- Joe abate

Yes. I'd like to ask Mr. Bitgood.

- STAN BITGOOD

Can you hear me Mr. Chairman?

- joe abate

Yes.

- STAN BITGOOD

I believe, although it is minor, it is a site plan issue and should not be waived. The potential effect on circulation waiving would also waive any inspection escrow and opportunities for your municipal engineer to monitor the work going through construction. I don't think that's a good idea. So it's a minor site plan in my view. I would recommend that you treat it as such.

- joe abate



Ok, How about the other members of the planning board? Any opinions.

- Steve

I'm going to side with Mr. Bitgood on that. Most members sided with Mr. Bitgood. I think the minor site plan.

Mr. Breier.

Yes, I concur with a lot of the things in the letters that really should be shown to make it more clear for the Board, and also, as Stan mentioned, for the municipal engineer when it comes time for construction.

- joe abate

We need a minor site plan approval.

- John Alice

I may, Mr. Chairman, members.

- John Alice

Mr. Bitgood, in light of that, what would you like to see this applicant proffer beyond what he's already done?

- STAN BITGOOD

I think all of our letters have been addressed. One thing that may not be clear is the proposed lighting for the exterior needs the type and it needs to be shielded. The suggested two lumens at ground level is fine and is actually pretty bright but it needs to be shielded. So, together with the other changes on the plan I want to see the lighting details and the specifics on the fixtures.

- John Alice

Just so we're all on the same page. We're ok going forward tonight with the understanding that, I'll call it an engineered site plan, a minor site plan, or be it just that with the submission waivers as we've discussed or will be discussing for submission consonant with tonight's hearing more or less that is that where we're headed.

- joe abate

Yes.

- John Alice

We need to see something before we can make a decision, because it seems like we have enough in front of us. What do you think?

- Tony

I think we're just want to lock it down with a minor site.

- joe abate

We can maybe have an approval tonight with the site plan to be submitted and approved by our engineer in the future?

- John Alice

Well, this is what I'm just trying to get at, because if we're looking for a minor site plan, are we looking just to carry this to next month so that can get submitted in advance of the hearing. Mr. Bitgood and Mister Breier. Is that what you guys are looking for?

- STAN BITGOOD

I think what has been submitted could be a minor site plan to be approved with conditions.

- John Alice

Right, the condition essentially being that the engineered plan winds up getting done subject to the rules and regulations that would guide one when they're implementing a minor site plan approval. That's it in a word right?

- STAN BITGOOD

Yes.

- John Alice

Mr. Rhodes, I threw it up there for the board to make the call and I think that they're looking for ultimately a minor site plan, but I think we're ready to complete the process tonight. Just contingent on the applicant's willingness to profer that minor site plan is that acceptable.

- Peter Rhodes

Yes it is. But I do have a few questions. Is what we have submitted basically acceptable in terms of a site plan with the addition of the things that your professionals have indicated should be added to the plan? Or are you looking for us to go out and hire a separate engineer to prepare a totally separate minor site plan?

- STAN BITGOOD

I'm not looking for a separate site plan. I think with the added detail and Mr. Breiers letter a better scale or clarity. I think that's all.

- Peter Rhodes

Ok, that's totally acceptable.

- Sue Miller

So getting back to just the construction, What is the detail that you think might be a little confusing for a construction official. Could they just get verbiage on how it's going to be, like how would they embellish what they have here just to cover that?

- STAN BITGOOD

Well, the architects will have to have signed and seals plans approved by the construction official conforming to the requirements. My concern is that the engineer for the Borough should also be able to monitor construction and make sure that there's number one no effect on the sidewalk or the street while construction is being done. The central construction is a building within a footprint that's all paved so there should be virtually no impact on the street or the sidewalk, but I want to make sure your engineer has the opportunity to monitor it.

SUE MILLER

Are we saying the same things that this is a site plan? This is what we're going to take a site plan, right?

- John Alice

Since Ms. Miller obviously has a broader perspective, because not only is she a board member but she's the administrator. I think what they're saying is that what the minor site plan review brings with it is the ability to monitor the project. And the concern is just to monitor the build-up, albeit modest of the intended improvements. Furthermore, whenever you start pulling out parking spaces and killing ADA spots, I think we just want to make sure that ingress and egress traffic circulation works and that the trash enclosures are where they're supposed to be. I think that that's the essence of it. But aside from that they're not going to have to do too much more work than they've already done. Is that a fair assessment Mr. Bitgood and Mr. Breier?

STAN BITGOOD

It is thank you Mr. Alice.

John Alice

If there's a question or concern, the applicant's professionals can reach out directly to the board's professionals to see that that gets ironed out. Then the product that would be basically a new and

improved version of what we have for us tonight and one that would be sealed, which means that an engineer or a professional standing behind it saying that, yeah, this works and the Boards' professionals would weigh in.

SUE MILLER

That sounds like a good plan.

joe abate

Anybody else?

- joe abate

Yes, the engineer for the applicant. Is there anything else that you want to go over with Mr. Bitgood .

- John Alice

Maybe we hear from Mr. Breier.

- joe abate

Mr. Breier, do you want to go through your review letter?

Paul Breier

Mr. Chairman, the letter that they discussed previously was actually my letter dated June 5th. I do accept all the comments and additions that the architect said he would do to the plans.

STAN BITGOOD

As has been discussed, all my comments have been addressed by virtue of addressing Paul's letter as well. Per the testimony, we would like to see a revised plan that conforms and addresses the minor comments that were raised tonight.

- joe abate

I have a few questions that I would like answered. I was concerned about traffic and your business. How are you doing your construction? How are you planning on running your business and having the construction and dealing with the traffic going in and out of Delsea Dr. and Academy St.?

Hetal

First, we're going to put a concrete slab so that area I'm trying to cover so people can still come in from Delsea. Academy is going to be open. That's not going to be affected because everything is gonna be done in the backside anyway. I think both in and out should not be a problem.

- joe abate

So people can still come in on Delsea Drive and Academy while you're doing this?

- Hetal

Yeah, because we're going to dig it. I'm planning to cover that area. I'm going to wire this area probably. So the traffic can be in and out without any problem.

- joe abate

I would suggest that you put up some kind of fencing so nothing falls on any cars.

- Hetal

Yes, fencing I couldn't get the word out.

- Peter Rhodes

They are talking about chain link fence right around the project site, correct?

- Hetal

Yeah, so all the 1,500 that we do, and I just want to cover that with the fencing so that way it doesn't affect anybody.

- joe abate

Ok. What are the hours that you will be working there and what are the hours of construction?

- Hetal

I know the guy who's gonna do it. It's probably going to be around 9 a.m. to 6 p.m. It's not going to be all day. I haven't discussed this with the guy. I wanted to get approval first. We can discuss those further with the guy. So if you tell me the time and I'll go with that time.

- John Alice

Mr. Chairman he has got to honor the ordinance with the construction times. Otherwise, he's going to get fined.

## STAN BITGOOD

We would expect that the Borough Engineer will have a pre-construction meeting with the applicant as to any activity on the site with respect to construction. At that meeting they will work out circulation, construction access, temporary signage, if they do have to close one of the entrances. How you get in, how you turn around, how you get out, how the construction vehicles will do the same without hazards for either of their patrons or the public at large or their neighbors. So there could be a relatively small site to do that kind of work to remain open. It can be done. It's up to the contractor, the applicant, and the municipal engineer. They will get comfortable on how to do it and the he municipal engineer will actually call the shots.

- joe abate

Thank you Mr. Bitgood.

joe abate

I have a couple of other questions also. How long do you think this construction is going to take?

- Hetal

I asked my guy he said around a month and a half.

- joe abate

In my personal opinion, I think some type of landscaping will soften the hardscape of that whole area there. Not a lot of landscaping but some landscaping in that area might make it look a little bit better and soften it up. I also have another request. The environmental commission cleans that area up and we find excessive amounts of cigarette butts around your property. Not that that's your fault, but if you have some kind of cigarette disposal sand kind of thing that they used to have so people can put their butts out instead of throwing them on the sidewalk and on the street.

- Hetal

We have one now right at the entrance.

- John Alice

You're saying you already have one of those things out there?

- Hetal

I can show you maybe on my camera.

John Alice

No, the Chairman's just saying that he's seen a lot of litter in the form of cigarette butts. I'm just gonna put in a resolution that we're going to ensure that there are those butt receptacles I'll call them, I'll make it sound better to show that people can use them. But the best we can do is try to minimize it so that's what we're gonna do.

- John Alice

To your first comment, Mr. Chair, can we inquire of the professionals because when you're talking about landscaping, it always sounds desirable. I like a good idea, but I look at this plan and oh my goodness, it looks like a lot of asphalt and cement. Is there any place to even put anything?

- joe abate

Mr. Breier what do you think?

Paul Breier

There is very minimal space, maybe by the entrance. Maybe some plantings, in containers or something like that. We can look at it closer. We can co-ordinate that with the architect to share something on the plans.

- John Alice

Is the applicant at least willing to explore that with the Board professionals Mr. Rhodes? Understanding it is a challenge?

- Peter Rhodes

Yes, absolutely. You've already recognized the difficulty that the site poses to landscaping. We will certainly investigate and discuss with your professionals possible potted plants. But in my experience, these types of matters with potted plants end up being a thing of third.

- John Alice

We will leave it to your professionals and our professionals to find their way.

- John Alice

That's fair enough.

- joe abate

Yeah, that'll be acceptable.

- joe abate

Any other members have any comments?

- Steve

Is the parking lot going to be restriped with the current parking space stalls?

- Hetal

Yes once I'm done the construction, I'm planning on it because I have to move the handicapped spaces once I'm done with the construction.

- Steve

Now, the driveway on Academy, the west side driveway, that actually conflicts with the parking spots. You have two driveways. There's a utility pole in the middle. So you have an east side of and a west side. The west side conflicts with the parking stalls right by the ramp when you come in off of Academy. Can anything be done about it? Or would that pose a problem for anybody? It looks like it could be a safety issue.

- Hetal

I've been here for five years and that's how it's been. I haven't made any changes since I got here.

- STAN BITGOOD

A planter type situation could be added between I'm going to say phase I and the sidewalk sort of cordoned off where vehicles can enter the driveway. We'll take a look at that when we look at your details.

- Steve

That was all I had.

- joe abate

Alright, thank you.

- joe abate

Anybody else have comments or questions?

- joe abate

Well, thank you.



- joe abate

Can I have a motion to open it up to the public.

- M/Branco, S/ B. Saban

- joe abate

If there's anyone in the public that is at our meeting, if you have any questions, you can please come and state your name and address and ask your question.

- joe abate

Hearing none, I'd like to close to the public.

- M/ B. Saban, S/ Thomas

- joe abate

All approve

Ayes: Unanimous

- joe abate

I would like to have a Motion to approve this plan based on our approval from our professionals and all of the meetings that they're going to have with them.

- John Alice

The approval is for a minor site plan and that's going to be up to the applicant, presumably there'll be wanting to do that as soon as possible. It will be submitted to the land use board, and Borough professionals. So that's fundamentally what we're looking to do which is to approve this minor site plan subject to the proffering of the engineered or the formal minor site plan as you describe it.

M/ Miller, S/ T. Saban

- joe abate

Roll Call.

Debbie Schlosser

Abate – Yes

Branco – Yes

Glennon –inaudible

Miller – Yes

B. Saban – Yes

T. Saban – Yes

Thomas – Yes

Culver - Yes

joe abate

This shall be continued and hopefully be a fruitful experience for everyone involved.

- Peter Rhodes

As for a point of clarification, does this approval tonight require us to come back and appear before you or is it just subject to your professionals acceptance of the plan that we submit?

- John Alice

I think the whole reason we had this discussion Mr. Rhodes, was to avoid you having to come back. In essence, have it in the can subject to it being reduced to a plan that's shared with our board professionals. When it receives ever imprimatur, then it will be filed with the town and acted upon it. Is that good enough Mr. Bitgood and Mr. Breier?

- STAN BITGOOD and PAUL BREIER

Yes.

- joe abate

Continuing with our meeting. Under correspondence, I see none. Under discussion, does anyone have anything that they want to discuss tonight? Hearing none.

- joe abate

We're going to grant resolutions and the first resolution is 10-20 D&E Ironworks - 1078 North Delsea Dr., a/k/a Block 1802 lot 13.

M/ Miller, S/ T. Saban

- joe abate

Roll call.

Abate – Yes

Branco – Yes

Glennon – inaudible

Miller – Yes

B. Saban – Yes

T. Saban – Yes

Thomas – Yes

Culver - Yes

- joe abate

Thank you.

Next resolution is 11-20 Cenco Properties, LLC, - Cenco Boulevard, a/k/a Block 1904, Lots 24.03, 24.04, and 24.05

Motion to approve.

M/ T. Saban, S/ Branco

Roll Call:

Abate – Yes

Branco – Yes

Glennon – inaudible

Miller – Yes

B. Saban – Yes

T. Saban - Yes

Thomas – Yes

Culver – Yes

Joe Abate

Looking for an adjournment

M/ Miller, S / T. Saban

Ayes: Unanimous

Submitted by



Debbie Schlosser

Zoning/Planning Board Secretary