

**CLAYTON PLANNING BOARD
PLANNING BOARD MEETING MINUTES
MARCH 27, 2023**

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.

Hope DePoe was sworn in as an alternate member by Linda Galella, Solicitor.

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, Culver, Miller, B. Saban, T. Saban, Thomas, Vondran, Wise, DePoe

Absent: Bianco, Wiseburn

APPROVAL OF MINUTES

M/ T. Saban, S/ Vondran - Approve the Minutes of the regular meeting of the Clayton Planning Board/Zoning Board held on February 27, 2023.

Ayes: Abate, Cerone, Culver, Miller, Vondran, Wise

Abstain: B. Saban, T. Saban, Thomas, DePoe

OLD BUSINESS:

None.

NEW BUSINESS:

JBS All Phase Construction – 100 S. Broad St., a/k/a Block 807, Lot 9 – Minor Site Plan w/bulk variance

Linda Galella, Solicitor, swore in Wayne Roorda, Borough Professional.

Emily Givens, Esquire, represented the applicant, JBS All Phase Construction regarding a minor site plan with bulk variance relief. They are proposing the construction of a 2,400 sq. ft. one-story addition to an existing 3,000 sq. ft. one-story warehouse which is located at 100 S. Broad St. The property currently has a number of pre-existing, non-conforming conditions which will continue. They are requesting variance relief for that. They are also requesting variance relief for the proposed signage which has been submitted. They have received Mr. Roorda's review letter dated March 20, 2023 and have provided to him a response dated March 24, 2023. They are prepared to address the issues that are remaining. With them tonight to give testimony they have Scott Brown, P.E. of Ransom Consulting of Glassboro, NJ to provide testimony in civil engineering and John Booras

on behalf of the applicant to give testimony about the operations of the business and the use of the proposed addition.

Linda Galella, Solicitor, swore in Scott Brown, P.E. and John Booras. Scott Brown has been with Ransom Consulting since 2020. He got his PE license in 1994. He worked with his father at Accupro for 13 years and started with Ransom in 2020. He has been before 100 boards. The board accepted his credentials.

Emily Givens, Esquire, called on John Booras. He indicated that the building will be used for storage of construction materials such as menu boards that need to be stored inside. They build restaurants so the different restaurant equipment would be stored in that area. There will be no odors. There may be some noise from loading and unloading typically during 7 a.m. to 2:30 p.m. There are no evenings if they can help it. The latest would be 4 p.m./4:30 p.m. This is just a warehouse and there will be no bathroom facilities in the building. All existing utilities and bathroom facilities will come from the main building.

Mr. Brown referenced the property as Block 807, Lot 9 which is located at the southwesterly corner of South Broad St. and West Linden St. West Linden is a dead end street. They also own Lot 5, 8, 8.05, 8.06, and 8.07. Joe Abate asked if they own the lot right next to West Clayton Avenue. He said yes and they have access to West Clayton Avenue. Mr. Brown referenced an aerial of the property. There is a private driveway which is not public that goes to the apartments. There is no traffic really at all. Occasionally, the people from the apartments cut through. Joe Abate asked who owns the driveway and he indicated the apartment owns it. John Booras responded that she thinks the owner is 244 LLC. Rose Ann Lafferty, Zoning Officer, agreed that she thinks it is an LLC.

Mr. Brown referenced their site plan showing the existing building, etc... There is a concrete ramp. There is a shed also back there. The shaded areas are all gravel or paving. The applicant is proposing a 40'x60' addition. They will also be adding a ramp that's not very high but able to access the overhead doors. The existing overhead door that is on the existing building has a dirt drive. They will also be putting in curbing along West Linden and that will come into the back of the building. They are also proposing lighting and a solid fence to screen the neighbors which will be a 6' vinyl fence. They would like to install a business sign with a flag pole. The parking lot will be ADA compliant as they will have to stripe a parking spot out front. There are four (4) non-existing, non-conforming uses that are as follows:

88-19c.1 – a little lot area;

88-19c.3 – lot depth – 250' is required and they have 226.50';

88-19c.4 – front yard setback as they are on a corner lot; there are two.

They want to add another c2 variance that they did not have listed on the plan. It is for the proposed sign out front. The sign is going to be 25 sq. ft. and it's an oval sign on two pillars. It's going to be about 5' high. The setback will have to be 15' from the right-of-

way line. If they do this, it will be up against the building. It wouldn't look right aesthetically. They would like to keep it about 5-6 feet off of the right-of-way line. They don't think this will cause an issue with the sight triangle. They will make sure it is out of it. There should be no detriment to the public.

Mr. Roorda outlined his letter dated March 20, 2023. There were a couple items missing. One is Item 33 – showing all existing features within 200' from the property. Item 49 – the barrier free sub-code compliance. Item 25 – sight triangles.

Mr. Roorda advised that the applicant is going to comply with the barrier free sub-code. They will also provide sight triangles on the plan. Mr. Roorda asked them to discuss Item 33. They are asking that it be waived that they don't have to serve the area around them within 200'. They don't think it's necessary as no one is going to really be affected. Mr. Roorda agrees with them. None of the board members had any questions.

Linda Galella suggested that they take a vote on completeness that the applicant agrees to comply with Items 49 and 25 and 33 will be a waiver.

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

Wayne Roorda, Jr. added that the requested variances are in his letter. The additional variance requested is for not maintaining the required setbacks in the street right-of-way. In the code it is 88-40.C.2(t)[1]. The addition doesn't affect the setbacks as the existing building is already there. He also acknowledged that he received their response letter dated March 24, 2023.

C. General Comments.

2. They will be adding a 6' solid vinyl fence for the neighbors. As long as the headlights are being screened he is agreeable to it. The addition is going to be used for storage of materials. There shouldn't be an issue with noise or anything being seen above the fence. Joe Abate asked if the items behind the fence were going to be higher than the six foot fence. John Booras responded that he can't guarantee that nothing isn't going to be over the height of the fence. Everything is going to be stored in the addition. There is equipment out there. He said he could have a delivery of a pylon sign which could be eight feet which would be taller than the fence. It would then be put in the truck to be installed. It won't be there that long.
3. Discussion took place in regards to the lighting. The pole mounted light is going to be removed which is close to the residential area. They feel it will be better if it's moved and attached to the other side of the building. The lights will be LED and no spillage onto anybody else's property. Wayne added that they can verify that.
4. Brief discussion took place about the sign.

5. The applicant intends on complying with ADA requirements. They will show striping and signs, etc... They will be shown on the plan.
6. The applicant was asked to show detail on the plan about the flagpole. Wayne asked if it's going to have a light. There is no ordinance, however, he has seen that if you don't have a light then you are supposed to take the flag down at night. It's a flag requirement and wanted to make them aware of it. They advised it is going to be lit.
7. Grading should be taken care of by Scott Brown and not be an issue.
8. Wayne advised that stormwater calculations are not necessary for this site as the proposed addition will be constructed within a previously impervious area and will have no impact on the neighboring lots.
9. No new water/sewer connections are needed. The new addition is for storage only.
10. The plan will be revised to show a 6" curb reveal.
11. The grading will be revised on the compliance plans.
12. Provide the curb taper detail on the compliance plans.
13. Off -site tract improvements. W. Linden St. acts as a dead end street. Joe asked if they were doing any improvements regarding the street. They responded that they are putting in curbing. Joe advised that improvements are needed on the street. Your trucks are eventually going to be ruined. They said they could add some gravel in the potholes and maybe do a little asphalt for the trucks. Sue Miller added if you do that then you need to think about runoff, etc...

John Booras added that over the years they have graded those potholes out of there. Over time, they become potholes. Joe added that the potholes are pretty big. Emily Givens, Esquire asked John Booras to talk about the improvement of the surrounding lots and that they may be interested in doing something to W. Linden at that time. Mr. Booras added that in the future they may do some stuff in the back. They discussed this with the town and had another engineer on it that is being released. They are probably going to talk to Scott Brown about this. Joe added that the neighbors on West Clayton Avenue are complaining about the old lumber yard still being there which was supposed to be torn down and is not in good condition. Mr. Booras acknowledged they did tear down the back but their permit was only for tearing down the back of the building. After they build this addition, they are going to tear the front down. They can't take it down until this addition is up so he has some place to put things.

Bill Culver asked about the approximate six to seven storage containers on the property. Another property in town has one but per our code you are not allowed to have them. The area is also a mess. John Booras said this has been going on for about a year and everything snowballed to where we are now. Bill asked if the stuff in the storage containers is going to go in the addition that is going to be built and he responded yes. The existing building isn't big enough to store all of this stuff. They do pay rent on the storage containers. Once they are empty they will be getting rid of them.

Rose Ann Lafferty, Zoning Officer, was sworn in by Linda Galella, Solicitor. Rose asked John Booras about the property on West Clayton Ave. across from the apartments and has spoken to him before about the driveway. He indicated it's not his but residents in the apartments have said that it's JBS trucks that ride through there and creating the potholes. Rose advised him that his trucks aren't supposed to be driving through there. John advised that he added signs back there about 15 years ago that say no trucks. Rose added she has gotten complaints about it and has gone back there and there are more than just potholes. Please do not let the trucks drive back there.

In regards to the storage containers, Rose advised that they are not permitted. She does understand that they need to build the building first but would like it stated in the resolution that they need to go when they are emptied.

Rose asked John that the stuff is being stored on the property on West Clayton there is nothing environmental or causing vermin, etc... John answered no. Rose said there is also trash there and that lot should be empty most of the time. There are awnings sitting there and a pylon sign. There was aluminum but that was recycled and gets recycled when it gets to a certain amount. Rose asked him to be mindful cause he is located in a residential area.

Joe added that's why he asked about the driveway because he had also heard the same thing that JBS trucks are going on the driveway. John said he hasn't seen one in about 15 years. He added that every now and again they get a new truck driver who does use it. Most of their delivery guys are the same guys and they don't use it.

Emily Givens asked about the time period to get rid of the storage containers after everything is emptied out and put in the completed addition. Linda Galella asked how much time would be needed? The Zoning Officer, the board members and the applicant agreed to six months after final. Bill Culver added that if the six months is coming up and it looks like you may need more time to let the Borough know.

MOTION TO OPEN TO THE PUBLIC

M/ Vondran, S/ T. Saban

Ayes: Unanimous

Thomas Burke -- 225 W. Chestnut St. -- He was sworn in by the Solicitor. He purchased his house about three years ago. He loves being behind a construction company as there aren't neighbors in the back yard. His main concern are the storage containers. He has a

major problem them. Sometimes the cardboard on top of the containers blows over into his back yard along with plastic and trash. He has two dogs and two kids in the back yard. The trash on top of the containers is hard to look at. Another issue that has only happened a few times is making noise about 3:45 a.m. getting the dump trucks ready but there is one guy that blasts his subwoofers but not all the time. He just wants the storage containers out of there and understands they need time and doesn't have an issue with it.

MOTION TO CLOSE TO THE PUBLIC

M/ Vondran, S/ Miller

Ayes: Unanimous

Linda Galella asked for clarification about fixing the potholes. Darlene Vondran asked if he would be required since he doesn't own W. Linden St. Linda responded that there is a provision in the Ordinance on off-street improvements and that you can ask the applicant to do so. Joe Abate said he would like them fixed since he caused them. Sue Miller also added that they may have to comply with COAH which will be included in the resolution.

MOTION TO APPROVE MINOR SITE PLAN APPROVAL WITH VARIANCES

M/ Vondran, S/ Miller

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

Linda Galella, Solicitor, advised the Chair that the board must reconstitute as a zoning board since it's a use variance.

LEON SANDERS – 1003 Brown Lane, a/k/a Block 1704, Lot 3 – Use Variance

Linda Galella, Solicitor swore in the applicant, Leon Sanders. Mr. Sanders advised that he is applying for a use variance with a possible bulk variance to park his John Boat on his pole barn driveway. He had a 32'x24' garage built when he moved in approximately five years ago and that was the intended use was to park the boat and a couple of cars when it's not inside. It's 16 feet and is parked on a trailer and is registered all year round.

Rose Ann Lafferty, Zoning Officer, added that he is a corner lot which is two front yards. Where he wants to park it, it is considered his front yard which is why he needs the use variance as recreational vehicles are not allowed in the front yard. Mr. Sanders advised that he is on a dead end street up against the woods. Joe Abate advised that he went to the property.

Rose Ann Lafferty, Zoning Officer, said she has had complaints about the boat. It is two front yards and the boat is not allowed to be parked in the front yard. She has also had complaints that there is a business being run out of there as well as there are flatbeds coming there with cars on them that are being dropped off. Joe added that he has seen some cars and asked if they are all registered and insured. Leon Sanders answered they are. If they aren't or if the car is unattractive looking and until he gets done doing what he's doing to it, he stores them inside the garage as opposed to the boat. The boat will

not fit in the garage when it's on the trailer when it's full of cars with the tongue of the trailer being about 22 feet.

Joe Abate asked how many cars does he own and he answered about five or six. Joe asked if he repair and sell them and is that the business that was being referred to. He said he is not running a business. It is just a hobby. He said if a neighbor ever needs any help he is more than willing to help them. He works in Northeast Philly and drive 45 mins each way a day. He doesn't want another business but anyone needs any help he will help them. He is handy with a lot but mostly auto repairs. Rose added that if he bringing cars in and fixing them if that is a hobby of his it's an allowable thing. If he is running a business out of there, that is not allowed as the use of his property would be increased and so would the traffic.

Linda Galella asked him if he is fixing cars as a business and he said no it is just a hobby. He said he doesn't drink or party he fixes cars and hangs out with his four year old and takes him fishing. Linda asked him what the use of the boat is for and he responded to go fishing and sunset cruises. It does not go into the water for part of the year as it's not that type of boat. He doesn't know who complained as when his neighbors got his notice a lot of them questioned what it was for.

MOTION TO OPEN TO THE PUBLIC

M/ B. Saban, S/ Miller

Orhan Turan – 1004 Brown Lane and he was sworn in by the Solicitor. He has lived there for 20 years. He has known Leon Sanders since he has moved in and he doesn't bother anybody and is the nicest man. He has a boat and he doesn't cause any issues or problems. He has help him with some issues with his car and his daughter's car. He is not running a business. It is a hobby.

Sue Miller asked if the boat is used for storage when it is not being used. Mr. Sanders responded only oars and an anchor are in there. Joe advised that he went to the property on Saturday he saw other things but did not see the boat and asked where it was. He said it was on the far side of the driveway. He just had a concern of all the vehicles as he thought he was running a business.

MOTION TO CLOSE TO THE PUBLIC

M/ B. Saban, Miller

Ayes: Unanimous

MOTION TO APPROVE THE USE VARIANCE WITH ALL CONDITIONS

M/ B. Saban, S, Thomas

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

Wayne Roorda, P.E. asked if it includes the bulk variance or is that going to be done separately regarding the less than 10 feet from the property line.

MOTION TO APPROVE THE BULK VARIANCE

M/ B. Saban, S, Thomas

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

CORRESPONDENCE:

Letter of Resignation – Rose Mathews dated February 23, 2023

DISCUSSION:

Ordinance Adopting the Flood Plain Management Regulations

Linda asked if this is for Master Plan Consistency Review. Tony answered that it is to the newly revised storm water. It's a revision to the revision. Wayne Roorda, Jr. briefly discussed this. The board has no issues with this.

**MOTION TO ACCEPT THE NEW REVISIONS TO THE ORDINANCE
ADOPTING THE FLOOD PLAIN MANAGEMENT REGULATIONS**

Ayes: Unanimous

Oppose: None

RESOLUTIONS:

Motion to Approve Resolution #8-2023 – Granting Bulk Variance – Julio Aviles

M/ T. Saban, S/ Miller

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

Abstain: Cerone, Thomas, DePoe

Motion to Approve Resolution #9-2023 – Granting Minor Site Plan, Waivers, and a Bulk Variance – Novelis Corp.

M/ Miller, S/ T. Saban

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

Abstain: Cerone, Thomas, DePoe

ADJOURNMENT

M/ Vondran, S/ Thomas

Ayes: Unanimous

Submitted by,



Debbie Schlosser

Planning Board Secretary