

**CLAYTON PLANNING BOARD  
PLANNING BOARD MEETING MINUTES  
JUNE 26, 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.

**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, Culver, Miller, T. Saban, Thomas, Vondran, Wise

Absent: Bianco, Cerone, B. Saban, DePoe, Wiseburn

**APPROVAL OF MINUTES**

M/ Vondran, S/ T. Saban - Approve the Minutes of the regular meeting of the Clayton Planning Board/Zoning Board held on June 26, 2023.

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

Abstain: Thomas, Wise

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Joseph Cucinotta – Coyle Rd. a/k/a Block 601, Lot 23 – Minor Subdivision

David DeClement, Esquire asked that the witnesses be sworn in. Alexis Smith, Board Solicitor, swore in both Joseph Cucinotta and Ed Farrell of Bryson & Yates. Mr. DeClement advised the board that they are looking to subdivide one lot into two lots and that a variance will be needed for the one lot as it is short in width. After the lots are subdivided the one lot will be 76 feet in width and the other 80 feet. The variance being asked is for the 76 feet width which is non-conforming. All other aspects of the lot are conforming it is just short the four feet on the width. They are trying to do the best with the width.

Joe Abate deferred to Edward Farrell from Bryson & Yates who is filling in for Wayne Roorda. He referred to Mr. Roorda's letter dated May 22, 2023. On page two of his letter, there are eight items under completeness. Mr. Farrell didn't feel that these completeness items would stop the application from being heard.

Mr. Farrell asked about #19. Mr. DeClement responded that he thought he sent an email in response to these items but the answer is no. Items #5 and #6 had to do with contours and site triangles. He didn't feel this was relevant to this application since it is a minor

subdivision and not a site plan. He doesn't have an issue with the board agreeing to a waiver on those items. Joe verified that they plan on putting in driveways and putting two houses at the property. Mr. DeClement said yes and that will be at the site plan. The last item #57 is for finished spot elevations at all property corners. Again, this is for site plan and not relevant to tonight's minor subdivision.

In regards to the variance, the ordinance is for a minimum lot width of 80 feet and they are asking for 76 feet. They are not opposed to the board granting this request. Mr. DeClement added that this subdivision would be done by deed and not plat.

In regards to general comments, the lot numbers for the proposed lot will be done by the Tax Assessor's Office. Lastly the distance shown in course 3 of the legal description for the proposed Lot 23 shall be revised to reflect 80 feet. This will be changed when the subdivision deeds are prepared. Mr. Farrell had no further comments.

Joe Abate asked if any members had any comments related to this subdivision. Darlene Vondran asked about the letter from Public Works about the water/sewer being extended. She asked how the issue is going to be handled. Joseph Cucinotta answered that there is sewer in the front and they will have a well for the water. Joe Abate asked Sue Miller about the plans for paving Coyle Road. She did not have any information.

Alexis Smith, Solicitor, asked if they are seeking a hardship or flexible variance? She was advised that they are seeking a flexible variance. She also asked if the benefits outweigh the detriments asking for the four feet variance. Mr. DeClement feels it does not and that it doesn't really conflict with the code. It will not substantially impair the ordinance in any way. It will not impair the public either.

#### **MOTION TO OPEN TO THE PUBLIC**

M/ Vondran, S/ T. Saban

Ayes: Unanimous

Dennis Morgan – 490 Coyle Rd., a/k/a Block 601, Lot 24 and was sworn in by Alexis Smith, Solicitor. Mr. Morgan advised the board that he lives next door to the lot they are looking to create with the 76 feet. He doesn't think two homes on that lot are going to look good aesthetically on Aura Road. That is the only issue he really has. He is the last lot where the road is blocked off. His house is possibly about twenty feet from the property line. Mr. Cucinotta came to him asking to purchase four feet from him for \$4,000.00.

Mr. DeClement added that the relief requested equates to two one-hundredths of an acre. Mr. Morgan asked if they know what size the houses are going to be. Mr. DeClement responded that that is a site plan issue and this is for the minor subdivision. The lot size meets the code other than the four feet. Mr. Morgan added that the issue is that its two houses instead of one.

Bill Culver added that he sees the issue. He said all of the other lots are large lots. It looks like he is trying to jam two houses in there. The depth of the lot is keeping with the other lots. Mr. DeClement suggested that the applicant swap the house to the right so the property with 80 feet will be next to Mr. Morgan's property. Darlene asked if the lots could be made equal (78 feet and 78 feet) as opposed to 76 feet and 80 feet. Mr. Morgan said that really didn't matter because you're still talking about building two houses that hasn't changed. Joe added that the house next to him will be on the conforming lot and he understands his point. We are just following what the codes are and it's not that far off.

Bill Culver added that if the subdivision is approved, then they come before the board for the site plan for the houses, then they request setbacks, etc., now he has a house where he can reach out his window and shake his neighbor's hand. Mr. Morgan said the reason he moved where he moved is so he didn't have to do that. Mr. Culver indicated he would feel a lot better approving this if all of the issues of the access road were taken care of first knowing that the families there would be safe. Sue Miller added that NJ land is constrained everywhere. It's still a reasonable density for that size lot.

Alexis Smith added that it is important to remember that tonight's application is for the minor subdivision only and not site plan. They are requesting a variance as there is one conforming and one non-conforming lot. It is important to separate it.

#### **MOTION TO CLOSE TO THE PUBLIC**

M/ Vondran, S/ Miller

Ayes: Unanimous

#### **MOTION TO APPROVE MINOR SUBDIVISION W/VARIANCE AND WAIVERS**

M/ Miller, S/ Thomas

Ayes: Abate, Miller, T. Saban, Thomas, Vondran, Wise

No: Culver

Mr. DeClement added that they are still offering to put the conforming lot with 80 feet next to Mr. Morgan's property if you want to take that into consideration. That would be reflected on the deeds of subdivision. Alexis Smith added that that can be a condition of approval to put the conforming lot next to Block 601, Lot 24 and the non-conforming lot can be on the other side.

#### **PUBLIC PORTION**

None

#### **CORRESPONDENCE:**

None

#### **DISCUSSION:**

Res. #141-2023 has been referred by council referring the Proposed Second Amendment to the Redevelopment Plan for Certain Property within Delsea Dr. (NJSH No 47) Corridor to the Borough Planning Board for Review Pursuant to NJSA 40A:12A-7e.

Sue Miller advised the board that a redevelopment attorney drafted the resolution. It pertains to Winchester Properties. They want to remove the commercial part but everything else will remain the same. The new developer is going to shuffle things around and the units will be bigger. Alexis Smith spoke briefly to the board. Alexis Smith, Solicitor, indicated that Wayne Roorda, Jr. said it is consistent with the Master Plan.

**MOTION THAT YOU AGREE THAT IT IS CONSISTENT WITH THE MASTER PLAN**

M/ Abate, S/ Miller

Ayes: Abate, Culver, Miller, Thomas, Wise

Abstain: T. Saban, Vondran

**RESOLUTIONS:**

Motion to Approve Resolution #15-2023 – Confirming Master Plan Consistency of Ordinance #13-2023

M/ Abate, S/ Miller

Ayes: Abate, Culver, Miller, Thomas

Abstain: T. Saban, Vondran, Wise

Motion to Approve Resolution #16-2023 – Amending Res. #08-2023 entitled Granting Bulk Variance for Block 2001.05, Lot 11 (521 Coleman Dr.) – Julio & Maria Aviles

M/ Abate, S/ Miller

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

Abstain:

Motion to Approve Resolution #17-2023 – Amending Resolution #05-2023 Setting Forth the Schedule of the DRC Meetings To Be Changed From the Third Wednesday of the Month to the Third Thursday of the Month

M, Miller, S/ T. Saban

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

Abstain:

**ADJOURNMENT**

M/ Vondran, S/ Miller

Ayes: Unanimous

Submitted by,



Debbie Schlosser, PB Secretary