

ORDINANCE #8-2020

AN ORDINANCE VACATING THE BOROUGH OF CLAYTON'S WATER MAIN EASEMENTS WITHIN BLOCK 1904, LOTS 23.01, 24.01-24.05 IN THE BOROUGH OF CLAYTON

WHEREAS, within the property owned by Cenco Properties, LLC and known as Block 1904, Lots 23.01, 24.01-24.05 on the tax map of the Borough of Clayton, the Borough of Clayton has an existing water main easement that extends through the parcels; and

WHEREAS, Cenco Properties LLC recently received Planning Board approval pursuant to Resolution #11-2020 adopted on June 22, 2020 (Exhibit "A") for a development project on the property where the Borough's twelve (12) inch water main, which is located within three (3) recorded water main easements, had been installed for another project that was not completed and the water main has remained dormant for many years; and

WHEREAS, the new project for Cenco Properties, LLC (Exhibit "B") does not require use of the existing water main and the Borough of Clayton Water Department has determined there is no longer any public need to keep the water main as part of the Borough's water system.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

1. That the Borough of Clayton has determined that the existing twelve (12) inch water main, which is located within the three (3) recorded water main easements on Block 1904, Lots 23.01, 24.01-24.05, is no longer needed for any public purpose, and therefore, are all hereby vacated.
2. That the three (3) water main easements vacated per this Ordinance are recorded at the Gloucester County Clerk's Office as follows:
 - a. DB 1418, Page 97-102 (15' wide)
 - b. DB 1819, Page 281 (20' wide)
 - b. DB 4136, Page 263, 285, 299 & 312 (15' wide)
3. That a fully executed copy of this Ordinance be filed at the Gloucester County Clerk's office.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon formal approval by the Clayton Borough Council and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

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EXHIBIT "A"

Resolution No.: 11 - 2020

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL TO
CENCO PROPERTIES, LLC
FOR BLOCK 1904, LOTS 24.03, 24.04, and 24.05
(305 Cenco Boulevard)**

WHEREAS, the Applicant, Cenco Properties, LLC of 1500 Bear Branch Court, Vineland, New Jersey, submitted an application seeking preliminary and final major site plan approval with other relief; and

WHEREAS, the subject property is Block 1904, Lots 24.03, 24.04, and 24.05 known as 305 Cenco Boulevard is located in the I (Industrial) Zone and is owned by Cenco Properties, LLC of 1500 Bear Branch Court, Vineland, New Jersey who consents to the instant application being filed and heard; and

WHEREAS, the Applicant is represented by Emily K. Givens, Esquire of Maley Givens, P.C.; and

WHEREAS, the Applicant operates a heavy construction business and is proposing the construction of an office building and a heavy vehicle maintenance building, office building together with appurtenant site improvements to establish a business location in Clayton; and

WHEREAS, the subject tract is approximately 16.50 acres or 720,414 square feet located in the I (Industrial) Zone; and

WHEREAS, Mark Richie, appeared as the General Manager of the Applicant's business before the Board at the May 18, 2020 hearing; and

WHEREAS, in support of his application the Applicant proffered the testimony of Michelle S. Young, P.E., P.P., CME of Maser Consulting, P.A. located at 500 Scarborough Drive, Suite 108, Egg Harbor Township, New Jersey; and

WHEREAS, in further support of this application, the Applicant has submitted a Preliminary and Final Major Site Plan consisting of seventeen (17) sheets dated March 19, 2020, most recently revised on May 27, 2020, and signed and sealed by Michelle S. Young, P.E., P.P., CME; and

WHEREAS, in further support of this application, the Applicant has submitted a Survey of the Premises consisting of two (2) sheets dated January 3, 2020 signed and sealed by John J. Pankok, PLS of Maser Consulting, P.A. and a Topographic Survey consisting of three (3) sheets dated February 5, 2020 signed and sealed by Joseph L. Lazok, PLS of Wyndham Construction, LLC ; and

WHEREAS, in further support of this application, the Applicant has submitted a Stormwater Management Report dated March, 2020 and signed and sealed by Michelle S. Young, P.E.; and

WHEREAS, in further support of this application, the Applicant has submitted a Stormwater Management Facilities Operations & Maintenance Manual dated March 17, 2020 prepared by Maser Consulting, P.A.; and

WHEREAS, in further support of this application, the Applicant has submitted a Proposed Office Building elevation consisting of one (1) sheet signed and sealed on May 25, 2020 by James V. Livoti, R.A. together with proposed elevations of the Vehicle Repair & Maintenance Building consisting of three (3) sheets signed and sealed on May 26, 2020 by James V. Livoti, R.A.; and

WHEREAS, in further support of this application, the Applicant has submitted a Traffic Assessment Letter dated March 17, 2020 signed and sealed by Michelle R. Briehof, P.E. of Maser Consulting, P.A.; and

WHEREAS, for purposes of the public hearing the Applicant utilized a color rendering of the Site Plan; and

WHEREAS, in support of this application for major site plan review, Ms. Young testified as to the proposed site development and functioning emphasizing that all improvements are permitted within the Industrial Zoning District stating that no variances are required while a number of waivers are requested; and

WHEREAS, the requested waiver relief as stated by the Applicant and the basis for the requested relief may be summarized as follows:

Submission Waivers – 1. Submission Waiver - #36 – Provide contours 100 feet beyond the property line where 200 feet is required. Applicant states that the Applicant owns the adjacent properties and sufficient data is provided to show drainage patterns and effects on the same adjacent properties, 2. Submission Waiver - #36 – Location of trees over 8" diameter provide treeline instead. Applicant states that the vegetated area to be reduced consists of emergent vegetation and the forested areas in the rear of the property will not be cleared or disturbed, 3. Submission Waiver - #45 – Recreation facilities plan. The Applicant states that as this is not a residential, school, or public facility so no recreation need be proposed;

Design Standards Waivers – 1. Provide sidewalks on Cenco Blvd. pursuant to §88-29E. The Applicant states that the instant matter is proposed within an existing industrial subdivision where no sidewalks currently exist and pedestrian travel is not anticipated and that there is no sidewalk at the connecting street, Academy Street, 2. Provide paving in the rear parking lot pursuant to §88-29.B(2). The Applicant states that visitors can utilize the proposed asphalt paved driveway and parking area in the vicinity of the proposed office with the remainder of the parking lot be used by the Applicant only. Furthermore, the use of DGA stone will lessen the drainage impacts while still providing a stable surface for circulation and the parking of vehicles (this request was addressed at the hearing and the Applicant agreed to utilize three (3") inch asphalt and pave all parking areas), 3. Provide striping of the parking in the rear pursuant to §88-29.B(14). The Applicant states that the operation of the parking lot shall be monitored and controlled by the Applicant (this request was addressed at the hearing and the Applicant agreed to utilize three (3") inch asphalt and pave all parking areas), 4. Provide front and side buffers consisting of berms, trees, and shrubs but the Applicant seeks a waiver from strict compliance with §88-33(c)(1)(c)[1] requiring a six (6') foot high berm. The Applicant states the buffer widths of 10 feet and 25 feet are not of a sufficient width for a berm

of that height and four (4') foot berms would meet the projects and Borough's needs. Furthermore, it is the Applicant that owns adjacent properties to the north/northwest and south/southwest (this request was addressed at hearing and Applicant agreed to provide 6' berms with landscaping along lot frontage); and

WHEREAS, the Board in reviewing the application and submissions and questioning the Applicant and their representatives and as a result the Board and/or Applicant has agreed as follows: 1. The lighting on the site will be controlled by sensors to be "on" at night and "off" during the day. 2. The Applicant has agreed to provide a physical barrier between the basin and the rest of the site. Ms. Young suggested utilizing bollards instead of a fence and the Board finds this acceptable. The details can be worked out between the Board professionals and the Applicant. Some consideration may be given to utilizing NJDOT type concrete barriers. 3. The Applicant stated that there shall be no onsite washing of vehicles and all vehicle maintenance shall be done indoors with all oil, vehicle fluids, and tires being disposed of in accordance with all application federal, state and local laws. In fact, the Applicant utilizing a tire service that comes in weekly to handle replacement tires ensuring that there is no outside tire storage on the subject site. 4. The Applicant's business is a 24 hour a day operation and the site is intended and designed to function as such since large road or construction jobs are worked on at all hours to accommodate traffic and other job needs. 5. The Applicant testified that traffic impact will be minor as essentially only vehicles owned by the business and its employees will be coming or going from the site. 6. The Applicant acknowledges the Board's professional review letters and agrees to abide by them unless distinguished by the contents of this resolution. 7. The Applicant had proposed onsite fueling facilities for the project but has removed that from this application. There shall be no onsite fueling facilities. 8. The Applicant agrees that there shall be no onsite painting or coating of vehicles or equipment. 9. The Applicant does not propose fencing as this business is a 24 hour operation, there will be security cameras, and appropriate lighting of the site. 10. The Applicant shall install the requested six (6') foot berms along the frontage of the site. 11. The signage shall comply with the Borough Ordinances or the Applicant shall return to the Board for variance relief. 12. The Applicant has agreed not to use crushed stone for any parking areas and shall instead utilized three (3") inch asphalt. 13. The Applicant is not coming in as part of a redevelopment plan and shall comply with any and all

COAH and/or Growth Share requirements. 14. The Applicant shall remove the deteriorated truck scale that is presently on the site and restore the area with appropriate fill and surfacing. 16. The Applicant advised the Board that the Gloucester County Planning Board waived the need for further action as no impact on County interests. 17. The Applicant stated that they have already made application to the Borough for water and sewer service; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on May 18, 2020 and no one appeared to be heard; and

WHEREAS, the Board has considered the report dated May 12, 2020 from Federici & Akin, P.A. prepared by Paul Breier, P.E., P.P., the Board's professional planner, said professional review letter is incorporated and made a part herein; and

WHEREAS, the Board has considered the report dated May 12, 2020 and June 4, 2020 from Federici & Akin, P.A., as prepared by Stan M. Bitgood, P.E., the Board's professional engineer, said professional review letters are incorporated and a part herein; and

WHEREAS, the Board has carefully considered all the documents submitted and the testimony of the witnesses and members of the public;

WHEREAS, the application for Preliminary and Final Major Site Plan approval including waiver relief was approved by the Borough of Clayton Combined Planning and Zoning Board of Adjustment, by a _____ yes to _____ no vote.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board constituted as a Zoning Board of Adjustment, that it does hereby **Approve** the Preliminary and Final Major Site Plan including waiver relief for the construction of an office building and a heavy vehicle maintenance building with attendant site improvements with all

necessary and requested variances and waivers, and grants this Preliminary and Final Major Site Plan approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Planner's report, Federici & Akin, P.A., dated May 12, 2020 all of which is incorporated herein by reference; and
2. Compliance with the Board Engineer's reports, Federici & Akin, P.A., dated May 12, 2020 and June 4, 2020, all of which is incorporated herein by reference; and
3. The Applicant agrees to comply with and perform all obligations as stated above herein in the body of this Resolution.
4. The Applicant shall meet any and all COAH and/or Growth Share Obligations.
5. The Applicant obtaining all required approvals/waivers from all outside agencies.
6. Applicant and owner are reminded that site safety is their responsibility. It should be noted on the plan that "The owner or his representative shall designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the N. J. Uniform Construction Code and CFR 1926:32(f) (OSHA Competent Person)".
7. Applicant shall post and provide all Performance and Maintenance Guarantees and Bonds together with Inspection Escrows.
8. Final approval shall be subject to the following (if required):
 - (A) Documentation of final approvals by (if applicable): (1) Gloucester County Planning Board; (2) Gloucester County Soil Conservation District; (3) Borough of Clayton Fire Code and Police Officials (as to approved emergency vehicle access plan); (4) NJDEP wetlands

permit; (5) Stream Encroachment permit; (6) Borough of Clayton, Water and Sewer Department; and (7) any other required Local, County and State approvals, if applicable.

(B) Any and all provisions as required by previous resolution shall be satisfied and incorporated into this resolution as if fully set forth herein.

(C) Engineering, planning and testaments as submitted by the Applicant have been accepted, and any changes set forth by the Applicant shall be subject to review by the Borough of Clayton Combined Planning and Zoning Board of Adjustment and its professionals, with subsequent approval being required and as a condition of final approval.

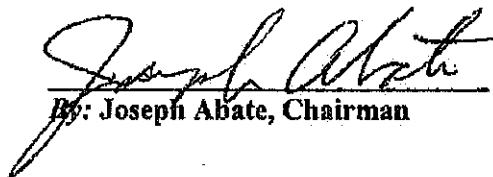
(D) Any landscaping to be provided and any amendments thereto shall be approved by the Borough's Engineer/Planner.

(E) Any on-site hazardous conditions shall be eliminated in accordance with NJDEP regulations and requirements.

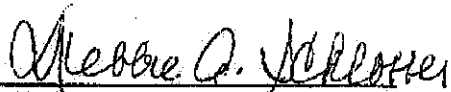
BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor, and the Borough Zoning Officer.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, June 22, 2020.

**Borough of Clayton Combined
Planning Board and Zoning Board of Adjustment**


By: Joseph Abate, Chairman

Attest:


Debbie A. Schlosser, Secretary

ROLL CALL VOTE

THOSE IN FAVOR _____

THOSE OPPOSED _____

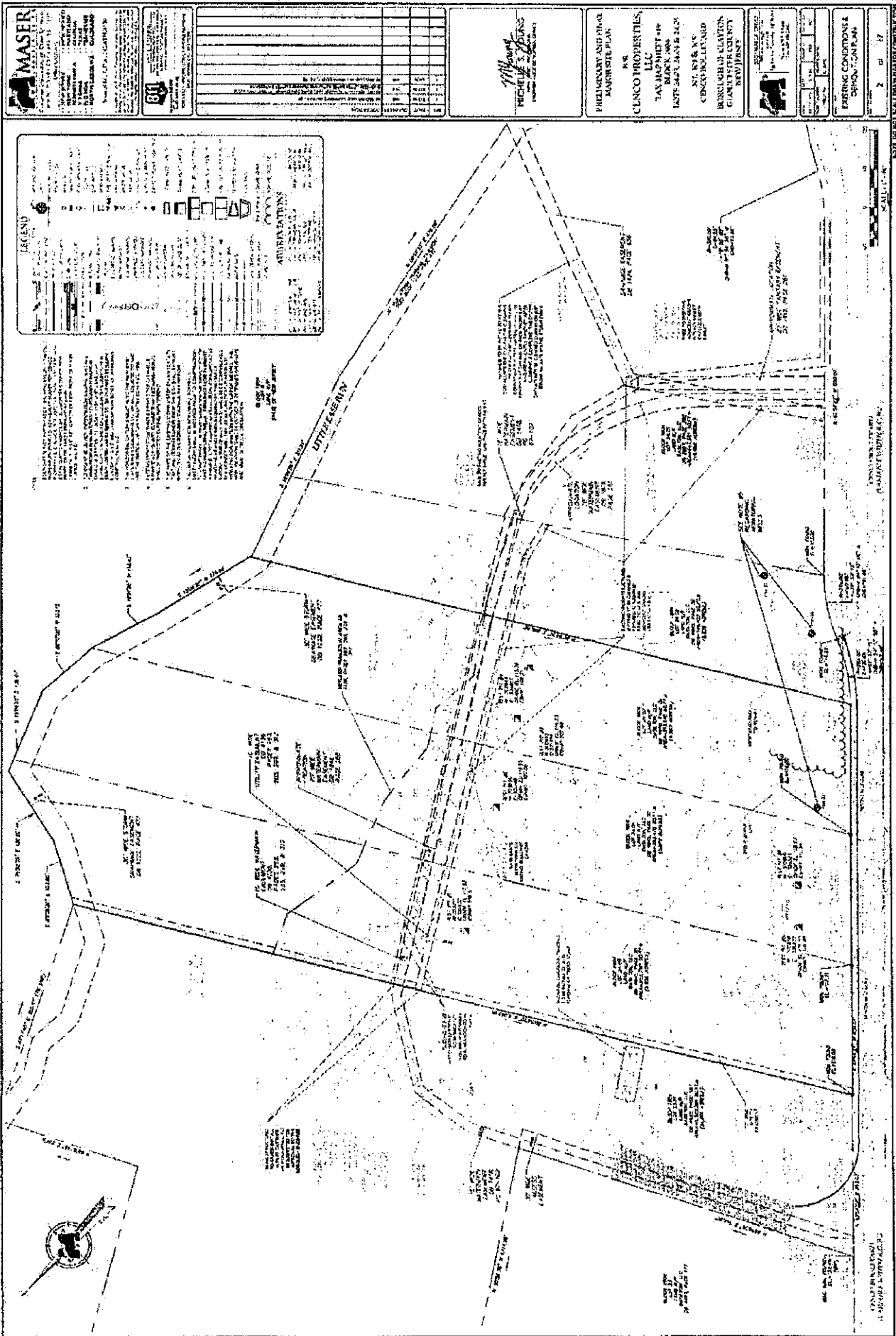
THOSE ABSTAINED _____

CERTIFICATION

I hereby certify that the foregoing Resolution is a true copy of a Resolution adopted by the Borough of Clayton Combined Planning Board and Zoning Board of Adjustment at a regularly scheduled meeting of the Board held on June 22, 2020 at the Borough of Clayton Municipal Building, 125 Delsea Drive, Clayton, New Jersey 08312 at 7:00 p.m. and memorializes the decision reached by said Board on the herein application at the Board's May 18, 2020 meeting and public hearing.


Debbie A. Schlosser, Secretary

EXHIBIT "B"



MASER
Engineering & Construction
1000 North 10th Street
Suite 100
Tulsa, Oklahoma 74103
Phone: (918) 438-1234
Fax: (918) 438-1235
Email: info@masereng.com
Website: www.masereng.com

PROJECT INFORMATION
Project Name: SUBSISTENCE PLAN
Project Number: 1000-1000
Client: [Redacted]
Date: 10/10/2010
Drawing Title: SUBSISTENCE PLAN
Drawing Number: 1000-1000-1000

DESIGNER
Name: [Redacted]
Title: [Redacted]
Date: 10/10/2010

CHECKER
Name: [Redacted]
Title: [Redacted]
Date: 10/10/2010

APPROVER
Name: [Redacted]
Title: [Redacted]
Date: 10/10/2010

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/10/2010

PROJECT LOCATION
Address: [Redacted]
City: [Redacted]
State: [Redacted]
Zip: [Redacted]

PROJECT DESCRIPTION
This project is a subsistence plan for the [Redacted] property. It shows the existing and proposed structures, easements, and other site features. The plan is intended for use in obtaining a permit for the proposed structures.

PROJECT OWNER
Name: [Redacted]
Address: [Redacted]
City: [Redacted]
State: [Redacted]
Zip: [Redacted]

PROJECT CONTACT
Name: [Redacted]
Title: [Redacted]
Address: [Redacted]
City: [Redacted]
State: [Redacted]
Zip: [Redacted]
Phone: [Redacted]
Fax: [Redacted]
Email: [Redacted]

PROJECT SCHEDULE
Start Date: 10/10/2010
End Date: 10/10/2010

PROJECT BUDGET
Total Budget: [Redacted]
Allocated Budget: [Redacted]

PROJECT RISK
Risk Level: [Redacted]

PROJECT STATUS
Status: [Redacted]

PROJECT COMMENTS
Comments: [Redacted]

**BOROUGH OF CLAYTON
NOTICE OF INTRODUCTION**

ORDINANCE #8-2020

**AN ORDINANCE VACATING THE BOROUGH OF CLAYTON'S
WATER MAIN EASEMENTS WITHIN BLOCK 1904,
LOTS 23.01, 24.01-24.05 IN THE BOROUGH OF CLAYTON**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on August 13, 2020 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on September 10, 2020, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION

BOROUGH OF CLAYTON, NEW JERSEY

ORDINANCE #8-2020

**AN ORDINANCE VACATING THE BOROUGH OF CLAYTON'S WATER MAIN
EASEMENTS WITHIN BLOCK 1904, LOTS 23.01, 24.01-24.05 IN THE BOROUGH OF
CLAYTON**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on September 10, 2020.

Christine Newcomb
Borough Clerk