

**Resolution No.: 12-2023**

**RESOLUTION OF THE BOROUGH OF CLAYTON  
COMBINED PLANNING/ZONING BOARD  
GRANTING PRELIMINARY MAJOR SITE PLAN APPROVAL  
FOR BLOCK 2002, LOT 22 (201 EAST AVENUE)  
APPLICANT- DREAM HOMES**

**WHEREAS**, Dream Homes (the "Applicant"), located at 314 South Main Street, Forked River, New Jersey, 08731, submitted an application for preliminary and final major site plan approval for the installation of 62 age-restricted manufactured homes, driveways and a community center with parking and new roads.; and

**WHEREAS**, at the suggestion of the Borough Engineer and Planner Wayne Roorda, Jr. PE, PP, CME, the Applicant withdrew the application for Final Major Site Plan Approval and sought Preliminary Major Site Plan approval only and the Applicant appeared before the Clayton Combined Planning/Zoning Board (the "Board") on Monday, April 24, 2023 (the "Hearing Date"); and

**WHEREAS**, the subject property, Block 2002, Lot 22, more commonly known as 201 East Avenue, is owned by Ram Realty Holdings, LLC (the "Property") located at the intersection of East Avenue and Washington Avenue. The owner consents to the filing of the Application. The Property is vacant and is located in the low density residential (R-A) zone. A Use Variance was granted by the Clayton Zoning Board on June 28, 2021 via Resolution # 07-2021 which permitted the use; and

**WHEREAS**, the Board's engineer and planner, Wayne Roorda, Jr., PE, PP, CME, was present and duly sworn; and

**WHEREAS**, David DeClement, Esq., the attorney for the Applicant presented the application on behalf of the Applicant; and

**WHEREAS**, Vincent Simonelli a representative of the Applicant, Dream Homes, was present and duly sworn to testify on behalf of the application; and

**WHEREAS**, Applicant's engineer, Walter Hopkin, P.E. was present and duly sworn to testify on behalf of the application; and

**WHEREAS**, during the public hearing, the Applicant was given the opportunity to present testimony and legal argument; and the Board's professional and members of the public were given an opportunity to comment on the application; and

**WHEREAS**, the Applicant met all jurisdictional requirements enabling the Board to hear and act on the application, and appeared before the Board on the Hearing Date, as specified above; and

**WHEREAS**, the following report prepared by the Board's professional was considered by the Board:

1. Correspondence of the Board's engineer and planner, Wayne L. Roorda, Jr., P.E., P.P., CME dated April 18, 2023; and

**WHEREAS**, the following exhibits were marked into evidence during the Hearing:

A-1 color rendering of site plan

A-2 letter of Vincent Simonelli President of Dream Homes dated April 20, 2023; and

**WHEREAS**, Mr. Hopkin, the Applicant's engineer, provided the majority of testimony in support of the application. Mr. Hopkin testified to his education and professional background and was accepted by the Board as an expert in the field of civil engineering. Mr. Hopkin advised that he will improve the design of the stormwater management to comply with the stormwater rules, NJAC 7:8, and fill will be added to the site to aid in compliance. Mr. Hopkin oriented the Board to the property and testified that the Applicant seeks to build 62 concrete pad sites which are 25' x 50'. There will also be asphalt driveways and sidewalks. The pad sites will eventually contain 62 age-restricted manufactured homes. The homes will be approximately 1,250 s.f. in size. There will also be a 1,944 s. f. community center with recreational facilities (approximately 1704 s. f. clubhouse and 204 s. f. covered patio), a parking lot and 5 new roads. There will be street lighting, landscaping and stormwater management infrastructure.

**WHEREAS**, Mr. Simonelli testified that the Applicant will manage the community and act as the property manager. There will be a Homeowners Association (HOA) per Resolution 07-2021. The homeowners will lease the land and will own their individual manufactured home. There will be condo documents which must be approved by the New Jersey Department of Community Affairs (DCA). The Applicant must also apply to the DCA for a sinking fund. The sinking fund will contain money for capital improvements when they are eventually needed. There will be a separate operating fund for things like landscaping and snow removal. The financial statements and disbursements of the sinking fund will be audited by the DCA on an annual basis. The report on the sinking fund will be provided to the homeowners on an annual basis. The HOA will take care of the maintenance of the development, snow plowing and landscaping.

**WHEREAS**, the application was deemed complete; and

**WHEREAS**, the Board's engineer and planner, Wayne Roorda, Jr., PE, PP, CME, reviewed his engineering and planning report with the Board. Mr. Roorda testified to his concerns regarding stormwater management; and

**WHEREAS**, the following members of the public were duly sworn and testified during the public comment portion of the hearing:

- Robin Downe, 725 East Washington Ave- asked a number of questions and is concerned with stormwater runoff onto her property;

- Arthur May, 706 East Washington Ave- is concerned with runoff and flooding;
- Jennifer Haller, 741 E. Washington Ave- is concerned about traffic and the traffic study;
- Rick Schempp, 211 Madison Ave- is concerned about traffic.

**WHEREAS**, the Board has considered and incorporates herein the review letter submitted by Board engineer and planner Wayne Roorda, Jr., P.E., P.P., CME, and the Board has carefully considered all the documents submitted and the testimony of all the witnesses; and

**WHEREAS**, the Board has made the following findings of fact and conclusions of law:

1. The Applicant submitted an application for preliminary and final major site plan approval for the development of pad sites for 62 age-restricted manufactured homes, driveways and a community center with parking and new roads; and
2. Due to stormwater management concerns and at the suggestion of the Board Engineer and Planner Wayne Roorda, Jr. PE, PP, CME, the Applicant withdrew the application for Final Major Site Plan Approval and sought Preliminary Major Site Plan approval only; and
3. The subject property, Block 2002, Lot 22, more commonly known as 201 East Avenue, is owned by Ram Realty Holdings, LLC (the "Property") located is at the intersection of East Avenue and Washington Avenue. The owner consents to the filing of the Application; and
4. The Property is vacant and is located in the low density residential (R-A) zone. A Use Variance was granted by the Clayton Zoning Board on June 28, 2021 via Resolution # 07-2021 which permitted the use; and
5. Mr. Hopkin advised that he will improve the design of the stormwater management to comply with NJAC 7:8. The Applicant seeks to build 62 concrete pad sites which are 25' x 50', there will also be asphalt driveways and sidewalks. The pad sites will eventually contain 62 age restricted manufactured homes. The homes will be approximately 1,250 s.f. in size. There will also be a 1,944 s. f. community center with recreational facilities (approximately 1704 s. f. clubhouse and 204 s. f. covered patio), a parking lot and 5 new roads. There will be street lighting, landscaping and stormwater management infrastructure; and
6. The Applicant will manage the community and act as the property manager. There will be a Homeowners Association (HOA) per Resolution 07-2021. The homeowners will lease the land and will own their individual manufactured homes.

There will be condo documents which must be approved by the New Jersey Department of Community Affairs (DCA). The Applicant must also apply to the DCA for a sinking fund. The sinking fund will contain money for capital improvements when they are eventually needed. There will be a separate operating fund for things like landscaping and snow removal. The financial statements and disbursements of the sinking fund will be audited by the DCA on an annual basis. The report on the sinking fund will be provided to the homeowners on an annual basis. The HOA will take care of the maintenance of the development, snow plowing and landscaping; and

7. A planning board's review of a proposed site plan is limited to determining whether the proposed development conforms with the zoning ordinance and the applicable provisions of the site plan ordinance; and
8. The Board finds that the Applicant satisfied the relevant criteria for preliminary major site plan approval. With the exception of stormwater management, the Board finds that the proposed improvements conform to the zoning ordinance for the Low /Medium Density Residential (R-A) zone and conforms to the preliminary major site plan ordinance, Borough Ordinance § 88-78.

**WHEREAS**, after deliberation, a motion was made to grant approval of the Relief Requested, subject to certain conditions, as set forth herein, and was approved by a **7 yes to 0 no vote and 1 abstention**.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Clayton Combined Planning/Zoning Board, that it hereby approves the application for preliminary major site plan approval for the proposed site improvements, contingent upon the following conditions:

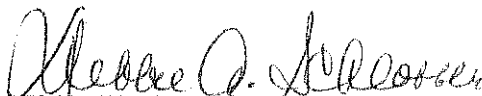
1. Applicant must ensure that the site is in conformance with the Americans With Disabilities Act (ADA) accessibility guidelines.
2. Applicant must provide updated plans, an updated stormwater management report and updated drainage calculations that comply with updated stormwater management rules (NJAC 7:8), prior to applying for final major site plan approval.
3. Applicant will add fill to the site (so it will drain towards the wetlands) to comply with updated stormwater management rules, NJAC 7:8.
4. Applicant will construct and maintain a wood chip walking path from the edge of pavement to the Autumn Pasquale Memorial Park.
5. Applicant will provide LED street lighting.
6. Applicant will respond to any concerns of the Fire Marshal / Fire Chief.

7. Applicant will provide high visibility signage for vehicles exiting the development onto East Ave and Washington Ave.
8. Any deterioration of the roadways, East Avenue or Washington Avenue, caused by construction activities shall be fixed by the Applicant.
9. Water and sanitary sewer infrastructure shall be owned and maintained by the Applicant and the plans shall be updated accordingly.
10. The clubhouse shall utilize public water and sewer services and the plans shall be updated accordingly.
11. Exterior security lighting shall be provided on each side of the clubhouse. Customary lighting shall be provided at each proposed dwelling and located at each entrance.
12. Applicant shall comply with Planning /Zoning Board Resolution #07-2021.
13. The Applicant shall comply in all respects with the review letters submitted by the Board's professional with the exception of waivers and/or variances granted.
14. The Applicant shall obtain the approvals of all other necessary governmental agencies having appropriate jurisdiction.
15. The Applicant shall post all performance bonds and inspection escrows and pay in full all review escrows prior to the approvals taking effect.


**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, May 22, 2023.

**Attest:**

  
Debbie A. Schlosser, Secretary

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

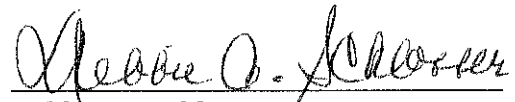
  
By: Joe Abate, Chairman

### ROLL CALL VOTE

THOSE IN FAVOR	<u>6</u>
THOSE OPPOSED	<u>0</u>
THOSE ABSTAINED	<u>3</u>

### 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 May 22, 2023 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 April 24, 2023 meeting and public hearing.

  
Debbie A. Schlosser, Secretary