

Resolution No.: 07-2022

**RESOLUTION OF THE BOROUGH OF CLAYTON LAND USE BOARD
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
FOR BLOCK 905, LOTS 13, 14, 15, AND 29**

APPLICANT – STATION DRIVE, LLC

WHEREAS, the Applicant, Station Drive, LLC of P.O. Box 627, Forked River, New Jersey, 08731, submitted an application seeking a preliminary and final site plan approval and appeared for a hearing before the Clayton Land Use Board on Monday January 24, 2022; and

WHEREAS, the subject property is located 140 feet north of Jerry's Avenue on the west side of South Delsea Drive (Route 47) at 516 and 544 Delsea Drive and is particularly described as Block 905, Lots 13, 14, 15, and 29 and is owned by Station Drive, LLC, of P.O. Box 627, Forked River, New Jersey, 08731; and

WHEREAS, the total site area is approximately 5.803 acres and Lots 13 and 14 are presently vacant. The Applicant proposes to demolish the dwellings now on the property as well as clear the land in order to build a high-density apartment complex consisting of 5 separate 3 story buildings with a total of 112 residential units. These units will include 28 one-bedroom units and 84 two-bedroom units. The ground floor of Building #5 (the closest to Delsea Drive) will be reserved for approximately 7,749 square feet of commercial/retail space as well as the management office and common space for the complex. There is a total of 260 parking spaces proposed for the complex and will be grouped in parking lots adjacent to each building. Approximately 40 of those spots will be designated for patrons of the commercial uses; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., as well as the Board's Planner, Paul D. Brier, P.P. of Bryson & Yates Consulting Engineers, LLC, appeared before the Board and were duly sworn; and

WHEREAS, the Applicant and Manager of Station Drive, LLC, Vincent Simonelli, owner of the property as well as the Applicant's engineer, William P. Gilmore, P.E., C.M.E., the Applicant's traffic engineer, Marie Pantalone, P.E., and the Applicant's attorney, David DeClement, Esquire all appeared and were duly sworn; and

WHEREAS, the Applicant's attorney, David DeClement, Esquire provided a brief overview of the project history. He explained that the Applicant initially met with neighbors within 200 feet of the property approximately 2 years ago.

The Applicant then met with the Clayton Borough Council to ask for and received an overlay with bulk standards and formulated a plan to develop the property; and

WHEREAS, the Applicant's engineer, William P. Gilmore, P.E., C.M.E., provided the Board Exhibit A-1, a colorized rendering of the site plan with a superimposed aerial view for perspective. He then provided testimony that the Applicant had initially proposed the installation of bollards in the grass along Novick Avenue, but through discussions with the Clayton Fire Department, it was requested that the bollards be removed from the plan so that emergency vehicles may more easily access the complex off of Novick Avenue. Mr. Gilmore further testified that the design of the stormwater management system for the complex was over-engineered in an attempt to avoid any drainage or water management issues. The project utilizes six (6) basins that are interconnected with pipes. The basins are also deeper than the suggested depth in order to handle a sudden influx of water. Mr. Gilmore elaborated on the open space not included on the plans stating that there will be trails and walking paths on the property. He added that the Applicant will comply with any restrictions placed by the Board. He also stated that the Applicant agrees to comply with all Board Review Letter points except that the final fence design will be agreed upon between the Board professionals and the Applicant. The Applicant also agrees that an environmental impact study shall be provided and that the Applicant is not phasing the project; and

WHEREAS, William P. Gilmore, P.E., C.M.E., further discussed different ways to deter traffic from using Novick Avenue as a shortcut for through traffic. Mr. Gilmore agreed to meet with the Board engineer Stan Bitgood, P.E., C.M.E. and the Fire Chief at the site itself to determine the best approach for traffic control and firefighting in order to accommodate the equipment currently available in Clayton; and

WHEREAS, the Applicant's traffic engineer, Marie Pantalone, P.E., offered testimony regarding the traffic study conducted. She has been involved with the project since 2019 and performed the study pre-pandemic. She testified that the traffic generated was low, approximately 40 trips during peak hours. The Board questioned whether she had worked with the Gloucester County Planning Board on her study Ms. Pantalone stated that she had not. Stan Bitgood, P.E., questioned whether her study had planned traffic out for twenty (20) years and she stated that her study only covered one (1) year after the complex was built. Ms. Pantalone stated that the traffic study shall be submitted to the New Jersey Department of Transportation for their review; and

WHEREAS, the Board's Professional Planner, Paul D. Brier, P.P., provided an overview of his review letter of January 19, 2022 and stated that all issues he presented therein have been addressed; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., reviewed his letter of January 19, 2022. Mr. Bitgood stated that he believes there should be a loading area for the complex and the Applicant agreed to put the loading area in front of the commercial area. The Applicant further elaborated that they would ask the Borough to extend Title 39 enforcement on site. Mr. Bitgood further requested and got the Applicant to agree that there will be no exit doors at the rear of the buildings because of their proximity to the drainage basins and that the Applicant will provide real time stormwater numbers as the project is being built out. Mr. Bitgood stated that the basins have a 3 to 1 slope and are only 2 to 3 feet deep and are proposed to be surrounded by a split rail fence with fabric; and

WHEREAS, the Applicant's attorney, David DeClement, Esquire stated that the Applicant was also in agreement with the stipulations put forth in the January 23, 2022 email from the Borough of Clayton's Fire Chief, David Rehm. The Applicant shall ensure that the entrance off Delsea Drive will be 25 feet wide with no obstructions. The access road off Novack Drive will be able to hold 75,000 lbs. and shall not have any bollards installed. The Applicant shall ensure that all building letters and numbers are visible and reflective in design and must be visible from the roadway/parking lot. All hydrants shall be no more than 500 feet apart and must match existing hydrants and shall be equipped with Storz fittings; and

WHEREAS, the Board engaged in a dialogue with the Applicant and their representatives and as a result the Applicant has agreed: **1.** The Applicant shall meet any Growth Share and/or COAH obligation. **2.** Applicant shall select an appropriate fence to surround the property in consultation with the Board professional. **3.** Applicant agrees to submit Form B and Form C for water and sewer service, pursuant to the January 24, 2022 letter written by Gregory Sawyer, Director of the Borough of Clayton Department of Public Works. **4.** The Applicant shall provide an environmental impact study. **5.** The Applicant is not phasing the project and it shall be a continuous build-out. **6.** The Applicant shall work with their professional engineer, William P. Gilmore, P.E., C.M.E., and the Board's professional engineer, Stan Bitgood, P.E., C.M.E., along with the Borough of Clayton's Fire Chief, David Rehm, to determine the best approach for firefighting access and the adequacy of the existing fire equipment for the complex. **7.** The Applicant shall submit the traffic study to the New Jersey Department of Transportation. **8.** The Applicant shall designate a loading area in front of the commercial area. **9.** The Applicant is expected to ask Clayton Borough Council to extend Title 39 enforcement for this site. **10.** The Applicant agreed that there shall be no exit doors at the rear of the buildings because of their proximity to the property drainage basins. **11.** The Applicant shall provide real time stormwater numbers to the Board professionals as the project is being built in order to ensure the basins are functioning correctly and will be suitable for their intended purpose. **12.** The Applicant shall make sure the entrance off Delsea Drive will be 25 feet wide

with no obstructions. **13.** The access road off Novack Drive shall be designed to support a minimum of 75,000 lbs. and no bollards shall be installed. **14.** The Applicant shall work with the Board professionals regarding a landscaping plan for the site and a lighting plan for the site to ensure the adequacy of both. **15.** The Applicant shall ensure that all building letters and numbers are visible and reflective in design and are visible from the roadway/parking lot. **16.** All fire hydrants shall be no more than 500 feet apart and to must match existing hydrants and shall be equipped with Storz fittings; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on January 24, 2022 and Suzanne Marcheski of 165 Novack Drive, Carmela Butterick of 54 Walnut Street, Joann Clay of 1 Jerrys Avenue, Laura Hampton of 36 Maple Street, Eric Hadley of 558 South Delsea Drive, Amanda Duff of 42 Walnut Street, Cheryl Kreiner of 127 Novack Drive, Jasmine Brown of 7 Jerrys Avenue, Rose Matthews of 556 South Delsea Drive, Davis Chapes of 73 Walnut Street, and Cory Brennan Clement of 140 Novack Drive were in attendance and spoke; and

WHEREAS, resident Suzanne Marcheski was concerned about several issues. Mrs. Marcheski felt that notice was inadequate and that the mayor had told her and other residents in the area that this application would not be approved. She also expressed concern about traffic increasing on Novack Drive as a result of the emergency access road being built. Mrs. Marcheski also discussed her concerns about drainage issues on Novack Drive and that the proposed drainage basins would not perform as intended in mitigating excess stormwater. The Board Solicitor advised Ms. Mrs. Marcheski that the notice comported with New Jersey law and the Board had jurisdiction to hear the instant matter. The Applicant also informed Mrs. Marcheski that the access road through Novack Drive would not result in increased traffic because it would only be used in the event of an emergency. The Applicant also assured Mrs. Marcheski that attention shall be paid at all times during construction to the stormwater run-off; and

WHEREAS, resident Carmela Butterick living to the north of the proposed project commented. She expressed her concern about privacy issues with her property. Her family utilizes their backyard often and wanted to know what the buffer would be between her yard and the proposed project. Ms. Butterick was also concerned about lighting and security at the complex and increased traffic concerns. William P. Gilmore, P.E., C.M.E., explained that there will be a 20-foot buffer between her property and the proposed project that will include a vinyl fence with color to be determined and trees. There will also be lighting studies done in order to determine the least invasive and safest lighting for the property and surrounding areas. Mr. Gilmore also assured Ms. Butterick that the Applicant will be asking the Borough to extend Title 39 enforcement to the access road on Novack Drive; and

WHEREAS, resident Joann Clay expressed concern about the dumpster placement for the proposed project, which is right behind her house. Ms. Clay was also concerned about trash collection on the property and privacy issues for her property. She also expressed her traffic concerns with the emergency access road. William P. Gilmore, P.E., C.M.E., discussed how the frequency of trash pick-up as well as residential vs. commercial trash services and the sightlines of the dumpster and her house. He also assured her that there would be landscapers that work on the complex property to keep it clear of trash. He also made sure to reiterate that if people start using the emergency access road to cut through to Route 55 this would be an enforcement issue to be raised with the Clayton Police Department; and

WHEREAS, resident Laura Hampton expressed concern about utilities being underground and the integration of the walking trails/paths on the property being integrated into the surrounding community. William P. Gilmore, P.E., C.M.E., told her that there are public water/sewer hook ups and that walking trails/paths on the property will be for the people living there; and

WHEREAS, resident Eric Hadley expressed concern about how much of a buffer he will have between his property and the proposed project. He also was concerned about the increase in traffic from the commercial space being offered. William P. Gilmore, P.E., C.M.E. and Marie Pantalone, P.E. discussed how the commercial space is not expected to increase the traffic flow in any significant manner. There is an average of a 12 second delay when exiting onto Delsea Drive; and

WHEREAS, resident Amanda Duff recently bought the house and is concerned about the water basin for the proposed project which is behind her property. She would like the fence to be a dark brown and she works at night and is concerned the construction process will interrupt her sleep. William P. Gilmore, P.E., C.M.E., assured her that the construction process will not take a long time and should be completed within 18 months; and

WHEREAS, resident Cheryl Kreiner had a question about mosquito control in the water basins, as well as the phasing and construction phases. William P. Gilmore, P.E., C.M.E. explained that pursuant to New Jersey Department of Environmental Protection rules standing water is only allowed up to 72 hours. Additionally, the asphalt that is used for the project is porous allowing the water to seep through into the ground. He also testified that there will be no phasing plan; and

WHEREAS, resident Jasmine Brown expressed discontent with the project and stated that if she had known this project was going to be built, she would not have purchased her home. She was also upset that the trees behind her house are going to be cut down; and

WHEREAS, resident Rose Matthews expressed concern about the buffer size being 20 feet and not 50 feet. It was clarified for her by the Board that 50 feet is for the retention of stormwater and that 20 feet is the buffer between properties; and

WHEREAS, resident David Chapes expressed concern about drainage and how the Applicant would know if the excess water would seep into the surrounding properties. William P. Gilmore, P.E., C.M.E. and the Board's engineer, Stan Bitgood, P.E., C.M.E. proceeded to explain the stormwater management system and how that will help to mitigate the spread of the water into the surrounding properties. They also discussed that they will be monitoring the stormwater management system in real time during the construction process to determine the effectiveness of the basin system; and

WHEREAS, resident Cory Brennan Clement discussed his concerns about the water and sewer hookups, drainage, and security issues with light pollution. He was assured by William P. Gilmore, P.E., C.M.E. that the proposed project will be hooked up to the public water and sewer and that lighting will be tested to avoid having an impact with light pollution to the surrounding area; and

WHEREAS, the Board has considered and incorporates herein at length the review letter of Stan Bitgood, P.E., C.M.E., dated January 19, 2022 and the review letter of Paul D. Breier, P.P., dated January 19, 2022; 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 the grant of preliminary and final site plan by the Borough of Clayton Combined Planning and Zoning Board of Adjustment sitting as a Zoning Board of Adjustment, by a **7** yes to **0** no vote.

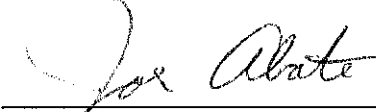
NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board constituted as a Zoning Board of Adjustment, that it does hereby **Approve** the preliminary site plan contingent upon the following:

1. Compliance with all requirements hereinbefore stated

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.

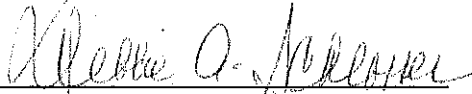
THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday February 28, 2022.

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



By: Joe Abate, Chairman

Attest:



Debbie A. Schlosser, Secretary

ROLL CALL VOTE

THOSE IN FAVOR

8

THOSE OPPOSED

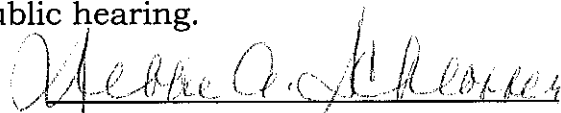
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THOSE ABSTAINED

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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 February 28, 2022 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 January 24, 2022 meeting and public hearing.



Debbie A. Schlosser, Secretary