

**RESOLUTION OF THE CLAYTON PLANNING BOARD  
GRANTING MINOR SITE PLAN APPROVAL TO  
SHRE JAY AMBE, LLC  
BLOCK 1301, LOT 1  
(369 North Delsea Drive)**

**WHEREAS**, the Applicant, Shre Jay Ambe, LLC (Ambe), has filed an Application for a Site Plan Waiver or, in the alternative, Minor Site Plan Approval for property owned by Hetal Darshita, LLC (Darshita) located at 369 North Delsea Drive to be considered at the meeting of December 17, 2018 to be heard at a public hearing on June 22, 2020 having given notice pursuant to the Municipal Land Use Law; and

**WHEREAS**, the subject property located at 369 North Delsea Drive is also known as Block 1301, Lot 1, and is located in the Central Business Commercial (CB) Zone; and

**WHEREAS**, the Applicant is requesting a Site Plan Waiver or, in the alternative, a Minor Site Plan Approval to authorize a modest expansion of an existing liquor store that has operated at this location for some years; and

**WHEREAS**, the Applicant has proposed a building expansion by constructing a 1,500 square foot addition to the building on the south side measuring thirty (30') feet perpendicular to the building and fifty (50') feet along the south wall utilizing a hip frame roof; and

**WHEREAS**, the Applicant is represented by Peter M. Rhodes, Esquire of Cahill, Wilinski, Rhodes & Joyce; and

**WHEREAS**, the following individuals appeared on behalf of the Applicant: **1.** Hital Modi as owner of the business, and **2.** Robert W. Sheairs, R.A. as the project architect; and

**WHEREAS**, in support of its application, the Applicant has submitted the following: **1.** a Plan of Addition consisting of two (2) sheets dated January 14, 2020 prepared by Robert W. Sheairs, R.A., **2.** a Plan of Survey dated September 14, 2019 prepared by Bruce A. Ewing,

P.L.S. of Ewing Associates, and 3. twelve (12) photographs depicting the existing liquor store; and

**WHEREAS**, there was discussion between the Board and the Applicant and it was decided that the Board will require a minor site plan in order to perfect this approval, but that there was enough information before the Board during this hearing to proceed so that any results of the hearing may be incorporated in the site plan which would then be proffered as a condition of approval; and

**WHEREAS**, the Applicant and Mr. Sheairs testified: **1.** The 1,500 square foot addition is proposed for the right side of the building and will be finished with vinyl siding and a shingle roof that matches and/or compliments the existing building, **2.** The existing parking will be reduced from 39 parking spaces to 33 parking spaces. This still exceeds the 29 parking spaces that would be required pursuant to the Clayton Ordinance, **3.** No additional signage is proposed, **4.** There will not be a dedicated loading/unloading zone as the size and the scope of this business has not required a dedicated area and the expansion is minor and will not measurably expand delivery needs, **5.** The actual construction of the addition is expected to take approximately six (6) weeks; and

**WHEREAS**, there was discussion between the Board and the Applicant and it was agreed that: **1.** The Applicant accepts and agrees to honor the June 5, 2020 professional review letter as prepared by the Board's professionals with the exception that the Applicant is granted a waiver from the requirement of a dedicated loading/unloading zone, **2.** The Applicant shall honor any and all Growth Share/COAH obligations, **3.** The Applicant shall place at least one (1) receptacle outside for use as a cigarette/cigar disposal unit as there is an unsightly accumulation of butts in this area, **4.** The Applicant has agreed to explore what landscaping may be added to the site even if reduced to the placement of potted plants or flower boxes or the like, **4.** No storm water calculations are needed as this addition results in no additional

impervious coverage as it is covering existing asphalt parking spaces, **5.** The existing water and sewer hook-ups are adequate, **6.** The Applicant shall provide the required two (2) ADA parking spaces and may consult with the Board professionals in difficulty arises as regards their placement, **7.** The Applicant is not required to return to the Board once the Minor Site Plan has been prepared, reviewed by the Board professionals for completeness and after the review by the Board professionals filed with the Borough as a condition of this approval as the purpose is to keep the project moving forward; and

**WHEREAS**, the Borough of Clayton Planning Board, having carefully considered the Application and plans submitted by the Applicant, and having conducted a public hearing on June 22, 2020, in accordance with the requirements of the Municipal Land Use Law and the Borough's Land Use Ordinance; and

**WHEREAS**, no member of the public appeared to be heard on this application; and

**WHEREAS**, the Applicant has complied with all requirements of the law pertaining to notices, publication, etc.; and

**WHEREAS**, the Application for Minor Site Plan Approval together with Waiver relief was approved by the Borough of Clayton Planning Board by a \_\_\_\_\_ *Yes* vote to \_\_\_\_\_ *No* vote.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Clayton Planning Board that it does hereby Approve the Minor Site Plan to construct a 1,500 square foot addition to the existing liquor store together with Waiver relief as hereinbefore detailed while incorporating all applications, plans, review letters, correspondence, hearing testimony along with all hearing exhibits as a part of this Resolution as set forth in their entirety herein together with all necessary and requested variances and waivers, and grants this minor site plan and waiver approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Planner's and Engineer's review letter which are incorporated herein by reference as modified during the June 5, 2020 excepting there need not be a dedicated loading/unloading zone; and

2. The Applicant obtaining all required approvals/waivers from all outside agencies, if any.

3. The Applicant shall meet any and all applicable COAH and/or Fair Share Growth Obligations that may exist at the time of this approval.

4. 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. Final approval shall be subject to the following, if applicable:

(A) Documentation of final approvals by: (1) Gloucester County Planning Board; (2) Gloucester County Soil Conservation District; and (3) any other required Local, County and State approvals, as may be 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.

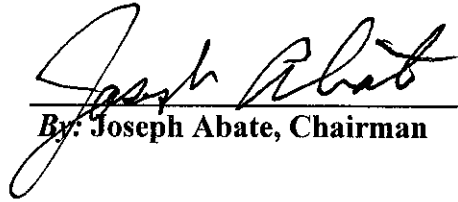
(C) Engineering, planning and testaments as submitted by the Applicant have been accepted, and any changes set forth by the Applicant shall be subject to review by the Clayton Planning Board and its professionals, with subsequent approval being required and as a condition of final approval.

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

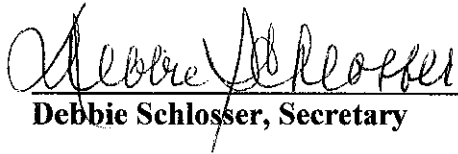
(E) Any on-site hazardous conditions shall be eliminated in accordance with NJDEP regulations and requirements.

**THIS RESOLUTION DULY ADOPTED** at a regular meeting of the Borough of Clayton Planning Board held on Monday, July 27, 2020.

**Borough of Clayton Planning Board**

  
By: Joseph Abate, Chairman

**Attest:**

  
Debbie Schlosser, Secretary