

**RESOLUTION OF THE CLAYTON LAND USE BOARD
GRANTING BULK VARIANCE RELIEF TO RUSSELL COX
Block 705, Lot 9
(19 Maple Street)**

WHEREAS, the Applicant, Russell Cox, submitted an application seeking the grant of bulk variance relief to the Clayton Planning Board to be considered at the meeting of August 24, 2020; and

WHEREAS, the subject property affected is located at 19 Maple Street and is owned by Russell Cox. This parcel is more particularly described as Block 705, Lot 9 and comprises approximately 11,325 square feet; and

WHEREAS, Russell Cox appeared as owner of 19 Maple Street and offered testimony in support of his application;

WHEREAS, the Applicant is seeking relief to permit the replacement of a gravel driveway with an asphalt driveway with a zero (0') foot side yard setback where a minimum of three (3') feet setback is required from the side property line; and

WHEREAS, in support of the application, the Applicant submitted a one (1) sheet copy of a survey dated August 17, 2004 utilized by the Applicant in testimony that he needs the driveway on that side of the property and that because of his basement door he could not comply with the three (3') foot set side yard setback from the property line. The Applicant also testified that his neighbor (Jennifer Meyer), impacted by the driveway on the other side, had expressed no objection to the application. The applicant also testified that the neighbor does not have a driveway or room for one and signed for notice of the hearing.

WHEREAS, nonetheless the Board requested to hear from the neighbor. She was not on the hearing call or on video. The Board then suggested the neighbor, Jennifer Meyer,

should be called on her cell phone so that the Board may question her. Jennifer Meyer testified she had no objection to the application.

WHEREAS, Applicant also testified there had been no flooding issues in the past and the driveway slopes downward toward the street; and

WHEREAS, the Board's Engineer, Stan Bitgood testified that the driveway can go on the other side of the property, however that would require the removal of a large maple tree and the installation of a new apron. Removing the tree would negatively impact the aesthetics. Mr. Bitgood also recommended a grading plan; and

WHEREAS, the Borough of Clayton Planning Board, having carefully considered the application and plan submitted by the Applicant, conducted a public hearing in accordance with the requirements of the Municipal Land Use Law and the Borough's Land Use Ordinance; and

WHEREAS, this Resolution of Approval for Bulk Variance Approval was approved by the Borough of Clayton Planning Board by a 8 Yes vote to 1 No vote.


NOW, THEREFORE, BE IT RESOLVED, by the Borough of Clayton Planning Board that it does hereby **Grant** the Bulk Variance Relief from the minimum side yard setback of three (3') feet to permit a zero (0') foot side yard setback to replace a stone driveway with an asphalt driveway.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Clayton Planning Board held on Monday, September 28, 2020.

Borough of Clayton Planning Board


By: Joseph Abate, Chairman

Attest:


Debbie Schlosser, Secretary

ROLL CALL VOTE

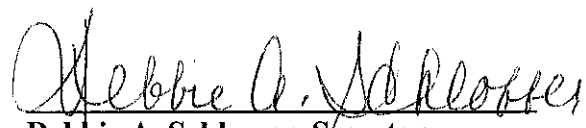
THOSE IN FAVOR 6

THOSE OPPOSED 0

THOSE ABSTAINED 0

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 September 28, 2020 at 7:00 p.m by virtual hearing by the Borough of Clayton and memorializes the decision reached by said Board on the herein application at the Board's August 24, 2020 meeting and public hearing.


Debbie A. Schlosser, Secretary