

Resolution No.: 12-2022

**RESOLUTION OF THE BOUROUGH OF CLAYTON LAND USE BOARD
GRANTING MINOR SUBDIVISION APPROVAL WITH USE & BULK VARIANCE
RELIEF FOR BLOCK 904, LOT 11
APPLICANT – ELITE PROPERTY PARTNERS, LLC**

WHEREAS, the Applicant, Elite Property Partners, LLC of 207 Cherry Tree Court, Franklinville, New Jersey, 08322, submitted an application for a minor subdivision with use and bulk variance relief and appeared for a hearing before the Clayton Land Use Board on Monday October 24, 2022; and

WHEREAS, the subject property is located on the west side of Delsea Drive, mid-block between Morton Avenue and Walnut Street. Known as Block 904, Lot 11, subject property comprises 99,803.4 square feet. Presently there is a two-story duplex dwelling, a farm shed, and a stone driveway with concrete sidewalks. The lot extends several hundred feet westward to a wooded portion of the lot. There are adjacent dwellings on lots to the immediate North, South and West; and

WHEREAS, the applicant is represented by John Kosylo, Esquire; and

WHEREAS, the Applicant is seeking a Minor Subdivision with use and bulk variances in order to divide lot 11 into two lots. The proposed lot 11.01 is purposed for the construction of a single-family dwelling. Proposed lot 11.01 will be on the south side of the mother lot and along Delsea Drive, measuring 77 by 148 feet, leaving dimensions of the mother lot as 90 by 884 feet. Proposed lot 11.01 comprises 11,534.9 square feet and will require a bulk variance relief as it falls below minimum lot requirements of 15,000 square feet. Further, the Subdivision of lot 11 renders the existing two-family dwelling a non-conforming use in the CO zone requiring Use Variance relief. The proposed single-family dwelling on lot 11.01 conforms to CO zoning district; and

WHEREAS, since the instant application asks for Use Variance relief the Clayton Land Use Board reconstituted itself as a Zoning Board of Adjustment to hear this matter; and

WHEREAS, the proposed dwelling on lot 11.01 is planned to be a 3-bedroom, 2-bathroom ranch style home between 1,200 and 1,500 square feet with a basement. The proposed dwelling is depicted on minor subdivision plan signed and sealed by Professional Land Surveyor Michael Lamplugh, Sr. and dated September 10, 2021; and

WHEREAS, the Board's engineer Stan Bitgood, P.E., C.M.E. and planner Paul Breier, P.P. along with the Applicant's principal John Andrie, appeared before the Board and were duly sworn; and

WHEREAS, Board Professional Paul Breier, P.P. went over his review letter dated September 13, 2022 and affirmed that the proposed lot configuration is sensible. He also confirmed that the proposed lot 11.01 requires bulk variance relief due to its size; and

WHEREAS, Applicant agreed to install a buffer as required by ordinance UDO §88-33. The Applicant shall buffer the nearby residential use and agrees to work with the Board Professionals to develop a landscaping plan to do so; and

WHEREAS, the Applicant agrees to repair and/or replace some sidewalks and curbs on the subject property that are damaged and shall work with the Board Professionals to accomplish same. A large tree on the property is presently falling and is damaging the sidewalk by its descent. The Applicant agrees to address the tree and its impact on the immediate sidewalk and curb with the input of the Board Professionals; and

WHEREAS, no parking is permitted in the front yard or on Delsea Drive, a garage on premises shall be utilized for proposed residential parking. The Applicant shall determine sight triangles for the driveway which is to be extended beyond the present garage in order to create two additional parking spaces for a total of four on-site parking spaces off the street and the Applicant shall conform the Plan to reflect this; and

WHEREAS, the Applicant agrees to meet any and all COAH and/or Growth Share obligations; and

WHEREAS, Applicant has chosen to memorialize the proposed Subdivision by way of filing deed with Gloucester County Clerk's Office with said deeds being subject to review by the Board Professionals; and

WHEREAS, A grading plan shall be submitted as condition of approval when the Applicant seeks a building permit for the site as the minor subdivision plan does not suffice for grading or plot plan purposes. Furthermore, the Applicant shall make corrections to Plan key and otherwise as per requested by Board Professional Stan Bitgood P.E, C.M.E.; and

WHEREAS, Board Professional, Stan Bitgood, P.E, C.M.E, testified that New Jersey Department of Transportation may or may not permit a new driveway apron into newly created lot. The Applicant shall work with the New Jersey Department of Transportation to determine the best outcome. This may include using the current driveway with cross-easements between the lots or building a new apron into the proposed lot directly. The choice and outcome will depend upon New Jersey Department of Transportation determinations. This matter may be finalized during preparation of grading plan for building permit, and is conditioned upon review and approval of Borough Officials. This is to make clear that this approval speaks to either approach as long as the Borough Officials are able to review and sign off on the proposal once the Applicant has finished with the NJ DOT.; and

WHEREAS, the Applicant shall connect to public water and sewer systems upon construction of the proposed dwelling. However, Board Professional Stan Bitgood, P.E., C.M.E., expressed caution over the adequacy of the connection and adequacy and quality of the service must be confirmed with the Borough; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on October 24, 2022 and several members of the public appeared; and

WHEREAS, Jeanne Schoellkopf appeared as a member of the Historical Society and expressed that she used to sell flowers at the site in question. She proposed that red brick should be added to the edge of the sidewalk. The Board declined to further explore this since this is not a commercial use and the brick had been used for commercial installations; and

WHEREAS, Sandra Ristine inquired about how the proposed dwelling will be sited on the lot and the Applicant showed her with the presented plan used for the Board presentation; and

WHEREAS, the board has considered and incorporates herein at length the review letters of Stan Bitgood, P.E., C.M.E., dated March 29, 2022 and Paul D. Breier, P.P., dated September 13, 2022; and

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

WHEREAS, the application for minor subdivision along with the grant of use variance and bulk variance relief is hereby granted 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 application for minor subdivision along with use and bulk variance relief contingent upon the following:

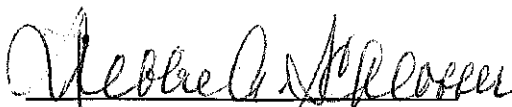
1. Compliance with all requirements as hereinbefore stated.
2. Applicant must secure any and all outside approvals for the project.


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, November 28, 2022.

Attest:

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


Debbie A. Schlosser, Secretary


By: Joe Abate, Chairman

ROLL CALL VOTE

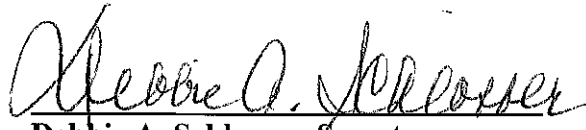
THOSE IN FAVOR 9

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 November 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 October 24, 2022 meeting and public hearing.


Debbie A. Schlosser, Secretary