

**Resolution No.: 66-2023**

**RESOLUTION OF THE BOUROUGH OF CLAYTON LAND USE BOARD  
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL  
FOR BLOCK 1001, LOT 31  
APPLICANT-FINK ORGANIZATION, LLC**

**WHEREAS**, the Applicant, Fink Organization, LLC of 40 Overbrook Drive, Cherry Hill, New Jersey, 08002, submitted an application for preliminary and final site plan approval and appeared for a hearing before the Clayton Land Use Board on Monday November 28, 2022; and

**WHEREAS**, the subject property is located on the west side of Delsea Drive, south of Jerry's Avenue, known as Block 1001 Lot 31. Property is also known as 616 Delsea Drive. Property comprises 16,193.4 square feet with 82.2 feet of frontage along Delsea Drive and 197 feet deep. Lot currently comprises of a two-story building that has remained vacant for some time. Adjacent lot to the north is a car dealership, lots to the west are residential, and the lot to the south is currently vacant; and

**WHEREAS**, the applicant is represented by Dale Taylor, Esquire; and

**WHEREAS**, the Applicant is seeking approval for a preliminary and final site plan which is directed at converting the existing vacant building into an apartment building with two two-bedroom units and two one-bedroom units. Two one-bedroom units and one two-bedroom unit will be on the ground floor, and one two-bedroom unit will be on the second floor; and

**WHEREAS**, Fink Organization, LLC previously applied for a Use Variance in order to develop the site plan, as the lot straddles both the Commercial Office (CO) Zone and the Medium High Density (R-B) Zone. Application for use variance was heard at the regularly scheduled meeting of June 28, 2021. Use Variance relief was subsequently granted and memorialized in Resolution No. 10-21; and

**WHEREAS**, the proposed dwelling is depicted on the site plan signed and sealed by Professional Engineer William P. Gilmore and dated September 10, 2021; and

**WHEREAS**, the Board's engineer Stan Bitgood, P.E., C.M.E. and planner Paul Breier, P.P. were present and duly sworn; and

**WHEREAS**, Applicant's Principal Robert Fink, along with his engineer, William P. Gilmore, P.E., and his architect, Phil Ruggieri, R.A., were present and duly sworn; and

**WHEREAS**, Applicant's architect supplied two exhibits for the board's review: (A-1) an elevation plan of the proposed building and (A-2) a zoning plan; and

**WHEREAS**, Applicant agreed that the paved area along Delsea Drive is to be removed and grass is to be planted at that area and work with Board Professionals to develop a landscaping plan; and

**WHEREAS**, Applicant's architect, Phil Ruggieri, R.A., described the site with all proposed parking in the rear of the building. Parking is proposed as 10 standard parking spaces and 1 handicap parking space with van accessibility. Parking plan is noted to conform to RSIS standards; and

**WHEREAS**, Board Chairmen, Joe Abate, referencing the work group for the site plan held on March 16, 2022, stated that the Applicant agreed that the rear of the building that faces Delsea Drive will be renovated to be more visually appealing. Applicant agreed to work with Board Professionals to achieve this goal; and

**WHEREAS**, there are no plans for additional mechanical rooms on the proposed site; and

**WHEREAS**, Applicant agreed that as a condition of approval that First-Responders are able to reliably identify the various distinct units; and

**WHEREAS**, William Gilmore, P.E., stated that he will add variances as requested to the site plan; and

**WHEREAS**, Applicant and the Board discussed the issue of trash pickup on the proposed property and Applicant proposed that tenants can move their cars close to the curb to make way for a trash truck, as the site is too tight otherwise. Applicant claims to have experience with this practice and it will be viable in this situation; and

**WHEREAS**, Board is waiting on response from Clayton Fire Chief to weigh in on this matter. Board Secretary Debbie Schlosser indicated that the Fire Chief required more information to offer an opinion; and

**WHEREAS**, Board Professional Stan Bitgood, P.E., C.M.E., demanded that applicant's engineer William P. Gilmore P.E., plan to demonstrate that construction can be accomplished without damaging or flooding nearby properties. Applicant's engineer agreed to this demand; and

**WHEREAS**, Applicant agreed to replace the sidewalk along Delsea Drive. Applicant further acknowledges that curbing is subject to New Jersey Department of Transportation review; and

**WHEREAS**, Board Professional Stan Bitgood, P.E., C.M.E., expressed the requirement of stormwater infiltration tests be performed on the property as a condition of approval. Mr. Bitgood stressed that improper stormwater infiltration could pose a threat to nearby properties. Applicant agreed to this condition. Furthermore, he reminded Applicant that all utility meters be located on the side of the building to avoid possible interruption if hit by a car or damaged in a similar manner; and

**WHEREAS**, Board Professional Paul Breier, P.P., asked Applicant's engineer, William Gilmore, P.E., to add buffer line to the trees of the plan. Applicant's engineer agreed to do so; and

**WHEREAS**, the site plan will carve out zoning district lines as it presently shows dimensions for the side yard and rear yard on plan with different zoning district lines; and

**WHEREAS**, Light poles on the site are to be painted black as they will more easily blend in with surroundings; and

**WHEREAS**, Board Professional, Paul Breier, P.P., asked about pedestrian circulation, and Applicant agreed to work with Board Professionals to develop a pedestrian circulation plan to address tenants going from the parking area into the building and other activities such as handling trash; and

**WHEREAS**, members of the public were welcome to speak on the application hearing at the regularly scheduled meeting held on November 28, 2022 and no members of the public appeared; and

**WHEREAS**, the board has considered and incorporates herein at length the review letters of Stan Bitgood, P.E., C.M.E., dated November 11, 2022 and Paul D. Breier, P.P., dated November 14, 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 preliminary and final site plan is hereby approved 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 preliminary and final site plan contingent upon the following:

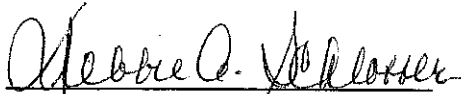
1. Compliance with all requirements as hereinbefore stated.
2. Applicant must secure any and all outside approvals for the project.


**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, January 23, 2023.

Attest:

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

  
**Debbie A. Schlosser, Secretary**

  
**By: Joe Abate, Chairman**

**ROLL CALL VOTE**

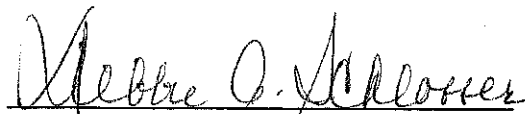
THOSE IN FAVOR \_\_\_\_\_

THOSE OPPOSED \_\_\_\_\_

THOSE ABSTAINED \_\_\_\_\_

**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 November 28, 2022 meeting and public hearing.

  
**Debbie A. Schlosser, Secretary**