

Resolution No.: 102-2023

**RESOLUTION OF THE BOROUGH OF CLAYTON LAND USE BOARD
AMENDING RESOLUTION NO. 08-2023, ENTITLED "GRANTING BULK VARIANCE
FOR BLOCK 2001.05, LOT 11 (521 Coleman Drive)
APPLICANT- JULIO AND MARIA AVILES"**

WHEREAS, Julio and Maria Aviles (the "Applicants"), of 521 Coleman Drive, Clayton, New Jersey, 08312, also known as Block 2001.05, Lot 11, submitted an application for bulk variance relief for a backyard pergola and appeared before the Clayton Land Use Board (the "Board") on Monday, February 27, 2023; and

WHEREAS, on February 27, 2023, the Board approved the Application with certain conditions; and

WHEREAS, on March 27, 2023, the Board adopted Resolution No. 08-2023, memorializing the approval; and

WHEREAS, the Board was under the mistaken impression that the Uniform Construction Code ("UCC") requires any structure to be at least ten (10) feet from a swimming pool; and

WHEREAS, the Board has since learned that the UCC does not require such separation, and therefore finds it appropriate to amend Resolution No. 08-2023 to remove Condition 2, to correct the mistake:

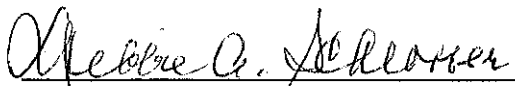
NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board, that Resolution No. 08-2023 is hereby amended, and Condition 2 is hereby removed.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Applicants, 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, June 26, 2023.

Attest:

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


Debbie A. Schlosser, Secretary

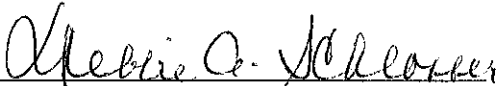

By: Joe Abate, Chairman

ROLL CALL VOTE

THOSE IN FAVOR	<u>7</u>
THOSE OPPOSED	<u>0</u>
THOSE ABSTAINED	<u>0</u>

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 May 22, 2023 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 June 26, 2023 meeting and public hearing.


Debbie A. Schlosser, Secretary