

Resolution No.: 21-2023

**RESOLUTION OF THE BOROUGH OF CLAYTON LAND USE BOARD
GRANTING MINOR SUBDIVISION AND WAIVERS
FOR BLOCK 1814, LOT 15 (110 EARL AVENUE)
APPLICANT- BRUCE ANDERSON**

WHEREAS, Bruce Anderson (the “Applicant”), owner of 110 Earl Avenue, also known as Block 601, Lot 23 on the Borough of Clayton Tax Map (the “Property”), submitted an application for minor subdivision approval with waivers; and

WHEREAS, located in the “R-B” Medium/ High Density Residential District, the Property is rectangular in shape, bordered by residential uses, and contains a single-family dwelling; and

WHEREAS, the Property is located on a corner lot, and has frontages on Earl Avenue and Filbert Street; and

WHEREAS, the Applicant appeared before the Clayton Land Use Board (the “Board”) on Monday, September 25, 2023 (the “Hearing Date”); and

WHEREAS, the Applicant seeks minor subdivision approval with waivers to divide the Property into three conforming lots; and

WHEREAS, Wayne L. Roorda, Jr., PE, PP, CME, the Board’s engineer and planner, was present on the Hearing Date and duly sworn; and

WHEREAS, the Applicant was present, duly sworn to testify on behalf of the application, and presented the application before the Board; and

WHEREAS, the Applicant met all jurisdictional requirements enabling the Board to hear and act on the application, and appeared before the Board on the Hearing Date, as specified above; and

WHEREAS, the following reports were prepared by the Board’s professionals, and considered by the Board:

Memorandum of the Board’s planner and engineer Wayne L. Roorda, Jr., PE, PP, CME dated August 31, 2023; and

WHEREAS, during the public hearing, the Applicant was given the opportunity to present testimony and legal argument, and the Board’s professionals and members of the public were given an opportunity to comment on the application; and

WHEREAS, no exhibits were marked into evidence during the hearing; and

WHEREAS, Mr. Anderson presented the application, which sought a minor subdivision of the Property. Mr. Anderson testified that the Property is a corner lot, and that the proposed subdivision would create three conforming lots. Mr. Anderson seeks subdivision approval to hopefully provide other families an opportunity at homeownership in the Borough.; and

WHEREAS, Wayne L. Roorda, Jr., PE, PP, CME, the Board's engineer and planner, reviewed his report; and

WHEREAS, Mr. Roorda testified that the twelve (12) recommended or requested completeness waivers would be appropriate for this minor subdivision application, or in the alternative, could be conditions of approval; and

WHEREAS, Mr. Anderson agreed that he would provide four (4) items in Mr. Roorda's review letter, items 11, 13, 17, and 19, as conditions of approval; and

WHEREAS, the meeting was opened to the public, and no members of the public commented on the application; and

WHEREAS, the Board has considered and incorporates herein the review letter submitted by Board engineer and planner, Wayne L. Roorda, Jr., P.E., P.P., C.M.E., and the Board has carefully considered all the documents submitted and the testimony of all the witnesses; and

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The application was deemed complete subject to the submission waivers or conditions of approval for items 11, 13, 17, 19, 22, 23, 24, 25, 36, 38, 50, and 57.
2. The Applicant seeks minor subdivision approval and the associated completeness waivers to create three conforming lots.
3. The Property is located in the "R-B" Medium/ High Density Residential District, and is bordered by residential uses. The Property is a corner lot, with frontages on Earl Avenue and Filbert Street, and currently contains a single-family dwelling on North-end of the parcel.
4. A planning board's review of a proposed minor subdivision is limited. A planning board must determine whether the proposed subdivision conforms with the zoning requirements and subdivision ordinance.
5. Waivers may be granted when literal enforcement of an ordinance would be impracticable, or will impose an undue hardship because of peculiar conditions on the land in question.
6. The Board finds that the Applicant satisfied the relevant criteria for minor subdivision approval, as the proposal conforms to the minor subdivision ordinance, Section 88-77 of the Borough Code, and conforms to the "R-B" Medium/ High Density Residential District, Section 88-11 of the Borough Code.

7. The Board finds that the requested submission waivers are appropriate as the items are either inapplicable to the request relief, or will be addressed as conditions of approval.

WHEREAS, after deliberation, a motion was made to grant approval of the minor subdivision and waivers, subject to certain conditions, as set forth herein, and was approved by a vote of 7 yeases to 0 noes.

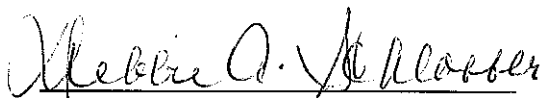
NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board, that it hereby approves the application for minor subdivision, and the eight (8) submission waivers, contingent upon the following conditions:

1. The Applicant shall submit the signed survey plan utilized to create the subdivision. (Item 11 on Mr. Roorda's August 31, 2023 Review Letter).
2. The Applicant shall submit legal descriptions for the three proposed lots. (Item 13 on Mr. Roorda's August 31, 2023 Review Letter).
3. The Applicant shall submit revised plans that indicate: (a) the existing impervious coverage on the Property; and (b) the pavement width dimensions. (Items 17 and 19 on Mr. Roorda's August 31, 2023 Review Letter).
4. The Applicant shall comply in all respects with the review letters submitted by the Board's professionals, with the exception of waivers and/or variances granted.
5. The Applicant shall obtain the necessary approvals of all other governmental agencies having appropriate jurisdiction.
6. The Applicant shall post all performance bonds and inspection escrows and pay in full all review escrows prior to the approvals taking effect.

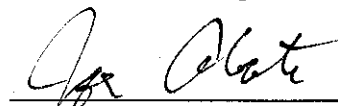
BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor, and the Borough Zoning Officer.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, October 23, 2023.

Attest:


Debbie A. Schlosser, Secretary

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

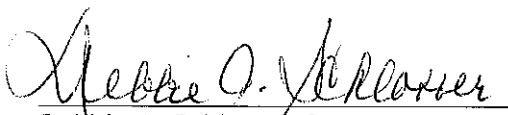

By: Joe Abate, Chairman

ROLL CALL VOTE

THOSE IN FAVOR	<u>6</u>
THOSE OPPOSED	<u>0</u>
THOSE ABSTAINED	<u>2</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 October 23, 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 September 25, 2023 meeting and public hearing.


Debbie A. Schlosser, Secretary