

Resolution No.: #05-19

**RESOLUTION OF THE CLAYTON PLANNING BOARD
GRANTING MINOR SITE PLAN APPROVAL WITH BULK VARIANCE RELIEF TO
MICHAEL LAWRENCE
BLOCK 1904, LOTS 21 and 22
(700-900 Cenco Boulevard)**

WHEREAS, the Applicant, Michael Lawrence (Lawrence), has filed an Application for Minor Site Plan Approval with Bulk Variance Relief for property he owns at 700-900 Cenco Boulevard to be considered at the meeting of December 17, 2018 to be heard at a public hearing on December 17, 2018 having given notice pursuant to the Municipal Land Use Law; and

WHEREAS, the subject property located at 700-900 Cenco Boulevard is also known as Block 1904, Lots 21 and 22, and is located in the Industrial Zoning District; and

WHEREAS, the Applicant is requesting a minor site plan approval and bulk variance relief to operate a "Trade and Truck Driving (CDL)" school; and

WHEREAS, the Applicant has owned Mike's Driving School since the 1990's and began offering training for CDL's about five (5) years ago because there is a significant need in the Clayton and surrounding areas yet few schools offer this training; and

WHEREAS, the Applicant is represented by Raymond J. Went, Jr., Esquire of Nehmad Perillo & Davis, PC; and

WHEREAS, the following individuals appeared on behalf of the Applicant: **1.** Michael Lawrence, and **2.** Gary Civalier, P.E., P.L.S., P.P of Civalier Engineering & Surveying, Inc.; and

WHEREAS, in support of its application, the Applicant has submitted the following: **1.** a Minor Site Plan consisting of five (5) sheets dated December 7, 2018 signed and sealed by Gary Civalier, P.E., P.L.S., P.P of Civalier Engineering & Surveying, Inc., **2.** a Plan of Survey

dated November 21, 2018 signed and sealed by Gary Civalier, P.E., P.L.S., P.P of Civalier Engineering & Surveying, Inc., and 3. Drainage Calculations dated December 7, 2018 signed and sealed by Gary Civalier, P.E., P.L.S., P.P of Civalier Engineering & Surveying, Inc.; and

WHEREAS, the Applicant utilized the following Exhibits during the hearing: **A-1** Colorized Plan, **A-2** Easement, **A-3** Site Photos, **A-4** Spill Kit Photo, **A-5** Spill Kit Photo, **A-6** most recent Aerial Site Photo from Geo-Mapping which depicts the site as of a few years ago; and

WHEREAS, the Applicant and Mr. Civalier testified: **1.** The site has been vacant for some time, **2.** The existing parking lot will be paved once asphalt plants open in March or April, **3.** Most of the site is packed gravel that will remain packed gravel and will be used as a practice area for trucks and tractors trailers, **4.** There will be a maximum of six (6) students for every one (1) instructor, **5.** There will be six (6) full time instructors, two (2) part-time instructors, and two (2) supervisors for a total of ten (10) employees, **6.** The training is also provided on the open road and the Applicant has three (3) road tractor trailers and box trucks, **7.** Classes last between four (4) and ten (10) weeks, **8.** Hours of operation are Monday through Thursday from 8:00 AM until 8:00 PM, Friday and Saturday from 8:00 AM until 4:00 PM, and Sunday from 8:00 AM until Noon, and testing days are Monday and Tuesday beginning at 6:00 AM, **9.** Fueling, servicing and cleaning of the vehicles occurs off-site, **10.** There are once-a-month forklift classes from 8:00 AM until 4:30 PM, **11.** No propane is stored on-site, **12.** Trucks are marked with driving school information as required by New Jersey law, **13.** In addition to classroom training sessions for acquiring a CDL, there will be fingerprinting for handling haz-mat materials, **14.** The Applicant has a 2000 school bus and may acquire a coach bus to enhance bus training resources, **15.** Gary Civalier testified that the headlights from the trucks do not aim at the residential area but rather at the commercial site across the street from site gate, **16.** The Applicant plans to install a six (6) – eight (8) foot arborvitae, **17.** The

Applicant is a contract purchaser of the site, **18.** The driving school trucks have their back-up beepers disabled so as to keep the noise down and so as to not bother employees or others, **19.** The Applicant testified that the trash generated will be office-type trash only and no trash enclosure is needed, **20.** The site will not remain lighted at night when the facility is closed, **21.** The Applicant is proposing building mounted lighting and one (1) twelve (12) foot high pole light (LED in parking lot) and changing the existing pole mounted bulbs to LED's, **22.** The site will be monitored by camera that may be remotely accessed by the Applicant, **23.** The site may be monitored by a nighttime security guard, as needed, **24.** The Applicant may also provide a welding course in the existing garage where welding once occurred; and

WHEREAS, the Applicant would like to begin using the site starting in January 2019 and the building will receive a major refurbishment likely to be completed in April; and

WHEREAS, there was discussion between the Board and the Applicant and it was agreed that: **1.** The Applicant accepts and agrees to honor the professional review letters as prepared by the Board's professionals, **2.** The Applicant shall honor any and all Growth Share/COAH obligations, **3.** The Applicant shall work with the Board professionals to develop a landscape and buffering plan vis-a-vie residential uses nearby, **4.** No storm water calculations are needed, **5.** The existing water and sewer hook-ups are adequate, **6.** The Applicant shall forward a copy of the easement to Board Professionals for review and consideration of its implications to this application, **7.** The lot frontage and setback of accessory structure to residential is a pre-existing non-conformity and acknowledged and accepted by the Board, **8.** The Applicant does not have to pave the practice area or provide curbing, **9.** The Applicant testified that he has submitted an LOI to NJDEP a few weeks before the hearing and expects there to be no issues as this project will have no effect on the wetlands which are about 150 feet from the project area, **10.** The Engineer recommended slats in front gates of site and additional landscaping around each side of gate, **11.** Signage will not exceed Clayton's sign ordinance

requirements and the Applicant will likely just “reskin” the existing sign, **12.** The Applicant agrees to “soften” some of the slopes pursuant to the Board Engineer’s recommendation to increase stability, **13.** The Applicant will add downlighted wall packs to plan, **14.** The Applicant agreed to add gravel to areas not currently covered due to recent debris removal and will maintain proper gravel levels throughout as a condition of operation; and **15.** The Applicant agreed to complete the buffering soon after he begins using the yard and will work with the Board professions to ensure adequate buffering; and

WHEREAS, the Borough of Clayton Planning Board, having carefully considered the Application and plans submitted by the Applicant, and having conducted a public hearing on December 17, 2018, in accordance with the requirements of the Municipal Land Use Law and the Borough’s Land Use Ordinance; and

WHEREAS, April Durham, of 36 Maple Street, who works as a crossing guard testified that the Applicant’s trucks are good and respectful of existing traffic and she is supportive of this application; and

WHEREAS, the Applicant has complied with all requirements of the law pertaining to notices, publication, etc.; and

WHEREAS, the Application for Minor Site Plan Approval together with Bulk Variance and Waiver relief was approved by the Borough of Clayton Planning Board by a

8 Yes vote to 0 No vote.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Clayton Planning Board that it does hereby Approve the Minor Site Plan to operate a “Trade and Truck Driving (CDL)” school together with Bulk Variance and Waiver relief as hereinbefore detailed while incorporating all applications, plans, review letters, correspondence, hearing testimony along with all hearing exhibits as a part of this Resolution as set forth in their entirety herein together

with all necessary and requested variances and waivers, and grants this minor site plan and variance approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Planner's and Engineer's review letters which are incorporated herein by reference as modified during the December 17, 2018 hearing including, without limitation, the modification allowing the Applicant to maintain a gravel practice area in lieu of paving the practice area; and

2. The Applicant obtaining all required approvals/waivers from all outside agencies.

3. The Applicant shall maintain adequate gravel levels to those areas utilized for truck training or otherwise and this shall be and remain throughout as a condition of operation.

4. Applicant and owner are reminded that site safety is their responsibility. It should be noted on the plan that "The owner or his representative shall designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the N. J. Uniform Construction Code and CFR 1926:32(f) (OSHA Competent Person)".

5. The Clayton Planning Board finds that the size, scope, extent and character of the use depicted are consistent with the plan for land use within the Borough of Clayton, and meet with the spirit, purpose and intent of the Clayton Zoning Ordinance.

6. Applicant shall meet any and all applicable COAH and/or Fair Share Growth Obligations that may exist at the time of this approval.

7. Final approval shall be subject to the following, if applicable:

(A) Documentation of final approvals by: (1) Gloucester County Planning Board; (2) Gloucester County Soil Conservation District; and (3) any other required Local, County and State approvals, as may be applicable.

(B) Any and all provisions as required by previous resolution shall be

satisfied and incorporated into this resolution as if fully set forth herein.

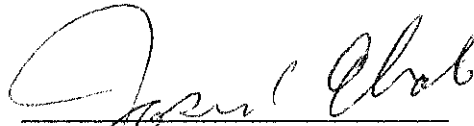
(C) Engineering, planning and testaments as submitted by the Applicant have been accepted, and any changes set forth by the Applicant shall be subject to review by the Clayton Planning Board and its professionals, with subsequent approval being required and as a condition of final approval.

(D) Any landscaping to be provided and any amendments thereto shall be approved by the Township's Engineer/Planner.


(E) Any on-site hazardous conditions shall be eliminated in accordance with NJDEP regulations and requirements.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, January 28, 2019.

Borough of Clayton Planning Board


By: Joseph Abate, Chairman

Attest:


Debbie Schlosser, Secretary