

Resolution #07-2021

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING/ZONING BOARD
GRANTING USE VARIANCE APPROVAL CONTINGENT ON SITE PLAN
APPROVAL FOR
201 EAST AVENUE, BLOCK 2002, LOT 22**

APPLICANT - DREAM HOMES & DEVELOPMENT CORPORATION

WHEREAS, the Applicant, Dream Homes & Development Corporation (DH&DC) of 314 South Main Street, Forked River, NJ 08731, submitted an application seeking a use variance; and

WHEREAS, the subject property is located at 201 East Avenue, i.e., Block 2002, Lot 22, and is owned by RAM Realty Holdings LLC, with principal offices located at 501 Elmwood Avenue, New Sharon, PA 19079 who consents to the filing of the instant application; and

WHEREAS, the Applicant proposes to construct a 63-unit single family detached age restricted manufactured homes/condominium unit development with an 1,800 s.f. community center; and

WHEREAS, the subject tract is approximately 24.45 acres and is zoned Low/Medium Density Residential (R-A), and the age restricted condominium use is not a permitted use in this zone; therefore, the granting of a D(1) use variance is required; and

WHEREAS, the Board re-constituted itself as a Zoning Board of Adjustment since the requested relief requires, inter alia, use variance relief; and

WHEREAS, Vincent Simonelli (the Applicant's President), David DeClement, Esquire (the Applicant's attorney), William P. Gilmore, P.E., C.M.E. of Site Civil Engineering (the Applicant's professional engineer), and Brian E. Seidel, LLA, NJPP, AICP of Seidel Planning and Design (the Applicant's professional planner) appeared before the board on May 24, 2021; and

WHEREAS, Vincent Simonelli, David DeClement, Esquire, William P. Gilmore, P.E., and Brian E. Seidel, P.P. were all duly sworn along with the Board's professionals; and

WHEREAS, and Brian E. Seidel, P.P. testified as to the proposed use of the subject site and the overall site design and site operation; and

WHEREAS, in support of this application for a site use variance, Vincent Simonelli testified that DH&DC proposes to build a development called Autumn

Run consisting of sixty-three (63) manufactured homes with an average lot size of 5,400 square feet. The dwelling lots are twenty-five (25) feet wide and fifty (50) feet deep which makes them about 30% larger than previous developments DH&DC has made. The front yards will be twenty (20) feet and the backyards will be twenty (20) feet. Residents will have twenty-five (25) year leases or thirty (30) year leases. There will be no park/open space recreation facility within the proposed development because there are sidewalks and the property is adjacent to a park. There will be an 1,800 square foot community center within the development and a walking path with mulch may be added. There will be six (6) infrastructure infiltration basins within the proposed development. There is a stream that runs East to West in the rear of the property and Applicant has already obtained a Letter of Interpretation from the New Jersey Department of Environmental Protection (NJDEP), said professional letter is incorporated and made a part herein; and

WHEREAS, in support of this application, Brian E. Seidel, P.P. testified that the bulk standards have been met but because this proposal is for a condominium development the requested D(1) use variance is required. The subject property constitutes the largest underdeveloped parcel in the area but there are other residential properties in the area surrounding the proposed development. A narrative summary dated May 13, 2021 was submitted to the Board and said summary is incorporated and made a part herein; and

WHEREAS, in support of this application, Applicant relied on the following exhibits: **1.** Autumn Run – Clubhouse plan – elevation examples, **2.** Autumn Run – Residential examples, **3.** DHD – Autumn Run Aerial 2021.05.13, **4.** Landscape Entrance View 5.24.21 **5.** Landscape Full View 5.24.21, **6.** Landscape View from South 5.24.21, **7.** Landscape View from Sun Haven 5.24.21; and

WHEREAS, the Board's planner, Paul D. Breier, P.P. discussed the basis for the grant of a use variance to permit the use as hereinbefore described and the overall site as it exists and is proposed, and that the applicant has met its burden in demonstrating special reasons exist for the grant of said variance relief without detriment to the public good or impairment to the master plan or zoning ordinances; and

WHEREAS, the Board in reviewing the application and submissions and questioning the Applicant and their representatives and as a result, the Applicant has agreed to the following: **1.** The Applicant will provide public offering documents to the New Jersey Department of Community Affairs (NJDCA). **2.** The roads within the development will be maintained by DH&DC. **3.** Lease agreements signed by residents will be for twenty-five (25) or thirty (30) years, be transferrable, and will contain the HOA fee, snow removal fee, and the water/sewer maintenance fee. **4.** The leases will dictate the level of maintenance that will be required of the individual residents for their property.

5. The leases will control and insulate the residents in the event DH&DC becomes financially insolvent. 6. Residents will have a separate gas and electric bill. 7. Trash pickup will be a private service. 8. The development property will be maintained by the Autumn Run HOA/Condominium Association. 9. The community will be comprised of people aged fifty-five (55) or older pursuant to the State of New Jersey laws and guidelines. 10. There will be no residents under the age of 18 allowed to reside within the development.; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on May 24, 2021 and Jennifer Haller was in attendance but did not speak.; and

WHEREAS, the Board has considered the report dated May 18, 2021 from Federici & Akin, P.A. as prepared by Paul D. Breier, P.P., the Board's professional planner, said professional review letter is incorporated and made a part herein; and

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

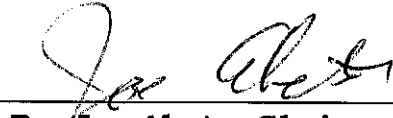
WHEREAS, the application for the grant of a use variance contingent upon the approval of the site plan by the Borough of Clayton Combined Planning and Zoning Board of Adjustment, by a 5 yes to 1 no vote.

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 grant of a use variance contingent on the approval of site plan to develop an age restricted community called Autumn Run consisting of sixty-three (63) individual condominium units and an 1,800 square foot resident community center and grants this use variance contingent upon major site plan approval.

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.

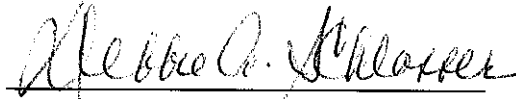
THIS RESOLUTION DULY ADOPTED at a regular meeting of the
Borough of Clayton Planning Board held on Monday June 28, 2021.

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



By: Joe Abate, Chairman

Attest:



Debbie A. Schlosser, Secretary

ROLL CALL VOTE

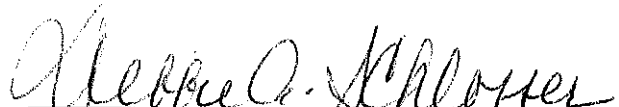
THOSE IN FAVOR 5

THOSE OPPOSED 1

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 June 28, 2021 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 May 24, 2021 meeting and public hearing.


Debbie A. Schlosser, Secretary