

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD
GRANTING MINOR SUBDIVISION APPROVAL
FOR BLOCK 316, LOT 2
AT CLAYTON AVENUE AND ATLANTIC AVENUE**

APPLICANT – MICHAEL DiVIGENZE

WHEREAS, Michael DiVigenze of Clayton, New Jersey, submitted an application seeking approval of a minor subdivision for land which is owned by the Applicant known as Block 316, Lot 2; and

WHEREAS, the property in question is shown on the Tax Map of the Borough of Clayton as Block 316, Lot 2, located at 305 West Clayton Avenue, at the intersection of Clayton Avenue and Atlantic Avenue; and

WHEREAS, the above application was considered by the Borough of Clayton Planning Board with a public hearing being held thereon on December 18, 2013; and

WHEREAS, the Applicant, Michael DiVigenze, appeared and testified in support of his application and was represented by Wayne C. Streitz, Esquire of Ware, Streitz & Thompson; and

WHEREAS, the Applicant submitted a Minor Subdivision Plan dated September 26, 2013 and signed and sealed by Bruce A. Ewing, P.L.S., of Ewing Associates, 900B North Delsea Drive, Clayton, New Jersey; and

WHEREAS, the subject parcel is located in an R-B Medium High Density Residential Zoning District which requires a minimum lot size of 9,000 square feet; and

WHEREAS, the subject application is in the form of a lot line adjustment to create Lot 2 comprising 13,622.19 square feet as a conforming lot and proposed Lot 2.01 comprising 10,618.01 square feet with bulk variance relief being granted for a 20 foot

setback for the new home to be built rather than the required 30 foot setback and with a proposed depth of 79.73 feet on one side, less than the minimum depth of 100 feet; and

WHEREAS, the foregoing bulk relief is granted as the front yard setback on the existing dwelling on Lot 2 is approximately 17.5 feet and the bulk relief for Lot 2.01 would permit a more coherent appearance with similar setbacks along with the need for lot depth relief on one side simply due to the irregular shape of proposed Lot 2.01; and

WHEREAS, the Applicant in proposing this lot revision consolidation would create one conforming lot, i.e. Lot 2, and a second non-conforming lot, i.e. Lot 2.01, requiring the aforementioned minor bulk variance relief, as such, each of the proposed lots meets all of the R-B Medium High Density Residential Zoning District requirements; and

WHEREAS, the Applicant testified in support of his application and agreed to comply with all comments of the Board's engineer, Steven G. Weber, P.E., C.M.E. of Sickels & Associates, contained in his December 11, 2013 review letter including: 1: Lot 2.01 shall be connected to public water and sewer, 2. A formal grading plan must be submitted for Lot 2.01 upon requesting a building permit, 3. Proposed deeds with legal descriptions shall be reviewed by the Board's engineer and solicitor; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on December 18, 2013 with no one present to be heard; and

WHEREAS, the Board found that the Applicant has met his burden in requesting the subdivision in the form of a lot line adjustment to create proposed Lot 2 and proposed Lot 2.01 from existing Lot 2; and

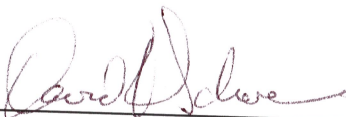
WHEREAS, the Board has carefully considered all the documents submitted and the testimony of the witnesses and members of the public;

NOW, THEREFORE, BE IT RESOLVED that the application for the grant of a Minor Subdivision in the form of a lot line adjustment for Block 316, Lot 2 into two (2) conforming lots, i.e. Lot 2 and Lot 2.01 as hereinbefore described is **GRANTED**.

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.

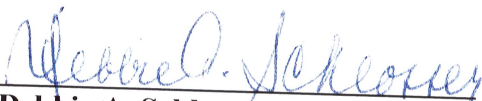
THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Wednesday, January 27, 2014.

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



By: David Schoellkopf, Chairman

Attest:



Debbie A. Schlosser, Secretary