

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD
GRANTING AMENDED FINAL MAJOR SUBDIVISION APPROVAL FOR
HOVBROS CLAYTON, LLC
(VILLAGES AT ABERDEEN)
Block 1904, Lots 11, 11.59, 11.82 – 11.119 & 11.130;
Block 1904.07, Lots 20 – 36**

WHEREAS, the Applicant, Hovbros Clayton, LLC, of 900 Birchfield Drive, Mount Laurel, New Jersey, submitted an application seeking Amended Final Major Subdivision approval for land which it owns; and

WHEREAS, the property in question is shown on the Tax Map of the Borough of Clayton as Block 1904, Lots 11, 11.59, 11.82 – 11.119 & 11.130, and Block 1904.07, Lots 20 – 36, located at East Academy Street; and

WHEREAS, the Applicant is represented by Kevin Sheehan, Esquire of Parker McCay, P.C. located at 9000 Midlantic Drive, Suite 300, New Jersey before the Borough of Clayton Planning Board on April 21, 2014; and

WHEREAS, the subject project is presently known as Villages at Aberdeen and consists of a partially constructed subdivision on a gross area of approximately 141 acres in an area zoned Planned Residential Development (PUD); and

WHEREAS, the Board granted preliminary major subdivision approval at Resolution 02-28 (adopted October 16, 2002) for a single family development consisting of 82 units and an age restricted development consisting of 108 units with a senior center and recreational improvements; and

WHEREAS, the Board granted final major subdivision approval at Resolution 03-11 (adopted January 15, 2003);

WHEREAS, the Applicant then returned to the Board and was granted amended final subdivision approval at Resolution 23-2006 to relocate the proposed senior center from the

southeast corner of the property (East Academy Street) to the southwest corner of the property so that it would now be adjacent to the approved recreational facilities; and

WHEREAS, the Applicant now returns to the Board seeking an amended final major subdivision approval to permit 40 single family residential building lots instead of the previously approved 50 twin building lots as a reaction to changing market conditions; and

WHEREAS, in support of this application the Applicant proffered the testimony of Tom Morandi as the Applicant's representative, Scott Bordick as the Site Manager and Joseph Mancini, P.E. of Taylor Wiseman & Taylor; and

WHEREAS, in support of this application, the Applicant has submitted the following as prepared by Taylor Wiseman & Taylor: **1.** an Amended Subdivision Plan consisting of ten (10) sheets dated November 23, 2009 and most recently revised February 27, 2014, **2.** Survey of Property dated February 7, 2014 signed and sealed by Richard W. McGuire, P.L.S., and **3.** Amended Subdivision Plan consisting of two (2) sheets dated March 25, 2014 signed and sealed by Richard W. McGuire, P.L.S.; and

WHEREAS, the Applicant began their presentation by providing the background of the Villages at Aberdeen development noting the challenges of the recent economic downturn and how this proposed amendment is necessary to address present market demands while remaining age restricted and reducing the gross number of dwelling proposed. This was seen as a "win-win" for the town and the Applicant. The Applicant also identified its efforts to address on-going drainage issues at the subject property and agreed to work with the Board engineer to remediate these problems; and

WHEREAS, in summary, there was a general discussion among the Board members, the Board professionals and the Applicant's representatives and the Developer's representative and it was agreed that: **1.** The Applicant has made a compelling argument describing market conditions which augers in favor of 41 single family residential building lots instead of the previously approved 50 twin building lots, **2.** There are no changes proposed to the roadways, water/sewer infrastructure and minor changes to the open space, **3.** The bond requirements should not need to be changed as a result of this approval, **4.** The Applicant shall comply with

checklist submission items, **5.** The building envelopes are essentially as reflected on the submitted plans but grading changes and handicapped access cuts, etc. shall be added, **6.** This portion of the project now before the Board was and shall remain age-restricted, **7.** While it is expected that the Borough of Clayton will accept the basin and sewer with an Applicant provided maintenance trust fund, it shall be later decided and the Borough's decision shall be controlling, **8.** The proposed homes are slab on grade and 40 homes are indicated not 41 as earlier proposed, **9.** There shall not be a fence around the basin, **10.** The Applicant and Board professionals shall examine and agree if any street lights need to be moved because of conflicts with driveways or the like, **11.** The Applicant shall change proposed plant types and work with the Board professionals in settling on what shall be selected and planted, **12.** The Applicant shall provide a detail for light fixtures, **13.** The Applicant shall use its best efforts to break ground and begin building the proposed Senior Center, and **14.** The Applicant agrees to work with the Board's professionals to address well-known drainage issues on the entire subject site; **15.** The Applicant shall comply with the professional review letters of Board Engineer, Steven G. Weber, P.E., C.M.E. dated April 14, 2014 and Board Planner, George R. Stevenson, Jr., AICP, P.P. dated April 21, 2014, and **16.** All prior Resolutions remain in full force and effect and are only modified as specifically stated within this Resolution; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on April 21, 2014 and one resident of the already completed homes at Aberdeen appeared to raise concerns about existing drainage issues and the Applicant's representatives outlined what steps were being taken to address these well-known drainage issues; and

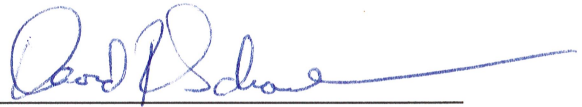
WHEREAS, the Board has carefully considered all the documents submitted and the testimony of the witnesses and members of the public;

NOW, THEREFORE, BE IT RESOLVED that the application for Amended Final Subdivision Approval is **GRANTED** together with all necessary variances and waivers subject to and contingent upon the requirements as hereinbefore stated, by a 5 yes to 0 no vote.

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.

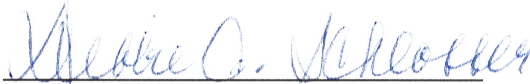
THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, May 19, 2014.

Borough of Clayton Planning Board

A handwritten signature in blue ink, appearing to read "David Schoellkopf", written over a horizontal line.

By: David Schoellkopf, Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Debbie A. Schlosser", written over a horizontal line.

Debbie A. Schlosser, Secretary

ROLL CALL VOTE

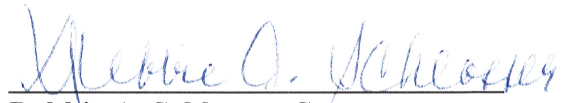
THOSE IN FAVOR 5

THOSE OPPOSED 0

THOSE ABSTAINED 1

CERTIFICATION

I hereby certify that the foregoing Resolution is a true copy of a Resolution adopted by the Borough of Clayton Planning Board at a regularly scheduled meeting of the Board held on May 19, 2014 at the Borough of Clayton Municipal Building, 125 Delsea Drive, Clayton, New Jersey 08312 at 7:30 p.m. and memorializes the decision reached by said Board on the herein application at the Board's April 21, 2014 meeting and public hearing.


Debbie A. Schlosser, Secretary