

Resolution No.: 05 - 15

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD  
GRANTING MINOR SUBDIVISION APPROVAL FOR  
BLOCK 1902, LOTS 2 and 3**

**APPLICANT – RUDOLPH BOMPENSA**

**WHEREAS**, the Applicant, Rudolph Bompensa, of 1152 North Delsea Drive, Clayton, New Jersey, submitted an application seeking approval of a minor subdivision for land which is owned by him (Lot 3) and Dominick F. Bompensa of 1160 North Delsea Drive, Clayton, New Jersey (Lot 2); and

**WHEREAS**, the property in question is shown on the Tax Map of the Borough of Clayton as Block 1902, Lots 2 and 3 and is located at 1160 North Delsea Drive (N.J. State Hwy. 47); and

**WHEREAS**, the Applicant submitted a Proposed Lot Line Adjustment Plan dated July 2, 2010 and most recently revised January 29, 2015, signed and sealed by Bruce A. Ewing, P.L.S., located at 900B North Delsea Drive, Clayton, New Jersey; and

**WHEREAS**, the Applicant is represented by Mark A. Vitesse, Esquire of Gravino & Vitesse located at 23 Euclid Street, Woodbury, New Jersey; and

**WHEREAS**, the subject parcels are located in an HB Highway Business Commercial Zoning District which requires a minimum lot area of 30,000 square feet; and

**WHEREAS**, the subject application is in the form of a lot line adjustment to create two lots, i.e. Lot 2 comprising 67,288 square feet and proposed Lot 3 comprising 360,299 square feet; and

**WHEREAS**, each of the subject lots, i.e. Lot 2 and Lot 3, deviate from the non-retail use bulk standard of the applicable HB Zone standards with the following pre-existing

non-conformities: **1.** Minimum lot frontage of 140 feet for proposed Lot 2 and 140.17 feet for proposed Lot 3 where 150 feet is required pursuant to Article III, Section 17.C.2.b, **2.** Minimum lot width at building line of 140 feet for proposed Lot 2 and 140.17 feet for proposed Lot 3 where 150 feet is required pursuant to Article III, Section 17.C.2.a, **3.** Minimum front yard setback of 27.23 feet for proposed Lot 2 and 81.74 feet for proposed Lot 3 where 100 feet is required pursuant to Article III, Section 17.C.2.d, and **4.** Minimum side yard setback of approximately 12 feet for proposed Lot 2 and 6.87 feet for proposed Lot 3 where 50 feet is required pursuant to Article III, Section 17.C.2.e; and

**WHEREAS**, the Applicant, Rudolph Bompensa, testified that there are no proposed changes to the site on either lot but the subdivision in the form of a lot line adjustment is needed to clear up the boundaries between the lots where there continues to be an active auto repair and salvage business known as Delsea Motors. The need to adjust the lot lines was occasioned by the death of Rudolph's brother who owned Lot 2 and Lot 2 is now to be owned by Dominick Bompensa, Jr., his nephew; and

**WHEREAS**, the above application was considered by the Borough of Clayton Planning Board with a public hearing being held thereon on February 23, 2015 and Rudolph Bompensa offered testimony in support of said application and agreed to comply with all comments of the Board including: **1.** Compliance with Sickels & Associates January 19, 2015 letter, **2.** Applicant shall conform plan to reflect the proper Zone District and comport with this Resolution of approval including location of the septic systems, **3.** Applicant shall make application to the Gloucester County Planning Board, and **4.** 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 February 23, 2015 and no one appeared 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 3; 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 1902, Lots 2 and 3 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.

**BOROUGH OF CLAYTON LAND USE BOARD**

By:   
DAVID SCHOELLKOPF, Chairman

**ATTEST:**


  
DEBBIE A. SCHLOSSER, Secretary  
Susan B Miller (Acting)

**ROLL CALL VOTE**

THOSE IN FAVOR	<u>7</u>
THOSE OPPOSED	<u>0</u>
THOSE ABSTAINED	<u>0</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 April 20, 2015 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 February 23, 2015 meeting and public hearing.

  
**Debbie A. Schlosser, Secretary**  
