

Resolution No.: 06-2022

**RESOLUTION OF THE BOROUGH OF CLAYTON LAND USE BOARD
GRANTING PRELIMINARY SITE PLAN APPROVAL
FOR BLOCK 710, LOTS 7, 8, AND 9**

APPLICANT - CLAYTON HEALTHCARE, LLC

WHEREAS, the Applicant, Clayton Healthcare, LLC of 10 Fabiszewski Way, Parlin, New Jersey 08859, submitted an application seeking a preliminary site plan approval with bulk variance relief; and

WHEREAS, the subject property is located at 19 and 29 West High Street, and N. Delsea Drive and is particularly described as Block 710, Lots 7, 8, and 9 and is owned by the Applicant; and

WHEREAS, the Applicant proposes to combine Lots 7 and 8 in order to build a mixed-use healthcare facility comprised of a pharmacy and medical offices with a possible related retail use and then rehabilitate the existing single-family dwelling on Lot 9; and

WHEREAS, the subject tracts total approximately 35,636 square feet with Block 710, Lot 7 being in the Central Business district (CB) and Block 710 Lots 8 and 9 are in the High-Density Residential District (R-C) and a use variance was granted on June 28, 2021 contingent upon site plan approval to permit the proposed mix use; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., as well as the Board's Planner, Paul D. Brier, P.P. of Bryson & Yates Consulting Engineers, LLC, appeared before the board and were duly sworn; and

WHEREAS, the owner of the property, Samir Talati, the Applicant's engineer, Greg Simonds, P.E., and the Applicant's attorney, Dale T. Taylor, Esquire all appeared and were duly sworn; and

WHEREAS, this matter was heard at the Board's January 24, 2022 meeting; and

WHEREAS, the Applicant's attorney Dale T. Taylor, Esquire, provided a brief history, referencing Resolution 09-2021 where the Applicant was granted a Use Variance to allow the proposed businesses by the Board; and

WHEREAS, the Applicant's engineer, Greg Simonds, P.E., provided an overview of the site plan introducing Exhibit A-1, an aerial view with color overlay and Exhibit A-2, a composite exhibit with floorplan and elevations. The

Applicant will be updating the landscaping, parking lot, and sidewalks so they will be ADA compliant; and

WHEREAS, the Applicant's attorney, Dale T. Taylor, Esquire, stated the Applicant agrees that they will work with the Fire Marshall as needed when they receive his report. He also stated the Applicant will submit Form B and Form C applications as requested by the Borough of Clayton Public Works Department in their letter dated January 24, 2022; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., reviewed his letter of January 5, 2022 with the Board. He noted the bulk variance requirements for the RC Zone and asked the Applicant's engineer, Greg Simonds, P.E. the need for the Applicant to exceed the required 40% maximum Impervious Coverage. Mr. Simonds stated it was for enhanced parking. Stan Bitgood, P.E., C.M.E., also stated that architectural plans are needed because the exterior of the building needs significant improvement and repairs. He also expressed the rear door of the pharmacy does not have safe exterior access due to the drive through and that it should be moved to a different location. Mr. Bitgood also reviewed the need for the existing chain link fence on the property to be removed and a replacement, if proposed at a later time, will be subject to approval by the Board at the Final Site Plan hearing; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., further reviewed his letter of January 5, 2022 bringing attention to the deteriorated street curbing. He noted that this property does not drain well and it appears from the plans there was intention to curb the rear of the property. The Applicant's engineer, Greg Simonds, P.E., stated that they would like a waiver of complete curbing so that they could direct water into an infiltration trench or other approved drainage ditch in the rear of the property. Stan Bitgood, P.E., C.M.E., said he was okay with issuing the waiver of complete curbing, subject to the testimony adduced during the hearing and upon approval of the Final Site Plan with Mr. Bitgood's review and approval of the any proposals; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E., discussed the need for new lighting and the Applicant agreed that LED lights will be used and the lumen levels will be added to the final site plan. The hours of operation shall be Monday through Friday, 9:00 a.m. through 7:00 p.m. and Saturday and Sunday, 9:00 a.m. through 4:00 p.m. Mr. Bitgood questioned the Applicant about the loading zone because pursuant to Code Section 88-31(2), a designated loading space shall be provided which should not interfere with access to other spaces. The Applicant testified that there is no need for a loading zone because deliveries are only small boxes of drugs/medicines. The Applicant clarified that they are seeking a variance for this; and

WHEREAS, the Board's Engineer, Stan Bitgood, P.E., C.M.E, reviewed the need for the site plan to show the anticipated number of peak hour drive

through vehicles and the average drive through service time. The Applicant agreed to work with the Board's Engineer to revisit the drive through because it must be ensured that it not only functions properly but also accommodates the surrounding area and does not result in backups and traffic issues. Stan Bitgood, P.E., C.M.E., also reviewed the need for a specific trash enclosure with details to be provided at the time of Final Site Plan approval;

WHEREAS, the Board's Professional Planner, Paul D. Brier, P.P., provided an overview of his review letter of January 17, 2022. Mr. Brier reviewed the parking requirements and discussed that there will be no use variance required for parking if Lots 7 and 8 are consolidated into one lot containing the main building. This consolidation must be done prior to the final site plan approval; 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 meet any and all COAH and/or Growth Share obligations. **2.** The Applicant shall work with Fire Marshall as needed. **3.** The Applicant agrees to submit Form B and Form C applications for water and sewer service, pursuant to the January 24, 2022 letter written by Gregory Sawyer, Director of the Borough of Clayton Public Works Department. **4.** Before final site plan review the Applicant shall revise the plan to avoid the potential safety concern of the deteriorated street curbing. **5.** Applicant shall work with the Board's engineer, Stan Bitgood, P.E., C.M.E., to revisit the drive through. **6.** The Applicant must address in detail the trash enclosure prior to the final site plan review. **7.** Applicant must have lots 7 and 8 consolidated prior to the final site plan approval. **8.** The Applicant shall work with the Board Planner, Paul D. Brier, P.P., to settle on a sensible landscaping plan. **9.** The Applicant shall add the nearest fire hydrant to the site plan; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on January 24, 2022 and April Durham of 36 Maple Street was in attendance and spoke; and

WHEREAS, resident April Durham was concerned about a fence in the rear of the building. The Applicant stated that there would be trees and a fence placed at the rear of the property; and

WHEREAS, the Board has considered and incorporates herein at length the review letter of Stan Bitgood, P.E., C.M.E., dated January 5, 2022 and the review letter of Paul D. Breier, P.P., dated January 17, 2022; and

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

WHEREAS, the application for the grant of a preliminary approval of the site plan by the Borough of Clayton Combined Planning and Zoning Board of Adjustment sitting as a Zoning Board of Adjustment, by a **7** yes to **0** no vote.

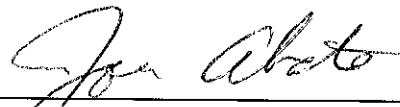
NOW, THEREFORE, BE IT RESOLVED by the Borough of Clayton Planning Board that it does hereby **Approve** the preliminary site plan by a **7** yes to **0** no vote contingent upon the following:

1. Compliance with all requirements hereinbefore stated herein.

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 February 28, 2022.

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


By: **Joe Abate, Chairman**

Attest:


Debbie A. Schlosser, Secretary

ROLL CALL VOTE

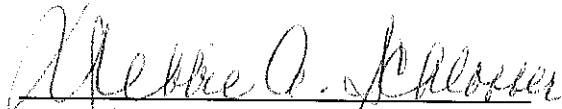
THOSE IN FAVOR 8

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 Combined Planning Board and Zoning Board of Adjustment at a regularly scheduled meeting of the Board held on February 28, 2022 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 January 24, 2022 meeting and public hearing.


Debbie A. Schlosser, Secretary