

**RESOLUTION OF THE CLAYTON PLANNING BOARD
GRANTING MINOR SITE PLAN AND BULK VARIANCE RELIEF TO
CANDY CAROUSEL EAST, LLC
Block 1902, Lot 23.01
(952 N. Delsea Drive)**

WHEREAS, the Applicant, Candy Carousel East, LLC, submitted an application for Minor Site Plan and Bulk Variance Relief to the Clayton Planning Board to be considered at the meeting of January 28, 2019; and

WHEREAS, the Applicant is represented by Carly K Ferro, Esquire from the Law Offices of Dennis L. Riley; and

WHEREAS, the subject property is located at 952 North Delsea Drive and known as Block 1902, Lot 23.01 and located in the HB "Highway Business Zone"; and

WHEREAS, the Applicant is seeking the following relief: 1. Minor Site Plan approval and bulk variance relief to construct a new building to replace two existing Quonset huts. The proposed building will be approximately the same footprint as the existing Quonset huts; and

WHEREAS, the following individuals appeared on behalf of the Applicant: 1. Greg Ruggiero, owner of Candy Carousel, and 2. Alan J. Ippolito, P.E. of Consulting Engineer Services; and

WHEREAS, there was discussion between the Board and the Applicant at the beginning of the hearing where the asked the Applicant, in light of the instant application, to abandon any and all rights the Applicant may have under any prior approvals by this Board and the Applicant agreed to abandon the balance of the prior approvals for this property; and

WHEREAS, the Applicant testified to the following: 1. Ruggiero is purchasing the residential dwelling next to his present business and has made clear his plans to improve its septic system, 2. Solid Waste at the business site is handled exclusively inside the building, 3.

The Applicant shall provide a survey to the Board and its professionals, 4. The Applicant testified that he knows of no covenants or easements that affect the subject property, 5. The Applicant shall tie into the Clayton public sewer system, 6. The Applicant's business has experienced significant growth and may be poised to grow even more in the near future and perhaps requiring a return to the Board, 7. The Applicant's business includes vending machines, massage chairs, and "cars" for malls that resemble fancy cars to push kids around in and hold shopping bags, 8. The Applicant's vending service is currently in a large number of malls, 9. The Applicant testified that the hours of operation are from dusk to dawn, 10. The Applicant shall utilize LED lights at the site that will be shielded downward and candlepower to be provided to the Board professionals to ensure that there is appropriate levels of illuminations, 11. The Applicant testified that no loading dock is required and therefore none shall be installed; and

WHEREAS, in support of the application, the Applicant submitted a Minor Site Plan consisting of: Existing Conditions and Demolition Plan dated October 7, 2018; Site, Grading, Lighting, and SESC Plan dated October 7, 2018 and; Soil Erosion & Sediment Control Details dated October 10, 2018; and

WHEREAS, the Applicant utilized the following Exhibit during the hearing: **CC-1** four (4) sheets of photos and one (1) sketch which served as the architectural drawing; and

WHEREAS, the Board Planner, Douglas E. Akin, P.P., acknowledged that the requirements of a Minor Site Plan are being relaxed to accommodate the Applicant and this site is well known to the Board; and

WHEREAS, the Board Engineer, Stan M. Bitgood, P.E., C.M.E., testified about existing bulk setbacks but he proposed to reduce the front yard setback and the Applicant agrees to work with the Board Professionals to reduce the front setback relief to as little as possible. These bulk

variances substantially improve the viewscape and the benefits far outweigh the negative impacts; and

WHEREAS, the Applicant is acquiring Lot 23 adjacent to the subject property and there is no plan to consolidate the two lots. Since the lots will not be consolidated the Applicant shall provide an easement for an existing encroachment or otherwise eliminate it; if an easement is utilized, the easement shall be provided to the Board's solicitor and engineer for approval; and

WHEREAS, there was discussion between the Board and the Applicant and it was agreed that: **1.** The Applicant accepts and agrees to honor the professional review letters as prepared by the Board's professionals, **2.** The Applicant shall honor any and all Growth Share/COAH obligations, **3.** The Applicant is extended a waiver of a formal parking plan because there are only one (1) to two (2) employees on-site and no customers are invited to come on-site, **4.** The Applicant will work with the Board on a sewer & pump station and once the details are finalized with the Board professionals, the Borough shall be permitted to comment on the proposed implementation of any plan, **5.** The plans must reflect any soil erosion measures that need to be taken even if they are minimal, **6.** The proposed surface shots of the corners of the building interpolate out. There are no changes in proposed drainage patterns. A blanket easement needs to be drawn up that run off from the subject site to the residential lot next door and approved by the Board professionals, **7.** The language in the plan should be changed if soil testing results in reduced pavement and shall remain with the engineer of record, **8.** The Environmental Report reflects that there have been no changes to the site since 2015 Board approval. The Board remains satisfied with the existing Environmental Report and Assessment from the prior application, **9.** The Applicant will maintain the swale and headwall, **10.** The proposed uses remain essentially the same in that the property will be used for warehousing and a small landscaping business, **11.** There will be no storage of hazardous substances outside and if stored inside they shall be within a containment "basin", **12.** No additional signage is proposed, **13.** The Applicant shall ensure and

confirm with the Board professionals that coordinates for the site are sent to 911 emergency services, **14.** The adjoining lot has sidewalks in the front of the property that are in poor condition and the Applicant shall repair the sidewalks and work with Board Professionals to bring them up to satisfactory conditions within six (6) months after the memorialization of this resolution, **15.** A use variance was granted in 2006, **16.** Landscaping is removed from the plan. The Applicant doesn't want to install any landscaping and the Board agreed to no additional landscaping or shade trees in light of the site location on Delsea Drive, **16.** The Applicant agrees to allow the Clayton Police Department to tie into the security cameras onsite, **17.** The Applicant is aware of the well-head protection obligations and shall honor all attendant well-head protections protocols, **18.** The Applicant shall install two (2) additional wall mounted shielded lights; and

WHEREAS, the Borough of Clayton Planning Board, having carefully considered the application and plans submitted by the Applicant, conducted a public hearing in accordance with the requirements of Municipal Land Use Law and the Borough's Land Use Ordinance; and

WHEREAS, no members of the public appeared at the hearing; and

WHEREAS, the Applicants have complied with all the requirements of the law pertaining to notices, publication, etc.; and

WHEREAS, the Application for Minor Site Plan Approval together with Bulk Variance and Waiver relief was approved by the Borough of Clayton Planning Board by a 9 Yes vote to 0 No vote.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Clayton Planning Board that it does hereby Approve the Minor Site Plan together with Bulk Variance and Waiver relief as hereinbefore detailed while incorporating all applications, plans, review letters, correspondence, hearing testimony along with all hearing exhibits as a part of this Resolution as set forth in their entirety herein together with all necessary and requested variances and

waivers, and grants this minor site plan and variance approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Planner's and Engineer's review letters which are incorporated herein by reference as modified during the January 28, 2019 hearing; and
2. The Applicant obtaining all required approvals/waivers from all outside agencies.
3. The adjoining lot has sidewalks in the front of the property that are in poor condition and the Applicant shall repair the sidewalks and work with Board Professionals to bring them up to satisfactory conditions within six (6) months after the memorialization of this resolution.
4. A blanket easement subject to review and approval by the Board's professionals is required for the run off from the subject site to the residential lot next door.
5. The Applicant is reminded that site safety is their responsibility. It should be noted on the plan that "The owner or his representative shall designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the N. J. Uniform Construction Code and CFR 1926:32(f) (OSHA Competent Person)".
6. The Clayton Planning Board finds that the size, scope, extent and character of the use depicted are consistent with the plan for land use within the Borough of Clayton, and meet with the spirit, purpose and intent of the Clayton Zoning Ordinance.
7. Applicant shall meet any and all applicable COAH and/or Fair Share Growth Obligations that may exist at the time of this approval.
8. Final approval shall be subject to the following, if applicable:

(A) Documentation of final approvals by: (1) Gloucester County Planning Board; (2) Gloucester County Soil Conservation District; and (3) any other required Local, County and State approvals, as may be applicable.

(B) Any and all provisions as required by previous resolution shall be satisfied and incorporated into this resolution as if fully set forth herein.


(C) Engineering, planning and testaments as submitted by the Applicant have been accepted, and any changes set forth by the Applicant shall be subject to review by the Clayton Planning Board and its professionals, with subsequent approval being required and as a condition of final approval.

(D) Any landscaping to be provided and any amendments thereto shall be approved by the Township's Engineer/Planner.

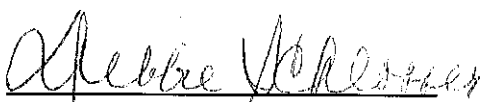
(E) Any on-site hazardous conditions shall be eliminated in accordance with NJDEP regulations and requirements.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Clayton Planning Board held on Monday, February 25, 2019.

Borough of Clayton Planning Board


By: Joseph Abate, Chairman

Attest:


Debbie Schlosser, Secretary