

**Resolution No.: 06 – 16**

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD  
GRANTING AN AMENDED  
PRELIMINARY AND FINAL SITE PLAN APPROVAL  
FOR BLOCK 1902, LOTS 23.01 and 24  
(952 North Delsea Drive)  
APPLICANT – CANDY CAROUSEL EAST, LLC**

**WHEREAS**, the Applicant, Candy Carousel, LLC of 952 North Delsea Drive, Clayton, New Jersey, submitted an application seeking use variance relief with preliminary and final site plan approval; and

**WHEREAS**, the Applicant, Candy Carousel, LLC, was represented before the Board on December 21, 2015 by Dennis L. Riley, Esquire of Riley & Shovlin, P.A., located at Valleybrook Country Club, 200 Golfview Drive, Blackwood, New Jersey; and

**WHEREAS**, the Applicant had been granted use variance and site plan approval in 2014 at Resolution 06 – 14 and that Resolution remains in full force and effect unless specifically modified herein; and

**WHEREAS**, the Applicant was operating a vending and massage chair business at the subject location of 952 North Delsea Drive known as Block 1902, Lots 23.01 when he came before the Board in 2014 to expand the business enterprise at the subject location; and

**WHEREAS**, in 2014 the Applicant was successful with said vending and massage chair businesses and intended to retain the two (2) existing storage type buildings and proposes to construct three (3) flex buildings having floor areas of: Building 1 – 6,000 square feet, Building 2 – 7,700 square feet, and Building 3 – 5,950 square feet with an open area in the rear of the site dedicated to rental storage for recreational vehicles and boats; and

**WHEREAS**, after further consideration and other business opportunities presenting themselves, the Applicant decided to return to the Board in order to modify the prior approval at Resolution 06 – 14. Specifically, the Applicant intends to construct one 6,000 square foot building in Phase I and the previously approved 7,150 square foot and 5,525

square foot building to be constructed in Phase II; further, the prior approval for the rear of the site to be developed for the storage of recreational vehicles and boats shall be part of Phase III. Finally, the landscaping business has been removed as a use on this site and the RV/Boat storage area may be utilized in the future as an area for a solar array. Should the Applicant ultimately wish to install a solar array, a return to the Board for Site Plan approval would be required; and

**WHEREAS**, in support of their application proffered the testimony of Alan J. Ippolito, P.E. of Consulting Engineer Services with offices at 645 Berlin-Cross Keys Road, Suite 1, Sicklerville, New Jersey was offered; and

**WHEREAS**, in further support of this application, the Applicant has submitted an Amended Site Plan consisting of sixteen (16) sheets dated November 20, 2015 and signed and sealed by Alan J. Ippolito, P.E.; and

**WHEREAS**, in further support of this application, the Applicant has submitted a Stormwater Management Report prepared by Consulting Engineer Services dated December, 2015 signed and sealed by Alan J. Ippolito, P.E.; and

**WHEREAS**, the Applicant restated that Phase I shall include improvements to the existing Quonset Hut on the premises; and

**WHEREAS**, Lot 23.01 is 4.16 acres and Lot 24 is 9.987 acres; and

**WHEREAS**, the Applicant agreed to reform to the Site Plan to more clearly reflect the proposed Phasing of the project and to work with the Board's professionals to ensure that the site is adequately lighted and landscaped; and

**WHEREAS**, the Applicant is reminded that the subject site is located in a Wellhead Protection Area and this area is of paramount concern to the Borough of Clayton and the Applicant shall ensure that all activities contemplated for the subject site shall first and last be considered in the context of any possible adverse impact on the Wellhead Protection Area; and

**WHEREAS**, the Board made clear to the Applicant that the prior Resolution 06 – 14 remains in full force and effect unless specifically modified herein; and

**WHEREAS**, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on December 21, 2015 and no one appeared to be heard; and

**WHEREAS**, the Board has considered the reports of the Board's professionals and said professional review letters are incorporated and made a part herein; and

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

**WHEREAS**, the application for an amended preliminary and final site plan approval was granted by the Borough of Clayton Combined Planning and Zoning Board of Adjustment, by a 7 yes to 0 no vote.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Clayton Planning Board constituted as a Zoning Board of Adjustment, that it does hereby **Approve** the grant of an amended preliminary and final site plan approval to permit the hereinbefore detailed improvements to the existing warehousing business on Lot 23.01 together with related site improvements and a stormwater management basin with all necessary and requested variances and waivers, and grants this use and bulk variances with preliminary and final site plan approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Board's professional review letters;
2. Compliance with the prior Resolution 06 – 14;
3. The Applicant agrees to comply with and perform all obligations as stated above herein in the body of this Resolution;

4. The Applicant obtaining all required approvals/waivers from all outside agencies.

5. Applicant and owner are 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. Applicant shall meet any and all COAH and/or Fair Share Growth Obligations.

7. Applicant shall post and provide all Performance and Maintenance Guarantees and Bonds together with Inspection Escrows.

8. Final approval shall be subject to the following **(if required)**:

(A) Documentation of final approvals by: (1) Gloucester County Planning Board; (2) Gloucester County Soil Conservation District; (3) Borough of Clayton Township Fire Code and Police Officials (as to approved emergency vehicle access plan); (4) NJDEP wetlands permit; and (5) Stream Encroachment permit; and (6) any other required Local, County and State approvals, if 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

Borough of Clayton Combined Planning and Zoning Board of Adjustment 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.

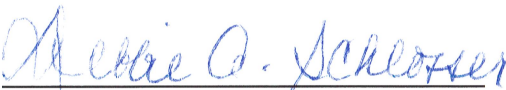
**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor, and the Borough Zoning Officer.

**THIS RESOLUTION DULY ADOPTED** at a regular meeting of the Borough of Clayton Planning Board held on Monday, January 25, 2016.

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

  
By: Kevin Nesko, Chairman

**Attest:**

  
Debbie A. Schlosser, Secretary

ROLL CALL VOTE

THOSE IN FAVOR

9

THOSE OPPOSED

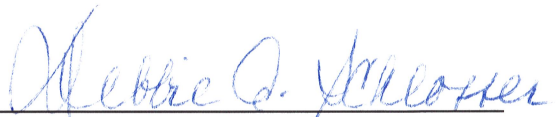
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THOSE ABSTAINED

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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 January 25, 2016 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 December 21, 2015 meeting and public hearing.

  
**Debbie A. Schlosser, Secretary**