

Resolution No.: 07-2017

**RESOLUTION OF THE BOROUGH OF CLAYTON PLANNING BOARD
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO
BDK, LLC FOR BLOCK 1902, LOT 12
(1080 North Delsea Drive)**

WHEREAS, the Applicant, BDK, LLC a/k/a Helping Hand Behavioral Health Corp. of 25 Pop Kramer Boulevard, Clayton, New Jersey, submitted an application seeking preliminary and final site plan approval; and

WHEREAS, the subject property is Block 1902, Lot 12 known as 1080 North Delsea Drive is located in the H-B (Highway Business) Zone and is owned by Albert L. Richardson who consents to the instant application; and

WHEREAS, the Applicant is represented by Dale T. Taylor, Esquire; and

WHEREAS, the Applicant is proposing the conversion of an existing building into an outpatient facility for adults suffering from mental illness or addiction; and

WHEREAS, the Applicant has successfully operated a facility known as Helping Hand Behavioral Center as a daytime center providing supportive and educational services for mentally challenged adults for some years also on Delsea Drive; and

WHEREAS, the subject tract is approximately 2.58 acres located in the Highway Business Zone; and

WHEREAS, Eugene Buchinger, appeared as a representative of BDK, LLC before the Board on February 27, 2017; and

WHEREAS, in support of his application the Applicant proffered the testimony of Steven L. Filippone, P.E., P.P. of Engineering Design Associates, P.A. located at 5 Cambridge Drive, Ocean View, New Jersey; and

WHEREAS, in further support of this application, the Applicant has submitted a Preliminary and Final Site Plan consisting of three (3) sheets dated January 25, 2017 and signed and sealed by Steven L. Filippone, P.E. of Engineering Design Associates, P.A.; and

WHEREAS, in further support of this application, the Applicant has submitted a Survey of the Premises consisting of one (1) sheet dated January 13, 2017 signed and sealed by Bruce A. Ewing, PLS of Ewing Associates located at 900B North Delsea Drive, Clayton, New Jersey; and

WHEREAS, for purposes of the public hearing the site plan was utilized; and

WHEREAS, in support of this application for site plan review, Mr. Buchinger testified as that they have operated a facility across the Delsea Drive for some years serving mentally challenged adults with various day programs. BDK, LLC is now proposing to convert the existing building on the subject site to offer aid to adults suffering from mental illness and addiction; 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 existing building once converted shall serve approximately 25 adults between the hours of 9:45 a.m. and 3:45 p.m. **2.** Those adults being served shall be transported to and from the facility in company owned passenger vans. **3.** The Applicant shall also maintain some administrative offices at the site. **4.** Proposed site improvements include replacement of parking lot, striping, curb bumpers, front walk, business sign, lighting, landscaping and a sewer lateral. **5.** The offsite improvements include an eight (8') inch PVC sanitary sewer extension from the existing end of the ten (10") inch PVC sewer approximately 170 feet south of the property. The extension shall continue northward within the State of New Jersey Right of Way to a proposed manhole in the landscape area in front of the site near the north edge of the site. **6.** The Board acknowledges and accepts pre-existing non-conformities for Minimum Front Yard of 22.16 feet where 100 feet is required, Minimum Side Yard of 74.8 and 1.1 feet where 50 is required, and Buffer Adjacent to Street Line of 10 feet where 50 feet is required. **7.** The Applicant has agreed to work with the Board's professionals to arrive at a final landscaping and lighting package. **8.**

The Board is satisfied with the basis for bulk variance relief and the Applicant is also granted bulk variance relief for having this business Adjacent to Non-Residential District with a landscape buffer of 8.5 feet and 0.0 feet where 20 feet is required. **9.** The Applicant accepts the professional review letters and shall comply; and

WHEREAS, the Applicant and the Board agreed that the Applicant shall not be required to construct a public sidewalk across the frontage of the lot. Further, the Applicant would rehabilitate the existing business sign, with the new business information, instead of replacing or relocating the sign. The Applicant also agreed to revise the grading to reduce runoff to the adjacent lot subject to the approval of the Board's Engineer; and

WHEREAS, members of the public were permitted to speak on the application at the regularly scheduled Planning Board Meeting held on February 27, 2017 and no one appeared to be heard; and

WHEREAS, the Board has considered the report dated February 16, 2017 from Federici & Akin, P.A. prepared by Douglas E. Akin, P.P., the Board's professional planner, said professional review letter is incorporated and made a part herein; and

WHEREAS, the Board has considered the report dated February 14, 2017 from Sickels & Associates as prepared by Mark R. Brunermer, P.E., C.M.E., the Borough's professional engineer, said professional review letter is incorporated and made a part herein; and

WHEREAS, the Board has considered the report dated February 16, 2017 from Federici & Akin, P.A., as prepared by Stan M. Bitgood, P.E., the Board's professional engineer, said professional review letter is incorporated and 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 preliminary and final site plan approval including bulk variance relief was approved by the Borough of Clayton Combined Planning and Zoning Board of Adjustment, by a 9 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 preliminary and final site plan approval including bulk variance relief for the conversion of the existing building into an outpatient facility for adults suffering from mental illness or addiction with all necessary and requested variances and waivers, and grants this preliminary and final site plan approval as set forth herein, subject to and contingent upon the following:

1. Compliance with the Engineer's report, Sickels & Associates, Inc., dated February 14, 2017 all of which is incorporated herein by reference; and
2. Compliance with the Planner's report, Federici & Akin, P.A., dated February 16, 2017 all of which is incorporated herein by reference; and
3. Compliance with the Board Engineer's report, Federici & Akin, P.A., dated February 16, 2017, all of which is incorporated herein by reference; and
4. The Applicant agrees to comply with and perform all obligations as stated above herein in the body of this Resolution.
5. The Applicant obtaining all required approvals/waivers from all outside agencies.
6. 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)".

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 (if applicable): (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; (5) Stream Encroachment permit; (6) Borough of Clayton, Water and Sewer Department; and (7) 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.

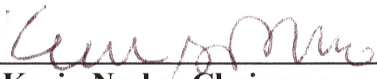
(D) Any landscaping to be provided and any amendments thereto shall be approved by the Township's Engineer/Planner.

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

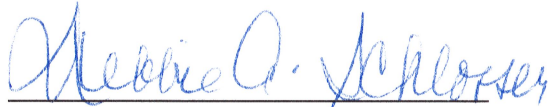
BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor, and the Borough Zoning Officer.

THIS RESOLUTION DULY ADOPTED at a regular meeting of the Borough of Clayton Planning Board held on Monday, March 20, 2017.

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


By: Kevin Nesko, Chairman

Attest:

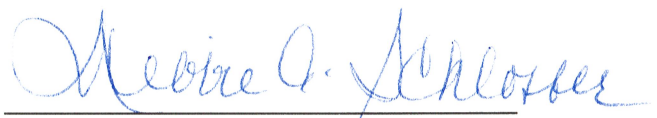

Debbie A. Schlosser, Secretary

ROLL CALL VOTE

THOSE IN FAVOR	<u>9</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 March 20, 2017 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 27, 2017 meeting and public hearing.


Debbie A. Schlosser, Secretary