

**RESOLUTION OF THE CLAYTON PLANNING BOARD  
GRANTING USE VARIANCE AND MINOR SITE PLAN AND BULK VARIANCE  
RELIEF TO CENTER FOR FAMILY SERVICES, INC.**

**Block 1903, Lots 2 & 3  
(200/202 Carpenter Street)**

**WHEREAS**, the Applicant, Center for Family Services, Inc., submitted an application for Use Variance; Minor Site Plan; and Bulk Variance Relief to the Clayton Planning Board to be considered at the meeting of August 19, 2019; and

**WHEREAS**, the Applicant was represented by Jeff Daniels, Esquire from the Law Firm of Angelini, Viniar & Freedman, L.L.P.; and

**WHEREAS**, the subject property is located at 200-202 Carpenter Street and known as Block 1903, Lots 2 & 3 and located in the HB "Highway Business Zoning District"; and

**WHEREAS**, the Applicant is seeking the following relief from the Board: Use Variance to permit the conversion of a pre-existing 1,596 s.f. accessory garage upon Lot 3 to be utilized as an office; minor site plan approval; and bulk variance relief for pre-existing bulk non-conformities as noted by the Board Planner and Board Engineer in their Professional Review letters dated August 13, 2019 and August 14, 2019, respectively; and

**WHEREAS**, a Resolution of Approval was previously memorialized by the Board for this facility and project in 2012 under Resolution R-5-12; and

## **SUBJECT APPLICATION**

1. The Applicant, Center for Family Services, Inc. was represented by Jeff Daniels, Esq. and the following witnesses appeared and gave testimony in support of the application: Jim Miller, P.P.; Marie Braden, P.E.; and Charles Ansert on behalf of Applicant;
2. The following Exhibits were included as part of the record: Application for use; site plan; and bulk variance relief dated July 25, 2019; Land Title Survey and Site Plans prepared by Consulting Engineer Services which also included Environmental Constraints Plan and Traffic Conditions Plan; Tax Payment Certification; Affidavit of Service and Publication; Review letter from Board Planner, Douglas Akin, P.P. dated August 13, 2019; Review letters from Board Engineer, Stan M. Bitgood, P.E. dated June 6, 2019 and August 14, 2019; and Color Site Plan marked at the hearing as A-1;
3. The Planning Board determined that the Application was complete and that the Board has jurisdiction to hear the matter after having determined that the Application; Notice to Property Owners; Notice of Publication; and Affidavits were in proper form for applicant to move forward with testimony;
4. The Planning Board has jurisdiction to hear and determine that the application for use variance; site plan; and bulk variance relief in accordance with the provisions of the Borough of Clayton Zoning Ordinance is appropriate and that notice of the application to the public and surrounding property owners has been certified by affidavit in accordance with the New Jersey Municipal Land Use Law;
5. The property is located within the Highway Business District and applicant proposes to convert an existing garage into an “office”, which requires use variance

and site plan approval from the Board. The property is located on Carpenter Street and the Board previously granted applicant a use variance to operate the existing group home in 2012, however, applicant requires use variance approval to permit the garage to be used for an office in connection with applicant's business operations;

6. Testimony by applicant's attorney confirmed that applicant is the owner of the contiguous lots known as Lots 2 and 3 subject to this application and that the garage is located upon Lot 3. Applicant provides services for families in a group home setting and the proposed office will enable the facility to service children in a 1 on 1 counseling setting when specialized services and counseling are required.
7. Applicant testified that the garage is approximately 1,596 s.f. and that there are site improvements proposed to include additional parking; walking paths; and specifically the improvements noted with the site plans.
8. Applicant testified that the office will be used on an as-needed basis and not staffed full time and that no additional staff or employees will be hired if the application for the garage conversion into office space is approved;
9. In accordance with the recommendations of the Board Engineer and Board Planner, the Board deemed the application complete.
10. The applicant requires use variance approval as the 2012 Board approval did not authorize the garage to be used as an office.
11. The Board finds that there is clearly a community need for this type of facility and that the relief requested advances the purposes of zoning under N.J.S.A. 40:55D-2(a)(g).
12. In addition to use variance and site plan approval, the Board grants bulk variance relief for the pre-existing bulk non-conformities related to the garage and the

following: buffer to street line, residential district, and non-residential zone; parking to permit 26 spaces; and buffer plantings and parking lot landscaping.

13. The Board concludes that the use variance should be granted and that special reasons exist for the proposed use for the conversion of the existing garage into office space to be utilized on an as needed basis by applicant for individual counseling services.
14. The Board further concludes that the granting of the use variance will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Borough of Clayton;
15. The Board further concludes that site plan and the granting of bulk variance relief is appropriate given the fact that the garage location for the proposed office is pre-existing and that the Lots are used as one facility for the previously approved group home. The Board further concludes that certain site plan waivers, including curbing, are warranted in accordance with N.J.S.A. 40:55D-51, by reason of the unique circumstances of the property;
16. The Board concludes that site plan approval is warranted and granted for this project, subject to the conditions and the recommendations of the Board Engineer in his review letters dated August 14, 2019 and June 6, 2019 and the Board Planner review letter dated August 13, 2019;
17. The Board approval granted herein is further subject to applicant complying with the following conditions: the use variance for conversion of the garage into an office shall be limited solely to "Center for Family Services" and shall expire upon transfer of title to Lot 3, which is the subject property; applicant shall provide proof of consolidation to the Board Solicitor; applicant shall submit revised site plans to the Board Professionals, which shall include lighting details; compliance with all



Board Professional review letter recommendations; the office shall not be staffed full time, but shall be used on an as-needed basis; subject to the Board Solicitor reviewing and approving the cross easement required by the Board for the access and parking easement for the benefit of Lot 3 upon Lot 2; and outside agency approval by any entity having jurisdiction of the application;

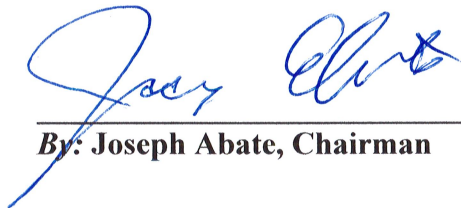
18. All other terms, conditions, and requirements of any prior approval shall remain in full force and effect to the extent not modified herein;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Clayton Planning Board that it does hereby grant use variance; site plan; and bulk variance approval to Center for Family Services, Inc as hereinbefore detailed with all prior terms, conditions and requirements remaining in full force and effect.

**BE IT FURTHER RESOLVED**, this Resolution was approved by the Borough of Clayton Planning Board by a \_\_\_\_\_ *Yes* vote to \_\_\_\_\_ *No* vote.

**THIS RESOLUTION DULY ADOPTED** at a regular meeting of the Clayton Planning Board held on Monday, November 18, 2019.

**Borough of Clayton Planning Board**

  
By: Joseph Abate, Chairman

**Attest:**

  
Debbie Schlosser, Secretary