

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB 11-22**  
**Application Number 431-22**

**Resolution granting Preliminary and Final Major Site Plan with Bulk Deviations and Waivers Approval required for parking space location, drive aisle location, curb radii deficiency, sign height, number of parking spaces (if deemed necessary), combined fence/retaining wall height, landscape buffer deficiency, and lighting levels.**

**Block 160, Lot 1  
Main Street (a/k/a 101 Main Street)  
City of South Amboy  
Northern Waterfront Redevelopment Area  
SA 101 Main Street Urban Renewal, LLC**

**WHEREAS**, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance the within application has been submitted to the City of South Amboy Planning Board (the "Board") by Prime and Tuvel (Jason R. Tuvel, Esq. appearing) attorneys for SA 101 Main Street Urban Renewal, LLC (the "Applicant") for Preliminary and Final Major Site Plan, Bulk Deviations and Waivers Approval for parking space location, drive aisle location, curb radii deficiency, sign height, number of parking spaces (if necessary), combined fence/retaining wall height, landscape buffer deficiency, and lighting levels in order to permit the construction of an approximately 285,742 sq.ft. warehouse facility on Block 160, Lot 1 (the "Property") on the Tax Map of the City of South Amboy, Main Street, in the Northern Waterfront Redevelopment Area; and,

**WHEREAS**, the application reviewed by the Board consisted of those plans and documents as identified in the completeness report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated March 15, 2022; and,

**WHEREAS**, the application was certified as complete and a public hearing with respect to the Application was held by the Board at a special meeting on March 30, 2022 as per public notice and personal notice pursuant to NJSA 40:55D-12 and notice pursuant to the NJSA 10:4-8; and,

**WHEREAS**, the Applicant required Deviations and Waivers from the Redevelopment Area as follows:

**Deviations Required**

	<b>Requirement</b>	<b>Proposed</b>
Sign height	Maximum 25 ft.	40 ft.
Number of parking spaces	244 parking spaces required (if deemed necessary)	188 parking spaces
Combined fence plus retaining wall height	6 ft. permitted in side and rear yards; 4 ft. permitted in front yard	12 ft.

**Waivers Required**

	<b>Requirement</b>	<b>Proposed</b>
Location of parking spaces	Not within 20 ft. of proposed building	Within 12 ft. of proposed building
Location of drive aisle	Not within 31 ft. of Property line	Within 6.2 ft. of Property line
Curb radii	Minimum 30 ft.	Less than 5 ft.
Landscape buffer	Minimum 25 ft. along Main Street	Not provided
Lighting intensity	Not to extend beyond Property line	Extends beyond Property line

**WHEREAS**, at the public hearing, the following reports were entered into the record:

**Description of Report**

**Date of Report**

Planning Report AJV Engineering Inc.

March 28, 2022

**WHEREAS**, the Board, after carefully considering the evidence presented to it by or on behalf of the Applicant and upon the advice and recommendations of the advisory municipal personnel, and consultants (including, without limitation, those set forth in the aforesaid Planning Report), makes the following findings of facts:

**SPECIAL MEETING HEARING DATE March 30, 2022**

**FINDINGS OF FACT**

1. Mr. Jason R. Tuvel, Esq., Attorney for Applicant, provided to the Board an overview of the project, identifying the existing conditions of the site, as well as the proposed warehouse size, site improvements, and information as to the Bulk Deviations and Waivers requested.



2. Mr. Tuvel acknowledged receipt of the AJV Report dated March 28, 2022, and indicated that the Applicant would be able to substantially comply therewith, with the project engineer to review in greater detail.
3. Mr. Tuvel then produced Mr. Thomas J. Muller, P.E. who was sworn in and qualified as a licensed Professional Engineer in the State of New Jersey and an expert in the field.
4. Mr. Muller entered the following exhibits into evidence:

A-1 – Aerial map, prepared by Dynamic Engineering, dated March 30, 2022.

A-2 – Colorized version of the proposed site plan, prepared by Dynamic Engineering, dated March 30, 2022.

A-3 – Rendering entitled “Proposed Facility,” prepared by Cornerstone Architects, Ltd., dated March 23, 2022.

A-4 – Alternate angle rendering of the proposed facility, prepared by Cornerstone Architects, Ltd., dated March 23, 2022.

5. Mr. Muller then testified as follows:

**a. As to the existing conditions:**

- i. The site is located at the northwest edge of the City, abutting the Borough of Sayreville to the north and west, and has approximately 1,049 ft. of linear frontage along County Route 684 (a/k/a Main Street).
- ii. The site is approximately 21.5 acres in size and has most recently been used as a tractor-trailer storage facility and commercial driving school. Historically, the site was used as a municipal landfill prior to the storage facility and driving school uses.
- iii. The site is entirely covered with gravel and broken asphalt, and there are dilapidated fences around the perimeter of the site.
- iv. Due to the northern Property Line bordering Raritan Bay, there are environmental regulations and restrictions associated with the Property, including Coastal Wetlands, Freshwater Wetlands, State Open Waters, Riparian Zones, and Flood Hazard Areas.
- v. The site is generally flat, but does drain gradually towards Raritan Bay.
- vi. Surrounding conditions include Raritan Bay to the north, an undeveloped



parcel to the east (Board approved warehouse facility), an industrial facility across Main Street to the south, and industrial development and a municipal pump station within the Borough of Sayreville, as well as the South Amboy Wellness Center, to the west.

**b. As to proposed conditions:**

- i. The present application is for redevelopment of the property into a single-story warehouse facility with a total footprint of approximately 285,742 sq.ft., up to 19,086 sq.ft. of which can be utilized as ancillary office space as part of the warehouse operation.
- ii. The building is designed in a manner to promote site safety and vehicular and pedestrian site circulation. The proposed building complies with all bulk building requirements. Furthermore, the floor area ratio and impervious coverage are significantly below the permitted respective maximum figures, and the proposed landscaping is more than twice the requirement.
- iii. The design of the site layout, including the trash area, circulation pattern and parking layout were described. Of note, there is a dedicated tractor-trailer driveway proposed in order to separate such traffic from typical passenger vehicle circulation.
- iv. The site is proposed to have 188 parking spaces. The Redevelopment Plan requires 1 parking space per employee plus an additional 10%. Accordingly, there are proposed to be 170 employees at peak shift using the facility. However, due to an ambiguity in the redevelopment plan as to whether additional spaces are required for the ancillary office use at a rate of 3 parking spaces per 1,000 sq.ft., with up to 19,086 sq.ft. of office space, there may be a requirement for up to an additional 60 parking spaces, for a total requirement of 247 parking spaces, where 188 parking spaces are proposed. To the extent that a Deviation is required, the Applicant seeks same; however, the Applicant agrees that there will be a cap of a total number of 170 employees on site at any given time. Furthermore, the site will meet the State's new requirement for providing eight (8) "Make-Ready" parking spaces that will allow for future EV infrastructure.
- v. The site is proposed to have 52 loading spaces, where only 20 spaces are required.
- vi. Storm water management was described with the opinion of Mr. Muller that the design and construction will not have a negative impact and will benefit the surrounding areas. Most of the storm water will be conveyed into Raritan Bay, which complies with the recommendations of the relevant City and State regulations. Moreover, the site will be raised out of the Flood Hazard Area to



improve the flood resistance of the area. Overall, the proposed development will be beneficial to the property and surrounding area.

- vii. Due to the previous uses on the site, an LSRP has been retained to work on a Remedial Action Plan with the NJDEP.
- viii. Landscaping is proposed around the perimeter of the site to provide a green buffer around the site. A total of 436 plantings are proposed, including ornamental trees, evergreen trees, evergreen shrubs and deciduous shrubs. There is also a landscape strip proposed along the façade of the building, between the building and parking area. The Applicant agreed to comply with the landscaping comments provided by Mr. Valetutto.
- ix. Lighting was addressed, and the Applicant confirmed that all existing lighting would be removed, and the proposed lighting will be LED-efficiency lighting. There will be a combination of area and wall-mounted lighting around the building and the site, including the loading areas. All lighting will be downward facing, and the intensity measures a minimum of 0.3 footcandles ("fc"), and an average of 1.92 fc. There is minor light spillage beyond the Property lines, which requires waiver relief, but it would not be plausible for safety and circulation purposes to design the lighting without any spillage at any points along the Property lines. However, there are no negative impacts created to neighboring properties, given that the immediate neighbors include a warehouse use, a scrap yard, a public right-of-way and the Raritan Bay.
- x. Mr. Muller described the signage; specifically, that four (4) internally illuminated, building-mounted signs are proposed, with no final design given that tenants have not yet been confirmed. The only deviation sought in connection with the signage is the height itself, being mounted on the proposed building at 40 ft. above the ground, where only 25 ft. is permitted. The reason for the Deviation is the size of the building itself and to provide appropriate visibility.
- xi. Mr. Muller described the proposed architecture of the building, including the colors, design and materials. He indicated that the building will be fully sprinklered. He also indicated that the rooftop mechanicals will be set back.
- xii. Mr. Muller confirmed that the site has access to all public utilities, and that the sewer connection will be made through the adjacent Lot 1.03.
- xiii. Mr. Muller indicated that a technical Deviation is required for the combined height of the fence and retaining wall at 12 ft., where only 6 ft. is permitted in side and rear yards, and 4 ft. permitted in the front yard. Due to the site grading and safety concerns, as well as to raise the building outside of the flood area, the Applicant is proposing the retaining wall. The additional



fencing atop said wall is to prevent any injuries from falls over the wall. The fence along the front of the property will be decorative as well as for safety, while the fencing around the rest of the perimeter will be chain-link.

- xiv. The applicant can comply with the majority of the requirements of Mr. Valetutto's review letter with some areas to be discussed with Mr. Valetutto.
  - xv. Due to the existing site contamination, the applicant is working with the NJDEP to do hotspot remediation and closing off the landfill area per NJDEP practices.
  - xvi. The Board members then questioned Mr. Muller on areas of site remediation, parking, dumpster locations, landscaping, lighting and signage.
6. Mr. Tuvel then produced Mr. Corey Chase, P.E who was sworn in and qualified as a Licensed Professional Engineer in the State of New Jersey specializing in the area of traffic engineering, and was qualified as an expert in said field.
7. Mr. Chase testified as follows:
- a. He prepared a report dated February 23, 2022.
  - b. He has visited the site and the surrounding area and is familiar with the roadway network and site.
  - c. His report addresses traffic and trip generation as well as parking and overall circulation.
  - d. The goal was to create a pre and post development analysis of the proposed development to determine if there would be any detrimental impact on the adjacent roadway network.
  - e. All relevant data was utilized including trip generation, traffic volume, future ferry service, train station, etc.
  - f. The result of the investigation indicated that there are no detrimental impacts on the adjacent roadway network. All existing intersections immediately adjacent to the site will operate within acceptable levels of service.
  - g. Mr. Chase reviewed the site circulation, and walked the Board through the access proposed. Specifically, there will be three (3) curb cuts along Main Street, including two (2) (western-most and center driveway) dedicated for passenger vehicles only. Mr. Chase further reviewed the entrance and exit access to the site.



- h. Mr. Chase reviewed the number of parking spaces and the potential Deviation for the number of parking spaces, if the office space is to be calculated separately from the employee count. Nevertheless, based on a facility of the size proposed, including ancillary office space, ITE recommends 112 parking spaces, which the project exceeds.
  - i. Mr. Chase discussed the availability of “stacking” vehicles to queue before entering the roadway, and the site can support the expected queue.
  - j. Mr. Chase was questioned by Mr. Valetutto and the Board as to access points.
  - k. The Board members then questioned Mr. Chase on areas of EV charging, vehicle queuing, trip generation and number of parking spaces.
8. Mr. Tuvel then produced Mr. Keenan Hughes, P.P. who was sworn in and qualified as a Licensed Professional Planner in the State of New Jersey specializing in the area of Professional Planning, and was qualified as an expert in said field.
- a. Mr. Hughes confirmed that he reviewed the project plans and heard all testimony presented.
  - b. Mr. Hughes reviewed the Deviations and Waivers sought from the Redevelopment Plan and Zoning Ordinance. He reviewed the permitted nature of the use and the City’s vision for the area.
  - c. As to the parking relief, should same be necessary, Mr. Hughes opined that the required number of parking spaces far exceeds the practical need based on ITE and industry data. For this reason, pursuant to N.J.S.A. 40:55D-70(c)(2), the benefits of the proposed development substantially outweigh any detriments associated with the relief.
  - d. As to the height of the proposed signage, given the building height, the lower signage would be less effective and the proposed signage provides for better visibility and practicality relative to the site. For this reason, pursuant to N.J.S.A. 40:55D-70(c)(2), the benefits of the proposed development substantially outweigh any detriments associated with the relief.
  - e. As to the combined fence and retaining wall height, compliance with the 4-6 ft. requirement poses a hardship pursuant to N.J.S.A. 40:55D-70(c)(1), in that the topography of the site and the decision to raise the building out of the floodway cause the development to be unable to comply with the requirement, in light of the increased safety of the additional fencing.
  - f. Regarding the positive criteria, the proposed development advances a number of purposes of the MLUL, including: Purpose A (implementing the goals of the



Redevelopment Plan, reducing impervious coverage, and remediating site contamination); Purpose G (accommodating a permitted warehouse use in an appropriate location as envisioned by the City); and Purpose I (providing a desirable visual environment by appropriately locating the signage on the building and improving the overall aesthetics of the site.

- g. As to the negative criteria, there is no substantial detriment to public welfare nor substantial impairment of the zone plan or zoning ordinance, in that the fencing atop the wall is being blended and made attractive, the signage is commensurate with the scale of the building and the number of parking spaces, if necessary, will be regulated by a hard cap on the number of employees on site at any given time for the combined warehouse and ancillary office space. In addition, Mr. Hughes opined that there would be no substantial impairment to the zone plan or zone ordinance since the project is consistent with the goals and objectives of the Redevelopment Plan and that nearly all bulk standards are complied with.
  - h. For the reasons set forth above, the benefits of granting the Deviations and Waivers sought substantially outweigh any detriments associated therewith.
9. The Board, on motion made, seconded, and approved, opened the hearing to the public.
10. Mr. Alan Ng of 105 Augusta Street was sworn in and testified as a member of the public, questioning the trucks exiting the site, to confirm there is restricted egress towards the west.
11. The Board, on motion made, seconded, and approved, closed the hearing to the public.

### **CONCLUSIONS**

The Board makes the following conclusions:

- i. The site has frontage on Main Street.
- ii. The site is approximately 21.5 acres in size and was most recently used as a tractor-trailer storage facility and commercial driving school.
- iii. It has been undeveloped for some time.
- iv. There are wetlands and associated buffers.
- v. Surrounding conditions include various other industrial developments, including warehouse facilities, as well as the Raritan Bay.



- vi. The present application is for redevelopment of the property into a single-story warehouse facility with a total footprint of approximately 285,742 sq.ft., up to 19,086 sq.ft. of which can be utilized as ancillary office space as part of the warehouse operation.
- vii. The Deviations and Waivers are created by site conditions and topography, as well as the nature and use of the proposed development.
- viii. There are no substantial detriments to the public welfare, nor substantial impairment of the zone plan or zoning ordinance associated with the relief sought, and the benefits of the proposed development substantially outweigh any detriments. The basis for this conclusion is based on the consistency of the project with the Redevelopment Plan, and the reasons provided by Applicant's Planner. Further, the Board agrees with the testimony and findings of the Applicant's Planner that the project will advance many purposes of the municipal land use, including, purposes A (implementing the goals of the Redevelopment Plan, reducing impervious coverage, and remediating site contamination); G (accommodating a permitted warehouse use in an appropriate location as envisioned by the City); and I (providing a desirable visual environment by appropriately locating the signage on the building and improving the overall aesthetics of the site).
- ix. The project complies with the Redevelopment Plan in that it furthers the goals in the plan.
- x. The Bulk Deviations and Waivers requested deal with parking space location, drive aisle location, curb radii deficiency, sign height, number of parking spaces (if deemed necessary), combined fence/retaining wall height, landscape buffer deficiency, and lighting levels.
- xi. The Deviations and Waivers as requested are appropriate given the testimony presented.
- xii. The purposes of zoning would be advanced by implementing the intent and purpose of the Redevelopment Plan, providing a warehouse use where envisioned by the City and providing an aesthetic upgrade.
- xiii. As to the negative criteria the granting of the Bulk Deviations and Waivers will not present a substantial detriment to the public welfare as the plan is consistent with the Redevelopment Plan applicable to the project.
- xiv. None of the Bulk Deviations or Waivers negatively impact or substantially impair on the intent and the purpose of the zone plan or zone ordinance.
- xv. Bulk Deviation and Waiver Approval can be granted without substantial detriment



to the City of South Amboy zone plan for the reasons set forth in the record and as contained in this Resolution and further does not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.

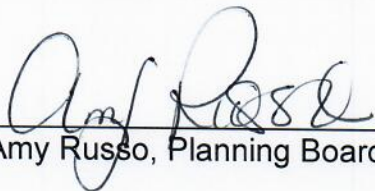
**NOW, THEREFORE, BE IT RESOLVED** that the City of South Amboy Planning Board hereby **grants** Application #431-22 for Preliminary and Final Major Site Plan, Bulk Deviations and Design Waivers Approval for parking space location, drive aisle location, curb radii deficiency, sign height, number of parking spaces (if deemed necessary), combined fence/retaining wall height, landscape buffer deficiency, and lighting levels in order to permit the construction of an approximately 285,742 sq.ft. warehouse facility on Block 160, Lot 1 (the "Property") on the Tax Map of the City of South Amboy, Main Street, in the Northern Waterfront Redevelopment Area, subject to the following conditions:

1. The number of employees shall be capped for the entire building (combined warehouse and office) at 170 total employees per maximum shift. This will further be subject to a lease restriction for all tenants in order that the owner and the applicant will monitor, and to extent necessary enforce, that requirement and notify those tenants appropriately. Should there be two tenants occupying the building, the maximum amount of 170 total employees in the building during maximum shift does not need to be split equally amongst tenants so as long as the total amount of employees on-site and in the building do not exceed 170 persons.
2. A double inlet will be provided where requested by Mr. Valetutto.
3. In the event of a second tenant, a second dumpster area is required due to the extreme distance from the second tenant to the proposed dumpster area. A proposed location for a second dumpster area shall be submitted on plans provided to Mr. Valetutto for review and approval of location.
4. The fence along the frontage will be more of a decorative fence versus the fencing in the back and sides of the Property.
5. Truck traffic will be restricted to right-turn only egressing the site.
6. Compliance with recommendations set forth in the Engineering Report dated March 28, 2022.
7. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
8. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect a Site Plan Approval.



9. Compliance with all representations and agreements made by or on behalf of the Applicant at the Special Meeting Public Hearing held on March 30, 2022.
10. Compliance with any and all requirements of the South Amboy Redevelopment Agency.
11. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
12. Payment of all sums now and/or hereafter due for application fees and/or escrows. All redevelopment fees will be paid in accordance with the terms laid out in the RDA.
13. Counsel for the Board shall publish a brief notice of this determination in an official newspaper of the City of South Amboy within twenty (20) days of the date of this Resolution.
14. Prior to the commencement of any site work, all professional escrow fees due the Board Planning Consultant and Planning Board Attorney shall be paid in full.

**THIS IS TO CERTIFY** that the foregoing is a true copy of the Resolution adopted by the Planning Board of the City of South Amboy at its public meeting held on April 27, 2022.



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Amy Russo, Planning Board Secretary