

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-05-22
Application Number 417-21

Resolution granting Preliminary and Final Major Site Plan with Bulk Deviations required for Maximum number of signs, Maximum sign area, and location of wall/freestanding signs, and Waiver for Minimum curb distance from property line.

**Block 161.02 Lots 20, 23, 24, 24.01
Rosewell Street
City of South Amboy
Beach Club District Redevelopment Area
Manhattan Beach Phase I 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 Tuel (Jason R. Tuel, Esq. appearing) attorneys for Manhattan Beach Phase I Urban Renewal, LLC (the "Applicant") for Preliminary and Final Major Site Plan, Bulk Deviation and Waiver Approval for Maximum number of signs, Maximum sign area, and location of wall/freestanding signs, and Waiver for Minimum curb distance from property line in order to permit the construction of three residential apartment buildings containing four hundred ninety nine total units on Block 161.02 Lots 20, 23, 24, and 24.01 on the Tax Map of the City of South Amboy, Rosewell Street, in the Beach Club District Redevelopment Area; and,

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the completeness reports prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated August 19, 2021; and,

WHEREAS, the application was certified as complete and public hearings with respect to the Application were held by the Board on August 25, 2021 and September 22, 2021 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, the Applicant required deviations and waiver from the Redevelopment Area as follows:

Deviations Required

	Requirement	Proposed
Maximum number of signs	2 units	Façade: 4 units Freestanding: 2 units
Maximum sign area	6 sf	21.72 sf (façade)

		19.80 sf (freestanding)
Location of wall/freestanding signs	Attached: Not exceed base of second floor windowsill or 25 ft., whichever is lower Freestanding: no closer than 25 ft. to street right-of-way or sight triangle	Attached: >second floor Freestanding: 10 ft. from R.O.W.

Waivers Required

	Requirement	Proposed
Minimum curb distance from property line	5 ft.	2 ft.

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

Description of Report

Date of Report

Planning Report AJV Engineering Inc.

August 19, 2021

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:

HEARING DATE AUGUST 25, 2021

FINDINGS OF FACT

1. Mr. Jason R. Tuvel, Esq., Attorney for Applicant, acknowledged receipt of the AJV Report dated August 19, 2021.
2. Mr. Tuvel provided to the Board an overview of the project, identifying the unit count, amenities to be provided, and information as to total acreage, Bulk Deviations, and Waiver requested.
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.
4. Mr. Muller then testified as follows:
 - a. **As to the existing conditions:** Exhibit A-1 an aerial map dated January 15, 2021 was marked into evidence.

- i. The site has frontage on Rosewell Street, John T. O'Leary Boulevard, and Raritan Reach Road.
 - ii. The site is approximately fifty four acres in size and was at one point a petroleum distribution center, as well as a regional sewage treatment plant.
 - iii. It has been undeveloped for the last fifteen years and now is poorly maintained and overgrown.
 - iv. There are wetlands and associated buffers.
 - v. Surrounding conditions include various access points, such as the Manhattan Beach project, which is under construction as a residential development.
- b. **As to proposed conditions:** various photographs and drone shots were permitted to be introduced as exhibits.
- i. A-4 was introduced as a colored version of the Proposed Site Plan.
 - ii. The present application is for redevelopment of the property into a development that consist of 499 total residential units within 3 buildings to be called the Cove at Manhattan Beach.
 - iii. Parking garages are provided.
 - iv. The design of the roadway, pedestrian access, the beach, beach access, and amenities, were described.
 - v. The waiver as to curb distance from roadway was created by a requirement to maintain a cross-access easement.
 - vi. There is no substantial detriment for the driveway location for the cross access easement, nor any negative impact on the surrounding properties.
 - vii. Refuse collection and coordination of move in to minimize conflicts was addressed.
 - viii. 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.
 - ix. Exhibit A-6 was introduced, which was a colorized version of the landscape plan which was discussed by Mr. Muller.

- x. Lighting was addressed, and applicant had no problem with the requirements and comments of Mr. Valetutto.
 - xi. The phasing plan for construction was described.
 - xii. Mr. Muller described the signage and the need for Bulk Deviations based upon the size of the project and the roadway system.
 - xiii. The applicant can comply with the requirements of Mr. Valetutto's review letter with some areas to be discussed with Mr. Valetutto.
 - xiv. The applicant is working with the NJDEP to create a Site Remediation Program.
 - xv. The Board members then questioned Mr. Muller on areas of public access to the beach, parking, dumpster locations, lighting and signage.
5. Mr. Tuvel then produced Mr. Thomas Basley, PLA, FASLA, who was sworn in and qualified as a Registered Landscape Architect in the State of New Jersey.
 6. Mr. Basley testified as follows:
 - a. When he was originally brought to the site, he had to review the development's elevation requirements for the walkways and landscape shelves. Each one served a distinct purpose in creating a special landscape.
 - b. He described the tidal marsh as being an attraction to water birds and sea life, which allows the ability to have an educational and interpretative experience for families and children.
 - c. The amenities of lawn/pool terraces and landscape transitions were described in detail.
 7. 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.
 8. Mr. Chase testified as follows:
 - a. He prepared a report dated January 13, 2021.
 - 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 residential 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 with a conservative assessment and not taking into consideration any credit for potential transit utilization by future tenants 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 was questioned by Mr. Valetutto and the Board as to access points.
9. The Board, on motion made, seconded, and approved, opened the hearing to the public.
 10. Mr. Andrew Horezga, Board Member, of 120 Rosewell Avenue was sworn in and testified as a member of the public, questioning the traffic report, landscaping, and other areas of the testimony of Applicant's professionals.
 11. Dr. Jorge Gonzalez Gomez, Board Member, of 14 Raritan Reach Road was sworn in and testified as a member of the public as to his areas of concern.
 12. The Board, on motion made, seconded, and approved, closed the hearing to the public.
 13. The Board, on motion made, seconded, and approved, continued the application to September 22, 2021.

HEARING DATE SEPTEMBER 22, 2021

FINDINGS OF FACT

1. Mr. Tuvel represented the following:
 - a. The Applicant met with the Second Assistant Fire Chief who issued a letter confirming the plans were acceptable. Letter marked A-2 September 21, 2021.
 - b. Department of Public Works issued an unsigned and undated letter on City letterhead indicating that there was no impediment to their access to the

beach. Marked A-1.

- c. Mr. Tom Kelly, Board Member and City Construction Official, advised Mr. Tuvel that applicant would have to deal with Middlesex County who is the City's Fire Official. Mr. Tuvel agreed on behalf of the applicant to do so.
2. Mr. Tuvel then produced Mr. Robert Hillier, who was sworn and accepted as a Licensed Architect in the State of New Jersey.
3. Mr. Hillier testified as follows:
 - a. Mr. Tuvel had previously provided the Board Secretary with a thumb drive containing all of the exhibits as to which Mr. Hillier intended to testify.
 - b. Mr. Hillier then provided a comprehensive discussion utilizing the exhibits on the thumb drive describing the architectural features of the project.
 - c. All amenities are for residents only.
 - d. Mr. Hillier described the refuse area, delivery pickup, garden areas, views of the beach, pools, fitness center, and the architectural features of the buildings.
 - e. There will be one live-in superintendent in each building.
 - f. The den units will have language in the leases to prevent any modification to use the den as a bedroom. They are currently designed so as not to be used as a bedroom.
 - g. The Board members and professionals questioned Mr. Hillier.
4. Mr. Tuvel, then produced Mr. Keenan Hughes, A.I.C.P., P.P. who was sworn and accepted as a Licensed Professional Planner in the State of New Jersey.
5. Mr. Hughes testified as follows:
 - a. He visited the site and surrounding areas and reviewed the Redevelopment Plan for the site.
 - b. He found that the project complies with the Redevelopment Plan in that it furthers the goals in the plan by revitalizing underutilized waterfront properties and advancing residential development.
 - c. The project is less intense than actually permitted.

- d. The Bulk Deviations requested deal with signage.
 - e. Mr. Hughes described the Bulk Deviations requested as appropriate, understated, and designed by Mr. Hillier.
 - f. The signs are proportional to the façade and not intrusive to adjoining properties.
 - g. Mr. Hughes was questioned by the Board members.
6. The Board, on motion made, seconded, and approved, opened the hearing to the public.
 7. Mr. Andrew Horezga, Board Member, of 120 Rosewell Avenue was sworn in and testified as a member of the public, raising questions as to construction schedule, grade, etc.
 8. Mr. Alan Ing, of 105 Augusta Street was sworn and raised issues concerning flooding of walkways, increase in traffic, lighting and visual impact.
 9. Mr. Dion Roy of 104 North Rosewell was sworn and was concerned with the visual impact on him from the project.
 10. Mr. Savr Enkeev of 108 North Rosewell was sworn and was concerned with the visual impact on him from the project.
 11. Dr. Jorge Gonzalez Gomes, Board Member, of 14 Raritan Reach Road was sworn in and testified as a member of the public, raising issues of access for EMS to the pool areas and other issues.
 12. The Board on motion made, seconded and approved the hearing was closed to the public

CONCLUSIONS

The Board makes the following conclusions:

- i. The site has frontage on Rosewell Street, John T. O'Leary Boulevard, and Raritan Reach Road.
- ii. The site is approximately fifty-four acres in size and was at one point a petroleum distribution center, as well as a regional sewage treatment plant.
- iii. It has been undeveloped for the last fifteen years and now is poorly

- maintained and overgrown.
- iv. There are wetlands and associated buffers.
 - v. Surrounding conditions include various access points, such as the Manhattan Beach project, which is under construction as a residential development.
 - vi. The present application is for redevelopment of the property into a development that consist of 499 total residential units in 3 buildings to be called the Cove at Manhattan Beach.
 - vii. The Waiver as to curb distance from roadway was created by a requirement to maintain a cross-access easement.
 - viii. There is no substantial detriment for the driveway location for the cross access easement, nor any negative impact on the surrounding properties.
 - ix. The goal was to create a pre and post development analysis of the proposed residential development to determine if there would be any detrimental impact on the adjacent roadway network.
 - x. The result of the traffic investigation indicated that, with a conservative assessment and not taking into consideration any credit for potential transit utilization by future tenants, 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.
 - xi. The project complies with the Redevelopment Plan in that it furthers the goals in the plan by revitalizing underutilized waterfront properties and advancing residential development.
 - xii. The project is less intense than that actually permitted.
 - xiii. The Bulk Deviations requested deal with signage.
 - xiv. The signage Deviations as requested are appropriate, understated and designed by Mr. Hillier.
 - xv. The signs are proportional to the façade and not intrusive to adjoining properties.
 - xvi. The purposes of zoning would be advanced by enhancement of visual

environment and encouraging positive use of space.

- xvii. As to the negative criteria the granting of the Bulk Deviations will not present a substantial detriment as the plan is consistent with the development plan applicable to the project.
- xviii. None of the Bulk Deviations negatively impact on the intent and the purpose of the zone plan.
- xix. Bulk Deviation 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 #417-21 for Preliminary and Final Major Site Plan and Bulk Deviation Approval for Maximum number of signs, Maximum sign area, and location of wall/freestanding signs, and Waiver for Minimum curb distance from property line in order to permit the construction of three residential apartment buildings containing four hundred ninety nine units on Block 161.02 Lots 20, 23, 24, and 24.01 on the Tax Map of the City of South Amboy, Rosewell Street, in the Beach Club District Redevelopment Area; and,

1. Compliance with recommendations set forth in the Planning Report dated August 19, 2021.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect a Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on August 25, 2021 and September 22, 2021,
5. Compliance with any and all requirements of the South Amboy Redevelopment Agency.
6. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
7. Payment of all sums now and/or hereafter due for application fees and/or

escrows.

8. 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.
9. 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 January 26, 2022.



01/27/2022

Amy Russo, Planning Board Secretary

Planning Board PB# 05-22

	Aye	Nay	Abstain	Absent
Chairwomen Mary Szaro	X			
Vice Chairman Scott Kominkiewicz			X	
Tom Kelly	X			
Mayor Henry	X			
Councilman Mickey Gross			X	
Janet Kern	X			
Dr. Jorge Gonzalez Gomez	X			
George Baranowski	X			
Gary Forshner	X			
Alternates				
William DeMasi	X			
Andrew Horezga	X			
Robert Paulukiewicz	X			
Francis Mulvey				X