

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB-07-22**  
**Application Number 419-21**

**Resolution granting Preliminary and Final Major Site Plan Approval with  
Deviations required for Location of wall/freestanding signs**

**Block 160, Lot 1.03  
111 Main Street  
City of South Amboy  
Broadway/Main Street Redevelopment Area  
Amboy Main Street Industrial 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 Genova Burns (William F. Harrison, Esq. appearing) attorneys for Amboy Main Street Industrial Urban Renewal, LLC (the "Applicant") for Preliminary and Final Major Site Plan Approval with Deviations required for Location of wall/freestanding signs to permit the construction of a 152,100 sf warehouse including offices, trailer storage, waterfront walkway, and parking on Block 160, Lot 1.03 on the Tax Map of the City of South Amboy, 111 Main Street, in the Broadway/Main Street Redevelopment Area; and,

**WHEREAS**, the application reviewed by the Board consisted of those plans and documents as identified in the application review report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated September 13, 2021; and,

**WHEREAS**, the application was certified as complete and a special public hearing with respect to the Application was held by the Board on September 30, 2021 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

**WHEREAS**, the Applicant required Deviations from the Redevelopment Plan as follows:

**Deviations Required**

	<b>Requirement</b>	<b>Proposed</b>
Location of wall/freestanding signs	Freestanding: no closer than 25ft to street right-of-way or sight triangle 53-79.A(35)(e) Wall: Not to exceed base of roof or 25 ft. whichever is lower in a one-story structure or structure without windows 53-79.A(35)( c )	Freestanding: 5.5 ft. & 9 ft. From R.O.W.  Wall: > 25 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.

September 13, 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:

**FINDINGS OF FACT**

1. Mr. William F. Harrison Esq., attorney for Applicant, provided to the Board a brief history of the prior approvals for a mixed use development and agency approvals obtained for the current project.
2. Mr. Harrison introduced Mr. Stephen Santola, Esq., a representative of the Applicant who was sworn and testified as follows:
  - a. The applicant has obtained 15 separate permits pursuant to the current Redevelopment Plan under which the project is to be development.
  - b. The proposal is largely, if not fully, compliant with that Plan.
  - c. The building is designed as a one to two tenant building.
  - d. There is some environmental contamination which will be remediated by capping pursuant to NJDEP requirements.
  - e. The ideal tenant would be a distribution facility.
3. Mr. Harrison then introduced Mr. Michael Thomas, P.E. who was sworn in and qualified as a Professional Civil Engineer in the State of New Jersey and employed by T&M Associates. He then testified as follows:
  - a. He acknowledged receipt of the AJV report dated September 13, 2021.
  - b. Two exhibits were presented: A-1 was an aerial exhibit of the existing plan, and A-2 was a colored rendering of the Site Plan.
  - c. Utilizing A-1 the limit of disturbance was defined as well as the property line.
  - d. A list of permits obtained was provided in response to a question from Board Member Kelly.
  - e. The property is in the Broadway/Main Street Redevelopment Area and is a permitted use.
  - f. The proposal is for an industrial facility on site.
  - g. The site is bounded by Raritan Bay to the North, Main Street to the South (County

Road 684), Conrail to the East, and a private property to the West.

- h. There are no uses on the property and it is primarily wooded with heavy vegetation.
  - i. There are contaminated portions to be remediated.
  - j. Most of the site is located within a flood zone which required the proposed building to be located a foot above the flood hazard area elevation.
  - k. The building will be 152,100 square feet and will be a spec warehouse for up to two tenants.
  - l. There will be 4,000 square feet of office space within the 152,100 sf building.
  - m. A 10 ft. wide asphalt walkway will be installed to the North of the property for general access to the public as previously approved by and current discussions with the NJDEP.
  - n. Location of trash enclosures were discussed, as well as proposed 83 passenger vehicle spaces which include 4 handicap accessible spaces and 2 nonexclusive spaces for use by the public.
  - o. There is proposed a 25 foot drive aisle on the east and west sides of the building and 22 loading docks against the rear of the building.
  - p. There will be 26 trailer storage spaces with a turnaround in the northeastern corner of the site.
  - q. Site circulation and ingress and egress were discussed with input from Board members.
  - r. Proposed signage was discussed, including the monument signs and the AJV comments relating to the setbacks from the ROW.
  - s. Justification for the setback included lack of visibility if compliance was required and the potential for two tenants.
  - t. The proposed storm drainage was discussed with the required treatment of water quality.
  - u. Lighting, including façade mounted fixtures and pole mounted lighting, utilizing LED lights was described.
  - v. Mr. Thomas concluded his direct testimony with descriptions of the landscaping and the Sanitary Sewer provisions.
4. A lengthy discussion ensued with respect to the required employee parking and what Deviation, if any, was being requested.
  5. Mr. Steve Varneckas, Executive Vice President and Director of Development of Woodmont Properties was sworn and testified as follows:
    - a. He opined that the employee count, in regards to figuring out the parking requirement, was just for the warehouse as you could have as many employees in the office that you desired.
    - b. Office parking is based on square footage and not number of employees.
    - c. It was agreed and understood as a condition of approval that all leases for the building would include the Landlord's right to enforce a covenant that tenant's entitlement to passenger vehicle parking spaces must correspond to their

percentage of the building, which shall not include any utilization of on street parking.

6. Mr. Thomas resumed his testimony as follows:

a. He responded to the comments contained in the AJV Report as follows:

- i. Applicant to maintain land between walkaway and fence line.
- ii. There will be an easement for the walkway to be shown on plans.
- iii. Resolution of fence.
- iv. Extension of sidewalk not necessary per County Planning Board.
- v. Building not to be operated by Applicant, but leased.
- vi. Need for 7 ft. hill was for balancing earthwork and a location to deposit excess soil.
- vii. Laterals to be shown on plan.
- viii. Trash collection to be private.
- ix. Explanation on Deviation for façade signs based on fact it is a structure without windows.
- x. Applicant agreed to reduce the maximum combined office space to 7,700 sq. ft. for two tenants, reducing the requirement for parking by one space and removing the parking Deviation (per Mr. Varneckas).

7. Mr. Harrison then introduced Roberto Martinez, R.A., who was sworn and was qualified as a licensed New Jersey Architect who testified as follows:

- a. Exhibit A-3 was introduced as an artist rendering of the proposed building.
- b. The building will be pre cast concrete panels.
- c. The façade with accents and coloring was described.
- d. The architectural plans have not been submitted for review to SARA but will be.

8. Mr. Harrison, then introduced Bruce Klein, P.E. who was sworn and qualified as a licensed Professional Engineer in the State of New Jersey testifying on issues of traffic matters.

- a. He described certain movements from and into the site.
- b. He did not do a traffic generation report opining that the traffic generation for the site is actually very, very low in the range of 30 cars per hour during peak hours and those are employees not trucks.
- c. Truckers do not like to deal with peak hour traffic.
- d. There would be a total of 20 trucks or less on an average day.

9. There was an extensive discussion as to reducing the truck traffic on Main Street. It was agreed that, in addition to signage internal of the subject property and lease restrictions, there would be a condition that there needs to be a truck route approved by the Zoning Officer that can be modified from time to time. If there is a problem, the

Zoning Officer shall notify the Applicant of the issue and both parties shall meet and discuss the plan of action to implement to eliminate the problem, but otherwise the Applicant has flexibility.

- i. The Applicant as a condition to the approval will discuss with the County of Middlesex whether the County would be interested in accepting the dedication of a portion of its frontage where it juts into Main Street.
10. The Board on motion made, seconded and approved the hearing was opened to the public.
  11. The Board on motion made, seconded and approved the hearing was closed to the public

### **CONCLUSIONS**

The Board makes the following conclusions:

1. The applicant has obtained 15 separate permits pursuant to the current Redevelopment Plan under which the project is to be developed.
2. The proposal is largely, if not fully, compliant with that plan.
3. The building is designed as a one to two tenant building.
4. Two exhibits were presented A-1 an aerial exhibit of the existing plan, and A-2, colored rendering of the site plan.
5. The property is in the Broadway/Main Street Redevelopment Area and is a permitted use.
6. The site is bounded by Raritan Bay to the North, Main Street to the South (County Road 684), Conrail to the East, and a private property to the West.
7. The building will be 152,100 square feet and will be a spec warehouse for up to two tenants.
8. There will be a maximum combined office space of 7,700 square feet within the 152,100 square foot warehouse building split between a maximum of two tenants.
9. There is proposed a 25 foot drive aisle on the east and west sides of the building and 22 loading docks against the rear of the building.
10. There will be 26 trailer storage spaces with a turnaround in the northeastern corner of

the site.

11. Justification for signage Deviations was provided.
12. Total traffic generation would be in the range of 30 cars or less during peak hours and a total of 20 trucks or less a day.
13. None of the Deviations negatively impact on the intent and the purpose of the Redevelopment Plan.
14. 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 #419-21 for Preliminary and Final Major Site Plan Approval and Bulk Deviation Approval for Resolution granting Preliminary and Final Major Site Plan Approval with Deviations required for Location of wall/freestanding signs to permit the construction of an approximately 152,100 sf warehouse including offices, trailer storage, waterfront walkway, and parking on Block 160, Lot 1.03 on the Tax Map of the City of South Amboy, 111 Main Street, in the Broadway/Main Street Redevelopment Area; subject to compliance with the following conditions:

1. Compliance with recommendations set forth in the Planning Report dated September 13, 2021, except as modified on the record during the hearing.
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 hearing held on September 30, 2021, including but not limited to the following:
  - a. Conference with and approval from City Fire Marshall concerning the fire department's ability to enter and exit the site.
  - b. With regard to grinder pumps to review the issues concerning backup energy source.
  - c. As to any prior Planning Board approvals for which a resolution was passed (legacy approvals), applicant agrees to vacate any such legacy approvals.

- d. There shall be a maximum of two tenants in the building.
  - e. The architectural plans shall be submitted to SARA for review and approval.
  - f. The Applicant shall create and submit to the Zoning Officer a truck route to be approved by the Zoning Officer as to ingress and egress of tractor trailer trucks from Main Street to the property that can be modified from time to time as necessary by the Zoning Officer after notification and consultation with the Applicant.
  - g. Applicant shall provide for on-site signage and lease restrictions consistent with the approved truck route in letter f. above.
  - h. Applicant will discuss with the County of Middlesex whether the County would be interested in accepting the dedication of a portion of its frontage of Applicant's property where it juts into Main Street.
  - i. Applicant to the extent permitted by law will target South Amboy residents with respect to hiring practices and available employment positions for qualified local residents.
  - j. Applicant's lease with its tenants will include Landlord's right to enforce a covenant that tenant's entitlement to passenger vehicle parking spaces must correspond to their percentage of the building, which shall not include any utilization of on street parking.
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 Resolution # 07-22

	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				
<b>Alternates</b>				
William DeMasi	X			
Andrew Horezga	X			
Robert Paulukiewicz	X			
Francis Mulvey				X