

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION # 10-2008

**AMENDED RESOLUTION APPROVING MINOR SUBDIVISION TO PERON  
DEVELOPMENT / SOUTH AMBOY II, LLC FOR BLOCK 22, LOTS 3, 3.01, 3.02 & 4;  
BLOCK 23, LOTS 1, 1.03, 1.04 & 2; BLOCK 24, LOT 2.01**

WHEREAS, application had been made by Peron Development / South Amboy II, LLC, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for subdivision approval (Block 22, Lots 3, 3.01, 3.02 & 4; Block 23, Lots 1, 1.03, 1.04 & 2; and Block 24, Lot 2.01, located in South Amboy); and

WHEREAS, the Planning Board held a public hearing on November 28, 2007 and carefully considered the application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was represented by Brian R. Tipton, Esquire; and

WHEREAS, the Application for subdivision was to subdivide the property into two Lots, one to be conveyed to the South Amboy Redevelopment Agency for use as a recreation center and the remainder lots to be consolidated and developed by the Applicant with 118 residential units; and

WHEREAS, the Applicant currently does not hold record title to all the parcels to be consolidated but desires to immediately create via minor subdivision the aforementioned lot to be conveyed to the South Amboy Redevelopment Agency for use as a recreation center (the “Rec Center Lot”); and

WHEREAS, the Rec Center Lot is currently proposed to be subdivided from Block 22, Lot 4 and Block 23, Lot 2, each of which are owned by the Applicant; and



WHEREAS, the Applicant received minor subdivision/lot line adjustment application approval from the City of South Amboy Planning Board concerning the aforementioned properties, as memorialized in Resolution #38-2007 adopted by said Planning Board on December 18, 2007, and is desirous of amending said Resolution at this time so to effectuate the immediate transfer of the Rec Center Lot to the South Amboy Redevelopment Agency; and

WHEREAS, the following Findings of Fact were made:

**FINDINGS OF FACT**

1. The Applicant seeks to create two lots, to be designated Lots 4.02 and 4.12, with Lot 4.02, the Rec Center Lot, to be created at this time via a subdivision/lot line adjustment from Block 22, Lot 4 and Block 23, Lot 2 so to be immediately conveyed to the South Amboy Redevelopment Agency.
2. The remaining lot (Lot 4.12) is to be developed by the Applicant with 118 residential units once the aforementioned lots are acquired by the Applicant and consolidated.
3. The subdivision application is fully conforming to the applicable zoning regulations and does not require any variances.
4. That a Minor Subdivision Plan entitled "Minor Subdivision Plan prepared for Block 22-Lots 3, 3.01, 3.02, 4 and 4.01 Block 23-Lots 1, 1.03, 1.04 and 2 Block 24-Lot 2.01" as prepared by DeMuro Associates, dated 10/12/07 was submitted and considered by the Board, and was later revised as per plans dated May 12, 2008 in furtherance of Resolution #38-2007 in consultation with the Planning Board's Engineer.
5. That the project is located in the Southern Waterfront Development Zone and consists of a permitted use and does not require the issuance of any variances.
6. The Rec Center Lot was to be created pursuant to a Resolution dated November 10, 2005 by the South Amboy Redevelopment Agency, approving a Redevelopment Agreement (the "Redevelopment Agreement") with Peron Development/South Amboy II, LLC; and in accordance with said Redevelopment Agreement, dated December 8, 2005, between the South Amboy Redevelopment Agency and Peron Development/South Amboy II, LLC.
7. The Applicant is to retain a Slope and Grading Easement over part of newly created Block 22, Lot 4.02.
8. According to the Applicant, the property, including the Rec Center Lot, currently contains certain contaminated material, and as such has been the subject of certain filings by the Applicant and its predecessors with the New Jersey Department of Environmental



Protection ("NJDEP"). The Applicant states that it has filed a Remedial Action Work Plan ("RAWP") with the NJDEP that includes specific remediation criteria for the Property. The Applicant further states that the South Amboy Redevelopment Agency has agreed to comply with the RAWP as it pertains to the Rec Center Lot and that the South Amboy Redevelopment Agency and/or the City of South Amboy, and not the Applicant, shall have the responsibility to remediate the Rec Center Lot as may be required by the RAWP or by the United States Environmental Protection Agency ("EPA") in accordance with all governmental or regulatory reports or requirements.

Based upon the above Findings of Fact, the Board concludes as follows:

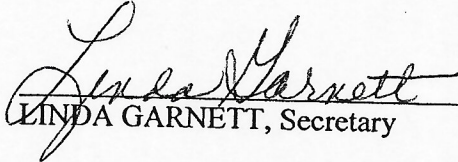
### CONCLUSION

1. Subdivision/Lot Line Adjustment approval is hereby granted as follows: a) to create the Rec Center Lot, to be identified on the City of South Amboy tax maps as Block 22, Lot 4.02, so that it may be conveyed to the South Amboy Redevelopment Agency; b) to thereafter consolidate those remaining lots that at such time will be owned by the Applicant, namely Block 22, Lots 3, 3.01, 3.02 and 4, and Block 23, Lot 2; and c) to consolidate these lots (Block 22, Lots 3, 3.01, 3.02 and 4, and Block 23, Lot 2) with Block 23, Lots 1, 1.03, 1.04, and Block 24, Lot 2.01 upon their acquisition by the Applicant, all subject to the conditions pertaining to subdivision approval specifically set forth in the AJV Engineering, Inc. reports of October 19, 2007 and November 28, 2007 and the conditions set forth on the record.
2. This Resolution is intended to supplement Resolution #38-2007 adopted by said Planning Board on December 18, 2007.

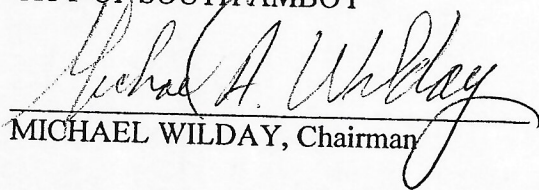
**NOW, THEREFORE, BE IT RESOLVED** that the Application for Minor Subdivision is herein granted subject to the following conditions:

1. Applicant shall publish a brief notice of determination in an official newspaper of the City within 20 days of receipt of a copy of this Resolution from the Planning Board Secretary. Applicant shall furnish to the Board an Affidavit of Publication by said newspaper.
2. Applicant shall prepare a deed to perfect minor subdivision approval pursuant to N.J.S.A. 40:55D-47(d) for signature by the Board Chairman and Secretary. The said deed shall be reviewed by the Board Planner and Board Attorney prior to execution on behalf of the Board.
3. That all outstanding taxes, application, and escrow fees be paid in full.
4. This Resolution shall take effect as provided by law.

ATTEST:

  
LINDA GARNETT, Secretary

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
MICHAEL WILDAY, Chairman

**CERTIFICATION**

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on June 9, 2008 at a duly convened meeting.

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LINDA GARNETT, Secretary

DATE: