

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 10 -15
RESOLUTION GRANTING SITE PLAN, USE, SETBACK AND PARKING VARIANCES
RELATED TO CONSTRUCTION LOCATED ON BLOCK 152, LOT 2.06, LANDS OF THE
CITY OF SOUTH AMBOY

WHEREAS, application has been made by Reliance Property of South Amboy, LLC (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Site Plan, use, bulk and parking variance approval related to the development of the property with an adult day-care facility on property located at 110 Main Street, South Amboy, (Block 152, Lot 2.06) (the “Property”); and

WHEREAS, Applicant is the contract purchaser of the Property; and

WHEREAS, the Property is located in the M-1 Light Industrial Zone; and

WHEREAS, Applicant seeks to construct a single-story building for use as an adult daycare facility, which will include certain use, setback and parking variances (the “Application”); and

WHEREAS, the Application seeks a use variance to permit the construction of an adult daycare facility in the M-1 Zone where same is prohibited; and

WHEREAS, the Applicant seeks a side yard setback variance, where twenty-five feet is required and 20 feet is proposed; and

WHEREAS, the Application requires a variance for parking where 40 spaces are required and 33 spaces are proposed; and

WHEREAS, the Applicant was represented by Peter Klouser, Esq.; and

WHEREAS, the Planning Board held a public hearing on July 22, 2015 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant presented the testimony of Nilesh Patel, Michael Winkler, and Edward Bogan, P.E.; and

WHEREAS, the Applicant submitted and the Board considered, the following documents:

- A. Site Plan, entitled, "Preliminary and Final Site Plan, Block 152, Lot 2.06, Situated In, City of South Amboy, Middlesex County, New Jersey", prepared by Grotto Engineering Associates, LLC, dated 5/18/15, consisting of thirteen sheets;
- B. Architectural Plan entitled, "Just Like Home, Proposed Adult Day Care Center W/Tenant Space, Block 152, Lot 2.06, South Amboy, NJ", prepared by Saizan & Winkler, Architects LLC, dated 5/5/15, consisting of three sheets.
- C. Drainage report entitled, "Drainage Report for Block 152, Lot 2.06, City of South Amboy, Middlesex County, New Jersey", prepared by Grotto Engineering Associates, dated 4/27/15.

WHEREAS, the Board has made the following findings of fact:

1. Applicant seeks use, setback and parking variances to permit the construction of a single-story adult daycare facility.
2. During the hearing, the Applicant's attorney acknowledged receipt of the review letter of the Board's Planner, Angelo J. Valetutto, dated July 13, 2015.
3. During the hearing the Applicant presented the testimony of Nilesh Patel, a principal of the Applicant.
4. Mr. Patel testified as to the operation of a daycare facility, including typical hours of operation, activities and how the clients arrive and depart the facility.

15. In response to questioning, Mr. Patel agreed to condition any approval on the use being limited to only one shift, and prohibiting a second shift, for both the primary use and the therapist.
16. In response to concerns posed by Board Members, Mr. Bogan testified that the Applicant would agree to limit the facility to a maximum of 185 clients.

WHEREAS, the Board has made the following conclusions:

1. The Applicant has adequately demonstrated special reasons for the issuance of the requested use variance.
2. The Applicant has demonstrated that that issuance of the requested set back and parking variances will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
3. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested bulk variances are not granted.
4. The Applicant has demonstrated that that issuance of the requested use variance will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
5. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested use variance is not granted.

NOW, Therefore Be It Resolved by the Planning Board in the City of South Amboy in the County of Middlesex and State of New Jersey on this 26th day of August, 2015 the Preliminary and Final Site Plan, and the use, side yard setback and parking variances are hereby GRANTED and the Application of the Applicant is hereby GRANTED as amended during the hearing of July 22, 2015, subject to the following conditions:

1. Submission, and approval by the Board's Engineer, of sufficient information to demonstrate that the 3-inch force main into which sewage will be conveyed is

5. Mr. Patel testified that the Applicant currently leases a facility in Sayreville, and that that operations will be transferred to the Property if approval is granted.
6. Mr. Patel testified that normal hours of operation would be approximately 8:00 am to 4:00 pm, with the clients typically there from approximately 9:00 am to 2:00 pm. Most of the clients are brought to the facility by the Applicant's vans and other vehicles.
7. Mr. Patel testified that the small tenant space will be used by a physical therapist who provides physical therapy solely to the Applicant's clients. The tenant space is separate from the adult daycare space because of differing licensing requirements by the State of New Jersey.
8. Mr. Patel testified that they currently have 20 full-time employees who will work at the site, which includes nurses, but no doctors. They only have one shift and do not plan to expand to a second shift.
9. Michael Winkler, a licensed architect, testified regarding the design and function of the proposed facility. Mr. Winkler testified that the design of the building must be reviewed by the State of New Jersey and then also sent review of construction issues to the Department of Community Affairs.
10. Mr. Winkler testified that the Applicant can comply with the comments in the July 13, 2015 report letter from AJV Engineering.
11. Mr. Patel testified that the facility will hold certain medications which have been prescribed by a doctor for specific patients, but will not hold excess medication in stock.
12. Mr. Bogan testified regarding the plans and layout of the proposed building. He testified regarding the 33 parking spaces to be provided on the property and that in his opinion that would provide adequate parking for the proposed facility.
13. Mr. Bogan testified that the trash would be collected by a private hauler and would not be the obligation of the City of South Amboy.
14. Mr. Bogan testified that adult daycare is similar to child daycare which has been determined to be an inherently beneficial use, and that the Board should find that the proposed use is an inherently beneficial use. Her further testified that there are very few negative impacts associated with the proposed use, and that there would be fare more negative impacts if it were to be developed with a permitted use.

adequate to handle the proposed sewer flow of the Applicant and the existing three users.

2. The Applicant will accept no more than 185 clients, and shall be limited to no more than 185 clients.
3. There Applicant and tenant physical therapist will be limited to one shift and will not have a second shift.
4. There will not be any overnight stays at the Property by employees, staff, clients or the tenant physical therapist.
5. The Property will be maintained in conformance with the property maintenance regulations.
6. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by or an exemption letter from the Middlesex County Planning Board.
7. Each and all other applicable approvals, if any, required by law or statute or regulation.
8. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on July 22, 2015.
9. All other matters set forth above, and/or incorporated herein.
10. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
11. Payment of all sums now and/or hereafter due for application fees and/or escrows.
12. The Applicant shall publish a brief notice of this determination in an official newspaper of the municipality within twenty (20) days of the date of receipt of a copy of this resolution by the Applicant, and the Applicant shall furnish, to the Planning Board Secretary, an Affidavit of Publication by said newspaper.

Be it Further Resolved that,