

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION # 17-2005

RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
AS TO BLOCK 160, Lot 1.03

WHEREAS, an application has been made to the Planning Board of the City of South Amboy ("Board") by Raritan River Landing, LLC ("Applicant") for preliminary and final site plan approval in regard to property known and designated Block 160, Lot 1.03 on the Tax Map of the City of South Amboy; and

WHEREAS, the present application requests approvals for the balance of the site, following the earlier approval of a 45,000 square foot building with associated parking and known as Phase I; and

WHEREAS, said property is located in an area heretofore duly designated as the Broadway/Main Street Redevelopment Area; and

WHEREAS, documents were submitted in regard to said Application as follows:

1. Survey entitled, "Boundary and Topographic Survey Lot 1.03, Block 160", prepared by T&M Associates and dated 6/9/05;
2. Plans entitled, "Raritan River Landing; Preliminary/Final Site Plan", prepared by T&M Associates, dated 7/12/05, consisting of seventeen sheets;
3. Signed and sealed report entitled, "Traffic Study and Shared Parking Analysis", prepared by T&M Associates, dated 7/12/05;
4. Signed and sealed report entitled, "Environmental Impact Statement", prepared by T&M Associates, dated 7/12/05; and
5. Signed and sealed report entitled, "Stormwater Management Report", prepared by T&M Associates, dated 7/12/05;

WHEREAS, proper proof of advertisement and service of notices of a public

hearing in regard to this Application have been furnished; and

WHEREAS, the aforementioned plans were reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, dated July 21, 2005 a copy of which is annexed hereto and made a part hereof; and

WHEREAS, the Board deemed said Application complete and further the Board did review the Application, including but not limited to the submitted plans and heard testimony and reviewed the aforesaid report of Mr. Valetutto, at a public meetings held on July 27, 2005; and

WHEREAS, the Applicant seeks approval to construct the balance of the development proposal for Block 160, Lot 1.03 being a mixed use project involving retail, hotel, office, restaurant, conference center and hotel managed condominium unit uses. No variances or waivers are requested. Construction will be in the Broadway/Main Street Redevelopment Area in accordance with the requirements thereof; and

WHEREAS, at the aforementioned hearings, the Applicant was represented by Brian Tipton, Esq., who called the following witnesses to testify:

- (A) Walter Bronson, P.E. who testified as to site layout and details, parking, stormwater, environmental permits, utilities, landscaping and lighting;
- (B) Lonny Kirk who testified as to building configurations and anticipated site usage; and
- (C) Mr. Lee Klein, P.E., as to traffic controls and vehicular access and movements.

WHEREAS, the following Exhibits were admitted:

- P-1 Sheet 1 Drawing: CVR
- P-2 Sheet 2 Drawing: LGD
- P-3 Sheet 3 Drawing: GR2
- P-4 Sheet 4 Drawing: SC1
- P-5 Sheet 5 Drawing: SC2
- P-6 Sheet 6 Drawing: GR1
- P-7 Sheet 7 Drawing: UT1
- P-8 Sheet 8 Drawing: UT2

- P-9 Sheet 9 Drawing: LS1
- P-10 Sheet 10 Drawing: LS2

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the report to it by its consultant, Angelo J. Valetutto, P.E., P.P., and finds that:

- (A) The Planning Board has jurisdiction in this matter.
- (B) Applicant's proposal will not be in conflict with the Master Plan, the Official Map, the Development Regulations of the City Ordinances or the Broadway/Main Street Redevelopment Plan, and will not adversely effect adjoining or nearby properties.
- (C) The proposal before the Board is the overall plan for the development of the site, in addition to the 45,000 square foot office building (Building A-1) previously approved. The principal structures proposed are:

1. Building A-2 – a 31,500 square foot office building.
2. Building A-3 – a 30,000 square foot retail (10,000 square feet) and office (20,000 square feet) three story building.
3. Building B-1 – an eight story hotel with approximately 210 guest rooms and 30 condominium units.
4. Building B-2 – a 12,400 square foot restaurant and conference center.
5. Building C-2 – a four story building with 170 hotel managed condominium units.
6. A five level parking garage with 772 parking spaces.
7. Surface parking for 159 parking spaces.

(D) The entire lot fronts on Main Street and runs to the Raritan River. The lot consists of 21.21 acres.

(E) Two access drives will connect to Main Street. Applicant is coordinating with representatives of Middlesex County on the widening and improvement of Main Street. A traffic signal at the intersection of the hotel and office complex will be provided.

(F) All utilities are available for use and will be located underground, with the exception of sanitary sewerage facilities which remain to be finalized. A pumping station may be constructed at the end of

the on site gravity flow sewerage system. It is not known at the present time whether it will serve off site properties. If utilized solely to serve the Applicant's property, then it shall remain the property of Applicant and be privately maintained. As to stormwater, the use of sand filter facilities is planned to handle the same with contaminants to be removed. Applicant has agreed with Middlesex County to grant an easement for the construction of an infiltration basin. Certain stormwater from clean areas and not requiring pretreatment will be discharged to an outfall line directed to the Raritan River.

- (G) The site will be capped pursuant to a remediation plan approved by NJDEP. Applicant advises that a portion of the site is in an area historically used as a municipal dump and that the pollution consists of debris, ash, and substances containing low level contamination. As to the site generally, Applicant produced an Environmental Impact Statement which concludes that the development of the parcel will not create significant adverse environmental impacts on the site, adjacent areas, or in the community.
- (H) During the course of the proceedings Applicant agreed to comply with all of the comments offered by Mr. Valetutto, as well as the items set forth in his letter of July 21, 2005.
- (I) The development proposal is consistent with the Master Plan, the

Redevelopment Plan and the Development and Redevelopment
Plan of the State of New Jersey.

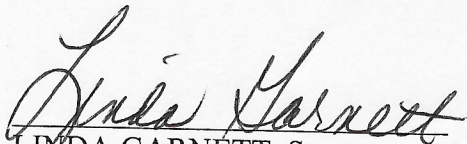
NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 24th day of August, 2005 that Preliminary and Final Site Plan Approvals shall be and are hereby granted, subject to the following conditions:

1. Submission and approval of revised plans in accordance with the aforesaid reports of Angelo J. Valetutto, P.E., P.P., attached hereto and made a part hereof,
2. Review and approval of all architectural elements of the proposal, as well lighting and landscaping, by the Architectural Review Committee.
3. Review and approval of sanitary sewerage service facilities by Angelo J. Valetutto, P.E., P.P., and James E. Cleary, P.E., City Engineer.
4. Compliance with the terms and conditions of the Broadway/Main Street Redevelopment Agreement.
5. 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.
6. Each and all other applicable approvals, if any, required by law or statute or regulation.
7. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on July 27, 2005, or otherwise.
8. All other matters set forth above, and/or incorporated herein.
9. Preliminary/Final Site Plan approval is hereby granted subject to the Applicant submitting reproducible, cost estimates, testing and inspection fee deposits, execution of a Developer's Agreement and providing performance and maintenance guarantees in accordance with the requirements of the Ordinances of the City of South Amboy.
10. The general terms and conditions, whether conditional or otherwise, upon which Preliminary/Final Site Plan approval is granted, shall not be changed for a period of two (2) years after the date of approval, provided that the approved Preliminary/Final Site Plan shall have been duly

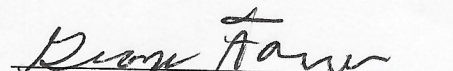
submitted as provided in preceding paragraph 9.

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.
13. 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.
14. No municipal permits of any type or kind shall issue, nor shall the site plans be executed by or on behalf of the Board unless and until there has been full compliance with conditions 1 through 13 above, except that permits for demolition, site work and foundations only, may be issued before compliance with Condition Number 2.

ATTEST:


LINDA GARNETT, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


GEORGE FORRER, Chairman

CERTIFICATION

Certified to be a True Copy of a Resolution adopted on August 24, 2005 by the South Amboy Planning Board at a duly convened meeting thereof. This is a memorializing Resolution adopted pursuant to N.J.S.A. 40: 55D-10 (g) (2) to memorialize the approval granted on July 27, 2005

DATE:

Linda Garnett, Secretary