

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION # 03-2006

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

WHEREAS, an amended 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 amended application, which has been filed as a result of litigation, requests approvals for the balance of the site, following the earlier approval of an approximately 45,000 square foot building with associated parking and known as Phase I; and

WHEREAS, the amended application addresses issues raised by the litigation and incorporates a revised site plan that indicates the drainage pipe has been moved off of neighboring property and that emergency vehicles can access the back side of the buildings; 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. Signed and sealed outbound, location, topographic survey entitled, "Boundary and Topography Survey Lot 1.03, Block 160," prepared by T&M Associates, dated 6/9/05;
2. Plans entitled, "Raritan River Landing; Preliminary/Final Site Plan", prepared by T&M Associates, dated 7/12/05, revised through 1/13/06, consisting of twenty-three sheets;

3. Signed and sealed Emergency Vehicle Access Plan, prepared by T&M Associates, dated 7/12/05, revised through 2/15/06;
4. Signed and sealed report entitled, "Stormwater Management Report", prepared by T&M Associates, dated 7/12/05, revised through 1/13/06; and
5. Signed and sealed report entitled, "Traffic Impact Study and Shared Parking Analysis", prepared by T&M Associates, dated 7/12/05, revised through 1/12/06.

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 January 20, 2006, a copy of which is marked Schedule A, annexed hereto and made a part hereof, except the 2/15/06 revision of the Emergency Vehicle Access Plan, which was reviewed and approved by Fire Marshal Edward Szatkowski in a memorandum dated February 24, 2006, which is marked as Schedule B, annexed hereto and made 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 public meetings held on January 25, 2006; and

WHEREAS, the Board met on February 22, 2006 to address outstanding fire safety issues (i.e., emergency vehicle access to the site, sizes of emergency vehicles anticipated to service the site, and proper fire hydrant placement throughout the site), at which time Allen Marsbury, P.E., of T&M Associates, provided testimony explaining the memorandum with attached revised Emergency Vehicle Access Plan, dated February 10,

R-5 Parking Garage Schematics (typical level)

R-6 Parking Garage Schematics (basement level)

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 approximately 45,000 square foot office building (Building A-1) previously approved.

The principal structures proposed are:

1. Building A-2 – a 29,220 square foot office building.
2. Building A-3 – a 39,776 square foot retail (9,944 square feet) and office (29,832 square feet) three story building.
3. Building B-1 – an eight story hotel with 140 guest rooms and 36 condominium units.
4. Building B-2 – a 12,400 square foot restaurant and conference center.
5. Building C-1 – a four-story 178-unit condominium,

which is 280,400 square feet.

6. Building C-2 – a four story building with 178 hotel managed condominium units.
 7. Parking structure D-1 – A five level parking garage with 575 parking spaces.
 8. Surface parking for 136 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 January 25, 2006.
- (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.
- (J) Fire safety issues that remained unresolved following the January 25, 2006 and February 22, 2006 meetings were addressed at meetings between T&M Associates and Fire Marshal Szatkowski on January 31, 2006 and February 10, 2006, and in the aforesaid memorandum by T&M Associates dated February 10, 2006; the fire safety issues were resolved by Fire Marshal Szatkowski's

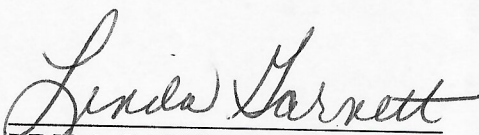
aforesaid memorandum dated February 24, 2006.

NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 22nd day of March, 2006 that Preliminary and Final Site Plan Approvals shall be and are hereby granted, subject to the following conditions:

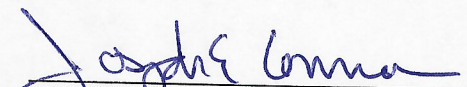
1. Submission and approval of revised plans in accordance with the aforesaid reports of Angelo J. Valetutto, P.E., P.P., attached hereto and made a part hereof,
2. Review and approval of all architectural elements of the proposal, as well lighting and landscaping, by the Architectural Review Committee.
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 January 25, 2006 and February 22, 2006, 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. Compliance with the Emergency Vehicle Access Plan prepared by T&M Associates (revised through 2/15/06), the memorandum prepared by T&M Associates dated February 10, 2006 (marked as Schedule B), and Fire Marshal Szatkowski's memorandum, dated February 24, 2006 approving the Plan.

11. 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.
12. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
13. Payment of all sums now and/or hereafter due for application fees and/or escrows.
14. 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.
15. 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
Acting
Joseph E Connors

CERTIFICATION

Certified to be a True Copy of a Resolution adopted on March 22, 2006 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 _____, 2006

DATE:

Linda Garnett, Secretary