

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB- 3 -16  
RESOLUTION GRANTING SITE PLAN AND BULK VARIANCES RELATED TO  
PROPERTY AT BLOCK 152, LOTS 2, 2.03 & 2.04, LANDS OF THE CITY OF  
SOUTH AMBOY

**WHEREAS**, application has been made by Cambridge Pavers, Inc. (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Preliminary and Final Site Plan, and various bulk variance approval related to the proposed demolition of an existing building and construction of a new manufacturing building and equipment on property located at 90 Main Street, South Amboy, (Block 152, Lots 2, 2.03 & 2.04) (the “Property”); and

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

**WHEREAS**, Applicant seeks to demolish an existing manufacturing building and equipment and construct a new, modernized manufacturing building with equipment for its paver block operation and related site improvements including off-street parking, installation of a sound barrier, waste bin, trash enclosure and landscaping (the “Application”); and

**WHEREAS**, the Application requires three bulk (c) variances, including minimum distance between buildings where 50 feet is required and 40.16 feet proposed, storage height of product being greater than the perimeter fencing, where 12 feet in height is proposed, and number of parking spaces where 92 are required and 37 proposed; and

**WHEREAS**, the Applicant was represented by John M. Agnello, Esq.; and

**WHEREAS**, the Planning Board held public hearings on January 27, 2016 and February 24, 2016 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

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

- A. Signed and sealed survey, entitled, "Boundary & Topographic Survey, Project: 90 Main Street, Deed Reference: DBV 0485, PG.0253, Owner: S.A. Concrete Specialties, Inc., Tax Map 17, Block 152, Lot 2, 2.03 & 2.04, City of South Amboy, Middlesex County, New Jersey", prepared by Arthur A. Swallow Associates, dated 1/9/14, revised through 1/12/16.
- B. Signed and sealed Preliminary / Final Major Site Plan, entitled, Facility Modernization Site Plan, Lots 2/2.03/2.04; Block 152, Cambridge Pavers – South Amboy Facility, 90 Main Street, South Amboy, NJ", prepared by RT Consulting & Engineering, Inc., dated 12/23/14, revised through 1/7/16, consisting of sixteen sheets.
- C. Signed Easement Agreement between Jersey Central Power & Light and Cambridge Pavers, Inc.
- D. A-1 Employee Shift – Current Conditions
- E. A-2 Employee Shift – Proposed Conditions
- F. A-3 Noise Compliance Report
- G. A-4 Noise Measurement report 6/14/14
- H. A-5 Middlesex County Env. Health Div. case form 6/15/14
- I. A-6 Middlesex County Env. Health Div. case forms (4)
- J. A-7 Photograph
- K. A-8 Photograph
- L. A-9 Photograph

**WHEREAS**, at the commencement of the hearing on January 27, 2016, the Board considered the issue of whether the Application as originally presented would require a height variance for the structure atop the proposed building labeled as a cupola; and

**WHEREAS**, Jason Valetutto, P.P., the Board's Planner provided testimony as to the provisions of the South Amboy Code and the plans submitted by the Applicant explaining the issue to be decided by the Board as to whether the proposed cupola should be considered in determining the height of the proposed structure; and

**WHEREAS**, the Applicant presented testimony by Robert Toedter, P.E. and Michael Tobia, P.P. related to the cupola, its use and function; and

**WHEREAS**, by Motion was made to interpret the cupola as a structure which would not contribute to determining the height of the proposed building, which vote resulted in a 3-3 tie, which the Attorney for the Board advised resulted in a denial of the motion for interpretation, such that the result of the vote on the Motion was that the structure labeled as a cupola on the plans submitted by the Applicant would result in the need for a d(6) height variance; and

**WHEREAS**, as a result of the motion, the Applicant amended the Application to re-design what had originally been a cupola which redesigned structure would not require a d(6) variance, with such redesigned structure subject to the review and approval of the Board's Planner, Angelo Valetutto, P.E., P.P.

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

1. Applicant seeks three bulk variances for number of parking spaces, space between building and height of outdoor storage, to permit the demolition of an existing manufacturing building and equipment and construction of a new manufacturing building with equipment and associated improvements.
2. During the hearings the Applicant presented the testimony of Charles Gamarekian, the principal owner, founder, Chairman and CEO of the Applicant.
3. Mr. Gamarekian testified that the Applicant manufactures concrete products, including pavers, wall units and related products, and has been in business for 22 years.
4. He further testified that the Applicant purchased the Property in 2014, which contained a facility making similar products, and which had been in that location for approximately 25 years.
5. He further testified that the Applicant's other facility in Lyndhurst, New Jersey operates 24 hours per day, 7 days per week, and prior to purchase of the subject Property the Applicant investigated South Amboy's ordinances and spoke with officials to ensure there was no prohibition on operating similar hours in South

Amboy, and that the ability to operate on a 24 hour basis, 7 days a week is critical to their business model.

6. Currently the Applicant has employees on site 24/7 but is not always producing product on that schedule.
7. He testified that there are no retail sales at the facility and no vendors visit. The Applicant has two 12-hour shifts per day. The Applicant foresees an increase of six workers for each shift if the Application is approved.
8. Mr. Gamarekian testified as to acoustical testing the Applicant had done to confirm compliance with all New Jersey laws and regulations. He further testified about noise complaints since the Applicant purchased the Property, and that all such complaints resulted in findings of no actual violations.
9. Mr. Gamarekian testified that that the purpose of the Application is to take down the existing outdated building and equipment and replace it with a building approximately 20,000 square feet larger with new, modernized equipment which allows the Applicant to do aesthetic treatment to the product. The Application will involve more storage of raw material inside the building and reduce movements outside of the building. They are also redirecting traffic, introducing noise barriers and providing landscape screening of the operations.
10. Mr. Gamarekian agreed to a condition that there would not be any retail sales on the Property.
11. The Applicant presented testimony from Robert Toedter, P.E.
12. Mr. Toedter testified that he was retained by the Applicant to assist in modernizing the operations at the Property. He described the existing site conditions and operations. The Applicant's attorney acknowledged receipt of the January 20, 2016 review letter of Angelo J. Valetutto, P.E., P.P.
13. Mr. Toedter testified that the existing building is approximately 23,000 square feet and has very little noise insulation. The new building will be approximately 46,000 square feet, with about 30,000 square feet of production area. The new design contains storage of raw materials in the building decreasing the outside movement of vehicles and equipment. The main difference in the new equipment is the ability to make more types of product, and higher quality product, not necessarily more product.
14. Mr. Toedter testified about the three variances, the distance between buildings, the number of parking spaces and the height of stored finished product.

15. He further testified that the entire production should be much quieter because of sound insulation and the location of the equipment further from Raritan Avenue.
16. He testified that the need for the height variance for storage of material is to be able to stack pallets of completed product efficiently rather than spread over the entire Property in an inefficient manner. He further testified about the manufacturing process and how raw material and finished product is moved around the Property.
17. The Application proposes two larger raw material storage silos so that the operations can run longer without the need to fill the silos with additional machinery at night and on the weekends.
18. Mr. Toedter testified about additional changes to the conveyor system and the proposed sound barrier around the new hoppers. He further testified about new sound attenuation on the forklifts.
19. Mr. Toedter testified about the proposed landscaping around the Property between the operations and Raritan Avenue. He also testified that there will be less impervious coverage as a result of the proposed improvements. There will be 37 parking spaces provided.
20. He testified that previously approved plan for the existing site provided for 22 parking spaces. Currently they have 16 employees on the higher volume shift. They have proposed larger parking stalls than the minimum required because many employees use pickup trucks.
21. Currently Cambridge stores material up to 12 feet in height by stacking pallets of finished product. This height is necessary in order to store the amount of finished product without covering the entire Property. The height of the fence is six feet, so a variance of approximately six feet would be required.
22. The meeting was carried to February 24, 2016.
23. The Applicant introduced and the Board considered the following additional Exhibits at the February 24, 2016 meeting:

- A-10 Plan Drawing EP-01A
- A-11 Plan Drawing EP-01B
- A-12 Plan Drawing EP-04
- A-13 Aerial photo dated 01/27/16
- A-14 Average Trucks Per Day
- A-15 Google Earth aerial photo dated 10/11/14

24. During the hearings, the Applicant presented the testimony of Robert Michaels, P.P. and Nicholas Verderese, P.E., Traffic Engineer.
25. Mr. Toedter testified about potential changes to the structure which had been labeled as a cupola, with the revisions set forth on Exhibits A-10, A-11 and A-12 which contained alternatives for the Board's consideration. Mr. Toedter testified about how the conveyor system works and the proposed revised system up to the roof.
26. Mr. Toedter testified that the Application seeks a variance for distance between buildings where 50 feet is required and 40.16 feet is proposed which is caused by a small "bump out" in one of the buildings for compressor equipment.
27. Mr. Toedter testified that the Applicant does not object to any of the recommendations of the January 20, 1016 letter of Jason Valetutto, P.E., P.P., and that the Applicant will submit revised plans regarding the installation of a compressor in a small tool storage room.
28. The Applicant's attorney advised the Board that the Applicant has agreed to design a sign in conjunction with the City of Perth Amboy regarding entrance to the City of Perth Amboy and also identifying the Applicant's facility.
29. Mr. Toedter testified about a modification to the Plans and the Application regarding a piece of equipment called a "cube doubler" which is located outside the building and which increases the building area by approximately 300 square feet.
30. Mr. Verderese testified regarding traffic impact and the potential traffic in and out of the Property during various times of the day and months of the year. He testified that the operations would not have a significant impact on the roads or existing traffic.
31. Mr. Michaels testified as to the variances. He testified as to the land uses that surround the Property, being predominantly industrial commercial with several residential uses.
32. Mr. Michaels testified that the Applicant meets the positive criteria for the (c) bulk variances in both c(1) and c(2).
33. Mr. Michaels testified that as to the parking variance, strict enforcement would result in an undue hardship and exceptional practical difficulty because the vast amount of otherwise required parking is not needed for their actual operations, and providing the required parking would reduce the area to store finished produce or the proposed buffer vital to operations and to screen neighbors.

34. The parking variance is also satisfied by the necessary c(2) criteria in that it provides sufficient space in appropriate locations for a variety of uses and to lessen the cost of developing properties in a more efficient manner, and the benefits of granting the variance outweighs any detriments.
35. Mr. Michaels testified that the variance for minimum distance between buildings also meets the c(1) positive criteria, first because it is a de minimis exception, solely the small bump out for the compressor which only comprises 12% of the building. The compressor is integral to the operations and it would be a hardship to relocate it or the building. He also testified that grant of this variance would satisfy three purposes of the MLUL, satisfying the c(2) positive criteria as well. In particular it provides adequate light, air and open space; it provides a desirable visual environment through creative development; and encourages the efficient development of property.
36. Mr. Michaels testified that the request for a variance for the height of outdoor storage also meets the c(1) positive criteria in that strict conformance would cause an undue hardship on the developer of the property. There is no location for indoor storage, the Applicant's business model requires storage at that height and there will be significant visual buffers which would mitigate any visual impact.
37. Mr. Michaels testified that the Application also satisfies the negative criteria for all three variances in that each can be granted without a substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.
38. The Board heard testimony from members of the public.
39. Jeffrey Moskal testified about a transcript from an application to the Board for the prior operator of the site, Capital Concrete, in which there was testimony that it was not a 24 hour operation, and only operated between 7 a.m. and 9 p.m. The Board considered Exhibit O-1, a portion of a transcript from 2005.
40. Mr. Moskal testified about noise from the Property which can be heard on his property during the night and early morning hours.
41. The Board considered O-2, a series of undated photographs by Mr. Moskal, and O-3, additional pictures of the existing facility at the Property. Mr. Moskal testified that trucks to the site create large amounts of dust.
42. Mr. Toedter testified that the proposed improvements include paving all areas where trucks will operate, which will reduce the creation of dust over current operations.

**WHEREAS**, the Board has made the following conclusions:

1. The Applicant has demonstrated that that the grant of variances for the number spaces where 92 are required and 37 are being proposed; for distance between buildings where 50 feet is required and 40.16 is proposed; and for the maximum height of outdoor storage of material where 6 feet is the maximum and 12 feet is proposed will not result in a substantial detriment to the public good and that will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
2. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested variances are not granted.
3. The Applicant has demonstrated that a grant of each of the requested variances would advance a specific purpose of the Municipal Land Use Law and the benefits of granting each variance substantially outweighs the detriments.
4. The Applicant has satisfied all criteria for approval of its proposed Site Plan.

**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 23rd day of March, 2016 that Preliminary and Final Site Plan approval, and the variances for number of parking spaces, distance between buildings and height of storage of outdoor material are hereby **GRANTED** and the Application of the Applicant is hereby **GRANTED** as amended and presented during the hearing of January 27 and February 24, 2016 subject to the following conditions:

1. Submission, and approval by the Board's engineer, of revised plans in accordance with testimony presented by the Applicant during the hearing of January 27 and February 24, 2016 and in conformance with the Board engineer's letter of January 20, 2016.

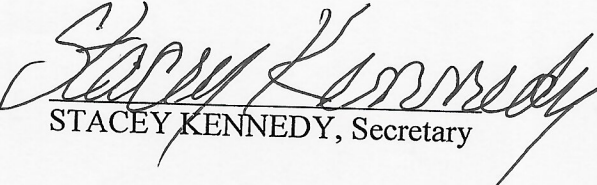


2. The Applicant will redesign the structure atop the proposed building previously labeled as a cupola, with such redesign to be reviewed and approved by the Board's Engineer.
3. There will be no retail sales on the Property.
4. The Property will be maintained in conformance with the property maintenance regulations.
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 hearings held on January 27 and February 24, 2016.
8. All other matters set forth above, and/or incorporated herein.
9. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
10. Payment of all sums now and/or hereafter due for application fees and/or escrows.
11. 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,

1. This Resolution shall take effect as provided by law.

ATTEST:

  
STACEY KENNEDY, Secretary

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
ROBERT PAULUKIEWICZ, Chairman

**CERTIFICATION**

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on March 23, 2016 at a duly convened meeting.

DATE:

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Stacey Kennedy, Secretary