

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB- 08-24
Application Number 444-23

Resolution granting Minor Site Plan Approval with Bulk Variance for Minimum Off-Street Parking

**Med 601, LLC
Block 84, Lot 2
214 S. Feltus Street
City of South Amboy
RA- Single Family Residential Zone**

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance the within application has been submitted to the City of South Amboy Planning Board (the "Board") by Mr. Gary Moore, Esq, Attorney for **Med 601, LLC** (the "Applicant") for Minor Site Plan Approval and Bulk Variance approval for Minimum Off-Street Parking to permit the use of the premises, which is a pre-existing, non - conforming use, as an HVAC business with use of the paved area for parking on Block 84, Lot 2 on the Tax Map of the City of South Amboy at 214 S. Feltus Street, in the RA- Single Family Residential Zone;

WHEREAS the application reviewed by the Board consisted of those plans and documents as identified in the report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated December 7, 2023.

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on December 20, 2023, as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, as part of the application and based upon the original plans submitted and reviewed by the consultant to the Board, the Applicant required a bulk variance from the Ra- Single Family Residential Zone:

<u>Description</u> <u>Variance</u>	<u>Required</u>	<u>Proposed</u>
Minimum Off-Street Parking	6	5

WHEREAS, at the public hearing, the following reports were entered into the record:

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering Inc.	December 7, 2023

WHEREAS, the Board, after carefully considering the evidence presented to it by

or on behalf of the Applicant and upon the advice and recommendations of the advisory municipal personnel, and consultants (including, without limitation, those set forth in the aforesaid Planning Report), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant's representative, Daniel Medler, was sworn in and testified as follows:
 - a. The Applicant is currently in the process of buying the property at 214 S. Feltus Street.
 - b. Mr. Medler desires to relocate his HVAC business from Fords to South Amboy.
 - c. The business will be open from 8am to 4:30pm with 3 employees on site.
 - d. There is a storage container on site, and he intends to store a snow blower, plow, weedwhackers, scaffolding, ladders, and various business equipment.
 - e. The business will not have any walk-in clients and the only business will be done at the clients' location. The parking spaces at the back of the lot are going to be for employees only.
 - f. Currently, the site is a paved lot with a trailer, car, storage container and a standing building.
2. Mr. John P. DuPont was sworn in and accepted as a Professional Engineer licensed in the State of New Jersey and testified as follows:
 - a. He prepared the Site Plan for this application.
 - b. Mr. DuPont acknowledged that he received a December 7th, 2023 report from AJV Engineering.
 - c. 214 S. Feltus is an existing property, in the RA Single Family Zone.
 - d. The property is a corner lot that already has an existing contractor business. There is a paved area in the rear of the building. The applicant, Med 601 LLC, is proposing to move his business there with no modifications being needed to the building or property. The only modification is to stripe the parking lot in the back for designated parking spots.
 - e. Mr. DuPont testified that the Applicant wanted to repair the fence,

ensure lighting is fixed, restripe parking lot, and clean all weeds and debris on the property.

- f. A new variance that is being applied for is for parking spaces. The proposal is for five onsite parking spaces.
 - g. Mr. DuPont addressed the AJV Engineering report and the conditions. Condition 7E – asked for by AJV Engineering was for the height of the building. Mr. Dupont stated that it meets codes and does not exceed height and the surveyors did not shoot the elevation and is requesting a waiver. On sheet 3, comment number 10, talks about the container. Mr. Dupont stated the container is a metal shipping container. The applicant wants to maintain, paint or skin the outside, move the HVAC condenser and move the container towards the building so it does not stick out. The existing lightning will be shielded from residential properties. Discussion on comment 12 on sheet 3 that the applicant should put a guide rail and they will place wheel stops at each parking spot. Comment 13 regarding ADA spaces. Mr. DuPont testified saying they do not need an ADA spot since no employees are disabled and the business does not have clients coming in and out. Comment 15 requires a topographic survey and where the water is running off which will be provided. There is a parking space out in the right of way which will be removed.
3. In response to questions as to the use of the storage container, Mr. Medler responded that the building has some storage the other half is 3 offices. The storage side will be used for motors and filters and various HVAC equipment. The storage container will be for flammables, gas, maybe a tractor, snow blowers, things that should not be stored indoors. Mr. Medler cleared up that other things that would be used in the storage container, like ladders, condensers, etc. Mayor Fred Henry agrees with Mr. Medler and his attorney that if the storage container is cleaned up, moved to the side of the building and skinned/painted it should be allowed.
 4. Mr. Moore confirmed no vehicles will be stored and only employees will be parking during the hours of business.
 - a. Mr. Valetutto stated that the Applicant testified that they would be willing to provide spot elevations to verify that most of the backyard drainage is to Lefferts Street and not towards the neighbors.
 5. The Business is open Monday through Friday.
 6. Mr. Valetutto stated the fence is over the property line, and one parking space

within the fence line is over the property line. The Applicant is required to seek an easement from the City Council.

7. Mayor Henry asked if there is lighting in the parking lot and if it is being changed. He wanted to make sure that it wouldn't negatively affect the neighbors. Mr. DuPont verified he would make sure that no neighbors would be affected. Mr. Valetutto also confirmed that new landscaping would be installed which may help avoid the lights into the neighbor's yard.

The matter was opened to the public.

A resident from 419 George Street was sworn in by Mr. Holub. The resident raised a concern that the business traffic would not spill into the residential parking and the stock piling of the supplies in the area and the equipment would be neat and not affect the surrounding areas of the neighbors.

Mr. Holub swore in another resident from 508 Lefferts Street. His concern was the trees on his side of the property and his side of the fence and that the trees continued to be maintained and the fence as well. Mr. Jorge Gonzalez asked if there was anyone else from the public wishing to speak.

The public portion was closed.

CONCLUSIONS

The Board concludes as follows:

Minor Site Plan Approval and Bulk Variance for Minimum Off-Street Parking can be granted without substantial detriment to the City of South Amboy RA-Single Family Residential Zone for the reasons set forth in the record and further does not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #444-23 for Minor Site Plan Approval and Bulk Variance for Minimum Off-Street Parking for Block 84, Lot 2 on the Tax Map of the City of South Amboy in the RA-Single Family Residential Zone located at 214 S. Feltus Street.

1. Compliance with recommendations set forth in the Planning Report dated December 7, 2023, including but not limited to following.
 - a. There will be no parking between the fence line and the curb on Lefferts Street.

- b. Parking will be allowed on the Lefferts Street side of the curb.
 - c. Repairs will be made to all the fences and to meet the Board Engineers approval.
 - d. The storage container will be reskinned to look like a shed and be moved closer to the building after the HVAC system is moved to a different location.
 - e. Landscaping will be added around the fence.
 - f. No vehicles will be stored at the property.
 - g. Vehicles will be parked at the property between 8am – 4:30pm Monday through Friday.
 - h. The applicant will provide a topographical survey with spot elevations of the rear parking area.
 - i. If an ADA space is required, the Applicant will be required to provide.
 - j. Ballard's to be installed to protect the gas meter.
 - k. The Applicant will ask for an easement from City Council for the use of a parking space, fence and building within the City right-of-way.
 - l. The Applicant will be required to work with the Board Engineer to make sure that there is no negative impact on neighboring residence, including but not limited to guiderail/ballard/wheelstop protection.
 - m. No outside storage will be allowed on the property. The Board Secretary will find out from the City's DPW if trash will be picked up by the City and the dumpster removed or if the Applicant will be required to get private trash pickup which the dumpster will remain and be relocated to the satisfaction of the Board Engineer.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
 3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect a Minor Site Plan Approval.
 4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on December 20, 2023.

5. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
6. Payment of all sums now and/or hereafter due for application fees and/or escrows.
7. Counsel for the Board shall publish a brief notice of this determination in an official newspaper of the City of South Amboy within twenty (20) days of the date of this Resolution.
8. Prior to the commencement of any site work, all professional escrow fees due the Board Planning Consultant and Planning Board Attorney shall be paid in full.

THIS IS TO CERTIFY that the foregoing is a true copy of the Resolution adopted by the Planning Board of the City of South Amboy at its public meeting held on January 24, 2024.



Katie Rose Walenty, Planning Board Secretary