

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**December 20, 2023**

Members present: Chairman Jorge Gonzalez-Gomez, Mayor Fred A. Henry, William DeMasi, Janet Kern, Sean Li, Gary Forshner, Gregory Czoch, George Baranowski, Michael Greenhaus

Members absent: Vice-Chairman Scott Kominkiewicz, Andrew Horezga, Council President Michael Gross, Francis Mulvey

Also present: Jason C. Valetutto, P.E., P.P., Jay Holub, Esq

Chairman Jorge Gonzalez-Gomez called this meeting to order.

Adequate notice of this meeting has been provided under “The Open Public Meeting Act of New Jersey” by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall. Electronic notice has been provided via the agenda on the City Website and the agenda posted on the bulletin board at City Hall.

Opening Prayer and all recited the Pledge of Allegiance

Roll call was taken at this time.

Chairman Dr. Jorge Gonzalez-Gomez asked for a motion which was made by Janet Kern and seconded by William DeMasi to accept the Minutes of November 29, 2023. Motion carried 9-0, 0 abstentions.

Chairman Jorge Gonzalez-Gomez then reviewed the evenings agenda.

**PUBLIC HEARING**

Application: 436-22 103 N. Broadway, LLC  
103 N. Broadway/Block 40, Lot 2 & 3

Dr. Jorge Gonzalez recused himself for this application. Mr. Gary Forshner stepped in as Chairmen.

Refer to transcript.

Motion made by Janet Kern and seconded by George Baranowski to approve the application. Motion carried 8-0. 1 abstention.

Application: 444-23 Med 601 LLC/Ambient Conditioning LLC  
214 S. Feltus Street/Block 84, Lot 2

Chairman Gonzalez – Gomez returned to Chair the remainder of the meeting.

Mr. Gary Moore, Esq represented Mr. Daniel Medler who was sworn in by Mr. Jay Holub, Esq. Mr. Moore asked Mr. Medler a series of questions to get familiar with the business, the property and application. Mr. Medler is the owner of MED 601 LLC. Mr. Medler is currently in the process of buying the property at 214 S. Feltus Street. Mr. Medler is trying to relocate his HVAC business from Fords to South Amboy. His business will be open from 8am to 430pm with 3 employees on site. There is a storage container on site, and he intends to store a snow blower, plow, weedwhackers, scaffolding, ladders, and various business equipment. The business will not have any walk-in clients and only business will be done at the client's perspective place. The parking spaces at the back of the lot are going to be for employees only. Currently at the site is a paved lot with a trailer, car, storage container and a standing building. Mr. Medler stated that the Middlesex County Planning Board said that they did not need to apply. Mr. Valetutto responded saying Mr. Medler still needed to apply and get an actual report stating they are exempt for his file.

Mr. John DuPont, P.E., was sworn in next by Mr. Holub to testify. Mr. DuPont is a Professional Engineer in the State of New Jersey. He prepared the Site Plan for this application. Mr. DuPont acknowledged that he received a December 7<sup>th</sup>, 2023 report from AJV Engineering. His testimony stated that 214 S. Feltus is an existing property, in the Zone RA Single family. 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. Mr. DuPont testified to wanting to repair the fence, ensure lighting is fixed, restripe parking lot, and clean all weeds and debris on the property. A new variance that is being applied for is for parking spaces. The proposal is for five onsite parking spaces. 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 install a guide rail and place wheel stops at each parking spot. In regard to comment 13 and the 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 showing where the water is running off which will be provided by the applicant. There is a parking space out in the right of way which will be removed. Mr. Gary Forshner asked about the area between the fence and curb that is currently paved. Mr. DuPont stated it is not their property. Mr. Valetutto stated that that area should not be used as parking spaces.

Mr. Forshner asked the condition of the paving and Mr. Moore stated it is in good shape. Mr. Forshner asked what the business is going to be used for and exactly what the storage container will be needed for. Mr. Medler responded that the building has some storage, and the other half is 3 offices. The storage side will be used for motors and filters and various HVAC equipment. Mr. Medler said the storage container will be for flammables, gas, maybe a tractor, snow blowers, things that should not be stored indoors. Mr. Forshner asked if it was possible to skin and make it look like a shed. Mr. Valetutto said it seems overkill for what it is going to be used for. Mr. Medler cleared up that other things that would be used in the storage container, like ladders, condensers, etc. Mr. Moore said if they replaced it with a shed, it does not make a difference in size. 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 he should be allowed to keep it. Mr. Forshner also said in respect of the neighbors maybe adding some landscaping near the shipping container to surround it. Mr. Forshner asked if any vehicles will be stored in the parking lot behind the business. Mr. Moore confirmed no vehicles will be stored and only employees will be parking during the hours of business. Mr. Forshner asked Mr. Valetutto regarding the drainage and topographical survey. 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 to the neighbors. Mr. Forshner asks if an ADA parking spot is required. Mr. Gregory Czoch says it seems like discrimination since there are no ADA parking spots. Mr. Moore testified that they do not have any ADA employees and if they do in the future then they can add one. Mayor Henry asked how many days a week the business will be open, and Mr. Moore confirmed Monday through Friday. Dr. Jorge Gonzalez asks where the gas meter is located and that it may need to be protected.

Mr. Valetutto stated the opening is over the property line, the fence is over the property line, one parking space within the fence line is over the property line. So, the applicant is required to seek an easement from the City Council. Mr. Valetutto instructed them to fill out an application to the Clerk's office requesting an easement. 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. Mr. Forshner asked if the lights at night if turned on would be only for motion sensors.

Motion made by Gary Forshner and seconded by Janet Kern to open this portion of the meeting 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. Gary Forshner clarified that no parking would spill into the George Street area because there will be no other people on site besides employees and they have their own designated parking spaces at the back of the property. Regarding storage of supplies and equipment, that will be taken care of in the building and the storage container. 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. With no one wishing to speak, Mr. Gonzalez asked for a motion to close. Motion by Gary Forshner and seconded by Janet Kern to close the public portion of the meeting.

Mr. Gonzalez asked Mr. Holub to state the conditions of the approval. 1. There will be no parking between the fence line and the curb on Lefferts Street. 2. Parking will be allowed on the Lefferts side of the curb. 3. Repairs will be made to all the fences that meet the Board Engineer's approval. 4. 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 spot. 5. Landscaping will be added around the fence. 6. No vehicles will be stored at the property. 7. Vehicles will be parked at the property between 8am – 430pm Monday through Friday. 8. The applicant will provide a topographical survey and no grading needs to be changed. 9. If an ADA spot is required the applicant will be required to provide an ADA spot. If an ADA spot is not required, then they will not need to provide a spot. 10. Wheel stops or ballards to be installed to protect the gas meter and along the fence line to prevent vehicles from going over the adjoining wall. Wheel stops at the head of all parking spaces. 11. The one parking spot that's over the line, the applicant will ask for an easement from The City for the neighboring property to use that

spot. If not, they will shift everything 8 feet to the right. The easement will also be for the fence and the building. 12. The applicant will be required to work with the City Engineer to make sure that there is no negative impact on neighboring residence. 13. No outside storage will be allowed on the property. 14. The applicant will need to comply with the AJV Engineering letter dated December 7<sup>th</sup>, 2023. Mr. Forshner asked about the dumpster on the property. Mr. Moore stated that would be for trash pickup. Mr. DuPont stated it will be moved up against the building. The Board Secretary will find out from the City's DPW if trash will be picked up from the City, which the dumpster would be removed or if the Applicant will be required to get private trash pickup, which the dumpster would need to stay.

Motion by Gary Forshner to approve the application, seconded by Mayor Fred Henry. Motion carried 9-0. 0 abstentions.

**DISCUSSION-** Approval of the 2024 calendar. Motion made by Michael Greenhaus, seconded by Janet Kern. Motion carried 9-0. 0 abstentions.

Motion by Gary Forshner and seconded by Sean Li to open the meeting to the Public. With no one from the Public wishing to speak, motion by Gary Forshner seconded by Sean Li to close the Public portion of the meeting.

All in favor.

Chairman Jorge Gonzalez-Gomez announced that the next scheduled meeting would be held in person on Wednesday, January 24, 2024, at 7:00 pm.

Chairman Jorge Gonzalez-Gomez called this meeting to adjourn.  
All in favor.

Respectfully submitted,



Katie Rose Walenty

Planning Board Secretary

Approved January 24, 2024