

ORIGINAL

THE CITY OF  
**SOUTH AMBOY**  
NEW JERSEY



PLANNING/ZONING APPLICATION

DATE RECEIVED: 7/29/2020	APPLICATION NO:
RECEIVED BY: Amy Russo	411-20 New 403-20 Previous

(Items above to be filled out by the Planning Board Secretary)

**INDICATE TYPE(s) of APPLICATION** (please check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Minor Subdivision             | <input checked="" type="checkbox"/> Preliminary Major Site Plan        |
| <input type="checkbox"/> Preliminary Major Subdivision | <input checked="" type="checkbox"/> Final Major Site Plan              |
| <input type="checkbox"/> Final Major Subdivision       | <input checked="" type="checkbox"/> Bulk Variance ("C" Variance)       |
| <input type="checkbox"/> Conditional Use Approval      | <input checked="" type="checkbox"/> Use Variance ("D" Variance)        |
| <input type="checkbox"/> Amended Board Approval        | <input type="checkbox"/> Amended Preliminary, Final or Minor Site Plan |

**APPLICANT**

Name	Center SA LLC	
Address	P.O. Box 090116	
City, State, Zip	Staten Island, New York 10309-0116	
Phone/Email	718-556-5725	mkbehar@gmail.com

**OWNER** *Property owner if different from Applicant*

Name	Same as applicant	
Address		
City, State, Zip		
Phone/Email		

**RECEIVED**  
JUL 29 2020  
Rev 0 May 2020  
By Amy Russo

**ATTORNEY**

Name/ Firm	Kenneth L. Pape/Heilbrunn Pape, LLC	
Address	516 Highway 33	
City, State, Zip	Millstone Township, NJ 08535	
Phone/Email	732-679-8844	kpape@hpnjlaw.com

**PLANNER**

Name/ Firm	TBD	
Address		
City, State, Zip		
Phone/Email		

**ENGINEER**

Name/Preparer Firm	Andrew French, P.E./French & Parrello Associates	
Address	1800 Route 34, Suite 101	
City, State, Zip	Wall, NJ 07719	
Phone/Email	732-318-9800	Andrew.French@FPAengineers.com

**ARCHITECT**

Name/Preparer Firm	Michael Testa, AIA	
Address	701 Tennent Road, Suite 701	
City, State, Zip	Manalapan, NJ 07726	
Phone/Email	732-972-9177	mtesta@mvtarchitect.com

**PROPERTY INFORMATION**

Address	536 Center Street		
Block(s)	136	Lot(s)	1
Zone	RA	Tax Sheet#	
Total Site Area	Acreage	0.172 +/-	Sq. Ft. 7,500 SF
Date property acquired by present owner			
List any business or commercial activities at the property	Existing: Bar/Restaurant, Party Hall, (2) apartments		
List any prior appeals, variances and developmental approvals involving this property			
List and describe all existing structures on the property	Existing: Bar/Restaurant, Party Hall, (2) apartments		

**VARIANCE(S) REQUESTED (NJSA MLUL 40:55D) (please check all that apply)**

**"C" VARIANCE**

Bulk (c) Variance

the applicant must prove hardship as outlined in the MLUL 40:55D-70c (1) where:

**"C-1"**

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or;
- (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or;
- (c) by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (C40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to, such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

**"C-2"**

40:55D-70c (2), proof of hardship is not necessary.

Two things must be proven to receive approval for a C-2 variance:

- (1) An applicant must show that the purposes of the MLUL (40:55D-2) would be advanced by a deviation from the zoning ordinance requirement and
- (2) that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

**"D" VARIANCE**

Use (d) Variance

Six instances for granting a "D" variance in the MLUL (40:55-70d):

- (1) a use or principal structure in a district restricted against such a use or principal structure;
- (2) an expansion of a nonconforming use;
- (3) deviation from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C.40:55D-67) pertaining solely to a conditional use;
- (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L. 1975, C.291 (C.40:55D-4);
- (5) an increase in the permitted density as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision;
- (6) an increase of height which exceeds either 10 feet or 10% of the max building height permitted in the district of the principle use.

See attached Zoning Chart

PLEASE COMPLETE ALL THAT APPLY	Required	Existing	Proposed	Variance <i>(check if yes)</i>
<b>Minimum Lot Requirements</b>				
Lot Area (sq. ft.)				
Lot Width (ft.)				
Lot Depth (ft.)				
<b>Minimum Setback Requirements</b>				
Front Yard (ft.)				
One Side Yard (ft.)				
Total Two Side Yards (ft.)				
Rear Yard (ft.)				
<b>Maximum Percentage of Lot Occupied</b>				
Lot Coverage (%)				
Impervious Land Coverage (%)				
<b>Maximum Height Requirement</b>				
Building Height (ft.)				
Stories				
<b>Parking</b>				
Number of Parking Spaces				
Parking Stall width/length	/	/	/	/
<b>Accessory Uses</b>				
Garage Area (sq. ft.)				
Garage Height (ft.)				
Fence Height (ft.)				
Shed Area (sq. ft.)				
Shed Height (ft.)				
Deck Area (sq. ft.)				
<b>Minimum Distance of Accessory Use</b>				
Side Yard Setback (ft.)				
Rear Yard Setback (ft.)				
Maximum Area (sq. ft.)				
Maximum Height (ft.)				
<b>Density</b>				
Maximum dwelling units per acre				
Maximum dwelling units per building				
<b>Other</b>				
Minimum floor areas per dwelling unit (sq. ft.)				
Distance Between Buildings				
Signage - Type				
Landscaped Buffers				

SOUTH AMBOY BULK ZONE REQUIREMENTS FOR "R-A" ZONING DISTRICT			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	5,000 SF	7,503 SF	NO CHANGE
MINIMUM LOT WIDTH	50 FT	N/A	NO CHANGE
MINIMUM LOT DEPTH	100 FT	N/A	NO CHANGE
MINIMUM FRONT YARD	25 FT	1.40 FT *	NO CHANGE
MINIMUM SIDE YARD	5 FT	0.89 FT *	NO CHANGE
MINIMUM TOTAL SIDE YARD	10 FT	2.46 FT *	NO CHANGE
MINIMUM REAR YARD	25 FT	1.57 FT *	NO CHANGE *
MAXIMUM HEIGHT	35 FT/ 2.5 STORIES	25.875' (2 STORIES)	NO CHANGE
MAXIMUM LOT COVERAGE	25%	83.69% ± *	NO CHANGE *
MINIMUM OFF-STREET PARKING	1/200 SF = 52 SPACES	N/A	NO CHANGE
MAXIMUM IMPERVIOUS COVERAGE	60%	83.69% ± *	95.54% ± **
MAXIMUM DWELLING UNITS PER ACRE	8.71	11.6 *	34.8 **
MAXIMUM DWELLING UNITS PER BUILDING	1	2 *	6 **
MINIMUM DISTANCE BETWEEN BUILDINGS	10 FT	N/A	N/A
MINIMUM FLOOR AREA/D.U.	1,000 SF	436 SF *	318 SF **
MINIMUM SITE LANDSCAPING	40%	7.41% *	4.46% **

\* EXISTING VARIANCE CONDITION

\*\* PROPOSED VARIANCE CONDITION

**DETAILED DESCRIPTION OF EXISTING AND PROPOSED USE:**

The applicant proposes to redevelop the property with a single mixed use building including a renovated bar and restaurant and twelve apartments. The applicant proposes to eliminate an existing party hall use on the property. The proposed development will include an outside deck and onsite parking.

Existing Building Area/Sq. Ft: 5,241  
Existing Building Height in Ft: 14' - 20'

Proposed Building Area/Sq. Ft: 5,241  
Proposed Building Height in Ft: 14' - 20'

**PLEASE DESCRIBE REASON AND JUSTIFICATION FOR REQUESTING VARIANCES**

The subject property is particularly suitable for the proposed use. The proposed development will further the purposes of the MLUL and will not have a substantial negative impact on the surrounding properties of the zone plan.

**PLEASE DESCRIBE REASON AND JUSTIFICATION FOR REQUESTING WAIVER**

TBP

**PLEASE LIST ANY POTENTIAL AREAS OF ARCHITECTURAL OR HISTORICAL SIGNIFICANCE.**  
Year Structure(s) Built:

None known

➤ **If additional space is needed for any of the above areas, please attach a rider**

**SUMBISSION OF APPLICATION MUST INCLUDE:**

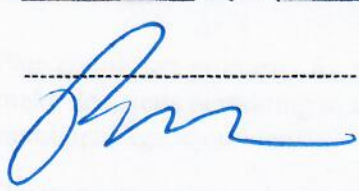
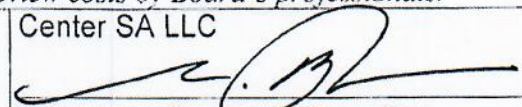
- One (1) USB device (thumb drive/flash drive) with true digital copies in pdf format of all plans and application package documents
- Five (5) copies of fully executed Application with originally signed application to the Planning Board Secretary
- Five (5) originals of current signed and sealed topographic survey of existing conditions
- Five (5) originals of all signed and sealed engineering/planning plans
- Five (5) originals of all signed and sealed architectural plans
- Five (5) copies of fully executed checklist forms
- If amended approval, five (5) copies of originally approved site plans, originally approved architectural plans, and original resolution of approval.  
Plans do not need to be sealed by professionals.
- Certification that taxes, assessments, municipal liens, etc. are current
- Certified list of property owners obtained from Tax Assessor's office
- One (1) tax map of the area
- One (1) copy of fully executed W-9 Taxpayer Identification form
- One (1) copy of the Statement of Corporate or Other Ownership
- One (1) copy of Notice of Hearing on Appeal or Application (if applicable)

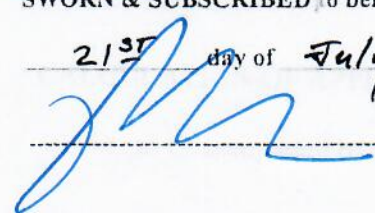
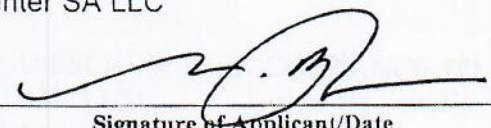
Does the applicant request the Board to publish notices of decisions:     YES     NO

**NO APPLICATION WILL BE ACCEPTED WITHOUT full compliance with items listed above, initial payment of \$500 application fee, and initial payment of \$1,000 escrow fee (actual fees will be calculated during completeness review).**



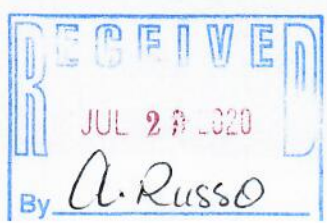
SIGNATURE(S)

SIGNATURE OF PROPERTY OWNER	
<i>As owner of the premises in the within application, I hereby authorize the applicant or agent listed below to submit the above application. I also agree to accept reasonable review costs by Board's professionals.</i>	
SWORN & SUBSCRIBED to before me this <u>21<sup>st</sup></u> day of <u>July</u> , 2020   ----- (notary)  PETER H. KLOUSER ATTORNEY AT LAW OF NEW JERSEY	Center SA LLC   ----- Signature of Owner/Date  Michael Behar ----- Print Name

SIGNATURE OF APPLICANT	
SWORN & SUBSCRIBED to before me this <u>21<sup>st</sup></u> day of <u>July</u> , 2020   ----- (notary)  PETER H. KLOUSER ATTORNEY AT LAW OF NEW JERSEY	Center SA LLC   ----- Signature of Applicant/Date  Michael Behar ----- Print Name  Applicant's Tax ID Number

PLAN CHECKLIST		
Item No.	Item	Completed (Yes, No, Waiver, N/A)
1	A survey prepared by a New Jersey Licensed Professional Land Surveyor. Site and off-site improvements shall be prepared by a New Jersey Licensed Professional Engineer and/or Architect, as applicable.	YES
2	The plan shall be prepared at a suitable scale, but not less than ten feet to the inch, with the entire tract being shown on one sheet (size not greater than 24 inches by 36 inches).	YES
3	Title block giving name of project, location of property by block and lot, name, title, license number and address of person preparing plan, and date of plan (including all revisions).	YES
4	Key map at a scale not less than 400 feet to the inch showing subject site, building zone boundaries, and radius line of 500 feet from subject site	YES
5	North arrow and scale(s) of plan	YES
6	Name and address of owner(s) and applicant(s).	YES
7	General notes – including flood hazard zone of subject site, and listing of building zone requirements, including parking. Comparison of building zone requirements to existing and proposed use. Note that all construction to comply with City of South Amboy Standards.	YES
8	Names, addresses and block/lots of all owners of record of adjacent properties within a distance of 200 feet of subject site, as certified by the Tax Assessor.	YES
9	Setback distances for existing principal structure, and all proposed structures.	YES
10	Labeling of all existing structures to be removed.	YES
11	Existing contours in dashed lines with maximum intervals of two feet for slopes of five percent or less, and intervals of five feet for slopes of greater than five percent.	YES
12	First floor elevation of all existing and proposed structures. Elevations at corners of proposed structures.	YES
13	Proposed contours in solid lines with maximum intervals of two feet.	YES
14	Location of all geographical features of site including rock outcrops, wooded areas and trees with caliper of six inches or greater as measured three feet above the ground.	YES / N/A
15	Location, width, depth and direction of all ponds, streams, brooks, drainage ditches, pipes, or culverts traversing subject tract.	YES / N/A
16	Location and size of all existing and proposed utilities serving the subject tract, including sanitary sewer, storm sewer, water, gas, and electric.	YES
17	Profiles and cross-sections every 50 linear feet of all proposed dedicated roadways, showing width of roadway, location, and width of curbs and sidewalks.	N/A
18	Location, type, and size of existing and proposed means of vehicular ingress and egress to the tract; including access driveway width.	YES
19	Location, type, and direction of existing and proposed lighting, including intensity level line equal to 0.3 foot-candles.	YES
20	Location and type of landscaping, including planting schedule.	N/A
21	Construction details for site improvements.	YES
22	Location and size of screened refuse area.	YES
23	Location, size, and detail of all existing and/or proposed signs.	YES
24	Endorsement by owner of tract stating their knowledge and consent of application.	YES
25	Approval block for signature by Chairperson and Secretary of the Planning Board.	YES

Application




[10]  
PB# 411-20

Explanation for any request for a waiver of any checklist requirement:

ITEM 14 - THERE ARE NO GEOGRAPHICAL FEATURES ON THE SITE.  
ITEM 15 - THERE ARE NO PONDS, STREAMS, BARRS, DRAINAGE DITCHES,  
PILES OR CULVERTS TRAVELING THE TRACT.  
ITEM 17 - THERE ARE NO PROPOSED DEDICATED ROADWAYS.  
ITEM 20 - THE PROJECT SITE IS FULLY DEVELOPED AND  
THERE ARE NO LANDSCAPE BEING PROPOSED

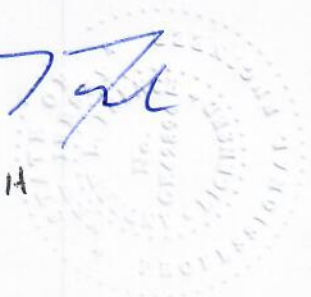
Professional Certification as to the accuracy of this plan checklist.  
Please seal and provide license number

Signature of Applicant's Professional:



Print Name: ANDREW L. FRENCH

License Number: 42894



**SUBMISSION PROCESS:**

- ✓ PRINT, COMPLETE AND SIGN APPLICATION FORMS
- ✓ SCAN COMPLETED FORMS AND SAVE TO USB DEVICE
- ✓ ADD ALL TRUE COPIES OF ORIGINAL PLANS AND APPLICATION DOCUMENTS TO USB DEVICE
- ✓ SUBMIT 1) USB DEVICE  
2) COMPLETED APPLICATION WITH ORIGINAL SIGNATURES  
3) FIVE (5) ORIGINALS OF DOCUMENTS LISTED ABOVE  
4) INITIAL \$500 APPLICATION FEE  
5) INITIAL \$1000 ESCROW FEE  
TO PLANNING/ZONING BOARD SECRETARY

**City of South Amboy**

140 North Broadway • South Amboy, New Jersey 08879  
Phone: (732) 727-4600 Fax: (732) 727-6139