



PLANNING/ZONING APPLICATION

| | |
|----------------------------------|------------------------|
| DATE RECEIVED: 01/15/2021 | APPLICATION NO: |
| RECEIVED BY: A. Russo | 416-21 |

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

APPLICANT

| | | |
|------------------|--|--|
| Name | HBD South Amboy LLC | |
| Address | 31 Gotthardt Street, Newark, NJ 10705 | |
| City, State, Zip | Newark NJ 10705 | |
| Phone/Email | (917) 607-9150; ,marc@riverbrookll.com | |

OWNER

Property owner if different from Applicant

| | | |
|------------------|--|--|
| Name | | |
| Address | | |
| City, State, Zip | | |
| Phone/Email | | |

ATTORNEY

| | | |
|------------------|--|--|
| Name/ Firm | Mark Rothman, Esq./ Robbins and Robbins LLP | |
| Address | 568 Amboy Avenue | |
| City, State, Zip | Woodbridge, NJ 07095 | |
| Phone/Email | 732-636-1600; markrothman@robbinsandrobbinsllp.com | |

PLANNER

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

ENGINEER

| | | |
|-----------------------|---------------------|--|
| Name/Preparer Firm | Edwin A. Reimon, PE | |
| Address | 251 Ridge Road | |
| City, State, Zip | Lyndhurst, NJ 07071 | |
| Phone/Email | (201) 686-9066 | |

ARCHITECT

| | | |
|-----------------------|---|--|
| Name/Preparer Firm | Manuel J. Pereiras, AIA/ Pereiras Architects Ubiquitous | |
| Address | 1116 Summit Avenue | |
| City, State, Zip | Union, NJ 07087 | |
| Phone/Email | (201) 330-9183 | |

**PROPERTY
INFORMATION**

| | | | |
|---|---|------------------|--|
| Address 139 Rosewell Street | | | |
| Block(s) 161.02 | | Lot(s) 21, 22 | |
| Zone R-2 | | Tax Sheet# | |
| Total Site Area 29,044sf | Acreage .666 | Sq. Ft. | |
| Date property acquired by present owner | 08/14/2020 | | |
| List any business or commercial activities at the property | one-story vacant commercial building; to be demolished | | |
| List any prior appeals, variances and developmental approvals involving this property | | | |
| List and describe all existing structures on the property | one-story vacant commercial building; to be demolished; two existing unoccupied, multi-story residential buildings, both to be demolished | | |

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.

| PLEASE COMPLETE ALL THAT APPLY | Required | Existing | Proposed | Variance <i>(check if yes)</i> |
|---|-----------------|-----------------|-----------------|--|
| Minimum Lot Requirements | | | | |
| Lot Area (sq. ft.) | 130,680sf | 29,044sf | 29,044sf | ✓ |
| Lot Width (ft.) | 130ft | 201.09ft | 201.09ft | |
| Lot Depth (ft.) | 250ft | 196.76ft | 196.76ft | ✓ |
| Minimum Setback Requirements | | | | |
| Front Yard (ft.) | 25ft | 15ft | 15ft | ✓ |
| One Side Yard (ft.) | 25ft | 20ft | 20ft | ✓ |
| Total Two Side Yards (ft.) | 50ft | 40ft | 40ft | ✓ |
| Rear Yard (ft.) | 25ft | 15ft | 15ft | ✓ |
| Maximum Percentage of Lot Occupied | | | | |
| Lot Coverage (%) | -- | 76%/22,025sf | 76%/22,025sf | |
| Impervious Land Coverage (%) | | | | |
| Maximum Height Requirement | | | | |
| Building Height (ft.) | -- | | 59'-7" | |
| Stories | -- | | 4 stories | |
| Parking | | | | |
| Number of Parking Spaces | 35 | | 47 | |
| Parking Stall width/length | / | / | 9' / 18' | / |
| Accessory Uses | | | | |
| Garage Area (sq. ft.) | None | | | |
| Garage Height (ft.) | None | | | |
| Fence Height (ft.) | None | | | |
| Shed Area (sq. ft.) | None | | | |
| Shed Height (ft.) | None | | | |
| Deck Area (sq. ft.) | None | | | |
| Minimum Distance of Accessory Use | | | | |
| Side Yard Setback (ft.) | | | | |
| Rear Yard Setback (ft.) | | | | |
| Maximum Area (sq. ft.) | | | | |
| Maximum Height (ft.) | | | | |
| Density | | | | |
| Maximum dwelling units per acre | -- | | 54 units/acre | |
| Maximum dwelling units per building | | | | |
| Other | | | | |
| Minimum floor areas per dwelling unit (sq. ft.) | -- | | 501sf | |
| Distance Between Buildings | 50ft | | -- | |
| Signage - Type | | | | |
| Landscaped Buffers | 40% | | 7% | ✓ |

DETAILED DESCRIPTION OF EXISTING AND PROPOSED USE:

Remove existing comercial and residential buildings and construct single multi-story residential building with 36 units and 47 off-street parking spaces

Existing Building Area/Sq. Ft: 29,044sf
Existing Building Height in Ft: n/a

Proposed Building Area/Sq. Ft: 29,044sf
Proposed Building Height in Ft: 59'-7"

PLEASE DESCRIBE REASON AND JUSTIFICATION FOR REQUESTING VARIANCES

SEE ATTACHED RIDER

PLEASE LIST ANY POTENTIAL AREAS OF ARCHITECTURAL OR HISTORICAL SIGNIFICANCE.
~~common site line along the existing line of residential structures, while also improving current housing~~
Year Structure(s) Built:

N/A. Applicant proposes new construction. The exsiting buildings to be removed are vacant and redundant; their rehabilitation will not promote any historical or architectural significance.

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