

PLANNING/ZONING APPLICATION

DATE RECEIVED: January 20, 2022	APPLICATION NO:
RECEIVED BY: Amy Russo	PB#429-22

(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	Main and Broadway LLC	
Address	44 Galant Fox Drive	
City, State, Zip	Tinton Falls, NJ 07724	
Phone/Email	(917)816-3610	Nicholasperosi@gmail.com

OWNER *Property owner if different from Applicant*

Name		
Address		
City, State, Zip		
Phone/Email		

ATTORNEY

Name/ Firm	Michael W. Herbert, Parker McCay P.A.	
Address	3840 Quakerbridge Rd, STE 200	
City, State, Zip	Hamilton, NJ 08619	
Phone/Email	(609)896-4222	

PLANNER

Name/ Firm	Christine Cofone	
Address	125 Half Mile Road, Suite 200	
City, State, Zip	Red Bank, NJ 07701	
Phone/Email	(732)933-2715	ccofone@cofoneconsulting.com

ENGINEER

Name/Preparer Firm	Walter Joseph Hopkin	
Address	257 Monmouth Rd. Bldg A, Suite 7	
City, State, Zip	Oakhurst, NJ 07755	
Phone/Email	(732)223-1813	whopkin@wjengineering.com

ARCHITECT

Name/Preparer Firm	Gary Kiesch, GK+A Architects	
Address	36 Ames Ave.	
City, State, Zip	Rutherford, NJ 07070	
Phone/Email	(201)896-0333	cfalls@gkanda.biz

**PROPERTY
INFORMATION**

Address	205 Main Street			
Block(s)	62	Lot(s)	10-12	
Zone	Broadway / Main Street Redevelopment Area		Tax Sheet#	19
Total Site Area	Acreage	0.286	Sq. Ft.	12,475
Date property acquired by present owner	02/28/20			
List any business or commercial activities at the property	The property is currently vacant			
List any prior appeals, variances and developmental approvals involving this property	The property was previously approved for a stand alone 7-11 Store, but never built. There are known pending appeals.			
List and describe all existing structures on the property	1,490 sf building and approximately 10,190 sf paved parking area			

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 principal use.

PLEASE COMPLETE ALL THAT APPLY	Required	Existing	Proposed	Variance <i>(Check if yes)</i>
Minimum Lot Requirements				
Lot Area (sq. ft.)	2,500	12,475	12,475	
Lot Depth (ft.)	100	111	111	
Minimum Setback Requirements				
Front Yard (ft.)	0	0	21.0 (BROADWAY)	
One Side Yard (ft.)	0	N/A	N/A	
Total Two Side Yards (ft.)	0	N/A	N/A	
Rear Yard (ft.)	25	0.7	33.0	
Maximum Percentage of Lot Occupied				
Lot Coverage (%)	50%	11.9%	7.8%	
Impervious Land Coverage (%)	-	93.62%	72.86	
Maximum Height Requirement				
Building Height (ft.)	55 ft	comply	17 ft	
Stories	4 stories	1-story	1-story	
Parking				
Number of Parking Spaces	16	N/A	8	VARIANCE
Parking Stall width/length	9 / 18	9 / 18	9 / 18	/
Accessory Uses				
Garage Area (sq. ft.)	N/A			
Garage Height (ft.)	N/A			
Fence Height (ft.)	N/A			
Shed Area (sq. ft.)	N/A			
Shed Height (ft.)	N/A			
Deck Area (sq. ft.)	N/A			
Minimum Distance of Accessory Use				
Side Yard Setback (ft.)	N/A			
Rear Yard Setback (ft.)	N/A			
Maximum Area (sq. ft.)	N/A			
Maximum Height (ft.)	N/A			
Density				
Maximum dwelling units per acre	N/A			
Maximum dwelling units per building	N/A			
Other				
Minimum floor areas per dwelling unit (sq. ft.)	N/A			
Distance Between Buildings	N/A			
Signage - Type				
Landscaped Buffers	ABUTTING RESIDENTIAL ZONE	NONE	3 FT MINIMUM	

DETAILED DESCRIPTION OF EXISTING AND PROPOSED USE:

Currently there is an abandoned commercial building and one 2-way access driveway from/to Main Street. The majority of the remaining of the site area is paved and was used as parking area.

It is proposed to construct a Drive-Thru Dunkin Donuts Store with two 2-way driveways, 8-space parking area, and a 11-car queue drive-thru.

Existing Building Area/Sq. Ft: 1,490.2 SF
Existing Building Height in Ft: >25 SF

Proposed Building Area/Sq. Ft: 973.0 SF
Proposed Building Height in Ft: 17FT

PLEASE DESCRIBE REASON AND JUSTIFICATION FOR REQUESTING VARIANCES

See enclosed Justification for Variance Relief

PLEASE DESCRIBE REASON AND JUSTIFICATION FOR REQUESTING WAIVER

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

N/A

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

Application

SUBMISSION 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
- Eighteen (18) copies of fully executed Application with originally signed application to the Planning Board Secretary
- Eighteen (18) originals of current signed and sealed topographic survey of existing conditions
- Eighteen (18) originals of all signed and sealed engineering/planning plans
- Eighteen (18) originals of all signed and sealed architectural plans
- Eighteen (18) copies of fully executed checklist forms
- If amended approval, eighteen (18) copies of originally approved site plans, originally approved architectural plans, and the 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
- Two (2) tax maps of the area
- Two (2) copies of the fully executed W-9 Taxpayer Identification form
- Two (2) copies 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

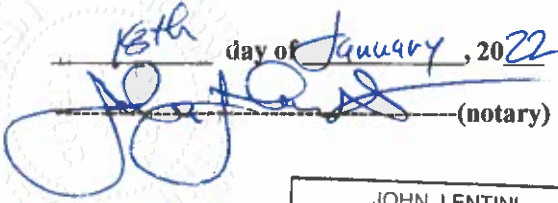
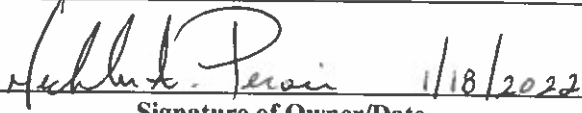
NO APPLICATION WILL BE ACCEPTED WITHOUT full compliance with items listed above, an initial payment of \$500 application fee, and an initial payment of \$1,000 escrow fee (actual fees will be calculated during completeness review).

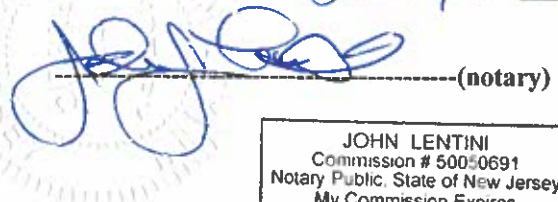
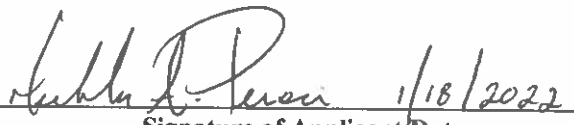
In order to provide Planning Board Professionals adequate time for review and consideration of application documents, initial and revised documents must be submitted to the Board Secretary a **minimum of twenty calendar days (20) prior** to the scheduled date of the application hearing. Late submission of documents, received less than twenty days prior to the scheduled meeting, will **not** be considered during the scheduled Planning Board monthly meeting.

If an Application Review Report has been issued on original submission, Additional Escrow in the amount of **one-third (1/3) of the Original Escrow Fee** must be provided for Additional Review of the Revised Plans.

The Planning Board Calendar can be found on **The City of South Amboy's** website.

SIGNATURE(s)

SIGNATURE OF PROPERTY OWNER	
<i>As owner of the premises in the within the 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>18th</u> day of <u>January</u> , 20 <u>22</u>  (notary)	 <u>1/18/2022</u> Signature of Owner/Date
<div style="border: 1px solid black; padding: 5px; width: fit-content;"><p>JOHN LENTINI Commission # 50050691 Notary Public, State of New Jersey My Commission Expires 12/07/2026</p></div>	NICHOLAS PEROSI Print Name

SIGNATURE OF APPLICANT	
SWORN & SUBSCRIBED to before me this <u>18th</u> day of <u>January</u> , 20 <u>22</u>  (notary)	 <u>1/18/2022</u> Signature of Applicant/Date
<div style="border: 1px solid black; padding: 5px; width: fit-content;"><p>JOHN LENTINI Commission # 50050691 Notary Public, State of New Jersey My Commission Expires 12/07/2026</p></div>	NICHOLAS PEROSI Print Name
	<u>84-4343501</u> Applicant's Tax ID Number

PLAN DETAILS

Plan details are primarily for the use of the municipal agency to establish criteria required to make decisions pertaining to the application. The following details shall be provided for municipal agency review.

The municipal agency has the right to waive certain details if a specific request is made by the applicant and agreed to by the agency. Surveys, the general plan, grading and utility plans, landscaping plans, architectural plans, and elevations may be indicated on separate drawings and documents.

NOTE:

- A. A Planning Board/Board of Adjustment or Municipal Governing Body shall not approve an Application of any Corporation or Partnership which does not comply with these Disclosure Acts, as per New Jersey Statute 40:55D-48,3.
- B. The Planning Board/Board of Adjustment reserves the right to request additional information or data in order to determine that the details of the plans are in accordance with the standards of the Site Plan Ordinance and other Ordinances of the City of South Amboy.

CALCULATION OF APPLICATION FEE AND ESCROW IN ACCORDANCE TO
ARTICLE IX SECTION 53-51
to be completed by Board Professional during Completeness Review.

The following items shall be submitted and/or appear on the Plans in order to be deemed complete, unless otherwise approved by the Board.

Applicant's Professional shall complete each item on the PLAN CHECKLIST as follows: Yes, No, Waiver or (N/A) Not Applicable.

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
15	Location, width, depth and direction of all ponds, streams, brooks, drainage ditches, pipes, or culverts traversing subject tract.	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.	YES
21	Construction details for site improvements.	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

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

Professional Certification as to the accuracy of this plan checklist.

Please seal and provide license number

Signature of Applicant's Professional:

Print Name: Walter Joseph Hopkin, PE, PP, CME

License Number: 40673

SUBMISSION PROCESS:

- ✓ PRINT, COMPLETE, AND SIGN APPLICATION FORMS
- ✓ SCAN COMPLETED FORMS AND SAVE TO A USB DEVICE
- ✓ ADD ALL TRUE COPIES OF ORIGINAL PLANS AND APPLICATION DOCUMENTS TO THE USB DEVICE
- ✓ SUBMIT 1) USB DEVICE
2) COMPLETED APPLICATION WITH ORIGINAL SIGNATURES
3) EIGHTEEN (18) 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

Justification for “D-1” Use Variance Relief

The Site is particularly suited for a Dunkin’ Donuts use for the following reasons:

- Location at the gateway to Main Street and North Broadway. As currently situated at this highly visible location, the Site is in need of a substantial aesthetic upgrade, along with a use that is suitable for this Site.
- The lot area is approximately five times greater than what the zone requires (2,500 sf vs. 12,475 proposed), the proposed front yard setback is 21’ greater than what is required (0’ vs. 21’ proposed to Broadway), the rear yard is 8’ greater than the minimum required (25’ vs. 33’ proposed), the lot coverage is significantly less than what is permitted (50% max vs. 7.8% proposed), and both the lot coverage and impervious land coverage are reduced from the existing condition (lot coverage: 11.9% existing vs. 7.8% proposed and impervious land coverage: 93.62% existing vs. 72.86 proposed).
- There is more than sufficient land for the building, circulation (including the drive-thru operation), landscaping, lighting, etc.
- For these reasons, the Site is particularly suited for the proposed use.

As to the special reasons, the proposal will advance multiple purposes of the Municipal Land Use Law, including but not limited to:

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

- The proposal is a complete improvement from the existing, underutilized vacant condition. As detailed by the architect, the proposal clearly employs creative development techniques and good civic design and arrangement.

- The Applicant proposes a significant upgrade to the property, consistent with the Borough's Master Plan objectives. From the 2017 Master Plan:
 - Page 6: "The community wants to see uses that encourage pedestrian traffic along Broadway."
 - Page 6: "Undersized and underutilized lots are an issue."
 - Page 6, Goals:
 - "Provide a balance of land uses in appropriate locations to preserve the character of the community, encourage economic development, increase park and recreational facilities, accommodate community facilities, and facilitate local and regional circulation."
 - "Enhance a balanced development pattern, which will protect and enhance long-term economic and social interests of present and future residents in order to maintain and improve the City's overall quality of life."
 - "Promote and reinforce the City as a desirable residential location with an attractive downtown shopping corridor."
 - "Encourage development of a diversified economic base that generates employment growth, provides increased tax rates, and increases income levels."

NEGATIVE CRITERIA

The proposal must not present substantial detriment to the public good, and must not substantially impair the intent and purpose of the master plan, zone plan, and zoning ordinance.

First Prong: No variance should be granted if it will present substantial detriment to the public good.

- The proposal is consistent with the general pattern of development with the downtown and the vision of the Redevelopment Plan.
- Parking is adequate given the character of the area and Dunkin' Donuts operations. Parking lot design, including drive-thru, is safe and efficient.

Second Prong: No variance should be granted if it will impair the intent and purpose of the zone plan, zoning ordinance, and master plan.

- Granting the variances will not offend the purposes of the Zone Plan and Zoning Ordinance.
- The proposal is highly consistent with the following purposes of the Zoning Ordinance, including but not limited to: "provide sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; and

encourage coordination of various public and private procedures and activities shaping land development, with a view of lessening the cost of such development and to the more efficient use of land; promote the purposes of N.J.S.A. 40:55D-2.”

- Also advances the purpose of the Broadway/Main Street Redevelopment Plan: The overall goal of the redevelopment plan is to enhance the downtown Broadway area.
- Various Master Plan purposes advanced as highlighted earlier.

Justification for “C-2” Bulk Variance Relief (16 parking spaces required; 8 proposed)

Positive Criteria

The application will advance the following of purposes of zoning, including but not limited to, as established by the Municipal Land Use Law at NJSA 40:55D-2:

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

- Based on Dunkin' Donuts operations, eight parking spaces is sufficient for this size of building, especially given the presence of a drive-thru. The Site is also located within a highly walkable area, with pedestrians expected to patronize the business.
- Additional parking stalls would require an increase in impervious coverage. Given that for the proposed function of the use, eight spaces are sufficient,

Negative Criteria

- The proposal will not impair the purpose and intent of the zone plan and zoning ordinance. As established, this application advances multiple purposes of zoning.
- Parking is sufficient to service the site, as will be testified at the public hearing. There will be no substantial detriment to the public good.

Additional testimony will be provided by a professional planner at the public hearing.