

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB 15-24
Application Number 448-24

**Resolution Granting d(1) Use Variance, d(5) Density Variance,
Bulk Variances and Preliminary and Final Major Site Plan Approval**

Block 38, Lots 1 & 27
111 David Street
City of South Amboy

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 Wisniewski & Associates (John Wisniewski, Esq., appearing) on behalf of American Legion Luke A. Lovely Post No. 62 (the "Applicant") for a Use Variance, a Density Variance, Bulk Variances and Preliminary and Final Major Site Plan approval on Block 38, Lots 1 and 27 on the Tax Map of the City of South Amboy at 111 David Street (the "Property").

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the application review report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Planning Board dated May 16, 2024;

WHEREAS, the application was certified as complete and a public hearing was held with respect to the Application by the Board on May 22, 2024, as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, as part of the application and based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required a d(1) Use Variance, a d(5) Density Variance, and twelve (12) Bulk Variances from the zoning requirements as set forth in the ordinance;

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.	May 16, 2024

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 was represented by John Wisniewski, Esq.
2. Mr. Wisniewski introduced the application by noting that the Applicant had provided the Board with an Affidavit of Service, and that the Board had jurisdiction.
3. Mr. Wisniewski provided a brief history of the Property and the witnesses that he was going to call.
4. Mr. Wisniewski introduced Mr. Frank Farrell, P.E. of Grotto Engineering as a Licensed Professional Engineer in the State of New Jersey who provided his qualifications and was accepted by the Board as a Professional Engineer.
5. Mr. Farrell testified as follows:
 - a. Exhibit A-1, a six-page Site Plan, was introduced.
 - b. The lot frontage is 275 feet, with 225 feet along David Street and 50.27 along Rosewell Street.
 - c. The current application is for Lots 1 and 27. Lot 1 is currently owned by the City, and is developed as a park with a playground. Lot 27 is the site of the former American Legion Post 62.
 - d. Lot 27 is generally encumbered by various existing parking lots, and a small monument area.
 - e. The adjacent land uses are generally residential in use, as well as ball fields located to the south and a train station to the west.
 - f. David Street is approximately 38 feet wide with a curb and sidewalk.
 - g. The Property is in the RA Zone, where the proposed multi-family/mixed use is not permitted.
 - h. Bulk requirements include:
 - (1) Minimum lot area of 5,000 SF where 17,594.5 SF is proposed.
 - (2) Lot width of 50' where 225' is proposed.
 - (3) Minimum lot depth of 100' where 100.54' is proposed.
 - (4) Building setback of 25' required where 4.46' is proposed along David Street and 15.75' is proposed along Rosewell Street (variances).
 - (5) Rear setback of 25' where 10' is proposed along Rosewell Street

- (variance).
- (6) Max building height of 35' where 32' is proposed.
 - (7) Max lot coverage of 25% where 72.8% is proposed (variance).
 - (8) Max impervious coverage of 60% where 77.7% is proposed (variance).
 - (9) Minimum Landscape Coverage of 40% where 24.1% is proposed (variance).
 - (10) Maximum dwelling units/acre of 8.71 where 12.4 is proposed (variance).
 - (11) Maximum units/dwelling of 1 where 5 are proposed (variance).
 - (12) Minimum floor area/dwelling of 1,000 SF where less than 1,000 SF is proposed for the 5 apartment units (variance).
- i. Mr. Farrell described the proposed 2-story, 5-apartment building with parking underneath the building and additional parking around the rest of the Property.
 - j. Mr. Farrell testified as to the driveways and circulation, as well as a variance for a minor encroachment between parking stalls and the building columns.
 - k. Mr. Farrell described the need for a variance for the proximity between the parking area and the neighboring lot.
 - l. Mr. Farrell provided testimony concerning the lack of light spillage, utilities for the site, pedestrian access, the proposed increase of 2,300 SF in impervious coverage, and stormwater management.
 - m. Mr. Farrell testified that the Applicant required a use variance for mixed use where only single-family is permitted, a density variance where 12.4 is proposed with 8.71 is the maximum allowed, and bulk variances for front yard setback, rear yard setback, maximum lot coverage, maximum impervious coverage, minimum landscape coverage, maximum dwelling units per building, minimum floor area/dwelling, and a parking setback from the property line.
 - n. Mr. Farrell stated that the Applicant would comply with Mr. Valetutto's May 16, 2024, review letter. He provided specific testimony regarding water and sewer requirement calculations, the 200-foot list, EV parking, handicapped parking stalls, and the parking requirements.
 - o. Specifically regarding parking, he testified that 20 parking spaces are required with a one space credit for EV spaces, and 23 spaces are proposed with 2 EV stalls (totaling 18 required spaces where 23 are proposed).
 - p. Mr. Farrell provided additional testimony regarding trash bins, fencing, a bioretention basin, stormwater runoff, lighting, and screening in front of a

generator and transformer.

- q. Mr. Farrell testified that the variances requested are reasonable and grantable by the Board, and that the proposed Application would be an improvement relative to the now demolished American Legion building.
 - r. Mr. Farrell concluded with a statement that the Applicant would agree to accept all requests, modifications or additions contained in Mr. Valetutto's review letter.
6. Mr. Wisniewski introduced Nicole Gabbard, R.A., N.C.A.R.B., of Michael V. Testa Architects as a Professional Architect in the State of New Jersey who provided her qualifications and was accepted by the Board as a Professional Architect.
7. Ms. Gabbard testified as follows:
- a. Exhibit A-2 was introduced, which was the proposed floor plan and David Street elevation.
 - b. Ms. Gabbard provided testimony regarding the existing floodplain, building floor area, building height, handicap accessibility, fire sprinklers, first floor-floor plan, and elevation above the floodplain regarding the habitable space.
 - c. Ms. Gabbard then provided testimony concerning the lobby, elevators, stairs, proposed second-floor floor plan, David Street elevation, common lounge, laundry area, and the proposed five one-bedroom residential units.
 - d. Ms. Gabbard testified as to the building exterior, as well as the doors and access.
8. Mr. Wisniewski introduced Mary Szaro as a fact witness and project manager with the American Legion.
9. Ms. Szaro testified as follows:
- a. The existing building was damaged beyond repair by Superstorm Sandy in 2012 and the building was demolished in 2022.
 - b. Ms. Szaro testified that the playground is being relocated by the City of South Amboy to the existing ball fields. The ownership of the existing playground property will be transferred to the American Legion.
 - c. Ms. Szaro provided the Board with a history of the existing monument, which are remaining pieces of the 1920's era Memorial Drinking Fountain, the

proposed flagpoles, access to the proposed building, trash collection, property management, the proposed members' only hall/bar, dedicated parking, outdoor patio, housing priority for veterans, exterior lighting, hall/bar staffing, and title transfer of the land.

10. Mr. Farrell was recalled and provided testimony regarding garbage bin access and recycling containers.
11. Mr. Wisniewski then introduced Allison Coffin, P.P., A.I.C.P., of James W. Higgins Associates as a Professional Planner in the State of New Jersey who provided her qualifications and was accepted by the Board as a Professional Planner.
12. Ms. Coffin provided testimony concerning the Property location, the proposed area, and the history of the now destroyed American Legion Post.
13. Ms. Coffin testified as to the proposed structure, including:
 - a. The Applicant has proposed offices, meeting room, bar & kitchen, and five one-bedroom low and moderate income apartments for veterans who are homeless or at risk of homelessness.
 - b. The proposed site improvements including parking, the covered patio & deck, generator, relocation of the existing monument, new flagpoles, lighting, landscaping and fencing.
 - c. The site is located in a residential zone, where permitted uses include one-family detached dwellings and places of worship.
 - d. The Applicant has applied for a d(1) Use Variance and a d(5) Density Variance where 8.71 is permitted and 12.4 is proposed.
 - e. Regarding the bulk variances, Ms. Coffin testified as to the frontages, rear yard setback, lot coverage, impervious coverage, minimum landscaping, number of dwellings per building, the floor area per unit, and parking buffer depth.
 - f. She testified as to the inherently beneficial use of the veterans housing and how it meets the Sica test.
 - g. Regarding the American Legion Post, she testified that the site is particularly suited to the proposed mixed-use building.
 - h. Concerning the density variance, she testified that the site can accommodate the residential density that is proposed.
 - i. Regarding bulk variances, Ms. Coffin testified that they are subsumed within the use variance request, and that the requested variances are appropriate to apply to the proposed type of unique use.
 - j. Ms. Coffin testified that the variances are not substantially inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. She stated that the proposal enhances a balanced development pattern, encourages a

broad range of housing types, provides for a variety of housing types designed to support and address the population's housing needs, and addressed the balance of housing options in the City, including affordable housing for low and moderate income households.

14. Ms. Coffin concluded by opining that special reasons exist for the requested use and density variances, that all requested variances could be granted without detriment to the health, safety and general welfare of the public, and that the granting of these variances would result in a use which is overall consistent with the intent of the Master Plan and Development Ordinance.
15. Board Vice Chairman Scott Kominkiewicz asked a question of Ms. Szaro regarding the residents of the proposed housing and the model that the American Legion follows from "Soldier On."
16. Mr. Farrell stated that the applicant would coordinate with the South Amboy Fire Department and South Amboy First-Aid, and testified as to ambulance access.
17. Applicant's case having been completed, upon motion made, seconded and approved, the matter was opened to the public.
18. Joe Szaro was sworn and discussed State guidelines with respect to the housing, and the proposed storage unit.
19. Steven Tarr, a member of the American Legion, was sworn and discussed the need for a meeting place for the American Legion to assemble.
20. Larry Bishop, the State Commander for the American Legion, was sworn and discussed the rules concerning veterans housing.
21. Kenny Kokoszka, a resident of South Amboy, was sworn and discussed the need for an American Legion meeting place.

CONCLUSIONS

The Board makes the following findings and conclusions:

- The Applicant has applied for a d(1) Use Variance for mixed use including 5 apartments, d(5) Density Variance for 12.4 units per acre, Bulk Variances for minimum front yard setback, minimum rear yard setback, maximum lot coverage, maximum impervious coverage, minimum landscaping coverage, maximum dwellings per building, minimum floor area per dwelling unit and parking buffer from property line, and Preliminary and Final Major Site Plan approval.

- The property currently contains the now-demolished American Legion Building, a playground and parking.
- The Property is located in the RA Single-Family Residential Zone, where permitted uses include one-family detached dwellings and places of worship.
- 8.71 dwelling units/acre is the maximum density allowed, and 12.4 is proposed by the Applicant.
- The proposed veterans housing is an inherently beneficial use.
- The proposed veterans housing & mixed-use building is particularly suited to the site.
- Veterans housing serves the public interest, there are minimal detrimental effects that will ensue from the granting of the requested variance, and, on balance, the grant of the requested variance will not cause a substantial detriment to the public good.
- The site can accommodate the residential density that is proposed.
- The bulk variances requested are subsumed by the use variance request and are appropriate to the proposed type of unique use.
- The grant of the variances requested will not cause a detriment to the health, safety and general welfare of the public.
- The grant of the variances requested will not substantially impair the intent and purpose of the zone plan and zoning ordinances of the City of South Amboy.
- The Applicant's proposal enhances a balanced development pattern, encourages a broad range of housing types, provides for a variety of housing types designed to support and address the population's housing needs, and addressed the balance of housing options in the City, including affordable housing for low and moderate income households.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **GRANTS** Application #448-24 seeking Use Variance for mixed use including 5 apartments; Density Variance for 12.4 units per acre; Bulk Variances for minimum front yard setback, minimum rear yard setback, maximum lot coverage, maximum impervious coverage, minimum landscaping coverage, maximum dwellings per building, minimum floor area per dwelling unit and parking buffer from property line; and Preliminary and Final Major Site Plan approval on Block 38, Lots 1 and 27 on the Tax Map of the City of South Amboy and located at 111 David Street subject to the following

conditions:

1. Compliance with recommendations set forth in the Planning Report dated May 16, 2024.
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 an Amended Final Major Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on May 22, 2024.
5. All other matters set forth above, and/or incorporated herein.
6. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
7. Payment of all sums now and/or hereafter due for application fees and/or escrows.
8. Secretary to 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.
9. 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 August 28, 2024.


Katie Rose Walenty, Planning Board Secretary