

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB 12-21
APPLICATION Number 411-20 formerly 403-19
536 Center Street
Center SA, LLC

RESOLUTION GRANTING USE VARIANCE, BULK VARIANCE,
AND SITE PLAN APPROVAL

Block 136, Lot 1
536 Center Street
City of South Amboy
RA Single-Family Residential Zone

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 Heilbrunn Pape, Counsellors At Law (Kenneth L. Pape, Esq. Appearing) on behalf of Center SA, LLC (the “Applicant”) for Use Variance, Bulk Variance and Site Plan Approval, in Block 136, Lot 1 on the Tax Map of the City of South Amboy in the RA Single-Family Residential Zone and located at 536 Center Street and,

WHEREAS, prior to the submission of the current revised application, there was a previous application (Application #403-19) that was revised several times, heard by the Board, ultimately denied, and subject to an application for reconsideration prior to the Board issuing a Resolution of Denial resulting in the present application before the Board and,

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the Reports prepared by Jason C. Valetutto, P.E., P.P. the Board consultant to the Planning Board dated October 9, 2020, November 30, 2020, February 17, 2021, and May 17, 2021 and,

WHEREAS, the application was certified as complete and a public hearing with respect to the reconsidered Application was held by the Board on June 23, 2021 via remote access 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 Use Variance and Bulk Variances from the zoning requirements as set forth in the ordinance as follows:

Use Variances Required

	Requirement	Proposed
RA Zone	Single Family	Eight Units

Bulk Variances Required

	Requirement	Proposed
Minimum Front Yard – Center Street	25 ft	1.40 ft
Minimum Front Yard – Cedar Street	25 ft	1.48 ft
Side Yard	5	0.89 ft
Total Side Yard	10	2.46 ft
Maximum Lot Coverage	25%	83.69%
Maximum Impervious Coverage	60%	95.59%
Minimum Landscaping Coverage	40%	4.41%
Maximum Dwelling Units Per Acre	8.71 du/ac	46.46 du/ac
Maximum Dwelling Units Per Building	1 du	8 du
Minimum Floor Area Per Dwelling Unit	1,000 sf	536 sf One-Bedroom Apt. 1
Minimum Floor Area Per Dwelling Unit	1,000 sf	740 sf Two-Bedroom Apt. 2
Minimum Floor Area Per Dwelling Unit	1,000 sf	748 sf Two-Bedroom Apt. 3
Minimum Floor Area Per Dwelling Unit	1,000 sf	556 sf One-Bedroom Apt. 4
Minimum Floor Area Per Dwelling Unit	1,000 sf	596 sf One-Bedroom Apt. 5
Minimum Floor Area Per Dwelling Unit	1,000 sf	775 sf One-Bedroom Apt. 6
Minimum Floor Area Per Dwelling Unit	1,000 sf	784 sf One-Bedroom Apt. 7
Minimum Floor Area Per Dwelling Unit	1,000 sf	779 sf Two-Bedroom Apt. 8
Minimum Off-Street Parking	15 spaces	8 spaces

WHEREAS, at the public hearings, the following reports were entered into the record:

DESCRIPTION

DATE OF REPORT

Planning Report AJV Engineering, Inc.
 Planning Report AJV Engineering, Inc.
 Planning Report AJV Engineering, Inc.
 Planning Report AJV Engineering, Inc.

October 9, 2020
 November 30, 2020
 February 17, 2021
 May 17, 2021

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 Reports), makes the following findings of facts:

FINDINGS OF FACT

PRIOR HISTORY OF PROCEEDINGS BEFORE THE BOARD

1. The Applicant submitted an original application for development of the premises as follows:
 - a. A bar/restaurant with ten apartments (eight studio units and two one-bedroom units).
 - b. The Applicant during the hearing maintained the bar/restaurant as part of the proposal and reduced the number of apartments to six (three one-bedroom units and three two-bedroom units)
2. Two hearings were held before the Board on November 19, 2020 and February 24, 2021.
3. The Applicant produced witnesses in support of its application and the public had an opportunity to be heard.
4. On February 24, 2021 after public comment the hearing was closed and the Board at the open public meeting considered the application for development which was denied for the reasons set forth on the record.
5. The Applicant, prior to the memorialization of the resolution denying the application for development, made a timely request for reconsideration to the Board as permitted by the MLUL and existing case law.
6. The Board considered the request for reconsideration, granting the request in light of substantial revisions to the application, including the removal of the proposed bar/restaurant.
7. The revised application and plans were submitted to the Board, deemed complete as set forth above, and scheduled for hearing on June 23, 2021.

JUNE 23, 2021 BOARD HEARING OF RECONSIDERATION

The Applicant was represented by Kenneth L. Pape, Esq.

1. Mr. Pape acknowledged receipt of the AJV Engineering, Inc. planning Report of May 17, 2021.
2. Mr. Pape reported that the Applicant has revised its plans to:
 - a. Eight residential units (five one-bedroom and three two-bedroom). There is to be no commercial uses (bar, restaurant, catering hall).
 - b. Eight parking spaces (an increase of one over the prior application).

3. Mr. Pape introduced Mr. Andrew French who had been previously accepted as a Professional Engineer licensed in the State of New Jersey and sworn in.
4. Mr. French testified as follows:
 - a. The changes or revisions to the previous plan were set forth on a color rendering sheet 3 of 8 of the set of plans that were submitted with a revision date of March 26, 2021.
 - b. The property is 75 by 100 feet, a 7,500 square foot lot in the RA single family residential zone.
 - c. A majority of the property is taken up with the existing two-story masonry building.
 - d. The bar/restaurant is eliminated and 8 residential apartments (five one-bedroom and three two-bedroom units) are shown.
 - e. There is a two way access driveway from Cedar Street that provides access to seven spaces located on the lower level.
 - f. One parking space has been added to the rear of the area where the bar/restaurant had previously been located.
 - g. There will be a total of eight parking spaces, or one space per unit.
 - h. A board on board fence six feet in height will be installed along with additional landscaping.
 - i. The applicant can comply with all conditions of the May 17, 2021 AJV Engineering, Inc. report.
 - j. A-1 was introduced as an exhibit, which was a turning template for a mid-sized car.
 - k. Due to the oversized parking spaces and aisle width, there should be no problem with maneuverability of vehicles.
5. Mr. Pape then introduced Michael Testa as a Registered Architect in the State of New Jersey who had been previously qualified and sworn in and accepted by the Board as a Professional Architect.
6. Mr. Testa testified as follows:
 - a. His client in response to comments at the last hearing, reached out to the neighbors and redesigned the building to delete the commercial portions and add the additional living units.
 - b. An interior stair was added where the bar was located and a separate set of stairs was added to the second floor for the new two bedroom unit.
 - c. All of the units on the right side of the building where the banquet hall was located are 100 percent handicapped accessible with a new lift.
 - d. The building portion on the left is essentially a two-family house and entirely separate from the other building.
 - e. The project is essentially two structures butted against each other.

7. Mr. Pape introduced Christine Cofone as a Professional Planner licensed in the State of New Jersey who had been previously qualified and sworn in and was accepted by the Board as a Professional Planner. Ms. Cofone testified as follows:
 - a. The Master Plan goals she had previously found, which included repurposing older buildings and a variety of residential uses, has not changed with the redesign.
 - b. The application had become substantially more conforming by being a 100 percent residential use.
 - c. By eliminating the commercial portion of the project, there is a dramatic reduction in traffic generation and dramatic reduction in amount of parking required.
 - d. There is less demand for parking resulting in less conflict with the residences.
 - e. The building blends harmoniously into the existing neighborhood.

The Applicant's case having been completed, by a Motion made, seconded, and approved, the Board opened the hearing to the public.

The following individuals provided comments and/or questions each of whom were sworn in prior to their giving testimony:

1. David Kales 329 Cedar Street acknowledged that the applicant conceded a lot and worked with the residents and gives the City a product that represents the neighborhood.
2. Joseph Surman 309 Cedar Street agreed with the opinions of Mr. Kales.

The Board by motion made, seconded, and approved, closed the public portion of the hearing.

CONCLUSIONS

The Board makes the following findings and conclusions:

The testimony from the hearings on this matter of November 19, 2020, February 24, 2021, and June 23, 2021 are incorporated herein.

As to the Use Variance

- The master plan goals including repurposing older buildings and a variety of residential uses are advanced by the redesign.
- The application has become substantially more conforming by being a 100 percent residential use.

- By eliminating the commercial portion of the project, there is a dramatic reduction in traffic generation and dramatic reduction in amount of parking required.
- There is less demand for parking resulting in less conflict with the residences.
- The building blends harmoniously into the existing neighborhood.
- There is little if any negative impact or substantial detriment to the City of South Amboy as a result of the proposed development based on the above findings.

As to the Bulk Variances

The reasons for the grant of the bulk variances are included in the findings and conclusions as set forth above which provide substantial benefits to the City and the neighborhood.

Additionally the Bulk Variances for front yard setback – Center Street, front yard setback – Cedar Street, side yard setback, total side yard setback, and lot coverage are existing conditions.

As to both Use and Bulk Variances, the Board finds they can be granted without substantial detriment to the City of South Amboy RA Zone for the reasons set forth in the record and this resolution and further does not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #411-20 for Use Variance for Eight Residential Units in the RA single-family residential zone, Bulk Variances, and Site Plan Approval in Block 136, Lot 1 on the Tax Map of the City of South Amboy in the RA Zone at 536 Center Street.

1. Compliance with recommendations set forth in the Planning Report dated May 17, 2021.
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 the Use Variance, Bulk Variances, and Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of

the Applicant at the hearings held on November 19, 2020, February 24, 2021 and June 23, 2021.

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. 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 September 22, 2021.

AMY RUSSO, Planning Board Secretary

Planning Board Voting

	Aye	Nay	Abstain
Chairwomen Mary Szaro	X		
Vice Chairman Scott Kominkiewicz			
Mayor Henry	X		
Councilman Tom Reilly			
Thomas Kelly			X
Janet Kern	X		
Dr. Jorge Gonzalez Gomez	X		
George Baranowski	X		
Gary Forshner			X
Alternates			
William DeMasi	X		
Andrew Horezga			X
Robert Paulukiewicz			X
Francis Mulvey			X