

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-10-22
Application Number 398-18A

Resolution granting Amended Preliminary Site Plan and Bulk Variance Approval for Maximum Lot Coverage in order to permit the initially approved construction of a three apartment unit building with modifications.

**Block 75, Lot 5
101-103 S. Pine Avenue
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 Giordano Halleran & Ciesla, P.C. (Chiara R. Mancini, Esq. appearing) attorneys for Ravi Gupta (the "Applicant") for Amended Preliminary Site Plan and Bulk Variance Approval for Maximum Lot Coverage in order to permit the initially approved construction of a three apartment unit building with modifications in Block 75, Lot 5 on the Tax Map of the City of South Amboy at 101-103 S. Pine Avenue in the RA Zone.

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the application review report prepared by Jason Valetutto, P.E., P.P. the consultant to the Board dated March 11, 2022; and,

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on March 23, 2022 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, the Applicant required a bulk variance from the RA – Single Family Residential Zone as follows:

Bulk Variance Required

	Requirement	Proposed
Maximum Lot Coverage	25%	37.67%

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

Description of Report

Date of Report

Planning Report AJV Engineering Inc.

March 11, 2022

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. Ms. Chiara Mancini, Esq., Attorney for Applicant, acknowledged receipt of the AJV Report dated March 11, 2022.
2. Ms. Mancini then produced Mr. Pietro Rosato. Mr. Rosato was sworn in and qualified as a licensed Professional Architect in the State of New Jersey.
3. Mr. Rosato then testified as follows:
 - a. The project proposes an addition and alteration to the previously approved plans:
 - i. Additional area on first floor and a second floor addition referring to sheets A100 (Exhibit A-1) and A101 (Exhibit A-2) dated March 23, 2022.
 - ii. Changing storage area into kitchen and living room area.
 - iii. New entrance to the parking lot.
 - iv. Squaring off of front façade to make it look more residential.
 - v. Second floor changing to loft area, home office, and finished storage area.
 - b. He had an opportunity to review the AJV Report and would be able to comply as to all architectural items.
4. Ms. Mancini then produced the applicant Mr. Gupta who was sworn and testified as follows:
 - a. The reason for the finished storage area is in order to be able to convert it into living space.
 - b. There followed extensive discussion as to the use of added living space, as to a prayer area/study area, but not a bedroom.
5. Ms. Mancini then produced Mr. Maurice Brown. Mr. Brown was sworn in and qualified as a licensed Professional Engineer in the State of New Jersey.
6. Mr. Brown then testified as follows:
 - a. He represented the prior applicant in the prior approval.
 - b. Sheet 302 dated January 17, 2022 was marked A-3 reflecting the major changes from the original approval.
 - c. The retaining wall was moved closer to the existing boundary, a porch was

constructed but required distances from parking will be maintained, and the site lighting as approved with pole mounted lighting has been replaced with LED flood light fixtures mounted to the building.

- d. The reason for the retaining wall was to accommodate drainage and eliminate a maintenance issue.
7. There was an extensive discussion involving the Applicant, Mr. Brown, and the Professionals and Members of the Board dealing with the lighting issue.
8. This was followed by a discussion involving parking requirements and whether there was really an excess of parking provided which would permit the use of the finished storage area as a bedroom.
9. The Board Professional and Board Member, Mr. Kelly, then discussed the issue of the retaining wall and its impact on drainage and where it should be located at the curb line or at the property line.
10. The Board, on motion made, seconded, and approved opened the hearing to the public.
11. No one from the public appeared.
12. The Board on motion made, seconded, and approved closed the hearing to the public.
13. Mr. Valetutto, Board Consultant, commented that each unit must have separate utilities.
14. With the consent of Applicant and Counsel for Applicant it was agreed that:
 - a. The retaining wall will remain as originally approved.
 - b. The Lighting Plan, as originally approved with light poles, was agreed upon with one pole moved (due to a conflict with the addition of the proposed porch) to a location identified on the plans.
 - c. The "prayer room/storage room" would be identified on the plans as a bedroom resulting in a maximum of three bedrooms.
15. Mr. Valetutto further commented that due to the location of the retaining wall a guardrail shown on the original plans must be installed.

CONCLUSIONS

The Board makes the following conclusions:

1. The project proposes an addition and alteration to the previously approved plans including:
 - i. Additional area on first floor and a second floor addition.

- ii. Changing storage area into kitchen and living room area.
- iii. New entrance from the parking lot.
- iv. Squaring off of front façade to make it look more residential.
- v. Second floor addition including a third bedroom, office, unfinished storage, and utility room.
- vi. The retaining wall will remain at its originally approved location.
- vii. The Lighting Plan, as originally approved with light poles, was agreed upon with one pole moved to a location identified on the plans.
- viii. Bulk Variance Approval for Maximum Lot Coverage can be granted without substantial detriment to the City of South Amboy RA Zone for the reasons set forth in the record and as contained in this Resolution and further does not create substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #398-18A for Amended Preliminary Site Plan and Bulk Variance Approval for Maximum Lot Coverage in order to permit the initially approved construction of a three apartment unit building with modifications on Block 75, Lot 5 on the Tax Map of the City of South Amboy at 101-103 S. Pine Avenue in the RA Zone subject to the following conditions:

1. Compliance with recommendations set forth in the Planning Report dated March 11, 2022.
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 a Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on March 23, 2022.
5. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
6. Payment of all sums now and/or hereafter due for application fees and/or escrows.

7. Counsel for the Board shall publish a brief notice of this determination in the official newspaper of the City of South Amboy within twenty (20) days of the date of this Resolution.
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 May 25, 2022.

 5/26/2022

 Amy Russo, Planning Board Secretary

Planning Board

	Aye	Nay	Abstain	Absent
Chairwomen Mary Szaro	x			
Vice Chairman Scott Kominkiewicz	x			
Mayor Henry				x
Council President Michael Gross			x	
Tom 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			