

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB-13-21**  
**Application Number 408-20**

**Resolution granting Site Plan and Bulk Deviation Approval for Minimum Lot Width, Maximum Lot Coverage, Minimum Off-Street Parking, and Maximum Density**

**Block 47, Lot 16  
167 N. Broadway  
City of South Amboy  
Broadway-Main Street Redevelopment Area**

**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 Cleary, Giacobbe, Alfieri, Jacobs, LLC (Dante Alfieri, Esq., and Salvatore Alfieri, Esq. Appearing ) attorneys for Brian Vallee, Ken Barton, and Charlie Stein (the "Applicant") for Site Plan Approval and Bulk Deviation Approval for Minimum Lot Width, Maximum Lot Coverage, Minimum Off-Street Parking, and Maximum Density to permit the construction of a three-story multi-use building on Block 47, Lot 16 on the Tax Map of the City of South Amboy at 167 N. Broadway in the Broadway-Main Street Redevelopment Area;

**WHEREAS**, the application reviewed by the Board consisted of those plans and documents as identified in the application review reports prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated September 10, 2020, January 7, 2021, and June 8, 2021;

**WHEREAS**, the application was certified as complete and public hearings with respect to the Application were held virtually by the Board on September 23, 2020, January 27, 2021 and June 23, 2021, as per public notice and personal notice pursuant to NJSA 40:55D-12; and

**WHEREAS**, as part of the application and based upon the original plans submitted and reviewed by the consultant to the Board, the Applicant required Deviations from the Redevelopment Plan as follows:

**Deviations Required**

	<b>Requirement</b>	<b>Proposed</b>
Minimum Lot Width	25 ft.	24.25 ft.
Maximum Lot Coverage	50%	70.19%
Minimum Off-Street Parking	11 spaces	0
Max. Density	7.75 units per acre	34.54 units per acre

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

**Description of Report**

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

**Date of Report**

September 10, 2020  
January 7, 2021  
June 8, 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 Report), makes the following findings of facts:

**FINDINGS OF FACT**

**September 23, 2020 Board Meeting**

1. Mr. Dante Alfieri, Esq, attorney for Applicant, produced Ms. JoAnn Montero who was sworn in and accepted as a licensed Architect in the State of New Jersey and Mr. Robert T. Kee who was sworn in and accepted as a licensed New Jersey Engineer.
2. Ms. Montero and Mr. Kee, respectively testified concerning a proposal which consisted of four residential units and one retail unit.
3. Various concerns were raised by the Board professional and the Board with respect to parking, height, refuse disposal, and other issues.
4. The Board was further concerned that they were not being supplied with a complete plan and that the Board was in fact being requested to assist in the design.
5. It was concluded that the Applicant would review its submission and resubmit its plans responding to the Board and Board's professional's concerns.
6. The Hearing was continued without a new date.

**January 27, 2021 Board Meeting**

1. Mr. Dante Alfieri, Esq, attorney for Applicant represented to the Board:
  - Applicant is to retain the foundation, remove the existing structure [sic] and construct a new multiuse structure with three residential units and one retail unit.
  - Following a meeting with the Board in September there were revisions made in the present submittal and the Applicant acknowledges receipt of the AJV Report dated January 7, 2021.
  - The applicant will address changes to the 11/16/2020 revised Site Plan and

12/2/2020 revised Architectural Plan using the January 7, 2021 AJV Report as those were the plans reviewed.

2. Ms. JoAnn Montero was introduced by Mr. Alfieri, sworn in, and had previously been accepted as a licensed Architect in the State of New Jersey and testified as follows;
  - The changes to be made to the site include the infilling of the basement, but use of the existing foundation.
  - On the first floor (retail) retail space will be in the front and stock, spare area and bathroom to the rear.
  - Additionally, on the first floor right will be a small foyer for trash and recycling for the apartment tenants and stairs to the second floor.
  - The second floor will contain two apartments and a central staircase leading to one apartment on the third floor
  - Trash for the retail will be on the exterior in the rear.
3. At the request of Mr. Valetutto and the Board, Ms. Montero then testified in response to the January 7, 2021 AJV Report as follows:
  - Paragraph 1, page 5 of 6 to be addressed and deletion of reference to basement.
  - Paragraph 2 to be corrected on plans.
  - Retail space to consist of 1,604 square feet.
  - Apartment utilities to be located in the utility room on the first floor.
  - Paragraph 3 stock to be stored in the office/stock area.
  - Additional corrections on Sheet 3 of the Architectural Plans to be made.
  - Page 6 of 6 clarification of light fixture to be made
4. Mr. Alfieri acknowledged that the signage and elevations are subject to review by the South Amboy Redevelopment Agency (SARA).
5. Mr. Robert T. Kee was introduced by Mr. Alfieri sworn in and had previously been accepted as a licensed New Jersey Engineer and testified as follows responding to the January 7, 2021 AJV Report:

Pages 2 and 3 of 6 of AJV report:

- Updated property owners list to be provided.
- Paragraph 3 to be corrected.
- Paragraph 4 to be corrected.
- Paragraph 8 to be corrected and to insure ADA compliance.
- Paragraph 9 to be corrected.
- Paragraph 10 to be corrected.
- Paragraph 11 to be corrected.
- Paragraph 16 no sign is being proposed.
- Paragraph 17 Parking area to be removed entirely and plan to be corrected.

- Paragraph 18 to be corrected (spot elevations and grades).
- Paragraph 20 to be corrected and height is confirmed to be 35 feet 9 inches.

Page 4 of 6 of AJV report:

- Paragraph 2 to be corrected.
  - Paragraph 3 to be corrected.
  - Paragraph 4 to be corrected and additional testimony was provided.
  - Paragraph 7 to be corrected.
6. Mr. Kee was then qualified as a licensed New Jersey Professional Planner. As a planner Mr. Kee testified as to the requested Deviations as follows:
    - The only way to accommodate parking is to shift the entire structure to the rear of the property and park in the front of the property. The site is not wide enough to narrow the building down and have any kind of parking or driveway or something on either side and there is no access to the back of the building.
    - The existing development up and down North Broadway is being matched as to character and downtown restoration.
  7. The Board on motion made, seconded and approved opened the hearing to the public.
  8. The following individuals asked to be heard:
    - Greg Babulak of 125 Henry Street asked a question as to whether a crawl space was to be included and the response from the Applicant was no.

### **June 23, 2021 Board Meeting**

1. The hearing was continued from January 27, 2021.
2. Mr. Salvatore Alfieri, Esq. was present to represent the applicant.
3. Mr. Alfieri presented Ms. Mary Porcello as his witness.
4. Ms. Porcello was sworn and identified herself as Elder of the First Presbyterian Church who testified as follows:
  - The applicant came to a church meeting and asked for use of parking spaces.
  - After a meeting of the church, they were happy to advise the Applicant that they wanted to welcome them to the community and would help by offering parking spaces for their use.
  - The church offered three parking spaces designated for the Applicant's use one of which would be handicapped.
  - No compensation was offered and none could accepted as they are a church

and not in the business of renting anything.

- The agreement will be documented in the minutes of the church.

5. Mr. Alfieri then recalled Mr. Robert T. Kee his engineer who was sworn in and had previously testified at the prior hearing.

6. Mr. Kee testified as follows:

- Revised plans dated June 1, 2021 were submitted to the Board which complied with the AJV Report but were seeking waivers as to lighting and landscaping.
- Due to the uniqueness of the application no lighting would be necessary where the mechanical equipment and garbage cans were located and as to landscaping there is no room to fit any significant landscaping.
- All changes required in the June 8, 2021 AJV Report can be complied with.

7. Mr. Alfieri then recalled Ms. JoAnn Montero his architect who was sworn in and had previously testified at the prior hearing.

8. Ms. Montero testified as follows:

- From the last submission the plans show a decrease in residential units from three down to two units: first floor retail, second story one-unit two-bedroom, and third story one-unit two-bedroom.
- Each unit will have its own laundry connection.
- The building will be sprinklered.
- All deliveries through front door.
- There is a change in floor plan on the first floor as to access.
- There will be a sign for the retail unit.
- All changes required in the June 8, 2021 AJV report can be complied with.

9. Mr. Alfieri then produced Justin Auciello who was sworn and was qualified as a Licensed New Jersey Professional Planner.

10. Mr. Auciello testified as follows:

- Applicant requires four Deviations.
- Lot width is a current condition, with a deficiency of less than one foot and cannot be corrected.
- Lot coverage permits maximum fifty percent, but seventy point nineteen percent is proposed.
- Office street parking proposed is zero.
- Maximum density, thirty four point fifty four units per acre is proposed and seven point seventy five is permitted.

- The site is presently vacant, and essentially a hole in the character of the downtown area.
- The area consists of a mixture of multifamily, with some single-family, mixed uses, and commercial.
- The character is mainly mixed use with many buildings having residential on top of the commercial which extends well down Broadway past the train station.
- The proposed use is permitted and fits within the character of the area.
- There is clear C-1 hardship due to current surroundings
- Relative to lot coverage that is a Deviation. As to that Deviation the benefits outweigh the detriments. The downtown tends to have more coverage than other areas just in the nature of how they were constructed together and land uses.
- Relative to density, the site can handle the increase and the two-unit residential use is consistent with the character of Broadway and the surrounding area.
- Up and down Broadway you see residential on the second and third levels and commercial on the bottom level.
- As to parking, the church has made some parking available and there is public off-street parking.
- There is also the presence of other parking in the downtown, ride sharing, train station and the ferry.
- What is proposed for this site is the product of a substantial planning rationale for density. Additionally, the Master Plan and the Broadway Main Street Redevelopment Plan has as their goal to enhance the downtown area.
- The purposes of zoning would be advanced by enhancement of visual environment and encouraging positive use of space.
- As to the negative criteria, the granting of the Deviations will not present a substantial detriment and the plan is consistent with the pattern of the downtown and the aims of the master plan.
- None of the Deviations negatively impact on the intent and the purpose of the zone plan
- The proposed use is highly consistent with the purposes of zoning in the MLUL.

11. The Board on motion made, seconded and approved the hearing was opened to the public.

12. No one appeared from the public.

13. The Board on motion made, seconded and approved the hearing was closed to the public.

## CONCLUSIONS

The Board makes the following conclusions:

- Applicant requires four Deviations.
- The site is presently vacant, and essentially a hole in the character of the downtown area.
- The area consists of a mixture of multifamily, with some single family, mixed uses, and commercial.
- The character of the area is mainly mixed use with many buildings having residential on top of the commercial which extends well down Broadway past the train station.
- The proposed use is permitted and fits within the character of the area.
- As to parking, the church has made some parking available and there is public off-street parking, there is also the presence of other parking in the downtown, ride sharing, train station and the ferry.
- What is proposed for this site is the product of a substantial planning rationale for density. Additionally, the Master Plan and the Broadway Main Street Redevelopment Plan has as their goal to enhance the downtown area.
- The purposes of zoning would be advanced by enhancement of visual environment and encouraging positive use of space.
- As to the negative criteria, the granting of the Deviations will not present a substantial detriment and the plan is consistent with the pattern of the downtown and the aims of the Master Plan.
- None of the deviations negatively impact on the intent and the purpose of the zone plan
- The proposed use is highly consistent with the purposes of zoning in the MLUL.
- Bulk Deviation Approval can be granted without substantial detriment to the City of South Amboy Broadway-Main Street Redevelopment Area; 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. 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 #408-20 for Site Plan Approval and Bulk Deviation Approval for Minimum Lot Width, Maximum Lot Coverage, Minimum Off-Street Parking and Max. Density as to Block 47, Lot 16 on the Tax Map of the City of South Amboy in the Broadway-Main Street Redevelopment Area and located at 167 N. Broadway.

1. Compliance with recommendations set forth in the Planning Report dated June 8, 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 a Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on September 23, 2020, January 27, 2021 and June 23, 2021.
5. Compliance with any and all requirements of the South Amboy Redevelopment Agency.
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. Counsel for 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 September 30, 2021.

 10/01/2021  
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Amy Russo, Planning Board Secretary



Planning Board Voting

	Aye	Nay	Abstain	No Vote
Chairwomen Mary Szaro	X			
Vice Chairman Scott Kominkiewicz	X			
Mayor Henry	X			
Councilman Tom Reilly				
Thomas Kelly			X	
George Baranowski	X			
Janet Kern	X			
Dr. Jorge Gonzalez Gomez				
Gary Forshner	X			
<b>Alternates</b>				
William DeMasi	X			
Andrew Horezga	X			
Robert Paulukiewicz				X
Francis Mulvey				X