

CITY OF SOUTH AMBOY PLANNING BOARD

**CORRECTED
RESOLUTION PB-14-21
Application Number 412-20**

Resolution granting Preliminary and Final Major Site Plan and Bulk Deviation Approval for Building Height, Minimum Unit Width, Minimum Garage Area, and Maximum Density Per Acre in order to permit the construction of Four Townhouse Buildings containing Thirty-One Residential Units

**Block 90, Lots 3 and 6
3630 and 3640 Highway 35
City of South Amboy
Route 35 Northbound 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 Heilbrunn Pape, LLC (Jared Pape, Esq. and Kenneth L. Pape, Esq. appearing) attorneys for Johnrose FM, LLC (the "Applicant") for Preliminary and Final Major Site Plan and Bulk Deviation Approval for Building Height, Minimum Unit Width, Minimum Garage Area, and Maximum Density Per Acre in order to permit the construction of Four Townhouse Buildings containing Thirty-One Residential Units on Block 90, Lots 3 and 6 on the Tax Map of the City of South Amboy at 3630 and 3640 Highway 35 in the Route 35 Northbound Redevelopment Area; and,

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 Board dated May 24, 2021; and,

WHEREAS, the application was certified as complete and a special public hearing with respect to the Application was held by the Board on August 9, 2021 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, the Applicant required Deviations from the Redevelopment Plan as follows:

Deviations Required

	Requirement	Proposed
Maximum Building Height	40'	40.49' Building A001 40.50' Building A002 40.61' Building A004
Minimum Unit Width	20'	19.88' (8 end units)
Minimum Garage Area	300 sf	185.43 sf (31 units)
Max. Density	7.75 units per acre	8.24 units per acre

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

Description of Report	Date of Report
Planning Report AJV Engineering, Inc.	May 24, 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

1. Mr. Jared Pape, Esq., attorney for Applicant, acknowledged receipt of the AJV Report dated May 24, 2021.
2. Mr. Pape, then produced Mr. Stuart Challoner, P.E., P.P. Mr. Challoner was sworn in and qualified as a licensed Professional Engineer and Professional Planner in the State of New Jersey.
3. Mr. Challoner then testified as follows:
 - a. The property was previously used as a bar with parking on the upper level of the property and overflow parking on the lower level of the property, but the property is now vacant. A-1 was introduced as an Aerial exhibit.
 - b. The Property has a change of grade.
 - c. A-2 was then introduced as a colored version of the Proposed Site Plan.
 - d. The present application is for redevelopment of the Property into a residential development consisting of thirty-one new townhouses constructed in four similar style buildings.
 - e. There is proposed a shared parking lot on the subject property with the existing restaurant located on the adjoining property which will provide overflow parking for the adjoining restaurant.
 - f. A new driveway will be provided from the Property to the Route 35 Northbound lane.
 - g. The site has been designed to be fully compliant with the RSIS standards.

- h. As to storm water collection, there will be a system adjacent to the existing apartment complex and result in a decrease of runoff than currently exists.
 - i. As to the Height Deviation, maximum height is forty feet. Three of the buildings require a Deviation as they are in excess of forty feet.
 - j. The change in grade is the reason for the change in height elevation.
 - k. As to width of units, the interior units meet the width requirement but the end units are just under the twenty feet minimum required.
 - l. Eight units are subject to the Width Deviation request.
 - m. The required Minimum Garage Area with the single car garages is three-hundred square feet where the Applicant is seeking a reduced garage width at one-hundred-eighty-five square feet.
 - n. Thirty-one units are subject to the Minimum Garage Area Deviation request.
 - o. The density is 8.24 units per acre rather than 7.75 units per acre as required. The opinion is that it is a de minimus Deviation.
 - p. The original unit request by the Application was thirty-two, but after a meeting with the South Amboy Redevelopment Agency (SARA), at the request of SARA the unit total was reduced to thirty-one.
4. Mr Kenneth Pape, Esq. arrived at the meeting and addressed a concern as to a NJDOT possible partial taking of the Property.
5. Mr. Pape advised the Board that the State has been looking at the site and may eventually take it, but at his time nothing is occurring and if it does, the Applicant may have to make a revised submittal, but currently the application is compliant and nothing has to be addressed as to the State at this time.
6. Mr. Challoner then resumed his testimony.
7. Mr. Challoner then testified:
 - a. As to the height deviation is due to the change in grade and it was impossible to meet the requirements.
 - b. Some units will have walkout basements and others will not due to the grade change.
 - c. The Deviation for the density is consistent with the density of surrounding residential communities,
 - d. Apartment units the Southwest of the property have a similar density.

- e. The Master Plan is enhanced with this development.
8. The Board on motion made, seconded, and approved, opened the hearing to public comments.
 9. Ms. Nancy Orlowski of 536 Lefferts Street was sworn, and advised that she was concerned with the height and how it impact hers and the removal of trees.
 10. Mr. Ronald Orlowski, Ms. Orlowski's son, of 536 Lefferts Street was sworn and was concerned with debris and wildlife.
 11. Mr. Ernest Stair who resides at 537 Henry Street, was sworn in and was concerned about the wildlife and other issues.
 12. The Board on motion made, seconded, and approved, closed the hearing to public comments.

CONCLUSIONS

The Board makes the following conclusions:

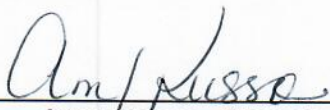
- The property was previously used as a bar with parking on the upper level of the property and overflow parking on the lower level of the property, but the property is now vacant.
- The present application is for redevelopment of the Property into a residential development consist of 31 new townhouses constructed in four similar style buildings.
- There is proposed a shared parking lot with the existing restaurant on the adjoining property which will provide overflow parking for the restaurant.
- A new driveway will be provided from the Property to the Route 35 Northbound lane.
- The site has been designed to be fully compliant with the RSIS standards.
- As to storm water collection, there will be a system adjacent to the existing apartment complex and result in a decrease of runoff than currently exists.
- As to the Height Deviation, Maximum Height is forty feet. Three of the buildings require a Deviation as they are in excess of forty feet.
- The change in grade is the reason for the change in Height Deviation.

- As to width of units, the interior units meet the minimum width requirement but the end units are just under the twenty feet minimum required.
- Eight units are subject to the width Deviation request.
- Minimum garage area with the single car garages the Applicant is seeking a reduced garage width at one-hundred-eighty-five square feet where three-hundred square feet is required.
- Thirty-one units are subject to the Minimum Garage Area Deviation request.
- The density is 8.4 units per acre rather than 7.75 units per acre as required. The opinion is that it is a de minimus Deviation.
- The original unit request was thirty-two, but after a meeting with SARA and the request by SARA, the total unit count was reduced to thirty-one.
- The Deviation for the density is consistent with the density of surrounding residential communities. Apartment units to the Southwest of the property have a similar density.
- As to the Height Deviation is due to the change in grade and it was impossible to meet the requirements.
- The Master Plan is enhanced with this development.
- 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 aims of the Master Plan.
- None of the Deviations negatively impact on the intent and the purpose of the zone plan.
- Bulk Deviation Approval can be granted without substantial detriment to the City of South Amboy Route 35 Northbound Redevelopment Plan 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 #412-21 for Preliminary and Final Major Site Plan and Bulk Deviation Approval for Building Height, Minimum Unit Width, Minimum Garage Area, and Maximum Density Per Acre in order to permit the construction of Four Townhouse Buildings containing Thirty One Residential Units on Block 90, Lots 3 and 6 on the Tax Map of the City of South Amboy at 3630 and 3640 Highway 35 in the Route 35 Northbound Redevelopment Area subject to the following conditions:

1. Compliance with recommendations set forth in the Planning Report dated May 24, 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 special hearing held on August 9, 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 November 17, 2021.

 11/18/2021

Amy Russo, Planning Board Secretary

Planning Board

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