

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 11 -15
RESOLUTION GRANTING SITE PLAN, USE, AND BULK VARIANCES RELATED TO
CHANGE OF USE ON BLOCK 8, LOTS 22.01, 22.02 & 28.01, LANDS OF THE CITY
OF SOUTH AMBOY

WHEREAS, application has been made by Amboy Realty, LLC (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Site Plan, use, and various pre-existing bulk variances approval related to the proposed change in use of an existing building from a lounge to an auto sales center on property located at 2090 State Highway Route 35, South Amboy, (Block 8, Lots 22.01, 22.02 & 28.01) (the “Property”); and

WHEREAS, the Property is located in the B-2 and RA Building Zones; and

WHEREAS, Applicant seeks to convert an existing lounge use (located in the B-2 Zone) into an automobile sales use, including office and display of vehicles and to leave unchanged the existing structure in the RA portion of the property, to remain as previously approved and constructed (the “Application”); and

WHEREAS, the Application seeks the continuation of four existing bulk variances for lot depth (200 feet required, 130.67 feet existing); front yard setback (50 feet required, 47.69 feet existing) side yard set back (25 feet required, 14.13 feet existing) and total impervious coverage (60% permitted, 92.10% existing); and

WHEREAS, the Application requires a use variance to permit the use of the Property for automobile sales / dealership and office use; and

WHEREAS, the Applicant was represented by John F. Wiley, Jr., Esq.; and

WHEREAS, the Planning Board held a public hearing on August 26, 2015 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant submitted and the Board considered, the following documents:

- A. Unsigned and unsealed Site Plan, entitled, "Site Plan for Amboy Auto Sales (formerly "Rumors"), 2090 US Highway Route 35, Lots 22.01 and 22.02 Us Highway Route 35, Lot 28.01, 2084 US Highway Route 35, Lot 28.01, Block 8, City of South Amboy, Middlesex County, New Jersey", prepared by R.W Dill Architect and Planner, dated 5/28/15, consisting of four sheets; and

WHEREAS, the Applicant presented the testimony of Robert W. Dill, P.P.; and

WHEREAS, the Board has made the following findings of fact:

1. Applicant seeks use, lot depth, setback and coverage variances to permit the conversion of an existing, lounge building into an auto dealership/sales and office use.
2. During the hearings the Applicant presented the testimony of Robert W. Dill, P.P., an Architect and Professional Planner, who was accepted as an expert in planning and architecture by the Board.
3. During the hearings, Mr. Dill acknowledged receipt of the review letter of the Board's Planning Consultant, AJV Engineering, dated August 6, 2015.
4. Mr. Dill testified as to the prior use of the building on the Property as a lounge.
5. Mr. Dill testified that the Application does not propose and changes to the landscaping, site grading or lighting and that the only changes to the building would be to remove the existing mansard roof and put a new façade on the building, with new siding and windows.
6. Mr. Dill testified that there will be a concrete slab, fencing and new landscaping installed under and around the trash enclosure on southern side of the Property.
7. Mr. Dill further testified that one parking space will be removed to facilitate access to the trash enclosure.

8. Mr. Dill testified that the Applicant will not do any repair work to the automobiles on the Property.
9. Mr. Dill consented to the condition that parking spaces for employees and customers be designated with striping and signage.
10. Mr. Dill agreed to provide documentation that both existing driveways were previously granted all necessary approvals to be two way (entrance and exit) driveways.
11. Mr. Dill agreed to have the application reviewed by the Fire Department and EMS for access to the buildings and Property.
12. During the hearing, the Applicant's attorney agreed to the condition of approval that the occupants of the Property will be limited to the Applicant and the residents of Building B as set forth in the plans.

WHEREAS, the Board has made the following conclusions:

1. The Applicant has demonstrated that that the continuation of the existing bulk variances will not result in a substantial detriment to the public good and that will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
2. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested density variances are not granted.
3. The Applicant has demonstrated special reasons for the issuance of the requested use variances associated with the existing lounge building to be utilized for auto sales and office.
4. The Applicant has demonstrate that that issuance of the requested use variance will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, Therefore Be It Resolved by the Planning Board in the City of South Amboy in the County of Middlesex and State of New Jersey on this 30th day of September, 2015 that Preliminary and Final Site Plan, and the use, setback, front yard and side yard setback and impervious lot coverage variances are hereby GRANTED and the Application of the Applicant is

hereby GRANTED as amended and presented during the hearing of August 26, 2015 subject to the following conditions:

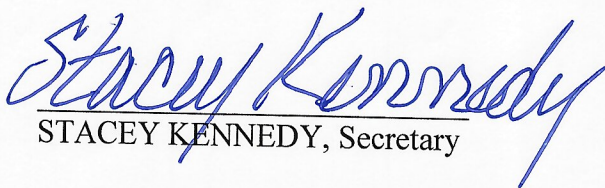
1. Submission, and approval by the Board's engineer, of revised plans in accordance with testimony presented by the Applicant during the hearing of August 26, 2015 and in conformance with the Board engineer's letter of August 6, 2015.
2. Parking spaces for employees and customers be designated with striping and signage.
3. No repair work of any kind to the automobiles will be done on the Property.
4. Occupants of the Property will be limited to the Applicant and the residents of Building B as set forth in the plans.
5. Review and approval of the access driveways by both the Fire Department and EMS of the City of South Amboy.
6. The Property will be maintained in conformance with the property maintenance regulations.
7. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by or an exemption letter from the Middlesex County Planning Board.
8. Each and all other applicable approvals, if any, required by law or statute or regulation.
9. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on August 26, 2015.
10. All other matters set forth above, and/or incorporated herein.
11. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
12. Payment of all sums now and/or hereafter due for application fees and/or escrows.

13. The Applicant shall publish a brief notice of this determination in an official newspaper of the municipality within twenty (20) days of the date of receipt of a copy of this resolution by the Applicant, and the Applicant shall furnish, to the Planning Board Secretary, an Affidavit of Publication by said newspaper.

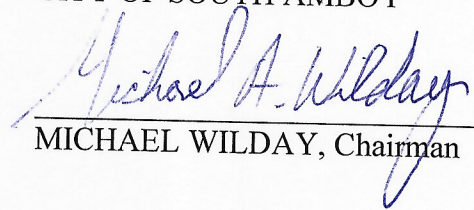
Be it Further Resolved that,

1. This Resolution shall take effect as provided by law.

ATTEST:


STACEY KENNEDY, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


MICHAEL WILDAY, Chairman

CERTIFICATION

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on September 30, 2015 at a duly convened meeting.

DATE:

Stacey Kennedy, Secretary