

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB- 11 -19

Application Number 398-18

RAM 101-103 South Pine, LLC

Resolution granting Use Variance and Bulk Variance approval

Block 75, Lot 5

101-103 South Pine Avenue

City of South Amboy

RA – Single Family Residential Zone

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Development Regulations Chapter 53, the within application has been submitted to the City of South Amboy Planning Board (the "Board") by Thomas E. Downs IV , Esq. on behalf of RAM 101-103 South Pine, LLC (the "Applicant") for Use Variance and Bulk Variance approval, in Block 75, Lot 5 on the Tax Map of the City of South Amboy in the RA – Single Family Residential Zone and located at 101-103 South Pine Avenue.

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the reports prepared by AJV Engineering, Inc., the consultant to the Planning Board, dated January 15, 2019, February 21, 2019, and May 21, 2019; and

WHEREAS, the application was certified as complete and public hearings with respect to the Application were held by the Board on March 27, 2019 and May 22, 2019 as per public notice and personal notice pursuant to N.J.S.A. 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 Use Variances and Bulk Variances from the zoning requirements as set forth in the ordinance;

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Use Variances		
Permitted Use	Single Family	Multi-Family
Maximum Units/Acre	8.71	22.86
Maximum Units/Building	1 unit	3 units
Bulk Variances		
Minimum Lot Area	subsumed with use	5,717.00 sf
Minimum Lot Width	subsumed with use	59.50 ft
Minimum Front Yard Setback	25 ft	0 ft S.Pine Ave.
Minimum Front Yard Setback	25 ft	9.4 ft David St.
Minimum Side Yard Setback	5 ft	3.8 ft

Maximum Lot Coverage	25%	38%
Maximum Impervious Coverage	60%	86%
Minimum Floor Area/DU	1,000 sf	809 sf
Minimum Floor Area/DU	1,000 sf	801 sf
Minimum Floor Area/DU	1,000 sf	820 sf

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

Description of Report

Date of Report

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

January 15, 2019
February 21, 2019
May 21, 2019

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

Meeting of March 27, 2019

The Applicant was represented by Thomas E. Downs, IV, Esq.,

1. Mr. Downs acknowledged receipt of the AJV Engineering, Inc. planning report of February 21, 2019.
2. Mr. Downs introduced Ricardo Marquez as the principal of the Applicant who was sworn in.
3. Mr. Marquez testified as follows:
 - He is the owner of 101-103 South Pine Avenue in South Amboy.
 - The property was purchased in March of 2018.
 - He has been doing extensive repairs to the house with all proper permits and a certificate of occupancy for the existing two apartments.
 - He wants to convert the commercial portion of the building into a third apartment.
 - He believes the neighborhood is fit more for a residence than a

business.

- The storage area in the rear of the building will be converted into four separate storage units: one for each tenant, and one for landlord storage of a lawn mower, snow blower and other items.
 - The request is for conversion of the property from two residential apartments and one commercial unit into three total residential apartments.
4. Mr. Downs introduced Mr. Maurice Brown as a Licensed Professional Engineer in State of New Jersey who provided his qualifications and was accepted by the Board as a Professional Engineer.
- Mr. Brown reviewed the review letter of AJV Engineering dated February 21, 2019.
 - A-1 was a March 5 revision of the plans (Cover Page and Zoning Information) showing the existing conditions.
 - Mr. Brown testified that the Applicant will comply with all conditions of the Engineering report except:
 1. Waiver requested on concrete sidewalk around the property.
 2. Numbers 9 and 10: City is to provide reconstruction of South Pine Avenue.
 3. Waiver requested from Number 25H (setback of 1.6 ft at parking space one).
 4. Such other matters as discussed with and accepted by the Board.
 - The existing sanitary sewer laterals will continue to serve the property.
 - Trash is to be disposed on an individual basis and taken to the curb for pickup.
 - Board on Board fence along property line to be four(4) feet for the first ten (10) feet and then six (6) feet for the balance of forty (40) feet.
 - The retaining wall will be wrapping around the curbing to the southeast corner of the property.
5. Mr. Downs next introduced Martha Brazoban as a Licensed Professional

Architect in the State of New Jersey who provided her qualifications and was accepted by the Board as a Professional Architect.

6. Ms. Brazoban testified as follows:

- The basement is to be used for meters and utility shut-offs.
- The stairs go to basement.
- As to Sheet 9 of the Engineering Report the applicant would comply with the recommendations, as to architecture, set forth in the AJV Engineering Report.

7. Mr. Downs then introduced Mr. Richard Lapinski, P.P. as a Licensed Professional Planner in the State of New Jersey who provided her qualifications and was accepted by the Board as a Professional Planner.

8. Mr. Lapinski testified as follows:

- The premises are approximately 5,700 sf which has a two-family house and a commercial structure.
- The proposal is to convert the commercial structure into a two-bedroom apartment.
- The two-family house as it exists does not conform to the requirements for a two-family in the RA Zone.
- Required is a 10,000 sf lot and the property is well under that requirement.
- The requested conversion of the space for a third apartment is an expansion of a nonconforming use (D variance).
- A variance for density is required.
- This is an existing condition and the neighborhood of mixed land uses, both commercial and residential are on much smaller lots than the Applicant's property.
- A Bulk Variance is required for density (3 units where 1 unit is permitted).
- A Variance for expansion of Impervious Coverage resulting from parking area.

- Other variance (setbacks, size of lots, and size of units) are existing non-conforming conditions.
- New construction could accommodate the required unit size, but this proposal of approximately 800 sf per unit is based upon the character of the neighborhood.
- Current zoning is consistent with residential uses not commercial uses.
- The property is particularly suited for the proposed use because a structure exists and provides parking.
- MLUL justification for the variances include the elimination of vacant store, aesthetic upgrade into a nice residential look, free flow of traffic via off-street parking, coordinating land use and efficient use of property and addition of six (6) off-street parking spaces.
- There is no detriment nor potential detriment to the nearby and surrounding properties
- The Master Plan proposes purely residential use and what is proposed presents nothing inconsistent with the existing neighborhood.
- While the Master Plan did not specifically anticipate or approve three-family units, what was approved and recommended keeps the nature of the neighborhood as residential.

9. The matter was continued to permit the submission of revised plans.

Meeting of May 22, 2019

10. The application opened on May 22, 2019.

11. Mr. Downs acknowledged receipt of the AJV Engineering, Inc. planning report of May 21, 2019.

12. Mr. Downs reported that the Applicant agreed to a majority of the comments in the Engineering letter except the following:

- Waiver for the height of the fence due to the fact that the six (6) ft fence on top of the retaining wall will be eleven (11) feet at one end, and go down to eight (8) feet at the other end of the property.

- Curbing
- Location of fence

13. Testimony was required to clarify what the Applicant was and was not agreeing to.

14. Mr. Brown, still under oath from the prior meeting testified as follows:

- Waiver requested as to curbing adjoining parking space 5.
- Variance required for fence described in 11a. above
- Location of fence
- drainpipe at retaining wall to be eliminated

15. Applicant's case having been completed, upon motion made, seconded and approved, the matter was opened to the public.

16. No one requested an opportunity to speak.

CONCLUSIONS

The Board makes the following findings and conclusions:

- The proposal is to convert a commercial structure into a two bedroom apartment.
- This is an existing condition and the neighborhood of mixed land uses, both commercial and residential are on much smaller lots that the Applicant's property.
- Other variance (setbacks, size of lots, and size of units) are existing non-conforming conditions.
- New construction could accommodate the required unit size, but this proposal of approximately 800 sf per unit is based upon the character of the neighborhood.
- Current zoning is consistent with residential uses not commercial uses
- The property is particularly suited for the proposed use because a structure exists and provides parking.
- MLUL justification for the variances include the elimination of a vacant store, aesthetic upgrade into a nice residential look, free flow

of traffic via off-street parking, coordinating land use and efficient use of property and addition of six (6) off-street parking spaces.

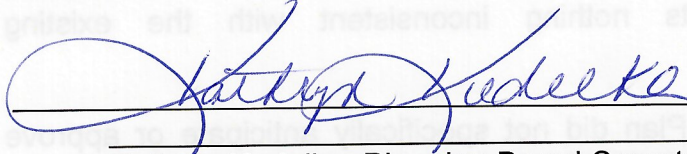
- There is no detriment nor potential detriment to the nearby and surrounding properties
- The Master Plan proposes purely residential use and what is proposed presents nothing inconsistent with the existing neighborhood.
- While the Master Plan did not specifically anticipate or approve three-family units, what was approved and recommended keeps the nature of the neighborhood as residential.
- 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 #398-18 for Use Variance for Maximum Units Per Building and Maximum Dwelling Units Per Acre and Bulk Variance Approval for Minimum Lot Area, Minimum Lot Width, Minimum Front Yard Setback, Minimum Side Yard Setback, Maximum Lot Coverage, Maximum Impervious Coverage, Minimum Floor Area per Dwelling Unit, Maximum Fence Height, and a waiver for curb distance of 0.63 feet from the property line at the end of parking stall five on Block 75, Lot 5 on the Tax Map of the City of South Amboy in the RA Zone at 101-103 South Pine Street.

1. Compliance with recommendations set forth in the Planning Reports dated **February 21, 2019 and May 21, 2019.**
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 Use Variance and Bulk Variance Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on March 27, 2019 and May 22, 2019.
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 July 24, 2019.



Kathryn Kudelka, Planning Board Secretary

Planning Board – Block 75, Lot 5

	Aye	Nay	Abstain
Mary Szaro	X		
Scott Kominkiewicz	X		
Tom Kelly	X		
Mayor Henry			
Brian McLaughlin			
Francis Mulvey			
Holly Hughes	X		
George Baranowski			
Catherine Corey	X		
Alternates			
Janet Kern	X		
Jorge Gonzales-Gomez	X		