

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 15 -14
RESOLUTION APPROVING PRELIMINARY AND FINAL SITE PLAN AND USE AND
BULK VARIANCES FOR PROPERTY LOCATED ON BLOCK 71, LOT 1 LANDS OF THE
CITY OF SOUTH AMBOY

WHEREAS, application has been made by A & G Enterprice, LLC, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Preliminary and Final Site Plan approval and Use and Bulk variances related to property located at North Feltus Street & Augusta Street, (Block 71, Lot 1) (the “Property”); and

WHEREAS, on April 24, 2013, the Applicant received preliminary and final site plan approval, with use and bulk variances for the Property, for use as a tavern on the first floor and six one-bedroom apartments on the second and third floors of the building; and

WHEREAS, Applicant is the owner of Property; and

WHEREAS, the Property is located in the B-1 Zone; and

WHEREAS, the Property is currently improved with a two story building with a tavern/restaurant on the first floor and two apartments on the second floor; and

WHEREAS, the Application seeks to renovate the building, add a third floor for a total of nine (9) one-bedroom apartments total, with three apartments on each floor; and

WHEREAS, the Application requires a parking variance, where 16 spaces are required and 10 are proposed; and

WHEREAS, the Application requires a height variance, where 35 feet and 2 ½ stories is the maximum, and 40 feet and 3 stories is proposed; and

WHEREAS, the Application requires a use variance for the additional apartments, where a maximum of 49% of the building may be residential whereas 100% is proposed; and

WHEREAS, the Planning Board held a public hearing on November 18, 2014 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was represented by Jeffrey Chang, Esq.; and

WHEREAS, the Applicant presented the testimony of Christof Mach; Paul Fletcher, P.E., P.P.; Michael Testa, AIA; and John Rea, P.E; and

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

- A. Site Plan entitled "Site Plan Prepared for Lot 1 in Block 71" prepared by Fletcher Engineering, Inc., dated 9/5/12, revised 9/23/14 and consisting of 2 sheets;
- B. Architectural floor plan/elevation views, signed and sealed, entitled "Proposed Mixed Use Alteration & Addition For: A & G Enterprice, LLC" prepared by Michael V. Testa, Architect, dated 9/26/14, consisting of 5 sheets;
- C. Letter by McDonough & Rea Associates, Inc., dated 10/20/14;

WHEREAS, proper proof of advertisement and service of notices of a public hearing in regard to this Application have been furnished; and

WHEREAS, the aforementioned plans were reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, dated November 11, 2014; and

WHEREAS, the Board deemed said Application complete and further the Board did review the Application, including but not limited to the submitted plans and heard testimony and

reviewed the aforesaid report of Mr. Valetutto, at a public meeting held on November 18, 2014;
and

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the report to it by its consultant, Angelo J. Valetutto, P.E., P.P., and finds that:

- (A) The Planning Board has jurisdiction in this matter.
- (B) During the course of the proceedings Applicant agreed to comply with all of the comments offered by Mr. Valetutto, as well as the items set forth in his letter of November 18, 2014.

WHEREAS, the Applicant provided the testimony of Paul Fletcher, who testified regarding the current site conditions and proposed improvements, which will result in nine (9) one-bedroom apartments, with three apartments on each of the three floors. Mr. Fletcher further testified that he reviewed the November 11, 2014 report of Angelo Valetutto, P.E., P.P. and that the Applicant will comply with the conditions in that report; and

WHEREAS, John Rea, P.E. testified regarding the parking variance, and that there is sufficient parking on the site to serve the needs of the proposed Application. Mr. Rea testified that each space would be assigned to an individual apartment, and there would be a tenth space delineated as a handicap space. Mr. Rea further testified that changing the first floor use from a bar/pub to three residential units would decrease the parking requirement, and that the change in use would further decrease traffic on the weekend.; and

WHEREAS, Michael Testa, AIA testified about the proposed building design and the design of the three floors, and he further testified that the intention to use some of the existing structure, not to tear the entire building down; and

WHEREAS, the Board has made the following findings and conclusions:

1. Applicant seeks a use variance to allow for the construction of a third story and the renovation of the building to have 9 one-bedroom apartments with a total of 9 bedrooms.
2. Applicant seeks a height variance of 40 feet whereas 35 feet is the maximum, and to allow for three stories whereas 2 ½ are permitted.
3. Applicant seeks a parking variance, where 10 spaces will be provided whereas 16 are required.
4. Applicant seeks a use variance for 100 percent residential usage.
5. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated November 11, 2014 which was reviewed by the Applicant and made a part of the record.
6. That the Applicant has put forth evidence to justify the grant of a use variance as well as the two bulk variances for parking and height.
7. That the requested Use Variance, Parking Variance and Height Variance are herein granted. The benefit of granting such variances outweighs the detriment, and can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
8. That the granting of the requested use variance advances the purposes of zoning by allowing the continued use of an existing building in conformance with the existing uses of neighboring properties and reduces the parking demand in an area with a parking shortage.

NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 16th day of December, 2014 that Preliminary and Final Site Plan Approval, use variance, parking variance and height variance in conformance with the plans submitted by the Applicant shall be and are hereby granted, subject to the following conditions:

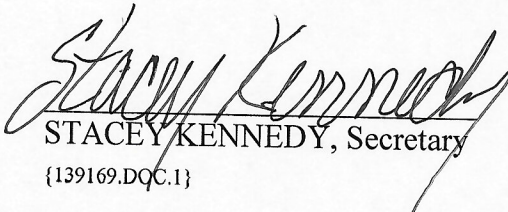
1. Submission and approval of revised plans in accordance with the aforesaid report of Angelo J. Valetutto, P.E., P.P.
2. Submission and approval by Angelo J. Valetutto, P.P., P.P., of revised plans concerning the design of the parking lot to include landscaping, 10 parking spaces, recycling and garbage areas.

3. Subject to review and approval by the Police Department, Fire Department and First Aid Squad.
4. 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.
5. Each and all other applicable approvals, if any, required by law or statute or regulation.
6. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on November 18, 2014, or otherwise.
7. All other matters set forth above, and/or incorporated herein.
8. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
9. Payment of all sums now and/or hereafter due for application fees and/or escrows.
10. 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.

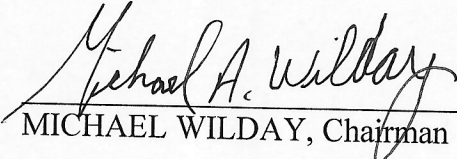
Be it Further Resolved that,

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

ATTEST:


STACEY KENNEDY, Secretary
{139169.DQC.1}

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 December 16, 2014 at a duly convened meeting.

DATE:

Stacey Kennedy, Secretary