

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB- 17 -18**  
**Application Number 393-18**  
**PJV BUILDERS, LLC**

**Resolution granting Preliminary and Final Major Site Plan Approval, Use Variance, and Bulk Variance relief.**

**Block 116, Lot 14**  
**246 Main Street**  
**City of South Amboy**  
**RA Zone**

**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 (Peter H. Klouser, Esq., Appearing) on behalf of PJV Builders, LLC (the "Applicant") for Preliminary and Final Major Site Plan Approval, Use Variances for Multifamily, Density, and Units per Building, and Bulk Variances for Maximum Impervious Coverage, Minimum Front Yard Setback, Minimum Rear Yard Setback, Maximum Lot Coverage, and Maximum Building Height, on Block 116, Lot 14 on the Tax Map of the City of South Amboy in the RA Zone; and located at 246 Main Street and Broadway

**WHEREAS**, the application reviewed by the Board consisted of those plans and documents as identified in the reports prepared by Jason C. Valetutto, P.E. , P.P. the consultant to the Planning Board dated August 17, 2018;

**WHEREAS**, the application was certified as complete and public hearings with respect to the Application were held by the Board on August 22, 2018 and September 26, 2018 as per public notice and personal notice pursuant to NJSA 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 the following variances from the zoning requirements as set forth in the ordinance:

<b><u>Description</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
<b>Use Variances</b>		
Permitted Use	Single Family	Multifamily
Maximum Units Per Acre	8.71	16.15
Maximum Units Per Building	1	5
Maximum Units Per Building	1	7
<b>Bulk Variances</b>		
Maximum Impervious Coverage	60%	75.9%
Minimum Front Yard Setback	25'	20'
Minimum Rear Yard Setback	25'	17'
Maximum Lot Coverage	25%	28%

Maximum Building Height

2-1/2 stories

3 stories

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

**Description of Report**

**Date of Report**

Planning Report AJV Engineering, Inc.

August 17, 2018

**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. The Applicant was represented by Peter H. Klouser, Esq.

**Public Hearing August 22, 2018**

2. Mr. Klouser on behalf of the Applicant acknowledged receipt of the Planning Report August 17, 2018
3. Mr. Klouser introduced Christian R. Cueto as a Licensed Professional Engineer in the State of New Jersey who provided his qualifications and was accepted by the Board as a Professional Engineer.
4. Mr. Cueto testified as follows:
  - a. Exhibit A-1 was introduced which was an overall rendering of the site and adjoining uses.
  - b. The property frontage is along Main Street and across from Stockton Street.
  - c. The neighbor to the north is the Christ Church with associated day care.
  - d. The remaining properties in the area are predominantly residential.
  - e. Exhibit A-2 was introduced as a rendering of existing conditions.
  - f. The existing property consists of a one-story masonry building with associated parking and open space.



- g. Exhibit A-3 was introduced as a colored rendering of sheet 2 of plans submitted (layout dimension plan of the site plan)
  - h. The existing building and garage are to be demolished together with the parking area.
  - i. Two buildings are proposed with each building containing townhouses, one with seven units and the other with five units.
  - j. The units are to contain two bedrooms with a single garage along the frontage.
  - k. The applicant is seeking front and rear yard setback variances, and variances for impervious coverage and lot coverage and height by stories
  - l. The height of the units will be thirty five feet with three stories.
  - m. Required parking is twenty-eight spaces and applicant is providing thirty spaces (including garages).
  - n. The stone wall along the frontage of the property will remain together with the railroad wall along the rear of the property.
  - o. Exhibit A-4 was introduced as an architectural plan.
  - p. An underground storage detention system is proposed.
  - q. A homeowners association will be created to handle the maintenance of the property.
5. Mr. Klouser introduced Michael V. Testa as a licensed architect in the state of New Jersey who provided his qualifications and was accepted by the Board as an architect.
6. Mr. Testa testified as follows:
- Exhibit A-6 was introduced as renderings of the proposed buildings.
  - The building on the left consisted of seven units and the second unit consisted of five units.
  - Each building is three stories.

- The buildings have access elements and bumpouts as reflected on the plans.
  - Each floor plan, location of air conditioning units (at the rear of the building on the ground level below the exterior decks), bathrooms, etc., were described.
7. Mr. Klouser introduced Ms. Allison Coffin, 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. Ms. Coffin testified as follows:
- Applicant is proposing to construct twelve two-bedroom townhouses in two buildings with site improvements including thirty parking spaces and an underground stormwater management system.
  - The site consists of thirty-two thousand three-hundred and seventy-three square feet.
  - The site currently consists of medical offices a detached garage and parking area.
  - The site is abutted by the Christ Church property on two sides.
  - The property to the south is residential in character.
  - The other uses in the area are a mix of single-family, two-family, three-family with an eight unit apartment building and some commercial uses.
  - The site is in the RA Zone, where permitted uses are single-family detached dwellings, and churches.
  - Multifamily dwellings, such as the proposed, are not a permitted use in the zone, therefore requiring a use variance.
  - Also requested are use variances for density and maximum number of units per building and bulk variances for front yard setback, rear yard setback, building coverage, lot coverage, impervious coverage and height in stories.
  - The site is particularly suited for the variance approval, in that the site is six times the minimum requested for the zone.



- The character of the surrounding area, the church, preschool, restaurant, multifamily dwellings, professional offices and proximity to the downtown area and the train station all support the proposal for townhouse development which is an efficient use of a unique and well-suited area.
- The density proposed is consistent with or less than what has been previously approved in this area.
- In connection with bulk variances requested, they in fact advance the goals of the MLUL by promoting the establishment of appropriate population density and providing sufficient space in an appropriate location for residential use.
- The proposal also promotes a desirable visual environment.
- These benefits outweigh any detriments.
- There is no negative impact on the character of the area.
- The front yard setback is consistent with the prevalent setback on Main Street.

9. The meeting was opened to the public. No one requested to speak.

10. Mr. Klouser on behalf of the Applicant requested that the matter be carried until the September 26, 2018 meeting at which time there would be seven voting members.

#### **Public Hearing September 26, 2018**

11. Those members of the Board who were not in attendance at the meeting of August 22, 2018 certified that they had read the transcript of the August 22, 2018 hearing on Applicants case and were therefore eligible to vote.

12. Applicant's witnesses from the August 22, 2018 were available for questions from the Board.

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

14. No one requested an opportunity to speak.

## CONCLUSIONS

The Board makes the following findings and conclusions:

- The property to the south is residential in character.
- The other uses in the area are a mix of single-family, two-family, three-family with an eight unit apartment building and some commercial uses.
- The site is in the RA Zone, where permitted uses are single-family detached dwellings, and churches.
- The site is particularly suited for the variance approval in that the site is six times the minimum requested for the zone.
- The character of the surrounding area, the church, preschool, restaurant, multifamily dwellings, professional offices and proximity to the downtown area and the train station all support the proposal for townhouse development which is an efficient use of a unique and well-suited area.
- The density proposed is consistent with, or less than, what has been previously approved in this area.
- In connection with bulk variances requested, they in fact advance the goals of the MLUL by promoting the establishment of appropriate population density and providing sufficient space in an appropriate location for residential use.
- The proposal also promotes a desirable visual environment.
- These benefits outweigh any detriments.
- There is no negative impact on the character of the area.
- The front yard setback is consistent with the prevalent setback on Main Street.

The grant of the proposed Preliminary and Final Major Site Plan, Use Variances, and Bulk Variances can be granted without substantial detriment to the City of South Amboy Chapter 53 Development Regulations for the reasons set forth above and in the record 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 #393-18 for Preliminary and Final Major Site Plan Approval, Use Variances for Multifamily, Density, and Units per Building, and Bulk Variances for Maximum Impervious Coverage, Minimum Front Yard Setback, Minimum Rear Yard Setback, Maximum Lot Coverage, and Maximum Building Height in Block 116, Lot 14 on the Tax Map of the City of South Amboy in the RA Zone at 246 Main Street.

1. Compliance with recommendations set forth in the Planning Report dated August 17, 2018.
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 Preliminary and Final Major Site Plan Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on August 22, 2018 and September 26, 2018, including but not limited to inspection of the integrity of the existing walls to remain.
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 October 24, 2018.



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Kathryn Kudelka, Planning Board Secretary