

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB-02-13  
RESOLUTION APPROVING PRELIMINARY AND FINAL SITE PLAN AND USE AND  
BULK VARIANCES TO 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, Applicant is the owner of Property; and

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

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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 six one-bedroom apartments total and a restaurant/pub on the first floor; and

WHEREAS, the Application requires a parking variance, where 20 spaces are required and 15 are proposed; and

WHEREAS, the Application requires a height variance, where 35 feet and 2 ½ stories is the maximum, and 36.63 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 67% is proposed; and

WHEREAS, the Planning Board held a public hearing on February 27, 2013 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was represented by Kenneth Pape, Esq.; and

WHEREAS, the Applicant presented the testimony of Arthur Mach; Paul Fletcher, P.E., P.P.; Michael Testa, AIA; James W. Higgins, P.P., 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, City of South Amboy, Middlesex County, New Jersey", prepared by Fletcher Engineering, Inc., dated 9/5/12 and consisting of 2 sheets;
- B. Architectural floor plan/elevation view, entitled "Proposed Mixed Use Alteration & Addition For: A & G Enterprice, LLC" prepared by Michael V. Testa, Architect, dated 12/11/12, consisting of 5 sheets;
- C. Traffic/parking report prepared by McDonough & Rea Associates, Inc., dated 12/5/12, consisting of three pages;

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 February 14, 2013; 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 February 27, 2013; 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) Applicant's proposal will not be in conflict with the Master Plan, the Official Map or the Development Regulations of the City Ordinances and will not adversely effect adjoining or nearby properties.
- (C) 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 February 14, 2013.

WHEREAS, the Applicant provided the testimony of Paul Fletcher, who testified regarding the current site conditions and proposed improvements, which will include a slight enlargement of the footprint of the building and the addition of a third story. Mr. Fletcher further testified that he reviewed the February 14, 2013 report of Angelo Valetutto, P.E., P.P. and that he will provided revised plans in conformance with that report; and

WHEREAS, Arthur Mach testified that his owns a small percentage of the Applicant and will be the manager of the business, along with his brother George Mach. He testified that the intention is to have an open-plan family oriented restaurant. Mr. Mock further testified that there will be no entertainment and no live music, and the dartboards and pool table will be removed; and

WHEREAS, Michael Testa, AIA testified that the building will be fully sprinklered, and that apartment units will range from 724 sq. feet to 867 sq. feet. Mr. Testa further testified that

there will be one "blade" sign on the corner of the building, and agreed there will be no neon signs, that the satellite dish will be removed and any replacement satellite dish will not be visible from the street; and

WHEREAS, John Rea, P.E. testified regarding the parking variance, and that all leases for the residential units will include a single numbered space and provide that the tenant may only use the assigned space in the parking lot. Mr. Rea agreed to the provision of bollards adjacent to the building; and

WHEREAS, James Higgins, P.P., testified that he reviewed the application, site plans, ordinance and Master Plan and that he visited the site; and

WHEREAS, Mr. Higgins further testified that while the use of the property for residential units is permitted, the use variance is only necessary because of the number of units. Mr. Higgins testified that because the Application only seeks to add one additional bedroom to the building, there will be no negative impact on the neighborhood or the zone plan, and that the use is consistent with and promotes the Master Plan. Mr. Higgins further testified that the use and bulk variances can be granted without negative impact on the zone plan or surrounding properties. Mr. Higgins further testified that the size of the trash receptacle should be increased to 8 feet by ten feet.

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 6 one-bedroom apartments rather than two apartments with a total of 5 bedrooms.
2. Applicant seeks a height variance of 1.63 feet above the maximum and to allow for three stories whereas 2 ½ are permitted.
3. Applicant seeks a parking variance, where 15 spaces will be provided whereas 20 are required.

4. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated February 14, 2013, which was reviewed by the Applicant and made a part of the record.
5. 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.
6. 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.

NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 24th day of April, 2013 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. There will be no live entertainment and no live music provided in connection with or by the first floor restaurant.
3. The restaurant will not be operated as a sports bar, and will not contain game machinery nor a pool table.
4. Subject to review and approval by the Police Department, Fire Department and First Aid Squad.
5. 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.
6. Each and all other applicable approvals, if any, required by law or statute or regulation.
7. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on February 27, 2013, or otherwise.

8. All other matters set forth above, and/or incorporated herein.
9. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
10. Payment of all sums now and/or hereafter due for application fees and/or escrows.
11. 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.

*South Amboy on April 24, 2013 at a duly convened meeting*

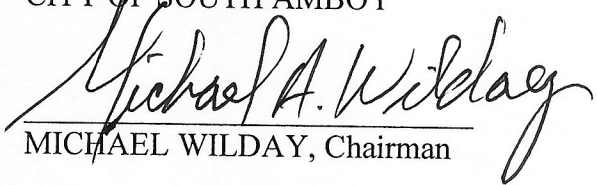
DATE:

*Linda Garnett, Secretary*

ATTEST:

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
LINDA GARNETT, Secretary

  
MICHAEL WILDAY, Chairman

**CERTIFICATION**