

**CITY OF SOUTH AMBOY PLANNING BOARD  
RESOLUTION PB 20 – 18**

**APPLICATION NUMBER 395-18**

**Resolution granting Use Variances for multifamily use, maximum dwelling units per acre, and maximum units per building and Bulk Variances for minimum front yard setbacks, maximum lot coverage, and maximum impervious coverage.**

JMB Building, LLC  
442 Bordentown Avenue  
Block 87 – Lot 1  
RA Residential Zone  
City of South Amboy

**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 JMB Building, LLC. (the “Applicant”) for Use Variance for multifamily use, maximum dwelling units per acre, and maximum units per building and Bulk Variances for minimum front yard setbacks, maximum lot coverage, and maximum impervious coverage as to premises located 442 Bordentown Avenue, also known as Block 87, Lot 1 located on the Tax Map of the City of South Amboy (the “Application”); and

**WHEREAS**, the Application reviewed by the Board consisted of those plans and documents as identified in the report prepared by Jason C. Valetutto, P.E. , P.P. the consultant to the Planning Board dated November 20, 2018; and

**WHEREAS**, the Application was certified as complete and public hearing with respect to the Application was held by the Board on November 28, 2018 as per public notice and personal notice pursuant to NJSA 40:55D-12 ; and

**WHEREAS**, the following relief is being sought by Applicant;

Use Variances

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Permitted Use	Single Family	Multifamily
Maximum Dwelling Units Per Acre	8.71	20.40
Maximum Units Per Building	1	3

Bulk Variances

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Minimum Front Yard Setback	25'	0.8' over Bordentown Ave.
Minimum Front Yard Setback	25'	0.4'* over +/- Feltus St.
Maximum Lot Coverage	25%	31.9%
Maximum Impervious Coverage	60%	86.2%*

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\*per Engineer's Zoning Requirement Table of Sheet 1

Description of Reports  
AJV Engineering, Inc.

Date of Report  
November 20, 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 Reports), makes the following findings of facts:

**FINDINGS OF FACT**

1. The Applicant was represented by Timothy J. Little, Esq.
2. Mr. Little represented that the Property was located at 442 Bordentown Avenue, in RA Single Family Residential Zone. The current use was a mixed use of two (2) commercial units and one residential unit.
3. Mr. Little further represented that the Applicant intended to abandon the commercial uses and renovate the building to provide for three (3) rental residential units.
4. Mr. Little then presented Paul J. Fletcher, as a licensed engineer and licensed professional planner in the State of New Jersey whose qualifications were accepted by the Board.
5. Mr. Fletcher testified as follows:
  - (a) Premises are located in the RA Residential Zone in Lot 1 Block 87 at 442 Bordentown Avenue.
  - (b) The Property consists of 6,406.65 sf.

- (c) The Property fronts on three streets: Feltus Street, Catherine Street, and Bordentown Avenue.
- (d) There is an existing building and a paved parking lot to the rear.
- (e) The Applicant proposes to convert the Property by eliminating two (2) commercial uses on the first floor, maintain the apartment on the second floor and convert the two commercial uses to two apartment units.
- (f) The correct number for building coverage is 31.9%.
- (g) A-1 was admitted as an exhibit reflecting that real estate taxes on the Property are paid through Fourth Quarter 2018.
- (h) Exhibit A-2 was submitted by Mr. Fletcher, New Jersey Barrier-free code International Building Code.
- (i) The basement will not to be accessible to the tenants nor for use for storage. It will be used solely for utilities.
- (j) The plan shows a bathroom in the basement that will be removed.

6. Mr. Fletcher then testified as to the variance issues as follows:

- (a) The use variance exists because the maximum number of dwelling units per building is one in the RA Zone and the Applicant is proposing three.
- (b) The zone allows 8.71 units per acre and Applicant is proposing 20.4 units per acre.
- (c) The bulk variance with regard to the minimum front yard setback requires 25 feet and is 0.8 feet over at Bordentown Avenue.
- (d) Minimum front yard setback along Feltus Avenue is 0.4 ft., which is less than the required 25 feet.
- (e) Maximum lot coverage is 25% as required and the correct number is 31.9% for proposed building lot coverage.
- (f) Maximum impervious coverage exists at 95.3% and 86.2% is proposed.
- (g) The bulk variances can be granted both under hardship which is (c) (1) and under (c) (2) where the benefits significantly outweigh the detriments. As to (c) (1) variance the building is an existing structure which already does not comply with front yard setbacks nor lot coverage. In connection with

**NOW, THEREFORE, BE IT RESOLVED** that the City of South Amboy Planning Board hereby **grants** Application #395-18 for Use Variances for multifamily use, maximum dwelling units per acre, and maximum units per building and Bulk Variances for minimum front yard setbacks, maximum lot coverage, and maximum impervious coverage as to premises located 442 Bordentown Avenue, also known as Block 87, Lot 1 located on the Tax Map of the City of South Amboy with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated November 20, 2018;
2. The obligation of the Applicant to comply with the requirements of the City of South Amboy and compliance with all rules and regulations remains in full force and effect.
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on November 28, 2018 including but not limited to (a) no use of basement for other than utilities and mechanicals, (b) removal of existing toilet, and (c) use of premises for rental only.
5. All other matters set forth above, and/or incorporated herein.
6. Payment of all outstanding unpaid taxes, if any and other municipal charges and assessments.
7. Payment of all sums now and/or hereafter due for Application fees and/or escrows.
8. The Applicant or Board Secretary shall publish a brief notice of this determination in an official newspaper of the City of South Amboy 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.
9. 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 December 20, 2018.

  
Kathryn Kudelka, Planning Board Secretary