

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-5 -18

Case Number 385-17

Resolution granting preliminary and final major site plan approval and bulk variances

**Block 116 Lot 19.09
Main Street and Stevens Avenue
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 Castle Hill Builders, LLC (the "Applicant") for preliminary and final major site plan approval, and a bulk variances as to premises located at Main Street and Stevens Avenue, also known as Block 116 , Lot 19.09 located on the Tax Map of the City of South Amboy in the RA Single Family Zone ; 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 January 9, 2018; and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on January 24, 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;

| <u>Description</u> | <u>Required</u> | <u>Proposed</u> |
|-----------------------------|------------------------|------------------------|
| Minimum Lot Width | 50 ft | 25ft (Stevens Avenue) |
| Maximum DU/Acre | 8.71 | 21.95 |
| Maximum DU/Building | 1 | 8 |
| Maximum Floor Area/DU | 1,000 sf | 750 sf |
| Maximum Impervious Coverage | 60% | 75.7% |
| Minimum Parking | 15 | 9 |

WHEREAS, a predecessor in title of Applicant was granted a Use Variance by way of Resolution dated 6/9/2010 for 8 residential units,

WHEREAS, at the public hearing, the following report was entered into the record:

Description of Report

Date of Report

Planning Report AJV Engineering Inc.

January 9, 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 Heilbrunn Pape, LLC, Peter Klouser, Esq., appearing.
2. Mr. Klouser on behalf of the Applicant acknowledged receipt of the Planning Report.
3. Mr. Klouser presented Nick Pengue a principal of Applicant.
4. Mr. Pengue testified as follows;
 - a. He is a builder, land developer and apartment owner.
 - b. He and his family have been in the business of development apartment buildings for the past 30 years and they have approximately 450 to 500 units.
 - c. The intention to construct upscale, attractive units.
 - d. Applicant will own and manage the building.
5. Mr. Klouser presented Ms. Lorali Totten, P.E. as a professional engineer who provided her qualifications and was accepted by the Board as a professional engineer.
6. Ms. Totten testified as follows;
 - a. She described, using exhibit A-1 the existing conditions on the site including the existing building on the site to be demolished, pedestrian access, size and the direction of drainage on the site.
 - b. She then described, using exhibit A-2 the proposed development including demolition of almost all improvements on the site with the exception of an existing retaining wall, construction of a proposed apartment building consisting of 8 units, board on board trash enclosure, parking, landscaping, lighting, and drainage with a maintenance plan to be followed by Applicant.
7. Mr. Klouser presented Mr. Michael V. Testa as a professional architect who

provided his qualifications and was accepted by the Board as a professional architect.

8. Mr. Testa testified as follows;
 - a. The building will be a two-story wood frame structure consisting of 8 apartments, 4 on the first floor and 4 on the second floor.
 - b. The proposed floor plans and amenities including heating and cooling.
 - c. The proposed elevations.
9. Mr. Klouser presented Allison Coffin as a professional planner who provided her qualifications and was accepted by the Board as a professional planner.
10. Ms. Coffin testified as follows;
 - a. The variance relief being sought by the Applicant for impervious coverage, unit size, density, and parking can be granted under the C-2 standards, opining that the variances advance the purposes of MLUL with regard to promoting the establishment of appropriated population densities and concentrations, and to provide a sufficient space in appropriate locations for residential uses and parking.
 - b. That no detriment would result from the requested variances and there would be no negative impact to the character of the area and that the benefits substantially outweigh the detriments, and finally that the variances do not substantially impair the intent and purpose of the master plan and zoning ordinance of the City of South Amboy.
11. The meeting was opened for public comment and questions.
12. Mr. Mike Felice of 294 Fourth Street questioned signage and the existing retaining wall and attached stairs amount of occupants in each unit.

CONCLUSIONS

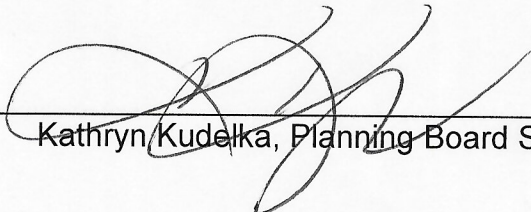
The Board finds that the variance relief requested for impervious coverage, unit size, density, and parking can be granted without substantial detriment to the City of South Amboy Zone Plan and Zone Ordinance for the reasons set forth in the record and further does not create a substantial detriment 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 #385-17 for Preliminary and Final Major Site Plan Approval

and bulk variances for Minimum Lot Width 25 ft (Stevens Avenue), Maximum DU/Acre, Maximum DU/Building, Maximum Floor Area/DU, Maximum impervious Coverage, and Minimum Parking with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated January 9, 2018.
2. The Applicant acknowledges that it will comply with the decision of the Board's Planning Professional as to a. the final storm drainage plan, and b. the ultimate location of an existing retaining wall (whether same will remain in its current location, be made structurally sound, and an easement be requested from City Council; or relocated to eliminate the encroachment).
3. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
4. Compliance with each and all other applicable approvals, if any, required by law, statute, or regulation to perfect a Final Major Site Plan Approval.
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on January 24, 2018.
6. All other matters set forth above, and/or incorporated herein.
7. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
8. Payment of all sums now and/or hereafter due for application fees and/or escrows.
9. The 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 this resolution.
10. 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 special meeting held on March 5, 2018.



Kathryn Kudelka, Planning Board Secretary