

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION #6 -2009

**A RESOLUTION DENYING SITE PLAN WITH VARIANCE SOUGHT BY BAYSIDE
AMBOY LLC**

WHEREAS, on July 29, 2009 and September 30, 2009 at duly advertised Meetings of the Planning Board of the City of South Amboy, Bayside Amboy, LLC (“Applicant”) presented an application for a Preliminary and Final Site Plan Approval with variance (the “Application”); and

WHEREAS, said Applicant was represented by Henry Wittman, III, Esquire; and

WHEREAS, the Application was for the conversion of the second story of the existing building from a single residential unit with four (4) bedrooms to two residential units, one with a single bedroom and a second unit with two bedrooms, on property known as Block 40, Lot 2 & 3 103 North Broadway, in the City of South Amboy; and

WHEREAS, the following Findings of Fact were made:

FINDINGS OF FACT

1. The property is owned by the Applicant.
2. The subject property consists of a two story building with a bakery on the first floor and a single four-bedroom apartment on the second floor. The Applicant seeks to convert the second story apartment into two apartments, one with one bedroom and a second with two bedrooms.
3. The Applicant’s owner, Darrit Cho, a licensed architect and planner, testified about the purchase of the property and desire to convert the single unit into two apartments.
4. The subject property is located in the B-1 Building zone and the proposed use is a permitted use.
5. That plans consisting of a survey prepared by Robert M. Horvath, LS, dated April 21, 2009; a single sheet depicting the existing and proposed floor-plan, prepared by Darrit Cho, AIA,

dated June 9, 2009; and a single sheet site plan, prepared by Darrit Cho, AIA, dated August 14, 2009, were submitted and considered by the Board.

6. That Darrit Cho, an owner of the Applicant, was sworn and testified as to the nature of the proposed project and the need for the conversion.
7. Mr. Cho testified that the Applicant would like to convert the single apartment into two apartments because of the difficulty of renting a four-bedroom apartment.
8. That the Board's Engineer, Angelo Valetutto, P.E. prepared a report dated June 18, 2009, which indicated that as a result of the additional residential unit, a total of six parking spaces would be required.
9. That the plans as submitted by the Applicant depict the only access to the proposed parking spaces by way of unnamed "Macadam" to the east of the Applicant's property, on property owned by New Jersey Transit.
10. That Mr. Cho testified that he contacted New Jersey Transit, the owner of the property on which the unnamed "Macadam" is located, but that New Jersey Transit would not provide any easement or written verification of the right to access the parking on the Applicant's property from the unnamed "Macadam."

Based upon the above Findings of Fact, the Board Concludes as follows:

CONCLUSION

1. That the Application is for a permitted use in the B-1 Zone.
2. That because the Applicant does not have any enforceable legal right to access the parking spaces via the unnamed "Macadam" on the New Jersey Transit Property, approval of the Application would require the grant of a variance to provide no parking spaces whereas six are required by the Ordinance.
3. That the Applicant has not put forth evidence to justify the grant of a variance to allow no parking spaces.
4. That the Site Plan as submitted, with the parking variance necessitated due to lack of access, is herein DENIED.