

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB-7-12
RESOLUTION DENY USE, DENSITY, PARKING AND BULK VARIANCES RELATED TO
CONSTRUCTION LOCATED ON BLOCK 53, LOT 1, LANDS OF THE CITY OF SOUTH
AMBOY

WHEREAS, application has been made by 234 First Street, LLC, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for use, height and parking variance approval related to the modification of an existing building on property located at 234 First Street, South Amboy, (Block 53, Lot 1) (the “Property”); and

WHEREAS, Applicant is the owner of Property; and

WHEREAS, the Property is located in the RA Zone; and

WHEREAS, Applicant seeks to convert the existing vacant industrial building into a multi-family apartment building with 15 1-BR units, which will include certain use, height, parking and bulk variances (the “Application”); and

WHEREAS, the Application seeks a use variance to allow a multi-family building; and

WHEREAS, the Applicant seeks a variance for density, where 8.8 units per acre is permitted and 117.73 units per acre is proposed; and

WHEREAS, the Application requires a variance for parking, where 27 off-street parking spaces is required and zero parking spaces are proposed; and

WHEREAS, the Application requires a variance for height, which at 49.5 feet exceeds the permitted height by more than ten (10) percent; and

WHEREAS, the Application requires variances for pre-existing nonconformities relating to front yard setbacks, number of stories, lot coverage and impervious coverage; and

WHEREAS, the Applicant was represented by James Clarkin, Esq.; and

WHEREAS, the Planning Board held public hearings on March 28, 2012 and May 23, 2012 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, during the hearing the Applicant clarified and revised the Application to seek a density variance pursuant to N.J.S.A. 40:55D-70(d)(5); and

WHEREAS, the Applicant presented the testimony of Stephen Fox, Paul Phillips P.P., Jeffrey Kraeft P.L.S., P.P. and Kenneth Annes R.A.; and

WHEREAS, the Application consisted of plans prepared by JoAnn P. Montero, Architect, consisting of eight sheets revised through October 31, 2011, entitled:

- T-1 Title Sheet
- A-1 Foundation Plan
- A-2 First Floor Plan
- A-3 Second Floor Plan
- A-3.1 Untitled
- A-4 Front Elevation / Rear Elevation
- A-4.1 Rear Elevation / Left Side Elevation
- A-4.2 Rear Elevation

WHEREAS, the following Exhibits were submitted and considered by the Board:

- A-1 Title Sheet
- A-2 Basement Plan
- A-3 First Floor Plan
- A-4 Second Floor Plan
- A-5 Third Floor Plan
- A-6 Front and rear elevations
- A-7 Right side elevation
- A-8 Left side elevation
- A-9 Aerial photograph
- A-10 Letter from James Clarkin, Esq. to Mayor Henry
- A-11 Response from the office of Mayor Henry
- A-12 Letter regarding structural analysis of the building on the subject property
- A-13 Revised plans

WHEREAS, the Board has made the following findings of fact:

1. Applicant seeks use, density, height, parking and bulk variances to permit the conversion of an existing, vacant three story industrial building into a multi-family building with 15 1-Bedroom units.
2. During the hearings, the Applicant's attorney James Clarkin, Esq., acknowledged receipt of the review letter of the Board's Engineer/Planner, Angelo J. Valetutto, P.E., P.P. dated January 11, 2012.
3. During the hearings the Applicant presented the testimony of Ken Anness, R.A., a licensed architect, who was accepted as an expert in architecture by the Board.
4. Mr. Anness testified regarding the floor plans and elevation plans which he prepared as part of the Application.
5. Mr. Anness testified regarding the history of the building and its structure, and renovations that would be undertaken as part of the proposed conversion to residential use.
6. At the meeting on May 23, 2012, Mr. Annes testified regarding certain revisions made to the plans relating to the front steps, the addition of a barrier-free elevator and the elimination of certain windows on the rear elevation.

7. During the hearings, the Applicant presented the testimony of Jeffrey Kraeft, P.L.S., P.P., a licensed Professional Planner, who was accepted as an expert in the field of Planning by the Board.
8. Mr. Kraeft testified about the existing building, its prior uses and proposed conversion.
9. Mr. Kraeft further testified about the existing buildings in the vicinity of the subject property.
10. Mr. Kraeft testified about the difficulty in providing on-site parking and further testified about municipal parking lots in the general vicinity of the subject property, and further testified regarding his observations and opinions regarding the availability of on-street parking the vicinity of the subject property.
11. During the hearing the Applicant presented testimony of Stephen Fox, a member of Fox and Fox Development, owner of the Applicant.
12. Mr. Fox testified about the estimated cost to convert the building as proposed in the Application as well as efforts made by the Applicant to find potential off-street parking.
13. Mr. Fox further testified about investigation the Applicant undertook prior to purchase of the subject property.
14. In response to questioning, Mr. Fox testified that the Applicant considered reducing the number of units and increasing the size of each unit, but that such a change would require an increase in rent the Applicant intended to charge.
15. During the hearing the Applicant presented the testimony of Paul Phillips, P.P., a licensed Professional Planner who was accepted as an expert in the field of Planning by the Board.
16. Mr. Phillips testified regarding the various documents that he reviewed prior to his testimony and his review of the subject property and surrounding area.
17. Mr. Phillips testified that in his opinion the Application satisfied the positive and negative criteria necessary for the approval of the use, density, height, parking and bulk variances.
18. Following the testimony presented by the Applicant, numerous members of the public testified regarding the currently existing problem with parking the direct vicinity of the subject property. Members of the public further testified about the parking problems that would be associated with the inclusion of 15 additional residential units without the provision of any additional off-street parking.

WHEREAS, the Board has made the following conclusions:

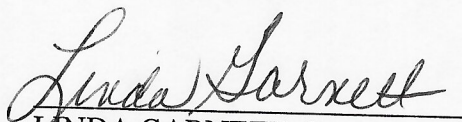
1. The Applicant has failed to demonstrate special reasons for the issuance of the requested density variance of 117 units per acre proposed where 8.8 units per acre is permitted.
2. The Applicant has failed to demonstrate that that issuance of the requested density variance will not result in a substantial detriment to the public good or that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
3. The Applicant has failed to demonstrate that it will suffer exceptional or undue hardship if the requested density variance is not granted.
4. The Applicant has failed to demonstrate special reasons for the issuance of the requested use variance.
5. The Applicant has failed to demonstrate that that issuance of the requested use variance will not result in a substantial detriment to the public good or that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
6. The Applicant has failed to demonstrate that it will suffer exceptional or undue hardship if the requested use variance is not granted.
7. The Applicant has failed to demonstrate special reasons for the issuance of the requested height variance.
8. The Applicant has failed to demonstrate that that issuance of the requested height variance will not result in a substantial detriment to the public good or that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
9. The Applicant has failed to demonstrate that it will suffer exceptional or undue hardship if the requested height variance is not granted.
10. The Applicant has failed to demonstrate that that issuance of the requested parking variance will not result in a substantial detriment to the public good or that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
11. The Applicant has failed to demonstrate that it will suffer exceptional or undue hardship if the requested parking variance is not granted.

NOW, Therefore Be It Resolved by the Planning Board in the City of South Amboy in the County of Middlesex and State of New Jersey on this 27th day of June, 2012 the use, height, density and parking variances are hereby DENIED and the Application of the Applicant is hereby DENIED. B

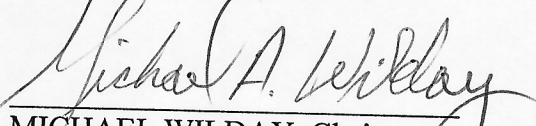
Be it Further Resolved that,

1. The Board Secretary shall publish a brief notice of determination in an official newspaper of the City and obtain an Affidavit of Publication by said newspaper.
2. This Resolution shall take effect as provided by law.

ATTEST:


LINDA GARNETT, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


MICHAEL WILDAY, Chairman

CERTIFICATION

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on June 27, 2012 at a duly convened meeting.

DATE:

Linda Garnett, Secretary