

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 7 -16

RESOLUTION GRANTING SITE PLAN, DENSITY AND BULK VARIANCES RELATED
TO PROPERTY AT BLOCK 161.02, LOT 22, LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by James Joe One, LLC (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Preliminary and Final Site Plan, and density (d)(5) and various bulk variance approval related to the request to raise two apartment buildings damaged by Superstorm Sandy and to meet FEMA regulations, along with minor site improvements, on property located at 139 S. Rosewell Street, South Amboy, (Block 161.02, Lot 22) (the “Property”); and

WHEREAS, the Property is located in the RM Medium Residential Zone; and

WHEREAS, Applicant seeks to raise two damaged apartment buildings (the “Application”); and

WHEREAS, the Application requires one (d)(5) variance for density / maximum dwelling units per acre where a density of 31u/acre is proposed and 16u/acre is permitted; and nine bulk (c) variances, including minimum lot area where .581 acres is provided and 3 acres is required; minimum lot width where 201.9 feet is existing and 250 feet is required; minimum lot depth where 148.38 is existing and 250 feet is required; minimum front setback where 9.8 feet and 9.9 feet are existing and 25 feet is required; minimum rear setback where 1.3 feet and 9.9 feet are existing and 25 feet is required; minimum side setbacks of 5.8 feet and 10.1 feet where 25 feet is required; minimum distance between buildings where 36.9 feet is existing and 50 feet

is required; maximum lot coverage where 20% is the maximum and 30.1 is existing and minimum offstreet parking where 19 spaces exist and 34 are required; and

WHEREAS, the Applicant was represented by Ronald Shimanowitz, Esq.; and

WHEREAS, the Planning Board held public hearings on June 22, 2016 and July 20, 2016 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant submitted and the Board considered, the following documents:

1. Filed application form complete with W-9;
2. Statement of Ownership/Disclosure Form;
3. Sketch of the tidelands claim line;
4. Email from Bruce Jacobs to Stacey Kennedy dated 5/25/16 entitled "Block 161.02 Lot 22 James Joe One, LLC c/o Joe Nitti, 139 South Rosewell Street";
5. Signed and sealed copy of a survey, entitled, "Topographic Map of Survey, Tax Lot 22, Block 161.02, City of South Amboy, Middlesex County, New Jersey", prepared by Gravvatt Consulting Group, dated 3/21/13 revised through 8/10/15, consisting of one sheet;
6. Signed and sealed copy of a Site Plan entitled "Preliminary and Final Major Site Plan, Tax Lot 22, Block 161.02, South Amboy City, Middlesex County, New Jersey" prepared by Gavvatt Consulting Group, dated 2/11/16, revised through 5/24/16, consisting of seven sheets;
7. Signed and sealed copy of architectural plans entitled, "Additions/Alterations for: Nitti Apartment Complex Bldg A & B, Lot 22, Block 161.02, 139 South Rosewell Street", prepared by Lanuto Architecture, LLC dated 12/4/15 revised through 5/5/16, consisting of five sheets.

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

1. Applicant seeks one (d)(5) density and nine bulk variances for minimum lot area, minimum lot width, minimum lot depth, minimum front setback, minimum rear setback, minimum side setback, minimum distance between buildings, maximum lot coverage, and minimum offstreet parking, to permit the Applicant to raise two existing buildings damaged by Superstorm Sandy, and associated improvements.

2. During the hearings the Applicant presented the testimony of Joseph Nitti, a principal with James Joe, the owner of the Property.
3. Mr. Nitti testified about the acquisition of the Property and the damage sustained as a result of Sandy. The basement was infiltrated with sewage making the buildings uninhabitable. The only change to the footprint of the buildings is for the addition of a handicapped elevator.
4. The Applicant presented testimony from Bruce Jacobs, P.E.
5. Mr. Jacobs testified regarding the existing conditions on the Property. He explained the proposal is to raise Building A up 5.2 feet and Building B to be raised 3.7 feet in order to conform to FEMA regulations.
6. Mr. Jacobs testified that due to the process of raising up the buildings, the Applicant also seeks to construct a retaining wall near the sidewalk, which will be reconstructed. The Applicant also seeks to reconstruct the parking lot, put in new landscaping and lighting.
7. Mr. Jacobs explained that the Applicant is seeking one waiver – 1) to locate all trees that are caliper of 6 inches of diameter or larger. A prior waiver request related to trash enclosure was withdrawn upon realization that it was not required.
8. Mr. Jacobs acknowledged review of the June 9, 2016 AJV Engineering review letter and testified as to how the Applicant will comply with the comments contain in the review letter.
9. The Applicant introduced Exhibit A-1, a report prepared by CEC Group, LLC dated November 20, 2012.
10. The Applicant presented testimony from Thomas Lanuto, Architect.
11. Mr. Lanuto testified that his firm has participated in over 150 home raises.
12. Mr. Lanuto testified that following Sandy his firm engaged an engineer to confirm the structural integrity of the buildings and the firm that will be doing the actual raising of the building has done the same.
13. Mr. Lanuto testified regarding the additional work that will be done to the buildings.
14. During questioning by the Board, Joseph Nitti testified that the Applicant would be removing the brick siding and would meet with SARA regarding replacement of the brick.

15. The meeting was carried to July 20, 2016.
16. During the July hearing, the Applicant presented the testimony of Mr. Lanuto. Mr. Lanuto testified regarding the meeting between the Applicant and SARA and certain façade and architectural changes suggested by SARA and incorporated by the Applicant into its plans. The revisions were included on Exhibit A-2 referred to as "design revisions."
17. The Applicant presented the testimony of Paul Ricci, P.P.
18. Mr. Ricci identified Exhibit A-4, a set of three sheets including an aerial photograph of the Property and eight pictures.
19. Mr. Ricci testified regarding the need for the (d)(5) density variance. He testified that the proposed Application will improve the immediate area.
20. Mr. Ricci testified that the variances being sought by the Applicant were all pre-existing non-conformities with no new variances with the possible exception of encroachments from additional balconies suggested by SARA as an architectural improvement.
21. Mr. Ricci testified that the proposed Application would improve both the existing building and the area.
22. He testified that the d(5) density variance is only a continuation of an existing variance, not an increase of what already exists.
23. The Applicant's attorney acknowledged the letter from AJV Engineering stating that any approval would be contingent upon the Applicant obtaining an access easement from the owner of Lot 20, adjacent to the Property.

WHEREAS, the Board has made the following conclusions:

1. The Applicant has adequately demonstrated special reasons for the issuance of the requested density variance to permit 18 units within the existing structures located on the Property.
2. The Applicant has demonstrated that that the grant of variances for will not result in a substantial detriment to the public good and that will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
3. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested variances are not granted.

4. The Applicant has demonstrated that a grant of each of the requested variances would advance a specific purpose of the Municipal Land Use Law and the benefits of granting each variance substantially outweighs the detriments.
5. The Applicant has satisfied all criteria for approval of its proposed Site Plan.

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 24th day of August, 2016 that Preliminary and Final Site Plan approval, and the following variances for - density / maximum dwelling units per acre where a density of 31u/acre is proposed and 16u/acre is permitted; and nine bulk (c) variances, including minimum lot area where .581 acres is provided and 3 acres is required; minimum lot width where 201.9 feet is existing and 250 feet is required; minimum lot depth where 148.38 is existing and 250 feet is required; minimum front setback where 9.8 feet and 9.9 feet are existing and 25 feet is required; minimum rear setback where 1.3 feet and 9.9 feet are existing and 25 feet is required; minimum side setbacks of 5.8 feet and 10.1 feet where 25 feet is required; minimum distance between buildings where 36.9 feet is existing and 50 feet is required; maximum lot coverage where 20% is the maximum and 30.1 is existing and minimum offstreet parking where 19 spaces exist and 34 are required - are hereby **GRANTED** and the Application of the Applicant is hereby **GRANTED** as amended and presented during the hearings of June 22 and July 20, 2016 subject to the following conditions:

1. Submission, and approval by the Board's Engineer, of revised plans in accordance with testimony presented by the Applicant and in conformance with the Board Engineer's letter of June 9, 2016.

2. The approval is contingent upon the receipt of an access easement from the owner of adjacent Lot 20, such access easement to be reviewed and approved by the Board's Engineer and Attorney as a condition of approval.
3. The Property will be maintained in conformance with all property maintenance regulations.
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 hearings held on June 22nd and July 20th, 2016.
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.

ATTEST:

{180436.DOC.1}

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


STACEY KENNEDY, Secretary


ROBERT PAULUKIEWICZ, Chairman

CERTIFICATION

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on August 24, 2016 at a duly convened meeting.

DATE:

Stacey Kennedy, Secretary