

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 7 -17
BAYSIDE AT SOUTH AMBOY,LLC
Case Number 331-13

RESOLUTION APPROVING AMENDED FINAL MAJOR SITE PLAN APPROVAL FOR
PROPERTY LOCATED ON
BLOCK 161.08, LOT 1
JOHN T. O'LEARY BOULEVARD
CITY OF SOUTH AMBOY

WHEREAS, an application has been made by Bayside at South Amboy, LLC ("Applicant") to the Planning Board of the City of South Amboy (the "Board") for an Amended Final Major Site Plan Approval related to property located on John T. O'Leary Boulevard , (Block 161.08, Lot 1) (the "Property"); and

WHEREAS, Applicant is the owner of Property; and

WHEREAS, the Property is located in the Southern Waterfront Redevelopment Area; and

WHEREAS, the Property is currently partially improved pursuant to the Final Major Site Plan Approval (PB 01-13) (the "Final Approval"); and

WHEREAS, the Application seeks Amended Final Major Site Plan Approval in order to convert and/or construct ten (10) units under the Final Approval to three (3) bedroom units; and;

WHEREAS, the Planning Board held a public hearing on April 26, 2017 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant was represented by counsel, Ronald L. Shimanowitz, Esq., of the firm of Hutt and Shimanowitz, P.C; and

WHEREAS, the Applicant produced two witnesses, Michael Gottlieb, and Jeffrey Weinflash, representatives of the applicant; and

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

- A. Letter from Chester, Ploussas, Lisowsky, Partnership, LLC dated April 26, 2017 in response to a board inquiry as to the impact if any of the proposed revisions on the South Amboy school system;

WHEREAS, proper proof of advertisement and service of notices of a public hearing in regard to this Application have been furnished; and

WHEREAS, the aforementioned proposal was reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, dated April 5, 2017 (the "Planning Report"; and

WHEREAS, the Applicants witnesses testified:

1. that they are representatives of the owner and developer of the Property.
2. that the project is underperforming as a result of the applicant not having an additional alternative sized unit to offer for sale which would be an incentive for eligible purchase prospects and;
3. that their analysis of the population and prospects visiting the project supports their request to convert and/or construct up to ten (10) units to three (3) bedrooms; and
4. that Applicant has consented to the conditions contained in the Planning Report

WHEREAS, the Board deemed said Application complete and did review and consider the Application, including but not limited to the testimony and reviewed the Planning Report at a public meeting held on April 26, 2017; and

WHEREAS, the Board has made the following findings and conclusions:

1. The Planning Board has jurisdiction in this matter.
2. Applicant seeks an Amended Final Site Plan Approval to permit the conversion and / or construction of up to ten (10) three (3) bedroom units
3. Applicant's proposal will not be in conflict with the Master Plan, the Official Map or the Development Regulations of the City Ordinances and will not adversely affect adjoining or nearby properties.
4. Applicant has agreed to a modification of its application to permit the conversion and/or construction of up to eight (8) three (3) bedroom units in lieu of its original request of ten (10) three (3) bedroom units.
5. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated April 5, 2017, which was reviewed by the Applicant, which Applicant agrees to comply with and which was made a part of the record
6. That the Applicant has put forth evidence to justify the approval requested as modified.

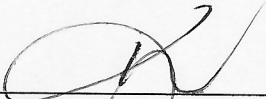
NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 31st day of May, 2017 that Amended Final Site Plan Approval in conformance with the request submitted by the Applicant as modified and pursuant to the conditions set forth in this Resolution shall be and are hereby granted, subject to the following conditions:

1. Compliance with all conditions set forth in the Planning Report.

2. Compliance with all terms and conditions of the Final Site Plan Approval previously granted and not modified by this resolution (the "Prior Approval") including but not limited to the condition that Applicant obtain the approval of the South Amboy Board of Education (the "Board of Education) to install sixteen parking spaces(the "Parking Spaces") on property of the Board of Education as defined in the Prior Approval. Applicant shall communicate with the Board of Education within thirty (30) days of this resolution requesting such approval, with a copy of such request to counsel for this Board. In the event such approval is not provided by the Board of Education such denial shall be provided to counsel for the Board. In the event approval is given by the Board of Education, the installation of the Parking Spaces shall be completed within six (6) months from the date of such approval.
3. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
4. Each and all other applicable approvals, if any, required by law or statute or regulation.
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on April 26, 2017.
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 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.

ATTEST:

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY



~~STACEY KENNEDY~~, Secretary
KATHRYN KUDELKA



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 May 31, 2017 at a duly convened meeting.

DATE: May 31, 2017

~~Stacey Kennedy~~, Secretary

KATHRYN KUDELKA