

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB -#07-24**

Application Number 389-18A

**AMENDED PRELIMINARY AND FINAL MAJOR SITE
PLAN APPROVAL**

**200 South Broadway, LLC
Block 42, Lots 19.01 & 20.01
200 South Broadway
City of South Amboy
Broadway-Main Street Redevelopment Area**

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within Application for Amended Preliminary and Final Major Site Plan Approval and Deviations for maximum building coverage, maximum impervious coverage, and minimum off-street parking spaces for Lot 19.01 and Deviations for maximum impervious coverage and minimum off-street parking spaces for Lot 20.01, has been submitted to the City of South Amboy Planning Board (the “Board”) by Jared Pape, Esq., appearing with and on behalf of 200 South Broadway, LLC (the “Applicant”) as to premises located 200 South Broadway, also known as Block 42, Lots 19.01 and 20.01 located on the Tax Map of the City of South Amboy (the “Application”); 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 November 13, 2023; and

WHEREAS, the Application was certified as complete by the Completeness Committee and a Public Hearing with respect to the Application was held by the Board on November 29, 2023, per public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required Deviations from the Broadway-Main Street Redevelopment Plan requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Deviations Required

Lot 19.01	Requirement	Proposed
Maximum Building Coverage	50%	52.16%
Maximum Impervious Coverage	60%	90.41%
Minimum Off-Street Parking Spaces	3 units	2 units

Lot 20.01	Requirement	Proposed
Maximum Impervious Coverage	60%	93.50%
Minimum Off-Street Parking Spaces	48 units	45 units (including additional 6 credit from EV spaces but not including 3 public parking spaces)

And

WHEREAS, the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

November 13, 2023; and

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 Reports), makes the following findings of fact:

FINDINGS OF FACT

1. Jared Pape, Esq., acknowledged receipt of the AJV Engineering, Inc. report dated November 13, 2023 (the “AJV Report”), represented the Applicant.
2. Mr. Pape reported as follows:
 - The Applicant is seeking Preliminary and Final Major Site Plan Approval to develop the property with apartments.
 - There are 39 spaces on site and including 6 spaces to be used as EV charging stations.
 - There are an additional 3 EV parking spaces being made available to the public.
 - The applicant has met with the South Amboy Redevelopment Agency (“SARA”) and has entered into a fully-executed agreement for funding of an offsite parking lot.
 - Agrees that the Applicant will consolidate the lots.

3. Mr. Pape introduced 4 witnesses.
 - Stuart Challoner, the Applicant's Design Engineer.
 - Nicole Gabbard, the Applicant's Registered Architect.
 - John Rea, the Applicant's Traffic Engineer.
 - John Taikina, the Applicant's Professional Planner.
4. The Board swore in Stuart Challoner and accepted his credentials to which Mr. Challoner testified as follows:
 - Acknowledged receipt of the AJV Report.
 - Currently, Lot 19.01 has a two-story frame dwelling located on it and Lot 20.01 is currently vacant.
 - The Applicant is seeking to amend its previous approval to provide a single building that will be in two sections.
 - Each section will be 4 story buildings connected by way of a breezeway off of Broadway.
 - There will be five stacked parking spaces underneath the North Wing.
 - The larger units will have the stacked spaces.
 - Stacked spaces are covered, as well as 6 spaces along the south section of the building.
 - All parking is being screened from public view.
 - There will be a full-access driveway on George Street that will come to open air parking spaces.
 - There are 39 private parking spaces proposed.
 - Every unit will have at least one assigned space.
 - The Applicant will be providing three additional public parking spaces off George Street.
 - The Applicant will be providing an additional access easement off of George Street so a person can access the public parking spots when they come in on Broadway.

- There will be 6 EV charging stations onsite which will not be assigned to any units.
 - The Applicant will comply with everything in the AJV Report, except for an issue with a 3-inch curb in front of the handicap space.
 - Regarding the 3-inch curb, in order for the handicap spaces to meet current ADA requirements, slopes are not allowed to have any cross slopes greater than 2 percent. Hence, the curb must be 3-inches. This allows the Applicant to meet the federal guidelines.
 - The Applicant will stripe all the roadside parking.
 - The Applicant will stripe in front of the fire hydrant for fire trucks only.
5. The Board swore in Nicole Gabbard and accepted her credentials to which Ms. Gabbard testified as follows:
- The ground floor has residential units and an amenity space.
 - The utility room and water access room will also be on the ground floor, which the Applicant will confirm with the Fire Marshall.
 - Second and third floor includes one- and two-bedroom units.
 - Fourth floor is identical in layout to the second and third floors, except for the two corner units which include a balcony.
 - Each floor will have a trash room with a chute.
 - Each trash room will contain recycling bins.
 - Front elevation consists of brick and decorative masonry. There will also be metal panels and black window frames.
 - Side and rear of the building will have brick and decorative masonry with a stucco finish along the rear.
 - The Applicant will submit 18 copies of the colored renderings for the record.
 - The Applicant will move the depressed curb away from the front door.
 - The bathrooms will be ADA acceptable in each unit.
 - There will be storage on the ground level for tenants.

- There will be no offices on site.
6. The Board swore in John Rea and accepted his credentials to which Mr. Rea testified as follows:
- It is his professional opinion that the proposed onsite parking is adequate for the original proposed units.
 - The Applicant will submit the revised November 20, 2023, traffic report.
 - Exit on George Street is a left-turn only.
 - Exit on Bordentown Avenue is a right-turn only.
 - Exit on Broadway is a left-turn or right-turn.
7. The Board swore in John Taikina and accepted his credentials to which Mr. Taikina testified as follows:
- The Application is very positive and supportive of the Master Plan.
 - There is no negative impact, the Applicant is removing a vacant lot and providing a proposal that is consistent with the general pattern of the town and shares the vision of the Redevelopment Plan.
8. The Board swore in Felix Bruselovsky, a representative for the Applicant, to which Mr. Bruselovsky testified as follows:
- He is the managing member of the Applicant.
 - The lease will state that parking is for cars only, not for storage.
9. The Board opened the hearing for public comment.
- The Board swore in John Szpara.
 - i. Mr. Szpara is concerned with parking, specifically, not enough street parking.
 - ii. Mr. Szpara was also concerned about parking near his garage.
 1. The Applicant will install a wooden guardrail to ensure no one encroaches on Mr. Szpara's property line.
10. The Board closed the public comment portion of the hearing.

CONCLUSIONS

Based upon the findings of facts and for reasons set forth below, the Board concludes as follows:

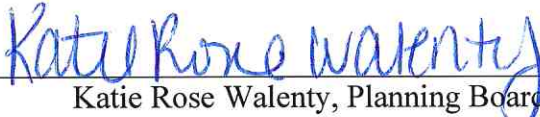
- The Deviations can be granted without substantial detriment to the City of South Amboy for the reasons set forth in the record and this Resolution, and further do not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.
- Permitted Density is 33 units.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #398-18A for Deviations for maximum building coverage, maximum impervious coverage, and minimum off-street parking spaces for Lot 19.01 and Deviations for maximum impervious coverage and minimum off-street parking spaces for Lot 20.01 as to premises located 200 South Broadway, also known as Block 42, Lots 19.01 and 20.01 located on the Tax Map of the City of South Amboy with the following conditions:

1. The Applicant will consolidate the two lots into one by virtue of the ownership of some commonality.
2. The Applicant will execute a Developer's Agreement with SARA and provide the same to the Board.
3. The Applicant will obtain a complete SARA approval in connection with this project, plan revisions as required in the report of AJV Engineering, templates for turning movements with respect to vehicles and emergency vehicles onsite to satisfy safety and fire department access.
4. The Applicant will provide revisions of the plan to satisfy the fire department that there is no obstruction or interference with fire company connections and hydrants in order to ensure that there is no parking in the fire zone.
5. The Applicant will provide 18 copies of the color rendering from the architect.
6. The Applicant will provide the revised traffic report.
7. The leases, with regard to the tenants of the property, will include language which will prohibit any parking other than private vehicles (to exclude boats, trucks, trains, storage, et cetera) and limited to residential parking.
8. The Applicant will construct a wood guardrail to protect the adjoining property in the rear.

9. The Board left the record open to permit a definitive response from SARA and the City Engineer Mark J. Rasimowicz PE, PP, CME, CPWM, to confirm:
 - a. That the permitted density of the Redevelopment Zone is 33; or
 - b. The Redevelopment Zone is to be amended.
10. Following the request, SARA and Mr. Rasimowicz determined that the permitted density is 33 units. (Two for the two-family and 31 for the apartments with a permitted density of 53.75 units/acre)
 - a. See letter from Mark J. Rasimowicz, dated January 17, 2024. (Exhibit A)
11. The obligation of the Applicant to comply with the requirements of the City of South Amboy and compliance with all rules and regulations remains in full force and effect.
12. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation.
13. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on November 29, 2023.
14. All other matters set forth above, and/or incorporated herein;
15. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
16. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
17. The Board Attorney 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 receipt of a copy of this Resolution.
18. 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 and the Applicant must submit a revised Site Plan for review by the Board to ensure Resolution Compliance.

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 public meeting held on January 24, 2024.



Katie Rose Walenty, Planning Board Secretary