

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB-08-13
RESOLUTION APPROVING PRELIMINARY AND FINAL SITE PLAN AND USE
VARIANCE FOR PROPERTY LOCATED ON BLOCK 8, LOT 30 LANDS OF THE CITY OF
SOUTH AMBOY

WHEREAS, application has been made by Enterprise Electric, Inc., (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Preliminary and Final Site Plan approval and Use Variance related to property located at 2082 Route 35 and 412 Parker Avenue, (Block 8, Lot 30) (the “Property”); and

WHEREAS, Applicant is the owner of Property; and

WHEREAS, the Property is located partially in the RA Zone and partially in the B2 Zone; and

WHEREAS, the Property is currently improved with a two-story masonry building use for commercial purposes on both stories; and

WHEREAS, the Application seeks a use variance to return the property to a prior use, two single-family apartments on the first floor and commercial/office use on the second floor, along with several changes to a previously approved site plan; and

WHEREAS, the Planning Board held a public hearing on June 26, 2013, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was represented by James J. Vail, Esq.; and

WHEREAS, the Applicant presented the testimony of John Catanio, and Paul J. Fletcher, PE, PP; and

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

- A. Architecture floor plan/elevation view, unsigned and unsealed, prepared by Hampton Hill Architecture, dated 2/13/13 and consisting of two sheets;
- B. Signed and sealed plan entitled, "Site Plan prepared for Enterprise Electric, Inc." prepared by Fletcher Engineering, Inc., dated 3/15/13.
- C. Exhibit A-1 –duplicate copy of Site plan;

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 plans were reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, dated June 20 2013; and

WHEREAS, Mr. Catanio testified that his is a principal of the Applicant, which in turn owns the Property. The Applicant is a union electrical company, and currently uses a portion of the Property as office space. The ground floor of the Property is currently vacant. He testified that the Applicant would like to return the property to the its prior use – two residential units on the ground floor, and commercial / office space on the second floor.

WHEREAS, Mr. Catanio testified that they would like to install a chain-link fence with slats because it lasts longer than a board-on-board fence. The Applicant also seeks to modify the staircase to be in compliance with current codes and to remove the planters on the commercial side of the building that were required in the previous site plan approval.

WHEREAS, Mr. Fletcher testified that the zone line cuts through the middle of the Property. There is a separation of the uses because of the significant change in grade on the site.

WHEREAS, Mr. Fletcher testified that the Property is particularly suited for a two-family use on the first floor because that is how it was used previously, so there is no adverse impact on the zone plan or master plan, and that other uses on Parker Avenue are residential, making this use particularly suited to this Property; and

WHEREAS, the Applicant consented to the conditions set forth in the June 20, 2013 review report by Angelo Valetutto; and

WHEREAS, the Applicant agreed that the planters will be installed on the residential (Parker Avenue) side of the Property; and

WHEREAS, one parking space, as set forth in the plans will be removed;

WHEREAS, the Board deemed said Application complete and further the Board did review the Application, including but not limited to the submitted plans and heard testimony and reviewed the aforesaid reports of Mr. Valetutto, at public meetings held on June 26, 2013; and

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the reports to it by its consultant, Angelo J. Valetutto, P.E., P.P., and finds that:

- (A) The Planning Board has jurisdiction in this matter.
- (B) 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.
- (C) During the course of the proceedings Applicant agreed to comply with all of the comments offered by Mr. Valetutto, as well as the items set forth in his review letter.

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

1. Applicant seeks a use variance necessitated by the return of the first story of the existing structure to use as two single-bedroom apartments.
2. Applicant seeks to revise prior site plan approval to remove the requirement to provide planters on the commercial (Route 35) side of the Property, but maintain the obligation to install planters on the residential (Parker Avenue) side of the Property, and to install a chain-link fence with slats rather than a board-on-board fence.
3. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated June 20, 2013, which was reviewed by the Applicant and made a part of the record.
4. That the Applicant has put forth evidence to justify the grant of a use variance.
5. That the requested Use Variance and modifications to the prior site plan are herein granted. The benefit of granting such variance outweighs the detriment, and can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 24th day of July, 2013 that Preliminary and Final Site Plan Approval use variance and modification to prior site plan in conformance with the plans submitted by the Applicant and as amended during the hearing and pursuant to the conditions set forth in this Resolution shall be and are hereby granted, subject to the following conditions:

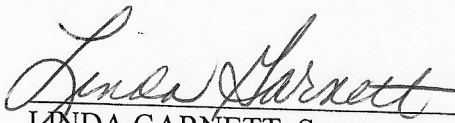
1. Submission and approval of revised plans in accordance with the aforesaid report of Angelo J. Valetutto, P.E., P.P.
2. Submission and approval of revised plans in accordance with the conditions set forth in this Resolution and during the hearing before the Board.
3. The property will be maintained in conformance with the property maintenance regulations.
4. 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.

5. Each and all other applicable approvals, if any, required by law or statute or regulation.
6. The planters will be eliminated from the commercial (Route 35) side of the building and the planters will be installed on the residential (Parker Avenue) side of the Property.
7. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on June 26, 2013.
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.

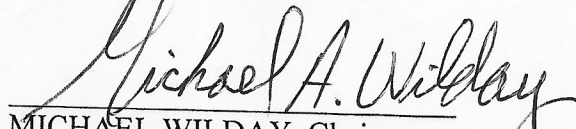
Be it Further Resolved that,

1. This Resolution shall take effect as provided by law.

ATTEST:


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 July 24, 2013 at a duly convened meeting.

DATE:

Linda Garnett, Secretary