

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION # 9 -2006

**A RESOLUTION APPROVING PRELIMINARY AND FINAL MINOR SITE PLAN
WITH VARIANCES TO CHILDREN'S CENTER FOR LEARNING II**

WHEREAS, on April 26, 2006, at a duly advertised Special Meeting of the Planning Board of the City of South Amboy, the Children's Center for Learning II ("Applicant") presented an application for a Preliminary and Final Minor Site Plan Approval (the "Application"); and

WHEREAS, said Applicant was represented by Michael Nieschmidt, Esquire; and

WHEREAS, the Application was for the operation of a day care facility, construction of a fence, revised traffic circulation and revision and re-striping of parking spaces on property known as Block 48, Lot 5, 148 North Broadway, in the City of South Amboy; and

WHEREAS, said Applicant sought a waiver of the Board Rule to have present a Court Stenographer, which was granted; and

WHEREAS, the following Findings of Fact were made:

FINDINGS OF FACT

1. The property is owned by the First Presbyterian Church (the "Church").
2. The Applicant seeks to use the existing two story brick building at 148 North Broadway and surrounding property for the operation of a day care center for children aged 2 ½ to 6 years old.
3. The Applicant's attorney, Mr. Nieschmidt stated the Applicant will not change the use of Westminster Hall from anything that it has been used for in the past, which includes use as a Sunday School, YMCA Head Start Program, South Amboy Teen Program, St. Vincent DePaul Camp and use by the Boy Scouts, Girl Scouts and Cub Scouts.
4. The Applicant currently operates a day care center in North Brunswick, New Jersey.

5. That the proposed project is adjacent to a municipal parking lot.
6. That the Applicant proposes to re-stripe the parking areas jointly used by the proposed facility and the Church also located on the property; reconfigure the traffic circulation and construct a six-foot high fence to enclose a playground adjacent to Church Street.
7. That a Minor Site Plan, as prepared by Mark J. Rasimowicz, P.E, of Feist Engineering, Applicant's Engineers, dated April 12, 2006, was submitted and considered by the Board, which Plan consisted of one sheet.
8. That Deanna Comomos, a director of the Applicant, was sworn and testified as to the nature of the proposed project and the need for a day care facility in this area. Ms.Comomos testified that the facility will be open Monday thru Friday from 7:00 a.m. to 5:30 p.m., including holidays.
9. Ms. Comomos testified that the Applicant is looking to care for approximately 55 children and anticipates having 8-10 employees at the property.
10. Ms. Comomos testified that the operations of the facility are governed by State regulations. She further testified that the pick-up and drop-off of the children will be at the main entrance with security.
11. That Mark Rasimowitz, the Applicant's Engineer, was sworn and testified as to the nature of the proposed project. He testified that most of the parents will access the facility via Church Street, and some will access the facility via the adjacent Municipal Parking Lot.
12. That the subject property is in the B-1 Zone, and therefore, the project is a permitted use.
13. That Mr. Rasimowitz testified as to the need of the following Parking Variances from the Development Regulations:
 - a Minimum total parking spaces required 29 while 27 are proposed.
14. Mr. Rasimowitz testified that the benefit of the requested variances outweighed the detriment and the relief could be granted by the Board without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance. He testified that 15 of the required 29 spaces arise from the presence of the Church on the property, but that because the Church and Day Care facility will not be utilized on the same days, there will be more than adequate parking.
15. That Ms. Mary Porcello, an elder of the First Presbyterian Church testified that the Church has had an unsigned agreement with the City of South Amboy allowing City employees to park on the Church lot in exchange for the City plowing the snow from the Church lot.

16. That Mayor O'Leary stated that there was an understanding between the First Presbyterian Church that provides the City with access to the Church lot

Based upon the above Findings of Fact, the Board Concludes as follows:

CONCLUSION

1. That the Application is for a permitted use in the B-1 Zone and consistent with the City Master Plan as well as the current Zoning Ordinances of the City.
2. That the Bulk Variances for the construction of a fence and the set-back for the sign, are herein granted. The benefit of granting such Variances 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.
3. That the request for providing twenty-seven (27) parking spaces, rather than the twenty-nine (29) required by Ordinance, is granted. The benefit of granting such variance outweighs the detriment, and it 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.
4. That the Preliminary and Final Minor Site Plan as submitted and made part of the record, is herein approved subject to the conditions set forth in the AJV Engineering, Inc. Report of April 17, 2006 and the conditions set forth below.
5. That the granting of the requested variances advance the purposes of zoning by helping to develop the property with a permitted use, and provides for the safe utilization of the property by the proposed child day-care center, which is needed in the Community.

NOW, THEREFORE, BE IT RESOLVED that the Application for a Preliminary and Final Minor Site Plan and Bulk Variances as well as a Parking Variance as above described are herein granted subject to the following conditions:

1. Applicant shall comply with the terms of the AJV Engineering, Inc. report of April 17, 2006.
2. Prior to the issuance of a Certificate of Occupancy, Applicant shall provide a fully executed agreement between the City of South Amboy and the First Presbyterian Church, in form and substance acceptable to the City Attorney and adopted by vote of the Mayor and City Council, allowing access from the Church property to the adjacent Municipal parking lot and from the Municipal parking lot to the Church property.

3. The Site Plan shall be revised to provide for the installation of a "Do Not Enter" sign off Broadway onto Church Street, in order to prevent illegal turns off Broadway onto a one-way street, which revision shall be reviewed and approved by AJV Engineering.
4. Final design for all signage shall be subject to review and approval of the South Amboy Redevelopment Agency ("SARA") Architectural Design Committee or such agency having jurisdiction. Placement of the signs shall not be in the sight triangle.
5. That the Applicant submit copies of Application Approvals of any other Governmental Agencies having jurisdiction over this Site.
6. That all outstanding taxes, application, and escrow fees be paid in full.

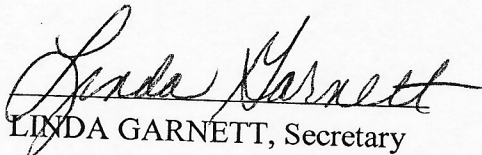
The above memorialization is the result of a Motion duly made and seconded on the 26th day of April, 2006, on the following vote: Those in favor:

Opposed: None.

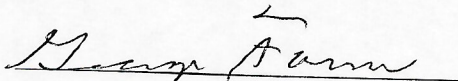
Abstained: One.

Not Voting/ Not participating:

ATTEST:


LINDA GARNETT, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


GEORGE FORRER, Chairman