

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
May 23, 2018

Members present: Robert Paulukiewicz, Mayor Henry Thomas Kelly, Mary Szaro, Scott Kominkiewicz, Darcy McCabe-Brew, George Baranowski, Tim Ambrecht

Members absent: Francis Mulvey, Councilman Brian McLaughlin, Holly Hughes

Also present: Jason C. Valetutto, P.E., P.P., James E. Stahl, Esq.

Meeting was called to order followed by the salute to the Flag.

Chairman Paulukiewicz stated adequate notice of this meeting has been provided under "The Open Public Meeting Act" by advertisement.

Roll call was taken at this time.

Motion by Darcy McCabe-Brew, seconded by Scott Kominkiewicz to accept the Minutes of the April 25, 2018 meeting. Motion carried 8-0, 0 abstention.

Chairman Paulukiewicz then reviewed the evening's agenda.

Resolutions

Felix J. Burgos-Figueroa, Application #383-17. Motion by Thomas Kelly, seconded by Darcy McCabe-Brew to accept the resolution as written. Motion carried 7-0, 1 abstention.

200 Broadway, LLC, Application #389-18. Motion by Darcy McCabe-Brew, seconded by Scott Kominkiewicz to accept the resolution as written. Motion carried 8-0, 0 abstention.

Devimy Equities, LLC, Application #379-17. Motion by Darcy McCabe Brew, seconded by Mary Szaro to accept the resolution as written. Motion carried 6-0, 2 abstentions.

Completeness Committee

None

Applications

401 SPA, LLC, application #377-17

The Board approved the request by Thomas E. Downs, IV, Esq. that the application be carried to the June 27, 2018 meeting with no further notice required.

Break taken. Meeting reconvened with a roll call completed at that time.

Whispering Woods Settlement – 611 Bordentown, LLC Application #374-17

Please see attached transcript.

Motion by Mary Szaro, seconded by Thomas Kelly to close the public portion of the meeting. Motion carried 6-0, 1 abstentions.

Motion by Darcy McCabe-Brew, seconded by Mary Szaro to carry this matter to the June 27, 2018 meeting with no further notice required. Motion carried 6-0, 1 abstention

Metaline Products, Inc Application #391-18

Refer to attached transcript

Motion by Darcy McCabe-Brew seconded by Scott Kominkiewicz to close the public portion of the meeting. All in favor.

Motion by Mary Szaro, seconded by Darcy McCabe-Brew to carry this matter to the June 27, 2018 meeting with no further notice required. All in favor.

Informal Application Hearing

Center SA, LLC

Mr. Michael Behar stated that he had purchased what was the long-standing Burdack's Tavern located at 537 Center Street which was inclusive of a bar, catering hall and two (2) apartments. His intent was to renovate the existing businesses and utilize them as they had been in the past- inclusive of the bar, catering hall and two apartments. At the point of purchase, Mr. Behar claims that the tavern was operating, catering hall was in disrepair and utilized as storage, and the apartments were derelict. Mr. Behar then began investigating parking options for this property. He stated that he could create twenty-seven (27) parking spots onsite – twenty-two (22) underneath the building and five (5) outside. In addition, Mr. Behar contacted Father Stan at Sacred Heart Church regarding the potential to create an additional forty-four (44) parking spaces at the school but this was not confirmed by Church.

Per Jason C. Valetutto, P.E., P.P., the question of whether the hall was abandoned or in continuous use is a concern as there is no evidence that the hall was being used in the recent past. James E. Stahl, Esq further stated that if the hall was abandoned, the new owner would not have the right to continue the use of the party hall. If the prior owners intended to stop usage for an extended length of time, the new owner could file an appeal or a CCO. Tom Kelly added that the issue comes to play as no one really knows when the catering hall was last

utilized. Mr. Behar confirmed that the liquor license was continuous when he had purchased the property for both the hall and the bar.

Mr. Behar then presented a second option for the Board. He reviewed another scenario where he could potentially reconfigure the internal space to construct ten (10) loft apartments in addition to the two (2) already situated above the bar. Handouts were provided to the Board. He would then need to request a deviation for seventeen (17) parking spots instead of the twenty-two (22) required to meet our City's ordinance for parking. Mr. Behar stated that this change would not alter the footprint of the building. He stated that he would reduce the bar to eight hundred (800) square feet and create an outside deck for additional seating during the warmer months which would also create an additional ingress/egress for the restaurant. In this scenario, the catering hall would be completely eliminated. Furthermore Mr. Behar specified that he would need a deviation of five (5) parking spaces for the apartments. Mr. Valetutto apprised the Board and Mr. Behar that the handout he provided was not drawn to scale and that he would need to review that information in more detail. Mary Szaro commented that the biggest hurdle to overcome was accommodating adequate parking.

Mr. Behar briefly described the loft-style apartments as single bedroom units with 18-foot-high ceilings and exposed duct work. A sketch was provided to illustrate the layout. Scott Kominkiewicz commented if it would be possible for Mr. Behar to expand the bar in the same footprint while Mr. Valetutto confirmed that a use variance would be needed if he were to expand the bar. Darcy McCabe-Brew said it was a good concept for the bar/restaurant combination and insuring it is done in the right way was very important. Proposing an acceptable number of apartments was also significant in order for the concept to be viewed in a positive light. Mr. Valetutto confirmed that our parking standard is 1.8. Mr. Kominkiewicz suggested that the entire building be leveled and construct a single-family home at which Mr. Behar responded that was not an option.

Brief discussion around the loft apartments. Ms. McCabe-Brew suggested that the total amount of loft apartments be minimized. Mary Szaro commented that revitalizing that building is important within the guidelines but could benefit the community. Robert Paulukiewicz questioned the applicant if there is a market in the area for the hall or to expand the bar/restaurant area. If apartments, are there too many already in South Amboy and he may want to scale back from the twelve originally being proposed. Ms. Szaro mentioned that if the community did indeed need party hall, it would have been currently in use. Mr. Valetutto further commented that the party hall would demand an increased number of parking spaces. He further remarked that if Mr. Behar could prove that previously non-conforming and not abandoned unit, he doesn't have to prove parking as it would be continuous use. Ms. Szaro

said interjected that she was in the catering hall at least five years ago and it was not in use at that time.

Mr. Behar remarked that he is willing to make accommodations so that he gets community support and support of the Board. Mr. Behar reiterated that the outdoor deck would as two purposes including an emergency fire exit as well as outdoor seating area in the warmer months. Mr. Kominkiewicz asked for clarification of the number of parking spaces needed for ten (10) 1-bedroom units. Mr. Valetutto confirmed the number to be met is 18. Mr. Kominkiewicz stated that the cut-off for outside dining on Broadway is 10:00pm. Mr. Paulukiewicz said that Mr. Behar may have to apply for special permits and reminded him that this establishment would be located in a highly residential neighborhood. Mr. Kelly brought up the fact the Munkee Bar, which was also located in a highly residential area, was denied outdoor use several years back.

Discussion whether the terrace would be considered expanding lot coverage which would require a variance.

Chairman Paulukiewicz opened the meeting to the public. With no public wishing to speak, Chairman Paulukiewicz called for a motion to close the meeting to the public. Motion by Darcy McCabe-Brew seconded by Mary Szaro to close the public portion of the meeting. All in favor.

Chairman Paulukiewicz announced that the next regularly scheduled meeting would be held on June 28, 2018, 2018 at 7:00pm.

Motion by Mary Szaro, seconded by Darcy McCabe-Brew to adjourn. All in favor.

Respectfully submitted,

Kathy Kudelka