

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB - 10 -23

Application Number 437-23

**RESOLUTION GRANTING MINOR SITE PLAN, USE
VARIANCE, AND BULK VARIANCE APPROVAL**

**Bamrah Realty, LLC
147 South Pine Avenue
Block 81, Lot 38**

**City of South Amboy
RA Single Family Residential Zone**

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within Application for Minor Site Plan, Use Variance and Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the “Board”) by Thomas E. Downs, IV Esq. appearing on behalf of Bamrah Realty, LLC (the “Applicant”), for Minor Site Plan, Use Variance, and Bulk Variances as to Block 81, Lot 38 on the Tax Map of the City of South Amboy in the RA Single-Family Residential Zone and located at 147 South Pine Avenue for, converting the presently mixed use property to a two-family residence; 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 May 24, 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 July 26, 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 a Use Variance and Bulk Variances from the zoning requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Variances Required

Use Variances

	Requirement	Proposed
RA Zone	Single Family	Two Family

Bulk Variances

	Requirement	Proposed
Minimum Lot Area	10,000 sf	3,770.25 sf
Minimum Lot Width	100'	50.27'
Minimum Lot Depth	100'	75.00'
Minimum Front Yard – South Pine Ave	25'	1.3
Minimum Front Yard – George St	25'	0.6'
Maximum Lot Coverage	25%	30.38%
Maximum Lot Impervious Coverage	60%	62.79%
Minimum Landscape Coverage	40%	37.21%
Maximum Dwelling Units/Building	1 d.u.	2 d.u.
Maximum Dwelling Units/Acre	8.71 d.u./ac	23.11 d.u./ac
Minimum Gross Floor Area – Apt. A	1,000 sf	907.13 sf
Minimum Gross Floor Area – Apt. B	1,000 sf	907.13 sf
Accessory Use Maximum Area	180 sf	224 sf

And

WHEREAS, at the previously mentioned public hearing, the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

May 24, 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 facts:

FINDINGS OF FACT

1. Thomas E. Downs, IV Esq, who acknowledged receipt of the AJV Engineering, Inc. report May 24, 2023 (the “AJV Report”), represented the Applicant.
2. Mr. Downs presented a summary of the application as attorney for the Applicant as follows:
 - The application is for the conversion of the Shamrock Inn or Murphy Shamrock Inn from a bar to an apartment.
 - The Property has been a bar since 1932, where the owners of the bar lived on the second floor and their business was on the first floor.
 - The Property is basically fully developed apart from what is to be done now.

3. The Board swore in Paul J. Fletcher, P.E.,P.P. who, testified as the Professional Engineer and Planner on behalf of the Applicant.
 - The Board accepted Mr. Fletcher's Professional Engineer and Planner credentials.
 - Mr. Fletcher acknowledges that he reviewed the AJV Report with the clients regarding the requested changes.
 - Mr. Fletcher acknowledges that they will comply with all the various additional information and revisions.
 - Mr. Fletcher acknowledges that the Applicants will remove the satellite dish as well as remove the proposed bathroom from the basement.
4. Mr. Stahl requested confirmation that Mr. Fletcher acknowledges that the Applicants will comply with **all** of the comments, recommendations, and conditions as set forth in the AJV letter of May 24, 2023.
 - Mr. Downs responded in the affirmative. However, there are architectural issues, which are going to take the architect's approval.
 - With no architect scheduled to testify, Mr. Stahl inquired if the architect will comply with the architectural comments.
 - Mr. Downs responded that the architect would comply with the architectural comments.
5. Mr. Fletcher continued his testimony.
 - The area is clearly predominantly a residential area.
 - The only business within 500 feet of the area is a travel agency at Henry and Pine Avenue, and the empanada store that is across the street on John and Pine Avenue.
 - Across the street from the Property is a multi-family, three-family house, and number of two-family houses, and a mixed use where the empanada store is located.
 - The proposed change from the mixed use to a two-family residential use would be a less intensive use, would be an upgrade to the neighborhood, and would promote the general welfare consistent with the purposes of the Municipal Land Use Law.
 - As to the street side parking, there will be four off-street parking spaces. Each unit will have two spaces, and the spaces will be stacked, so that each tenant will be able to enter and exit without the need to "jockey" the other cars.

- Both tenants will have access to the basement for the electrical panels and meters.
 - As to the bulk variances, the fact that the Property is an undersized lot, undersized area, undersized depth, and undersized set-backs are all pre-existing conditions and there is nothing that can be done to rectify them.
6. Mr. Downs asked Mr. Fletcher about the increase in impervious lot coverage regarding the addition of off-street parking spaces.
- Mr. Fletcher responded that the impervious lot coverage would increase to 59.9 percent, while 60 percent is the maximum.
7. Mr. Downs asked Mr. Fletcher about any negative criteria that would impact the application.
- Mr. Fletcher responded that there is no negative impact to the Zone or Master Plan and that it would be a plus for the neighborhood to remove a commercial, potentially noisy, late-night condition, from the neighborhood and replace it with a quiet residential use.
8. Mr. Downs testified that the second-floor plan is not going to be changed, except for an upgrade to the kitchen.
9. The Board swore in the Owners, Inderjit Singh (“Mr. I Singh”) and Lakhwinder Singh (“Mr. L Singh”). It was made clear to the board that Lakhwinder Singh is the 100 percent sole-owner of Bamrah Realty, LLC and Inderjit Singh is his cousin and has been authorized by Lakhwinder Singh to testify on behalf of Bamrah Realty, LLC.
10. Mr. I. Singh testified on behalf of Bamrah Realty, LLC.
- The garage is under 15 feet in height
 - They are going to remove the satellite dish from the roof of the garage.
 - The attic is not finished and has a built-in staircase on the second floor which allows access.
 - The second floor uses central air, and the first floor will use window mounted A/C units. Because of this, there will be no second condenser added to the home.
 - The first floor will be heated by base board radiation.
 - In regard to the basement:
 - i. There will be a lock on the Bilco Door to provide tenants access to the basement in order to access the electrical panel.

- ii. The tenants will not be using the basement for storage, rather storage will be for the Owners of the property for residential items.
- No one will have access to the garage except the Owners.
- 11. Chairman Gonzalez-Gomez inquired about the recycling and garbage containers for the Tenants of the property.
 - Mr. I Singh testified that they will be outside of the garage, to which the Chairman instructed that there was an ordinance that prohibited view of the containers from the street.
 - Mr. I Singh agreed to move them to the side of the garage.
 - Mr. Downs then instructed Mr. I Singh that it would be a good idea to place them in a container which would prevent them from being seen from the street.
 - i. Mr. I Singh agreed to place the bins in a container.
- 12. Mr. I Singh testified that no one in the family will be staying at the location.
- 13. The Board and the Applicant discussed the storage situation regarding the basement, and the garage to which Mr. I Singh testified that:
 - The garage is for storage, and not for parking.
 - The basement is not for use by the Tenants for storage, rather, it is for the Owners to store residential items, like shovel, rakes, etc.
 - There will be no business conducted from or within the basement or garage.
- 14. Mr. Valetutto then began to discuss the bulk variances required for the application so that the Board would be aware during the vote.
 - The variances which are not pre-existing include:
 - i. The increase to the impervious coverages with the increase of the driveway.
 - ii. The decrease to the landscaping coverage with the increase of the driveway.
 - iii. The increase of the maximum dwelling units per building to two being proposed.
 - iv. The dwelling units per acre of 8.71 units per acre is the maximum to 23.11 per acre being proposed.

- v. The minimum gross floor area of each apartment is 1,000 square feet allowed and proposed is 907.13 square feet.
15. The Board by affirmative vote opened the meeting to the public.
 16. No one from the public desired to be heard.
 17. The Board by affirmative vote closed the public portion.
 18. Prior to the consideration of a motion, Mr. Stahl summarized the conditions to be considered by the Board in addition to those set forth in the AJV Report:
 - All representations made by Mr. Fletcher, Mr. Downs and the Applicant will be adhered too.
 - Regarding the storage situation in the basement and the garage, the storage will be for residential use only. It can be used by either the Landlord/Owners, or for resident's storage, but can not be used as a business.
 - The basement or garage cannot be rental units.
 - No business can be carried out of the garage or basement.
 - The Applicants will remove the satellite dish.
 - There will be a walkway added so the residents of the second floor don't have to walk all the way around the building to enter their front door.
 - The stairs on the first floor will be permanently closed and the architectural plans will need to be updated to reflect that.
 - The proposed bathroom in the basement will be removed.
 - The Applicants are required to get letters of no interest from Freehold Soil Conservation and the Middlesex County Planning Board.

CONCLUSIONS

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

- The application is for the conversion of the existing mixed-use property to a two-family residence.
- The Existing Property is owned by of Bamrah Realty, LLC with the sole owner being Lakhwinder Singh.

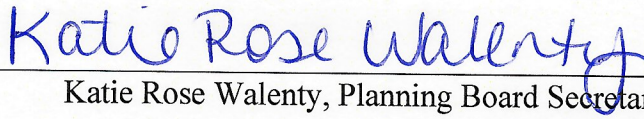
- There will be no changes to the second floor, absent the internal cosmetic changes regarding an updated kitchen in the future.
- A use variance is required because a two-family use is a conditional use in the RA zone, and the property does not meet the conditions.
- Due to the change from a mixed-use to a two-family residential, there are pre-existing bulk variances and new bulk variances required. The new bulk variances required include:
 - i. The increase to the impervious coverages with the increase of the driveway.
 - ii. The decrease to the landscaping coverage with the increase of the driveway.
 - iii. The increase of the maximum dwelling units per building from one is the maximum to two being proposed.
 - iv. The dwelling units per acre of 8.71 units per acre is the maximum to 23.11 per acre being proposed.
 - v. The minimum gross floor area of each apartment is 1,000 square feet allowed and proposed is 907.13 square feet.
- The variances can be granted under the C (2) and D (3) criteria as the benefits outweigh the detriments.
- There is no negative impact on the neighborhood,
- The Bulk Variances and Use Variance 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.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #437-23 for Minor Site Plan, Use Variance, and Bulk Variances as to Block 81, Lot 38 on the Tax Map of the City of South Amboy in the RA Single-Family Residential Zone and located at 147 South Pine Avenue for, converting the present mixed-use property to a two-family residence with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated May 24, 2023;

2. Regarding the storage situation in the basement and the garage. The storage will be for residential use only. It can be used by either the Landlord/Owners, or for resident's storage, but cannot be used as a business;
3. The basement and/or garage cannot be used as rental units;
4. No business can be carried out of the garage and/or basement;
5. The Applicants will remove the satellite dish;
6. There will be a walkway added so the residents of the second floor don't have to walk all the way around the building to enter their front door;
7. The stairs on the first floor will be permanently closed and the architectural plans will need to be updated to reflect that;
8. The proposed bathroom in the basement will be removed;
9. The Applicants are required to get letters of no interest from Freehold Soil Conservation and the Middlesex County Planning Board;
10. 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;
11. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
12. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on July 26, 2023;
13. All other matters set forth above, and/or incorporated herein;
14. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
15. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
16. 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 , and shall furnish to the Planning Board Secretary an Affidavit of Publication by said newspaper; and
17. 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.

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 August 23, 2023.


Katie Rose Walenty, Planning Board Secretary

