
BOARD OF ADJUSTMENT
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Perth Amboy, New Jersey 08861

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**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT**

MINUTES OF THE MEETING

THURSDAY, APRIL 11, 2013

The meeting was called to order at 7:13 P.M. by Chairman Thomas Ward.

Salute to the flag (Pledge of Allegiance was said).

The Chairman of the Perth Amboy Board of Adjustment, Thomas Ward advised the audience that notice of this meeting has been filed with the Home News Tribune, The Star Ledger, City of Perth Amboy's web page at www.ci.perthamboy.nj.us and posted on the Bulletin Board in the City Clerk's office, indicating that tonight's meeting is being held at the Council Chambers, City Hall, 260 High Street, at 7:00 p.m.

ROLL CALL:

Those present: Chairman Thomas Ward, Vice Chairman Michael Savoia, Ms. Susan Batista, Secretary, Mrs. Leslie Dominguez Rodriguez, Mr. Elias Rivera, Mr. Ronald Ray and Mr. Steve Nascimento

Those absent: Mrs. Linda Cruz and Mrs. Yvonne Everett (both excused)

Zoning Board Staff: Jamie Rios, Administrative Officer
Alfred J. Petit-Clair, Jr., Esq.
Jeffrey Raush, P.E., P.P.
Iwona H. Cwiek, Recording Secretary

APPLICATIONS:

**Docket No. 2965 Amboy Tower, LLC
313 State Street
Block 126; Lot 14**

Applicant is requesting for a Conditional Use Variance Approval. Applicant proposes to convert

the upper five floors of the building to multifamily residential use. The units will occupy the 6^h through 10th floor. A total of 19 units are proposed.

Mr. Steven J. Tripp, Esq., is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. Mr. Tripp stated that the applicant is requesting for a Conditional Use Variance Approval. They would like to revitalize the building to create residential use. The building as existing today has non conforming use and that's why they need D3 Variance. There are no external improvements proposed.

All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Tripp calls his first witness Mr. David Morrow, President & CEO of Wilshire Enterprises, the owner of the property. They own this building for over 17 years. Mr. Morrow explained the current occupancy of the building, which is: the bottom 2 floors are over 43 % and the top of 5 floors has very little occupancy and the building occupancy has never risen over 40%. Mr. Morrow stated that the office leasing is diminishing over the past 5 to 10 years and they have a trouble to lease office space for the past several years. They would like to convert the upper 5 floors of an existing 10 story building into the residential units. They are proposing 19 residential units. The windows will be replaced with the current line. There are 2 entrances to the site; it is proposed to separate the entrances between residential and commercial uses.

Mr. Tripp calls his second witness, Mr. Wayne Lerman, PA. He stated that the building has a unique shape and as well the lot. Mr. Lerman submitted Exhibit A1 – Variance Plan – Aerial Photo of the Building and Vicinity. He described the exhibit in details. Mr. Lerman submitted Exhibit A2 – Proposed Floor Plan (FL 6). The green yellow represents 2-bedroom apartments; the orange another 2-bedroom apartments (different shape); yellow - small studio apartments and blue another 2-bedroom apartment. There will be a mail room and storage room for the garbage on each floor and pickup at evening. A total of 19 residential units are proposed. Of the total, 2 are 3 bedroom units, 12 are 2 bedroom units and 4 are 1 bedroom units. The total number parking spaces required by RSIS for the residential use is 26 stalls. The applicant intend to provide the 26 parking spaces for the resident as well as an additional 24 spaces to be used by the commercial tenants in the building will be provided through a Parking Agreement between the City of Perth Amboy and Amboy Towers, LLC, the owner of the building. A copy of the Parking Agreement Option signed by Mayor Wilda Diaz for the City and David B. Morrow for Amboy Towers, LLC has been provided. Mr. Wayne reviewed the existing bulk conditions and addressed them to the Board. Mr. Lerman submitted Exhibit A-3 – Proposed Floor Plan – 7-9 and Exhibit A -4 – Proposed floor Plan FI 10.

Mr. Tripp calls his third witness Mr. Richard Preiss, PP. Mr. Preiss stated that the subject building is located at 313 Sate Street at the intersection of New Brunswick Avenue in the C-2 Central Business Zone. The building has 2 entrances each on New Brunswick Avenue and State Street. There is no parking space provided for the building but the parking space will be provided by renting the space from public parking deck on Jefferson Street. The applicant received signed lease from the Parking Authority. Mr. Preiss described the application from the planning point of view. He stated that only 20% of the top floors of the subject building are occupied. He addressed the bulk variances created by this application. In his opinion there is no detriment impact to the surrounding neighborhood.

Board's discussion with the applicant on: fire safety, minimum lot coverage, parking density,

price per unit / or Sq. Ft. (\$900 - \$2000 to \$1.25/\$1/75 SF).

Public portion:

- Billy Delgado, having office in this building for a long time. Stating that the owner of the building took a great job to taking care of the building. He is in favor of the application but, worries about usage of the elevator, how City will handle the emergency in the building and questions on the garbage issues.

Mrs. Dominquez Rodriguez made a motion to deny the application and the motion was so moved and seconded by Ms. Batista. All Members present voted to deny the application.

CLOSED SESSION: none

NEW BUSINESS: none

APPROVAL OF MINUTES: March 14, 2013 carry to the next meeting

MEMORIALIZATIONS: none

ROLL CALL FOR UPCOMING MEETING: May 9, 2013 at 7:00 PM

ADJOURNMENT:

Vice Chairman Savoia made a motion to adjourn the meeting and was seconded by Chairman Ward. Motion to adjourn the meeting of April 11, 2013 was so moved.

Meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Iwona Cwiek
Recording Secretary