
BOARD OF ADJUSTMENT
375 New Brunswick Ave.
Perth Amboy, New Jersey 08861

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**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
THURSDAY, JUNE 12, 2014**

The meeting was called to order at 7:00 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 Chairperson Leslie Dominguez Rodriguez, Ms. Susan Batista, Secretary, Mrs. Linda Cruz, Mr. Elias Rivera, Mr. Ronald Ray, Mr. Reinaldo Aviles

Those absent: Ms. Wilma Matey

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

CLOSED SESSION: none

APPLICATIONS:

**Docket No. 2991 Flynn & Sons Funeral Home, LLC
Broad Street
Block 223; Lots 4 & 5**

The applicant is requesting for Expansion of a Non-Conforming Use and Minor Subdivision. Applicant is seeking to subdivide an existing two family residential lot.

Mr. Bernard Shihar, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Shihar calls his first witness Mr. Angelo J. Valetutto, PE, PP. He stated that the application seeks approval of a minor subdivision plan to adjust a common lot line between 2 lots. The applicant owns adjacent lots 1, 2, and 3 with frontage on both Broad Street and East Avenue. Lots 1, 2, and 3 contain the Flynn & Sons Funeral Home and associated parking. The subject lots contain a 2 ½ story two-family dwelling and parking stalls used by the funeral home. The existing dwelling is primarily located on lot 5 but, encroaches on lot 4. The proposed subdivision will eliminate any encroachment. The applicant is seeking approval to adjust the common lot line in order to separate the existing parking area with 6 parking stalls from the residential use. Contiguous to and a part of the existing paved parking area are 3 stalls which will remain on the residential lot. Access to these parking stalls is only from the funeral home parking lot. Mr. Valetutto addressed Feist Engineering report stated June 3, 2014. He explained the bulk variances listed on the report; they are existing. There will be no changes on the property. Applicant will file a subdivision deed and will be a subject to the easement.

Public portion: none

Mrs. Cruz made a motion to approve the application with the conditions set forth and the motion was so moved and seconded by Ms. Batista. The motion was voted on and approved by the vote of 7.

Docket No. 2993 567 Perth Amboy, LLC c/o W. Petroleum
571 New Brunswick Ave.
Block 184; Lots 20-27

The applicant is requesting for Use Variance, Major Preliminary and Final Site Plan Approval, and Bulk Variances. Applicant is proposing a convenience store and Dunkin Donuts.

Mr. Jason Tuvel, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Tuvel calls his first witness Mr. John Paulus, PE. He submitted Exhibit A1 – Aerial map and Exhibit A2 – Site Plan Rendering in Close Aerial View. Mr. Paulus stated that the applicant seeks approval to redevelop a site by renovation the exiting fuel service station and convenience store building on the site. The 1,557 sq. ft. building will be enlarged to 2,000 sq. ft. by an addition on the south side of the existing building. The new building will contain a 1,400 sq. ft. convenience store and a 600 sq. ft. fast food restaurant (Dunkin' Donuts) with a drive-thru lane at the rear of the building for the restaurant. The site contains 6 fueling positions and a kiosk which will remain. A new 6 feet high vinyl fence is proposed between the subject tract and the residential uses to the south. The hours of operation for the subject site are 24 hours per day and 7 days a week. The circulation on the site will remain the same. The hours for the delivery of gas will be evening hours. For the Dunkin' Donuts, the delivery will be in early morning by the regular box truck. The applicant is asking for the waiver from the planting trees in front of the property. There will be a total of 5 signs, 99 sq. ft. total, Mr. Paulus described in details each of the sign.

Mr. Tuvel calls his second witness Mr. Nicholas Verderest, PE Traffic. He stated that he prepared and submitted, as part of this application, Traffic Impact Assessment dated February 27, 2014, and revised April 24, 2014. Mr. Verderest testified that this application will not increase significantly the traffic in this area; he is predicting about 20 more cars in the peak hour. The existing driveways will operated under existing conditions. All the parking is on the west side of the building.

After the discussion, the applicant agreed to provide additional drive-thru signage and restriction on existing on Rt. 35 during peak hours.

Mr. Tuvel calls his third witness Mr. John McDonough, PA, PP. He submitted Exhibit A3 – 3 part exhibit of photographs. Based on the exhibit, Mr. McDonough described in details the site and what is proposed in this application. He also justified the multiple variances listed in Feist Engineering report dated June 2, 2014, to which the applicant will comply.

Public portion: none

Chairman Ward made a motion to approve the application with the conditions set forth and the motion was so moved and seconded by Vice Chairperson Dominguez Rodriguez. The motion was voted on and approved by the vote of 6 to 1 (Mr. Aviles).

Docket No. 2996 Muhmad Melheess
371 McGuire Pl.
Block 106; Lots 16-19

The applicant is requesting for Use Variance and Minor Site Plan Approval. Applicant proposes to sub-lease 17 parking spaces.

Mr. George Otlowski, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Otlowski calls his first witness Mr. Angelo J. Valetutto, PE, PP. Mr. Valetutto stated that the applicant agrees and will comply with Feist Engineering report dated April 18, 2014. The application seeks approval to construct a parking lot for 17 vehicles. The vacant site is located in the R-25 Residential Zone at the end of McGuire Place. Commercial type businesses are located to the south and east. On the south side of the site is an automobile repair business and to the rear of the site are residential dwellings with frontage on another dead-end street, Kirkland Place. The applicant desires to provide off-street parking for 17 vehicles including 4 mini school vehicles. The parking spaces will be long term rentals. Mr. Valetutto addressed variances created by this application and asked for approval of 6 ft high fence and agreed to chain link, no slots and will provide a gate. Also, they will modify the slope to 3:1 in the rear of the parking lot and clear the weeds. No signage is proposed.

Public portion: none

Mrs. Cruz made a motion to approve the application with the conditions set forth and the motion was so moved and seconded by Chairman Ward. The motion was voted on and approved by the vote of 7.

Docket No. 2997 **174 Hall Ave., LLC**
174 Hall Ave.
Block 350; Lots 1, 1.02

The applicant is requesting a bifurcated application for Use and Bulk Variance Approval. Applicant proposes to demolish existing warehouse and construct 3 two-story, three-bedroom townhomes, 6 two-bedroom loft apartments and 1 one-bedroom flat.

Mr. James Clarkin, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. Mr. Clarkin gave a brief introduction on the subject application. All witnesses are sworn-in by Mr. Petit-Clair.

Mr. Clarkin calls his first witness Mr. Mitchell Noguerras, co-owner. He submitted Exhibit A1 – photographs of the subject property. Mr. Noguerras purchased the property in March 2014, which was not in use for several years. He submitted Exhibit A1 – photograph of the subject property. He agreed to provide Phase I of the Environmental Investigation.

Mr. Clarkin calls his second witness Mr. Michael Donovan, PA. He submitted the following exhibits:

- Exhibit A2 – First Floor Plan
- Exhibit A3 – Second Floor Plan
- Exhibit A4 – Third Floor Plan
- Exhibit A5 – Elevations

Mr. Donovan described current condition of the subject property. He stated that the application seeks approval of a bifurcated Use Variance and Bulk Variances to construct a 3-story building with a parking garage on the ground floor and residential apartment units above and townhouse units on the side. The building will contain 3 two-story three-bedroom townhouses, 6 two-bedroom loft apartments and 1 one-bedroom flat and the ground floor garage will provide off-street parking. The 8,039.48 sq. ft. tract contains an existing warehouse and parking area which will be demolished.

After the discussion on the density the applicant agreed to revise the plan.

Public portion: none

The application has been carried, no date was scheduled. The applicant agreed to send new notices.

NEW BUSINESS: none

MEMORIALIZATIONS:

Docket No. 2989 Forman Sign Company Approved 5/8/2014

Vice Chairperson Dominguez Rodriguez made a motion to approve the resolutions and the motion was so moved and seconded by Ms. Batista. The motion was voted on and approved.

APPROVAL OF MINUTES: May 8, 2014

Chairman Ward made a motion to approve the resolutions and the motion was so moved and seconded by Mrs. Cruz. The motion was voted on and approved.

ROLL CALL FOR UPCOMING MEETING: July 10, 2014 at 7:00 PM

ADJOURNMENT:

Vice Chairperson Dominguez Rodriguez made a motion to adjourn the meeting and was seconded by Mrs. Cruz. Motion to adjourn the meeting of June 12, 2014 was so moved.

Meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Iwona Cwiek
Recording Secretary