

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB -12-24**

Application Number 445-23

SITE PLAN AND BULK VARIANCE APPROVAL

**532 Ridgeway Avenue
Block 150, Lot 18**

**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 Site Plan and Bulk Variance Approval for max fence height within a front yard, accessory use location, maximum impervious coverage, and maximum lot coverage has been submitted to the City of South Amboy Planning Board (the “Board”) by Thomas Downs, IV, Esq., appearing with Gennaro Artiaco (the “Applicant”) as to premises located 532 Ridgeway Avenue, also known as Block 150, Lot 18 located on the Tax Map of the City of South Amboy (the “Application”); 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 February 22, 2024; 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 February 28, 2024, 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 Bulk Variance from the RA, Single Family Residential Zone requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Bulk Variance Required

	Requirement	Proposed
Maximum Lot Coverage	25%	26.24%
Maximum Impervious Coverage	60%	61.29%
Max Fence Height Within a Front Yard	4ft	6ft
Accessory Use Location	Not in front yard	In front yard

And

WHEREAS the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

February 22, 2024; 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 fact:

FINDINGS OF FACT

1. Thomas Down, IV, Esq., acknowledged receipt of the AJV Engineering, Inc. report dated February 22, 2024 (the “AJV Report”).
2. The Board swore in the Applicant, Mr. Artiaco to which Mr. Artiaco testified as follows:
 - Mr. Artiaco, along with his father, are the owners of 532 Ridgeway Avenue.
 - The property was purchased in 2016 with an existing 10 foot patio and 4 foot fence along the neighbor’s yard and in the front yard.
 - Mr. Artiaco applied for a fence permit 2 weeks after purchase of the property to replace the existing 4 foot fence with a 6 foot fence.
 - i. However, after approval, Mr. Artiaco never retrieved the paperwork from the City. Had he done so, he would have been aware that a 6 foot fence in the front yard was a zoning violation, and would have to be approved by the Planning Board.
 - The new fence was placed in the same holes of the pre-existing fence.
 - The reason the fence is 6 feet, and not the original 4 feet, is for privacy reasons. The property is adjacent to a bus stop. People waiting at the bus stop have a clear view into the property. The 4 foot fence provides for no privacy while the 6 foot fence does.
 - Mr. Artiaco agrees to move the front yard fence into his property, off of the

City's right of way, as well, he will install grass around the fence, in accordance with the AJV Report.

- Mr. Artiaco also agrees to remove 2 feet of patio concrete along the front yard (Raritan Street), and along the side yard, and will install grass in its place.
 - The shed, which is currently situated in the front yard, will be moved to the side yard, at least 3 feet from each property line.
3. The Board swore in Andrew Wu, P.E., P.L.S. and accepted his credentials as the Applicant's Professional Engineer, to which Mr. Wu testified as follows:
- Mr. Wu agreed to comply with all requirements in the AJV Report.
 - Mr. Wu agreed to provide the Board with present drainage calculations on the property due to questions from the Board regarding potential impact with neighboring properties due to the removal of soil during the installation of the above ground pool.
4. The Board swore in Andy Balicki, the Applicant's neighbor, to which Mr. Balicki testified as follows:
- Mr. Balicki lives on 352 Raritan Street.
 - He shares a property line with the Applicant, and has a 4 foot high fence within his property line, next to the Applicant's 6 foot high fence.
 - He has no issue that the Applicant's fence runs along his fence, and is situated on his, Mr. Balicki's property.
 - He also has no issue that the Applicant's fence is 6 feet high while his fence is 4 feet high.

CONCLUSIONS

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

- The Site Plan Approval and required Bulk 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 his 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 #445-23 for Site Plan Approval and Bulk Variances for max fence height within front yard, accessory use location, maximum impervious coverage, and maximum lot coverage as to premises located 532 Ridgeway Avenue, also known as Block 150, Lot 18 located on the Tax Map of the City of South Amboy with the following conditions:

1. The 6 foot high fence located on the City's property must be relocated within the Applicant's property line;
2. The Applicant must move the shed to the side yard and the shed must be at least 3 feet from the property line (not the fence line);
3. 2 feet of concrete shall be removed from the Raritan Street side of the patio and 2 feet shall be removed from the property line adjacent to Lot 17 side of the patio;
4. The Applicant will provide the Board with the revised plan consistent with these conditions;
5. The Applicant will provide to the Board a report by Mr. Wu that best addresses the conclusions that there will be no drainage issues resulting from the granting of a variance for the impervious coverage;
6. The Applicant will comply with all recommendations made in the AJV Report dated February 22, 2024;
7. 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;
8. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
9. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on February 28, 2024;
10. All other matters set forth above, and/or incorporated herein;
11. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
12. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
13. The Board Attorney shall publish a brief notice of this determination in the official newspaper of the City of South Amboy within twenty (20) days of the date of receipt of a copy of this Resolution; and

14. 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 and the Applicant must submit a revised Site Plan for review by the Board to ensure Resolution Compliance.

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 March 27, 2024.



Katie Rose Walenty, Planning Board Secretary