

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-13-24
Application Number 441-23
Mykhaylo Potovsky and Olha Bakytka

Resolution denying Bulk Variance Approval for Minimum Driveway Width and Minimum Distance between Driveways

Block 150, Lot 11.02 (South Amboy)
Block 292, Lot 6 (Sayreville)
382 Raritan Street
City of South Amboy
RA, Single Family Home

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance the within application has been submitted to the City of South Amboy Planning Board (the "Board") by **Mykhaylo Potovsky and Olha Bakytka** (the "Applicant") for Bulk Variance Approval for Minimum Driveway Width and Minimum Distance between Driveways to permit necessary approvals for work done without the necessary approvals from the City. The applicants were represented by Thomas E. Downs, IV Esq.

WHEREAS the application reviewed by the Board consisted of those plans and documents as identified in the application review report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated April 18, 2024.

WHEREAS the application was certified as Complete and a Public Hearing with respect to the Application was held by the Board on April 24, 2024, as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, as part of the application and based upon the original plans submitted and reviewed by the consultant to the Board, the Applicant required variances as follows:

<u>Description</u> Variances	<u>Required</u>	<u>Proposed</u>
Minimum Driveway Width	9 ft	8.13ft
Minimum Distance between Driveways	25 ft	18.5 From scaled plans

WHEREAS, at the Public Hearing, the following reports were entered into the record:

Description of Report

Planning Report AJV Engineering Inc.

Date of Report

April 18, 2024

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 Report), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant has refused to pay the court reporter they were required by ordinance to obtain, making it difficult for the completion of this Resolution without a time-consuming review of the audio tape.
2. Notwithstanding the foregoing the Board makes the following findings of fact.
 - a. The Board adopts the findings set forth in the AJV Planning report including but not limited to:
 - i. The applicant was by their application attempting to legalize installation of retaining wall, bollards, concrete curb, relocation of A/C condenser, and length of driveway which have been constructed without following the appropriate permitting process.
 - ii. There were no proper drainage calculations provided
 - iii. There was no inspection of the PSI depths of the Concrete installation, nor installation of reinforcing welded wire mesh.
 - iv. There was no justification for the excessively long driveway.
 - b. The applicant Olha Bakytska was sworn and testified as follows.
 - i. There are seven (7) persons who reside in the house (adults and children)

- ii. The long driveway is necessary for the automobiles of the adults.
 - iii. The house consists of four (4) bedrooms
 - c. Mr. Andrew Wu was sworn in and accepted as a licensed Professional Engineer who testified as follows.
 - i. Mr. Wu acknowledged receipt of the AJV Planning Report.
 - ii. Mr. Wu testified that he could perform drainage calculations and obtain information as to the driveway construction.
- 3. The matter was opened to the public. A resident from Sayreville appeared complaining of the removal of trees among other issues. The Board advised her that her complaints should properly be addressed by Sayreville as the issue of trees was on property in Sayreville.

CONCLUSIONS

The Board finds as follows:

1. The improvements made by Applicants were without appropriate Municipal approvals.
2. Applicants provided no credible reasons why the work was done in an unauthorized, and in some ways dangerous, manner.
3. Applicants failed to satisfy in any fashion either the negative or positive criteria for the granting of the requested Bulk Variance Approval.

The granting of the requested approvals would be a substantial detriment to the City of South Amboy RA Single Family Residential Zone for the reasons that present safety concerns with respect to use of an excessive driveway length, probable use of an unpaved rear yard and further create substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **DENIES** Application #441-23 for Bulk Variance Approval for Approval of Minimum Driveway Width and Minimum Distance between Driveways.

1. Counsel for the Board 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 this Resolution.

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 June 26, 2024.



Katie Rose Walenty, Planning Board Secretary