

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB 12-22  
Application Number 430-22  
CARMEN GALARZA**

**Resolution for Bulk Variance Approval**

**Block 2, Lot 2.01  
427 Prospect Street  
RA Single Family Zone**

**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 Carmen Galarza (the "Applicant") for Bulk Variance Approval, to permit the construction of a 200 sf shed (already constructed without approval) on premises located at 427 Prospect Street, also known as Block 2, Lot 2.01, located on the Tax Map of the City of South Amboy in the RA Zone; and

**WHEREAS**, the application reviewed by the Board consisted of plans and documents as identified in the application review report prepared by Jason C. Valetutto, P.E., P.P., the consultant to the Planning Board, dated March 4, 2022; and

**WHEREAS**, upon review of the application and initial and revised plans submitted on behalf of the Applicant and reviewed by the consultant to the Planning Board, the Applicant required the following Variance from the zoning requirements as set forth in the ordinance:

**Bulk Variances**

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Accessory Building Maximum Area	180 sf	200 sf

**WHEREAS**, the application was deemed complete and a hearing was held by the Board on April 27, 2022 pursuant to public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

**WHEREAS**, at the public hearings, the following reports were entered into the record:

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering, Inc.	March 4, 2022

**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 Planning Reviews), makes the following findings of fact:

### **FINDINGS OF FACT**

1. The Applicant and her husband Luis Galarza were duly sworn and testified as follows:
  - a. They acknowledged receipt of the Planning Report of AJV Engineering Inc. dated March 4, 2022.
  - b. The property is presently developed with a pre-existing 2-story frame dwelling and a wood shed.
  - c. The Applicant seeks permission for the second shed which was delivered and installed on their property.
  - d. The Applicant was unaware of the requirement that approval for the second shed was required.
  - e. The Applicant agreed as a condition of approval for the second shed that the existing wood shed be removed.
  
2. The Board made the following additional findings of fact from the Planning Report of AJV Engineering, Inc. dated March 4, 2022 and the comments of the Board's consultant, Jason C. Valetutto, P.E., P.P.:
  - a. The second shed does not create any variances for setbacks, coverage, or height.
  - b. The failure by the Applicant to obtain necessary approvals for the second shed was inadvertent and not intentional.

3. The hearing was then opened to the public.

No one from the public asked to be heard.

4. The Hearing was closed to the public.

### **CONCLUSIONS**

The Board makes the following findings and conclusions:

1. The property is located in the RA single-family residential zone.
2. The property is presently developed with a pre-existing 2-story frame dwelling and a wood shed.

3. The Applicant seeks permission for a second shed which was delivered and installed on their property.
4. The Applicant was unaware of the requirement that approval for the second shed was required.
5. The Applicant agreed as a condition of approval for the second shed that the existing wood shed be removed.
6. The second shed does not create any variances for setbacks, coverage, or height.
7. The failure by the Applicant to obtain necessary approvals for the second shed was inadvertent and not intentional.
8. One bulk variance is required: Accessory Building Maximum Area.
9. As to the requested bulk (c) variance:
  - a. The grant of the bulk variance described can be granted without substantial detriment to the City of South Amboy for the reasons set forth above and, in the record, and further does 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. The application will provide benefits to the City while resulting in no negative impact.

**NOW, THEREFORE, BE IT RESOLVED** that the City of South Amboy Planning Board hereby **grants** Application # **430-22 for Bulk Variance Approval** to construct a 200 sf shed in the RA Zone with the following conditions:

1. The Applicant agrees that it would comply with the recommendations set forth in the Planning Review dated March 4, 2022.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on April 27, 2022.
4. All other matters set forth above, and/or incorporated herein.
5. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.

6. Payment of all sums now and/or hereafter due for application fees and/or escrows.
7. The Board Secretary 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 this resolution.
8. 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 May 25, 2022.

  
 Amy Russo, Planning Board Secretary

**Planning Board**

	Aye	Nay	Abstain	Absent
Chairwomen Mary Szaro	x			
Vice Chairman Scott Kominkiewicz			x	
Mayor Henry				x
Council President Michael Gross	x			
Tom Kelly				x
Janet Kern	x			
Dr. Jorge Gonzalez Gomez	x			
George Baranowski	x			
Gary Forshner	x			
<b>Alternates</b>				
William DeMasi				x
Andrew Horezga	x			
Robert Paulukiewicz			x	
Francis Mulvey	x			