

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-14-22

Application Number 424-21

Resolution granting Bulk Variances for minimum side yard setback to pool, minimum pool clearance from all structures, maximum fence height in front yard, maximum lot coverage

**Robert Lubelli
716 Conlogue Avenue
Block 93, Lot 11
RA Single Family Residential Zone
City of South Amboy**

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within Application for Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the "Board") by Thomas E. Downs IV, Esq., on behalf of Robert Lubelli (the "Applicant"), for Bulk Variances for minimum side yard setback to pool, minimum pool clearance from all structures, minimum side yard setback to pool pump, minimum side yard setback to shed, minimum rear yard setback to shed, maximum fence height within front yard, maximum lot coverage as to premises located 716 Conlogue Avenue, also known as Block 93, Lot 11, located on the Tax Map of the City of South Amboy; and

WHEREAS, the applicant appeared before the Board on February 23, 2022, but the Board based upon inadequate information from the Applicant recommended, and the Applicant agreed, to obtain a current property survey in order to determine all variances that would need to be legalized. The applicant may obtain an attorney to assist him in the proper presentation of 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 May 10, 2022; and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on May 25, 2022, 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 Bulk Variances from the zoning requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Variances Required

Bulk Variances

	Requirement	Proposed
Minimum Side Yard Setback To Pool	5 ft	4.5 ft
Minimum Pool Clearance From All Structures	6 ft	3.83 ft
Minimum Side Yard Setback To Pool Pump	3 ft	1.5 ft
Minimum Side Yard Setback To Shed	3 ft	1.30 ft
Minimum Rear Yard Setback To Shed	3 ft	2 ft (scaled from survey)
Maximum Fence Height Within Front Yard	4 ft	6 ft
Maximum Lot Coverage	25%	35.90% (2,075 sf)

; and

WHEREAS, at the aforesaid public hearing, the following reports were entered into the record:

Description of Report

Date of Report

AJV Engineering Inc.

May 10, 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 aforesaid Planning Reports), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant was represented by Thomas E. Downs IV, Esq., who acknowledged receipt of the AJV Engineering, Inc., report of May 10, 2022 (the "AJV Report").
2. Mr. Downs discussed with the Board the review of the AJV Report with his client and represented that:
 - a. Applicant would agree to keep the pool at the location on the sketch plan;
 - b. As to item 1(b) on page 2 of the AJV Report, the Applicant agreed to the

relocation of the pool pump to eliminate the setback variance; and

- c. As to Testimony Item 1(c) on page 2 of the AJV Report, the Applicant agrees to that request to eliminate the shed setback variance.
3. Mr. Downs presented the Applicant, Mr. Robert Lubelli.
 4. Mr. Lubelli was sworn in and testified as follows:
 - a. He had been present at a prior proceeding before the Board, without the benefit of Mr. Downs and had previously testified as to the replacement of the pool.
 - b. His cousin owns the house, and he resides there.
 - c. Existing concrete blocks at the rear of the property are to be removed to provide they are 2 feet off the property line.
 - d. The shed will be moved back to at least 3 feet off the property line on both sides and the concrete will be cut back 2 feet and replaced with grass and/or shrubbery.
 - e. As to the fence, he wants it for privacy and security.
 - f. He agreed to move the pool pump.
 5. The meeting was opened to the public for comment and questions.
 6. There was no comment from the public.
 7. Prior to the consideration of a motion, Mr. Valetutto summarized the remaining variances to be considered by the Board:
 - a. Minimum side yard setback to pool - 5 feet required and 4.5 feet proposed;
 - b. Minimum pool clearance from all structures - 6 feet required and 3.85 feet proposed;
 - c. Maximum fence height in front yard - 4 feet required and 6 feet proposed;
 - d. Maximum lot coverage required - 25 percent and 35.90 percent proposed.

CONCLUSIONS

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

1. Applicant agrees to keep the pool at the location on the sketch plat and agrees to Testimony Items 1(b) and 1(c) on page 2 of the AJV Report.
2. Existing concrete blocks at the rear of the property are to be removed to provide they are 2 feet off the property line.
3. The shed will be moved back to at least 3 feet off the property line on both sides to eliminate the setback variance and the concrete will be cut back 2 feet and replaced with grass and/or shrubbery.
4. The pool pump will be moved to eliminate the setback variance
5. The grant of the variances would not substantially impair the intent and purpose of the zone plan and planning ordinance of the City of South Amboy and would actually be a positive impact by reducing several existing setback violations, relocating the pool filter and pool pump, and providing a fence for security and privacy.
6. The Bulk Variances 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 its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.

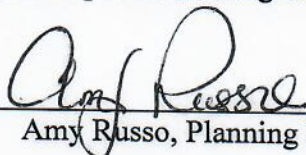
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #424-21 Bulk Variances for minimum side yard setback to pool, minimum pool clearance from all structures, maximum fence height in front yard, maximum lot coverage as to premises located 716 Conlogue Avenue, also known as Block 93, Lot 11, located on the Tax Map of the City of South Amboy with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated May 10, 2022;
2. 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;
3. Compliance with each and all other applicable approvals, if any, required by law or

statute or regulation;

4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on May 25, 2021, and February 23, 2022;
5. All other matters set forth above, and/or incorporated herein;
6. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
7. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
8. The Applicant or Board Secretary 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 receipt of a copy of this Resolution by the Applicant, and the Applicant shall furnish to the Planning Board Secretary an Affidavit of Publication by said newspaper; and
9. 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 June 22, 2022.

 6/24/2022

Amy Russo, Planning Board Secretary

Planning Board

	Application Vote Y/N/Abstain Hearing Date: 3/25/22	Resolution Vote Y/N/Abstain
Chairwoman Mary Szaro	Yes	Yes
Vice Chairman Scott Kominkiewicz	Yes	Yes
Mayor Fred Henry		Abstain
Council President Michael Gross	Yes	Yes
Tom Kelly		Abstain
Janet Kern	Yes	Yes
Dr. Jorge Gonzalez Gomez	Yes	Yes
George Baranowski	Yes	
Gary Forshner	Yes	
Alternates		
William DeMasi		Abstain
Andrew Horezga	Yes	
Robert Paulukiewicz	Yes	Yes
Francis Mulvey		Yes