

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB 15-22**

Application Number 427-22

**RESOLUTION GRANTING USE VARIANCE, BULK VARIANCE, WAIVERS
AND PRELIMINARY AND FINAL SITE PLAN APPROVAL**

**William O’Leary
357 Ferris Street
Block 17, Lots 16 & 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 has been submitted to the City of South Amboy Planning Board (the “Board”) by George J. Otlowski, Jr., Esq., on behalf of William O’Leary (the “Applicant”), for Use Variance, Bulk Variance, Waivers, and Preliminary and Final Site Plan approval, in Block 17, Lots 16 & 18, on the Tax Map of the City of South Amboy, in the RA Single Family Residential Zone and located at 357 Ferris Street; 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 June 15, 2022; and

WHEREAS, the Application was certified as complete and a public hearing with respect to the Application was held by the Board on June 22, 2022, per public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, as part of the Application and based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required a Use Variance, Bulk Variances and Waivers from the zoning requirements as set forth in the ordinance as follows:

VARIANCES REQUIRED:

Use Variances Required

	Requirement	Proposed
RA Zone	Single Family	Three two-unit townhomes
Height	35 ft	38.61 ft & 39.43 ft (>10% permitted)

Bulk Variances Required

	Requirement	Proposed
Minimum Rear Yard	25 ft	19.5 ft
Maximum Building Height	35 ft	37.64 ft
Maximum Building Height	2-½ stories	3 stories (3 buildings)
Maximum Dwelling Units Per Building	1 unit	2 units (3 buildings)

Waivers Required

	Requirement	Proposed
Sidewalk along frontage in right-of-way	4 ft wide	None
Curb distance to property line	5 ft	0 ft

; and

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

DESCRIPTION OF REPORT

DATE OF REPORT

Planning Report of AJV Engineering, Inc.

June 15, 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 Report), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant was represented by George J. Otlowski, Jr., Esq.
2. Mr. Otlowski introduced Mr. Michael Testa who was accepted as a licensed New Jersey Architect in the State of New Jersey and sworn in.
3. Mr. Testa testified as follows:
 - He acknowledged receipt of the Planning Report of AJV Engineering, Inc.
 - Exhibit A-1, dated June 22, 2022, showing the first floor, street level elevation with a single car garage and main entrance into the unit, was introduced.
 - The floor plan for two of the buildings are the same, with the third building being slightly different as a result of a slight offset.
 - Exhibit A-2, dated June 22, 2022, which showed the main living area, dining space, and other areas which layout was common in all three buildings, was

introduced.

- Exhibit A-4, dated June 22, 2022, showing the front elevation, was introduced.
 - Exhibit A-5, dated June 22, 2022, showing the rear of the buildings, was introduced.
 - The design of the buildings are very typical for the City of South Amboy.
 - The required revisions set forth in the Planning Report of AJV Engineering, Inc., will be addressed.
4. Mr. Otlowski then introduced Frank Farrell, as a licensed civil engineer in the State of New Jersey, who was qualified by the Board as a civil engineer and sworn in.
5. Mr. Farrell testified as follows:
- Exhibits A-6, Cover Page, A-7, Existing Conditions, A-8, Site Plan, and A-9, Grading and Utility Plan, were introduced.
 - The property is identified as 357 Ferris Street, Block 17, Lots 16 and 28.
 - The lot area is 55,027 square feet, or 1.26 acres.
 - There is existing on the site a two and one half (2½) story framed dwelling, two (2) sheds, an asphalt driveway, a framed garage, and fences.
 - Neighboring uses include: residential uses to the north, west and south, and the Frog Hollow Swim Tennis Club to the east.
 - Referring to Exhibit A-8, Site Plan, there are three separate structures, each with two units, for a total of six units.
 - Each unit has a one car garage and sufficient driveway area for one or more additional parked vehicles.
 - Mr. Farrell proceeded through the Zoning Table, identifying some of the specific variances.
 - He and Mr. Testa do not disagree with the Planning Report of AJV Engineering, Inc., and will make all the numbers match between the various drawings and, as a condition of any approval, agree to comply with the aforesaid Report.
6. Mr. Otlowski then introduced Kevin O'Brian, as a licensed planner in the State of New Jersey, who was sworn in and was accepted by the Board as a professional planner.

7. Mr. O'Brian testified as follows:
- The site is oversized, at 55,000 square feet.
 - The site is eleven (11) times larger than what is required for a single-family home in the RA Zone.
 - Due to the size of the lot, the lot can accommodate the additional buildings without any problem.
 - Adequate parking is provided.
 - Housing is in great demand and housing prices have skyrocketed.
 - As to **a use variance and the positive criteria**, the purposes of the MLUL which are met by the Application are:
 - i. To encourage the appropriate use or development of all lands, which this Application promotes by providing much need residential use;
 - ii. To provide adequate light, air and open space, which is provided by the large open space of 82%;
 - iii. Provide appropriate locations for a variety of residential uses;
 - iv. Provide a desirable visual environment;
 - v. The proposed use conforms to the 2017 Master Plan objectives; and
 - vi. Preservation of residential character of the neighborhood.
 - As to **the use variance and the negative impact**:
 - i. There are no negative impacts as a result of the granting of the use variance, only positive.
 - As to **the existing bulk variances**, they can be granted under a C-1 hardship argument, as follows:
 - i. Steep slope conditions which constrain development;
 - ii. The bulk variance is subsumed within the D-1 use variance for both the use and the height D-6;
 - iii. The Application can be granted without substantial detriment to the public good and without substantial impairment to the Zone Plan and Zoning

Ordinance.

8. Mr. Otlowski then introduced Jack O’Leary, who was sworn and testified as follows:
 - There will be a townhouse association.
 - The units will be rental units.
9. The Applicant’s case having been completed, by a Motion made, seconded, and approved, the Board opened the hearing to the public.
10. No one wishing to be heard, the Board, by Motion made, seconded and approved, closed the public portion of the hearing.

CONCLUSIONS

The Board makes the following findings and conclusions:

As to the Use Variance:

- There is, existing on the site, a two and one half (2½) story framed dwelling, two (2) sheds, an asphalt driveway, a framed garage, and fences.
- Neighboring uses include: residential uses to the north, west and south, and the Frog Hollow Swim Tennis Club to the east.
- Referring to Exhibit A-8, Site Plan, there are three separate structures, each with two units, for a total of six units.
- Each unit has a one car garage and sufficient driveway area for one or more additional parked vehicles.
- The site is oversized, at 55,000 square feet.
- The site is eleven (11) times larger than what is required for a single-family home in the RA Zone.
- Due to the size of the lot, the lot can accommodate the additional buildings without any problem.
- Adequate parking is provided.
- Housing is in great demand and housing prices have skyrocketed.
- The purposes of the MLUL which are met by the application are:

- i. To encourage the appropriate use or development of all lands, which this application promotes by providing much need residential use;
 - ii. To provide adequate light, air and open space, which is provided by the large open space of 82%;
 - iii. Provide appropriate locations for a variety of residential uses;
 - iv. Provide a desirable visual environment;
 - v. The proposed use conforms to the 2017 Master Plan objectives;
 - vi. Preservation of residential character of the neighborhood;
- There are no negative impacts as a result of the granting of the use variance.

As to the Bulk Variances and Waivers:

- Steep slope conditions which constrain development.
- The bulk variances are subsumed within the D-1 use variance for both the use and the height D-6, and the findings and conclusions, as set forth above, which provide substantial benefits to the City and the neighborhood.
- The Application can be granted without substantial detriment to the public good and without substantial impairment to the Zone Plan and Zoning Ordinance.

As to Bulk Variances, Waivers and Use, the Board finds they can be granted without substantial detriment to the City of South Amboy RA Zone for the reasons set forth in the record and this Resolution, 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.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #427-22 for Use Variance for Six (6) Residential Units in the RA Single Family Residential Zone, Bulk Variances, Waivers, Preliminary and Final Site Plan Approval, in Block 17, Lots 16 & 28, on the Tax Map of the City of South Amboy in the RA Zone at 357 Ferris Street, with the following conditions:

1. Compliance with recommendations set forth in the Planning Report dated June 15, 2022;
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives;

3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect Use Variance, Bulk Variance and Site Plan Approval;
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on June 22, 2022;
5. Establishment of a Homeowners Association and required documentation to be filed, as required, and subject to review by the Board Attorney and Planning Consultant;
6. All other matters set forth above and/or incorporated herein;
7. Payment of all outstanding unpaid taxes and other municipal charges and assessments;
8. Payment of all sums, now and/or hereafter due, for application fees and/or escrows; 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 July 27, 2022.

 AMY RUSSO, Planning Board Secretary

Planning Board

	Application Vote Y/N/Abstain Hearing Date: 7/22/22	Resolution Vote Y/N/Abstain
Chairwoman Mary Szaro	Y	
Vice Chairman Scott Kominkiewicz	Y	Y
Mayor Fred Henry		A
Council President Michael Gross		A
Tom Kelly		A
Janet Kern	Y	Y
Dr. Jorge Gonzalez Gomez	Y	Y
George Baranowski		
Gary Forshner		
Alternates		
William DeMasi	Y	Y
Andrew Horezga		A
Robert Paulukiewicz	Y	Y
Francis Mulvey	Y	Y

