

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB 16-22**

Application Number 433-22

**RESOLUTION GRANTING BULK VARIANCES FOR
MAXIMUM LOT COVERAGE, MAXIMUM HEIGHT
(FEET), MAXIMUM HEIGHT (STORIES)**

**Grand Home Investment XII LLC
104 S. Rosewell Street
Block 38, Lot 2
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 Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the "Board") by Convery, Convery and Shihar, Bernard Shirar, Esq appearing on behalf of Grand Home Investment XII LLC (the "Applicant"), for Bulk Variances for maximum lot coverage, maximum height (feet) and maximum height (stories), as to premises located 104 S. Rosewell Street, also known as Block 38, Lot 2, located on the Tax Map of the City of South Amboy; 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 30, 2022; 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 July 27, 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
Maximum Building Height	35 ft	36.75 ft
Maximum Building Height	2-½ stories	3 stories
Maximum Lot Coverage	25%	29.68%

; and

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

Description of Reports

Date of Report

AJV Engineering, Inc.

June 30, 2022; 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 facts:

FINDINGS OF FACT

1. The Applicant was represented by Bernard Shihar, Esq., who acknowledged receipt of the AJV Engineering, Inc., report of June 30, 2022 (the "AJV Report").
2. Mr. Shihar presented Paul Fletcher, who was qualified as and accepted by the Board, as a licensed professional engineer and a licensed professional planner.
3. Mr. Fletcher was sworn in and testified as follows:
 - The applicant intends to demolish the existing structure and construct a new three-story, five bedroom, single-family dwelling.
 - The property is 50.27 ft. wide by 1200 ft. deep.
 - All setback requirements are being complied with.
 - There are two variance being requested:
 - i. Building height and stories.
 - ii. Building height is permitted at 35 feet and 2 and ½ stories.
 - iii. Proposed is 36.82 feet and 3 stories
 - iv. Lot coverage 25% allowed and 29.1% proposed.
 - The reason for the height variances is that there is a flood zone and they are elevating the two floors above an enclosed area that will also be used for automobiles.
 - Mr. Fletcher opined that the variances can be granted under the C(2) criteria, where the benefits outweigh the detriments.

- Mr. Fletcher found no negative impact on the neighborhood, and did see a positive impact by bringing a new aesthetically pleasing improvement and removal of a rather poor looking existing building.
 - Mr. Fletcher responded to the AJV Report in part indicating Applicant's ability to comply. ¹
 - Mr. Fletcher was then questioned by Board member Kelly in connection with the existing fence depicted on the plan. The Applicant is to remove any fences on his property.
4. Mr. Shihar then produced Mr. David Dugasz, as a licensed Architect, who was found qualified by the Board.
 5. Dugasz was sworn and testified as follows;
 - He described the architectural plan and responded to the AJV Report and Board member questions specifically as to bedroom count.
 - This was followed by a discussion related to parking spaces and HVAC location.
 6. The Board by affirmative vote opened the meeting to the public.
 - Andrew Horezga of 120 South Roswell Avenue, was sworn and testified as to bedroom counts in the area of three to four bedrooms.
 7. The Board by affirmative vote closed the public portion.
 8. Mr. Shihar then represented that his client would reduce the bedrooms from five to four.
 9. Prior to the consideration of a motion, Mr. Stahl summarized the conditions to be considered by the Board in addition to those set forth in the AJV Report:
 - Chain link fence and any other fences on Applicant's property to be removed.
 - The concrete pad for HVAC will be installed below the deck where indicated on the plan, which will require revised drainage calculations.
 - The bedrooms will be reduced from five to four.

¹ Mr. Valetutto corrected the actual height as 36.75 feet and the lot coverage as 29.68

- All other architectural and engineering items in the AJV Report will be complied with.

CONCLUSIONS

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

- The applicant intends to demolish the existing structure and construct a new three-story, five bedroom, single-family dwelling.
- The property is 50.27 feet wide by 1200 feet deep.
- All setback requirements are being complied with.
- There are two variance being requested
 - i. Building height and stories.
 - ii. Building height is permitted at 35 feet and 2 and ½ stories.
 - iii. Proposed is 36.75 feet and 3 stories
 - iv. Lot coverage 25% allowed, 29.68% proposed.
- The reason for the height variances is that there is a flood zone and they are elevating the two floors above an enclosed area that will also be used for automobiles.
- The variances can be granted under the C(2) criteria where the benefits outweigh the detriments.
- There is no negative impact on the neighborhood, and a positive impact by bringing a new aesthetically pleasing improvement and removal of a rather poor looking existing building.
- 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.

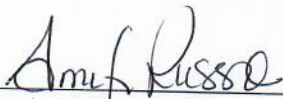
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #433-22 for Bulk Variances for maximum height (feet), maximum height (stories), maximum lot coverage as to premises located 104 S. Rosewell Street, also known as Block 38, Lot 2, located on the Tax 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 June 30, 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 July 27, 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 October 26, 2022



Amy Russo, Planning Board Secretary

Planning Board Resolution PB 16-22 Grand Investment XII LLC

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