

CITY OF SOUTH AMBOY PLANNING BOARD

**RESOLUTION PB# 6-22
APPLICATION NUMBER 422-21
NATASHA AND MICHAEL McGRATH**

Resolution for Bulk Deviation Approval

**Block 167, Lot 10
14 Sandpiper Drive
City of South Amboy
Southern Waterfront Redevelopment Area**

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 Natasha and Michael McGrath (the "Applicant") for Bulk Deviation to permit the construction of an enclosed screen porch on an existing concrete patio on an existing single family dwelling on premises located at 14 Sandpiper Drive, also known as Block 167, Lot 10, located on the Tax Map of the City of South Amboy in the Southern Waterfront Redevelopment Area; and

WHEREAS, the application reviewed by the Board consisted of plans and documents as identified in the report prepared by Jason C. Valetutto, P.E., P.P., the consultant to the Planning Board, dated November 8, 2021.

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 Deviation from the zoning requirements as set forth in the ordinance;

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Bulk Deviation		
Minimum Rear Yard Setback	25 ft	19 ft

WHEREAS, the application was deemed complete and a hearing was held by the Board on November 17, 2021 pursuant to public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, at the public hearing, the following report was entered into the record:

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering, Inc.	November 8, 2021

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 Review), makes the following findings of fact:

FINDINGS OF FACT

1. The Applicants were sworn in and testified as follows:
 - a. The plan is to construct an enclosed screen porch on a 12 ft by 12 ft existing concrete patio.
 - b. The Applicants now work from home and the enclosed porch will provide an additional location for a work area.
 - c. The porch will be enclosed by screen with an EPBM roof.
2. The Applicant then produced Mr. Chris Albanese the contractor for the project who was sworn and testified as follows:
 - a. The porch will be constructed on the existing patio.
 - b. The porch height goes from 12 ft at the exterior wall of the house to 8 ft.
3. Jason Valetutto, consultant to the Board reported that:
 - a. The existing concrete patio is presently within the rear yard setback.
 - b. Since the existing patio has no enclosure, it is not a structure and there is no violation of the rear yard setback.
 - c. However, once the patio is enclosed, it is considered part of the structure and violates the Minimum Rear Yard Setback requirement of the Redevelopment Plan.
 - d. The structure does not violate the Maximum Lot Coverage or Height requirement of the Redevelopment Plan.
4. The hearing was then opened to the public.

No one from the public asked to be heard.
5. The Hearing was closed to the public.

CONCLUSIONS

The Board makes the following findings and conclusions:

- a. The property is located in the Southern Waterfront Redevelopment Area and utilized as a single-family dwelling with an existing concrete patio.
- b. The plan is to construct an enclosed screen porch on a 12 ft by 12 ft existing concrete patio.
- c. The Applicants now work from home and the enclosed porch will provide an additional location for a work area.
- d. The porch will be enclosed by screen with an EPBM roof.
- e. The existing concrete patio is presently within the rear yard setback.
- f. Since the existing patio has no enclosure, it is not a structure and there is no violation of the rear yard setback.
- g. However, once the patio is enclosed, it is considered part of the structure and violates the Minimum Rear Yard Setback requirement of the Redevelopment Plan.
- h. The structure does not violate the Maximum Lot Coverage or Height requirement of the Redevelopment Plan.
- i. The Deviation 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.

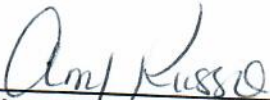
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby grants Application # 422-21 for Bulk Deviation to construct a screen enclosure on an existing concrete patio partially within the rear yard setback in the Southern Waterfront Redevelopment Area with the following conditions:

1. The Applicant agrees that it would comply with the recommendations set forth in the Planning Review dated November 8, 2021.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, however no outside agency approval will be required.
3. Compliance with all representations and agreements made by or on behalf of the

Applicant at the hearing held on November 17, 2021.

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 an 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 January 26, 2022.

 01/27/2022
 Amy Russo, Planning Board Secretary

Planning Board Resolution # 06-22

	Aye	Nay	Abstain	Absent
Chairwomen Mary Szaro	X			
Vice Chairman Scott Kominkiewicz	X			
Tom Kelly			X	
Mayor Henry			X	
Councilman Mickey Gross			X	
Janet Kern	X			
Dr. Jorge Gonzalez Gomez	X			
George Baranowski			X	
Gary Forshner	X			
Alternates				
William DeMasi	X			
Andrew Horezga	X			
Robert Paulukiewicz	X			
Francis Mulvey				