

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB -08-25**

Application Number 454-24

**PRELIMINARY & FINAL MINOR SITE PLAN APPROVAL
AND BULK VARIANCE APPROVALS**

**407 Prospect Street
Block 5, Lot 1**

**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 Preliminary and Final Minor Site Plan Approval and Bulk Variance Approvals for maximum lot area, minimum lot depth, minimum front yard (Prospect Street), minimum front yard (Hillcrest Avenue), minimum one side setback, and maximum lot coverage setback has been submitted to the City of South Amboy Planning Board (the “Board”) by Frank Antisell, P.E., P.P., appearing on behalf of Andriy Tsyupa (the “Applicant”) as to premises located at 407 Prospect Street, also known as Block 5, Lot 1 located on the Tax Map of the City of South Amboy (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 December 27, 2024; 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 January 23, 2025, 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 RA, Single Family Residential Zone requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Bulk Variance Required

	Requirement	Proposed
Minimum Lot Area	5,000 sf	4,686.25 sf
Minimum Lot Depth	100 ft	91.75 ft
Minimum Front Yard (Prospect Street)	25 ft	14.2 ft
Minimum Front Yard (Hillcrest Avenue)	25 ft	10.3 ft
Minimum One Side Setback	5 ft	4.5 ft
Maximum Lot Coverage	25%	25.75%

And

WHEREAS the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

December 27, 2024; 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 fact:

FINDINGS OF FACT

1. Frank Antisell, P.E., P.P., acknowledged receipt of the AJV Engineering, Inc. report dated December 27, 2024 (the “AJV Report”).
2. The Board swore in Mr. Antisell who first testified on behalf of the Applicant and as well as the Application’s engineer, to which Mr. Antisell testified as follows:
 - The Applicant agrees to comply with all requirements in the AJV Report.
 - The house, which was situated on 407 Prospect Street (the “Property”), was destroyed by a fire several years ago while the foundation remains intact.
 - The proposed construction would use the existing foundation.
 - The widening of the driveway would create a variance; therefore, the Applicant has removed this proposal from the Application.
 - The Applicant will also provide a sidewalk along Hillcrest Avenue, so that there is one continuous sidewalk.
 - Regarding the variance for lot size, it’s an existing nonconforming lot.
 - Regarding the variances for lot depth, and the two front yard setbacks, those are also pre-existing, due to use of the existing foundation.
 - Regarding lot coverage, the maximum is 25%, while the proposed lot coverage is 25.75%, which is slightly higher.

3. The Board swore in the Bogden Szacillo, AIA, as the Applicants architect, to which Mr. Szacillo testified as follows:
 - The variances requested are due to the existing foundation.
 - The Applicant proposes a two-story house with an open concept and a wooden deck.
 - The intent is to have a cantilever framing and no foundations for the addition.
 - There will be no hardship or harm to any zoning purposes from approving the required bulk variances.
4. Mr. Antisell returned to testify as the Applicants expert planner and engineer.
 - The intention of the Applicant is to TV the existing laterals, and if found to be in good shape, the Applicant will reuse them.
 - If the laterals are in bad shape, the Applicant will replace them.
 - Regardless of the condition of the laterals, the Applicant has agreed to provide the City Engineer with the results.
 - The Applicant has agreed to work with 911 and post office in coordination with the address, to include either Prospect, or Hillcrest, considering the house fronts Hillcrest.
 - Testified that the variances can be granted under both c(1) and c(2) criteria.
5. The Board opened the floor for public comment.
 - The Board swore in Tiffany Wayne.
 - Ms. Wayne was concerned of the height of the building.
 - Mr. Szacillo responded that the height is below the required maximum per the zoning ordinance, more specifically, the height is going to be 32.33 ft.
6. The Board closed the public comment portion.

CONCLUSIONS

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

- The required Bulk Variance Approvals 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.

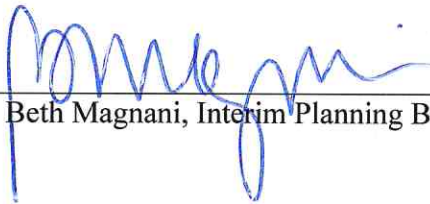
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #454-24 for Preliminary and Final Minor Site Plan Approval and Bulk Variance Approvals for maximum lot area, minimum lot depth, minimum front yard (Prospect Street), minimum front yard (Hillcrest Avenue), minimum one side setback, and maximum lot coverage setback as to premises located at 407 Prospect Street, also known as Block 5, Lot 1 located on the Tax Map of the City of South Amboy with the following conditions:

1. Applicant will remove the Bilco door and use a conventional door.
2. There will be no widening of the driveway.
3. The Applicant will construct the sidewalk along Hillcrest Avenue as indicated in the AJV Report and testified too.
4. The Applicant will work with 911 and post office to ensure the correct address is utilized for the house.
5. The Applicant will comply with all recommendations made in the AJV Report dated December 27, 2024;
6. 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;
7. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
8. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on January 23, 2025;
9. All other matters set forth above, and/or incorporated herein;
10. Payment of all outstanding unpaid taxes, and other municipal charges and

assessments;

11. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
12. The Board Attorney 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 receipt of a copy of this Resolution; and
13. 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 and the Applicant must submit a revised Site Plan for review by the Board to ensure Resolution Compliance.

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 February 26, 2025.



Beth Magnani, Interim Planning Board Secretary

