

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB 18 -22**

Application Number 434-22

**RESOLUTION GRANTING MINOR SUBDIVISION AND
BULK VARIANCE APPROVAL**

**Gary and Carmela Colfer
326, 326A, & 328 Portia Street
Block 17, Lots 7, 7.01, and 7.02
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 Minor Subdivision and Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the "Board") by Thomas E. Downs, IV, Esq., appearing on behalf of Gary and Carmela Colfer (the "Applicant"), for Minor Subdivision and Bulk Variances as to Proposed Lot 7.03 for Accessory Building Maximum Area, and as to Proposed Lot 7.04 Minimum One Side Yard and Accessory Building Maximum Area, and waivers as to proposed lots 7.03 and 7.04 for Minimum Driveway Distance from Property Line, for premises located at 326, 326A, & 328 Portia Street, also known as Block 17, Lots 7, 7.01, and 7.02, 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 September 29, 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 October 26, 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 |
|--|--------------------|-----------------|
| Lot 7.04 Minimum One Side Yard | 5 ft | 2.80 ft |
| Lot 7.03 Accessory Building Maximum Area | 180 sf | 828.67 sf |
| Lot 7.04 Accessory Building Maximum Area | 180 sf | 840 sf |

; and

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

Description of Reports

Date of Report

AJV Engineering, Inc.

September 29, 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. Thomas E. Downs, IV, Esq., who acknowledged receipt of the AJV Engineering, Inc., report of September 29, 2022 (the "AJV Report"), represented the Applicant.
2. Mr. Downs, as attorney for the Applicant, presented a summary of the Application as follows:
 - The Application is to subdivide and re-subdivide 326, 326A, & 328 Portia Street (the "Existing Properties") in order to create three (3) separate lots.
 - 326 Portia is owned by Ponderosa LLC aka (the "Boarding House").
 - The second dwelling is owned by the Applicant's in which their daughter resides (the "Second Home").
 - The third dwelling is the Applicant's home (the "Colfer Dwelling").
 - The Boarding House is to be demolished to make it a building lot for a one-family unit with a deed restriction against further subdivision.
 - Mr. John J. Ploskonka, P.E., of Applicant's engineer, Concept Engineering Consultants, P.A., provided to Mr. Valetutto a two-page response dated October 10, 2022 to the AJV Report (**EXHIBIT A ATTACHED HERETO**) which was entered into the record.
3. Mr. Downs then presented Mr. Gary Colfer, the Applicant.
4. Mr. Colfer was sworn in and testified as follows:
 - He presently resides at 328 Portia Street.
 - Ponderosa LLC, owned by Applicant and his wife, owns the next-door property known as 326 Portia Street and which is commonly referred to as

the Boarding House.

- The next property is 326A Portia Street, and that is owned by Ambrose House LLC, with Applicant and his wife as members.
- There is presently water and sewer service to all three properties.
- Applicant agreed with Mr. Valetutto that proposed Lot 7.05 would have its water line relocated and all other utilities would be self-contained on each of the proposed lots.
- There will be no utility easements between or among the three lots.
- The lot line between 328 and 326A Portia Street will be relocated in order to provide that the driveway that is presently utilized by 328 Portia Street will be totally on the new lot created for 328 Portia Street, this will allow a driveway that provides sufficient maneuverability of his vehicles.
- A driveway is also to be constructed for 326A Portia Street on the east side of the home.
- As to 326A Portia Street, the driveway is to run to a proposed three-car garage.
- The garage on 326A Portia Street is to be utilized for the storage of classic cars.
- No repairs to the vehicles shall be done outside of the garage and no parking in the driveway.
- Upon approval of this Application, Applicant intends to demolish the Boarding House resulting in a building lot, 52 ft. by 201.09 ft. (proposed Lot 7.05).
- Applicant wants a restriction on this lot that it can only be used for a one-family use.
- Mr. Colfer acknowledged receipt of the October 10, 2022 letter of Mr. Ploskonka.
- Mr. Colfer agreed to the conditions as contained in the letter, in lieu of live testimony from Mr. Ploskonka and authorizes Mr. Ploskonka to make all necessary changes on the plans including relocation of laterals for utilities as testified to.

5. There followed a discussion by Jason C. Valetutto, P.E., P.P., the Board engineer and planner, discussing the necessary variances and waivers.
 - There are two waivers for proposed Lot 7.03 and proposed Lot 7.04 as to require Minimum Driveway Distance from Property Line.
 - The homes are existing and the bulk variances are due to nature of the subdivision line and to provide the driveways without the need for easements.
 - As to the variance for the existing garage, it is really an accessory use, which the Board should take into consideration, as one garage already exists.
6. The Board, by affirmative vote, opened the meeting to the public.
7. No one from the public wanted to be heard.
8. The Board, by affirmative vote, closed the public portion.
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:
 - Proposed Lot 7.05 will be deed restricted for a single-family dwelling.
 - No repairs to take place in the garage to be constructed.
 - No parking in driveway to new garage.
 - Applicant agrees to satisfy all agreements set forth in Exhibit A, letter report of John J. Ploskonka, P.E., P.P.
 - Subdivision deeds to perfect the subdivision to be approved by Mr. Valetutto and Mr. Stahl as to form and content.

CONCLUSIONS

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

- The Application is to subdivide and re-subdivide 326, 326A, & 328 Portia Street (the "Existing Properties") in order to create three (3) separate lots.
- 326 Portia Street is owned by Ponderosa LLC (a/k/a the "Boarding House").

- The second dwelling is owned by the Applicant's in which their daughter resides (the "Second Home").
- The third dwelling is the Applicant's home (the "Colfer Dwelling").
- The Boarding House is to be demolished to make it a building lot for a one-family unit with a deed restriction against further subdivision.
- Mr. John J. Ploskonka, P.E., P.P., of Applicant's engineer, Concept Engineering Consultants, P.A., provided to Mr. Valetutto a two-page response dated October 10, 2022 to the AJV Report (**EXHIBIT A ATTACHED HERETO**) which was entered into the record.
- There is presently water and sewer service to all three properties.
- Applicant agreed with Mr. Valetutto that proposed Lot 7.05 would have its water line relocated and all other utilities would be self-contained on each of the proposed lots.
- There will be no utility easements between or among the three lots.
- The lot line between 328 and 326A Portia Street will be relocated in order to provide that the driveway that is presently utilized by 328 Portia Street will be totally on the new lot created for 328 Portia Street. This will allow a driveway that provides sufficient maneuverability of his vehicles.
- A driveway is also to be constructed for 326A Portia Street on the east side of the home. This will allow each of the three houses to have their own driveway.
- As to 326A Portia Street, the driveway is to run to a proposed three-car garage.
- The garage on 326A Portia Street is to be utilized for the storage of classic cars.
- No repairs to the vehicles shall be done outside of the garage and no parking in the driveway.
- Upon approval of this application, Applicant intends to demolish the Boarding House resulting in a building lot, 52 ft. by 201.09 ft. (proposed Lot 7.05).
- Applicant wants a restriction on this lot that it can only be used for a one-family use.
- Mr. Colfer acknowledged receipt of the October 10, 2022 letter of Mr. Ploskonka.
- Mr. Colfer agreed to the conditions as contained in the letter, in lieu of live testimony from Mr. Ploskonka, and authorizes Mr. Ploskonka to make all necessary changes on the plans, including relocation of laterals for utilities as testified to.

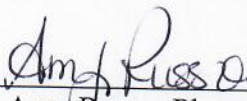
- There are two waivers for proposed Lot 7.03 and proposed Lot 7.04, as to require Minimum Driveway Distance from Property Line.
- The homes are existing and the bulk variances are due to nature of the subdivision line and to provide the driveways without the need for easements.
- As to the variance for the existing garage it is really an accessory use, which the Board should take into consideration, as one garage already exists.
- The variances can be granted under the C(2) criteria where the benefits outweigh the detriments.
- There is no negative impact on the neighborhood.
- 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 #434-22 for Minor Subdivision and Bulk Variance Approval as to Proposed Lot 7.03 for Accessory Building Maximum Area, and as to Proposed Lot 7.04 Minimum One Side Yard and Accessory Building Maximum Area, and waivers as to proposed Lots 7.03 and 7.04 for Minimum Driveway Distance from Property Line, for premises located at 326, 326A, & 328 Portia Street, also known as Block 17, Lots 7, 7.01, and 7.02, 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 September 29, 2022;
2. Proposed Lot 7.05 will be deed restricted for a single-family dwelling;
3. No repairs to take place in the garage to be constructed;
4. No parking in driveway to new garage;
5. Applicant agrees to satisfy all agreements set forth in Exhibit A, letter report of John C. Ploskonka, P.E.;
6. Subdivision deeds to perfect the subdivision to be approved by Mr. Valetutto and Mr. Stahl as to form and content;
7. 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;
8. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
 9. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on October 26, 2022;
 10. All other matters set forth above and/or incorporated herein;
 11. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
 12. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
 13. 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
 14. 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 December 15, 2022.

 12/16/2022

Amy Russo, Planning Board Secretary

Planning Board Application 432-22 Colfer

| | Application Vote Y/N/Abstain Hearing Date: October 26, 2022 | Resolution Vote Y/N/Abstain |
|-------------------------------------|--|-----------------------------------|
| Chairwoman Mary Szaro | Y | Y |
| Vice Chairman Scott Kominkiewicz | Y | Absent |
| Mayor Fred Henry | Y | Absent |
| Council President Michael Gross | Y | Absent |
| Tom Kelly | Absent | |
| Janet Kern | Y | Y |
| Dr. Jorge Gonzalez Gomez | Y | Y |
| George Baranowski | Y | Y |
| Gary Forshner | Absent | Y |
| Alternates | | |
| William DeMasi | Y | Y |
| Andrew Horezga | Y | Y |
| Robert Paulukiewicz | | Y |
| Francis Mulvey | | Absent |