

CITY OF SOUTH AMBOY PLANNING BOARD

REVISED RESOLUTION PB- 10 -18

Case Number 380-17

Resolution granting minor subdivision approval creating two lots, use variance for a proposed duplex on one lot, and bulk variances for minimum lot width at street.

Block 20, Lots 23, 24, 29.01

City of South Amboy

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"). Tonnelle Avenue Properties, LLC (the "Applicant") for minor subdivision approval creating two lots, use variance approval for a proposed duplex on one lot and bulk variances for minimum lot width at street and minimum side yard as to premises located at 312 Bordentown Avenue, also known as Block 20, Lots 23, 24, 29.01, 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 Angelo J. Valetutto, P.E. , P.P. the consultant to the Planning Board dated November 10, 2017; and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on November 20, 2017 as per public notice and personal notice pursuant to NJSA 40:55D-12 ; and

WHEREAS, as part of the instant application and based upon the initial plans submitted and reviewed by the consultant to the Planning Board., the Applicant required variances from the zoning requirements as set forth in the ordinance;

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Single family lot Conforms to RA Zone requirements		
Two family lot Minimum Lot Width at street	100 ft.	25 ft.
Minimum Side Yard Setback	5 ft.	0 ft.
Use Variance	conforming lot	noncompliance

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

Description of Report

Date of Report

Planning Report AJV Engineering Inc.

November 10, 2017

WHEREAS, it is the intention of the Board that this resolution shall replace and supersede the resolution of the Board dated December 21, 2107;

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 Thomas E. Downs, Esq.
2. Mr. Downs represented that the Applicant was withdrawing its request for a bulk variance for minimum side yard setback and would comply with the zoning requirements as to that issue.
3. Mr. Downs on behalf of the Applicant acknowledged receipt of the Planning Report.
4. Mr. Downs then presented Mr. Richard Lapinski, PP as a professional planner who provided his qualifications and was accepted by the Board as a professional planner.
5. Mr. Lapinski testified as follows:
 - a. The Applicant's proposal is to subdivide a 19,205 square foot parcel of land with frontage on Bordentown Avenue into two lots, one a 50 by 100 ft. lot for use as a single family home, and a second lot of 14,074 square feet with frontage on Bordentown Avenue for a duplex or two family home.
 - b. The property is presently vacant
 - c. As to the proposed single family lot it is conforming to the RA Zone
 - d. As to the two family house, it fails to comply with lot width at street and does not satisfy the conditional use requirements for the RA zone requiring a D-3 Variance.
 - e. The Premises are surrounded on two sides by existing residential development and a mixture of one and two family homes on lots 50 feet with some smaller buildings and lots.
 - f. The frontage on Bordentown Avenue is a mixture of commercial uses and residential uses.
 - g. Approximately two thirds of the properties within the 500 ft. radius are

one family with the balance being two family but on a variety of smaller lots.

- h. The relief being requested is to permit a 25 ft. lot width at the street to accommodate a 15 ft. wide driveway to access the two family unit in the rear.
 - i. The density is permitted (3 residential units).
6. Mr. Lapinski than testified as to the following opinions:
- a. that a deviation from the Conditional Use standard would not cause harm to nearby and surrounding properties nor be irreconcilable with the master plan due to the fact that the relief requested was for a 25 ft. section of a large lot with a full length driveway.
 - b. that under the C-1 standard there is a classic hardship due to the size, shape and topography of the property which makes it difficult to develop in accordance with the existing zoning ordinance.
 - c. that under the flexible C requirements, the density that is being proposed does not negatively impact the master plan or zoning ordinance.
 - d. that the negative criteria is satisfied for the reasons set forth above
7. Mr. Downs then presented Mr. Shrinath Kotdawala as a professional engineer who presented his qualifications and was accepted by the Board as a Professional Engineer.
8. Mr. Kodawala on behalf of the applicant acknowledged that the Applicant agreed to comply with all of the conditions as contained in the Planning Report.
9. Mr. Kodawala than testified as follows;
- a. that there was to be installed a fence and retaining wall and trees and a planter with the fence being five and ½ feet high
 - b. that several issues as to drainage would be addressed to the satisfaction of the Board professionals
10. The Board made inquiry concerning the connection of the fence to another fence and how that was to be achieved.
11. The meeting was opened for public comment and questions.
12. Mr. Thomas Kross, of 5 Grace Drive in the City of South Amboy was sworn and discussed his concerns related to the subdivision, the proposed use, and storm water discharge.
13. Mr. Thomas Kross, Sr of 315 George Street in the City of South Amboy was sworn and discussed his concerns related to the retaining wall at the rear of the premises and storm water discharge.

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

CONCLUSIONS

The Board makes the following findings and conclusions:

- Applicant's proposed use and density is permitted in the RA Zone with the exception of the two family use.
- The two family use on one lot is a conditional use and the minimum lot width at the street cannot be satisfied, making this a use variance.
- The lot is an irregular lot size, with 218.62 feet in total depth, 100 feet width for 100.55 ft. of depth and then tapering to 75 feet width at the street.
- Of the 75 feet at street, 50 feet constitutes frontage for the one family use and 25 ft. is utilized for frontage for the two family use and as a driveway for the two family use in the rear.
- Applicant's property is in an area of existing one and two family residences.
- The proposed uses are consistent with the residential character of the neighborhood.
- The requested variance permitting lot width of 25 ft at the street does not materially affect the appropriateness of the proposed use as a conditional use.
- The use of the frontage as a driveway is not inconsistent with residential uses and does not produce any problems associated with the proposed use and there is no demonstrated negative impact resulting from the proposed use.
- The grant of the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances of the City of South Amboy, and is not irreconcilable with the conditional use requirements in the RA Zone, based upon the specific conditions associated with the lot: a. the irregular shape and topography of the lot which tapers from 100ft to 75 ft at the street and b. the permitted residential use.

The proposed use is suitable for the lot notwithstanding the failure to comply with one condition under the conditional use standard for the RA Zone.

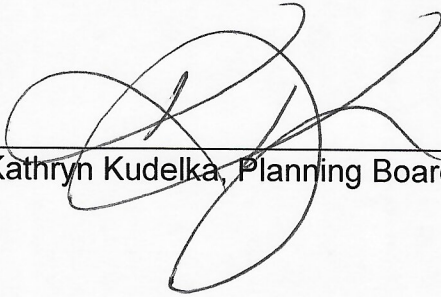
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #380-17 for minor subdivision approval, use variance approval and bulk variance for minimum lot width at street as to premises located at 312 Bordentown Avenue, also known as Block 20, Lots 23, 24, 29.01, 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 November 10, 2017.
2. The minor subdivision is to be perfected by deeds, with such deeds and descriptions to be reviewed and approved by the Board's Attorney and Planner.
3. The deeds perfecting the subdivision shall further restrict the grantees under the subdivision deeds from any further subdivision of either approved lot.
4. Submission of revised plans eliminating the minimum side yard setback variance.
5. Submission of revised plans detailing a. storm water drainage plan, b. fence and location and c. manner of connecting all retaining walls acceptable to AJV Engineering Inc.
6. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
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 November 20, 2017.
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 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.

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.

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 25, 2018.



Kathryn Kudelka, Planning Board Secretary