

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 11 -13
RESOLUTION APPROVING USE AND BULK VARIANCES FOR PROPERTY LOCATED
AT BLOCK 149, LOT 12 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Tomasz and Ewa Wisniowski, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for approval of Use and Bulk variances related to property located at 353-355 Raritan Street, (Block 149, Lot 12) (the “Property”); and

WHEREAS, Applicant is the owner of Property; and

WHEREAS, the Property is located in the RA Zone; and

WHEREAS, the Property is currently improved with two story, two-family home; and

WHEREAS, the Application seeks to add a 15 foot by 29.33 foot second floor rear addition to add two bedrooms and convert an existing den into a full bathroom; and

WHEREAS, the Application requires a use variance, where duplex/two-family buildings are only permitted on lots at least 100’ by 100’ and the Property is 50’ by 100’ ; and

WHEREAS, the Application requires a bulk variance for parking where no parking is currently provided; and

WHEREAS, the Planning Board held a public hearing on October 23, 2013, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was not represented by counsel; and

WHEREAS, the Applicant presented the testimony of Tomasz and Ewa Wisniowski; and

WHEREAS, the Applicant submitted and the Board considered, the following documents:

- A. A survey of the property prepared by Control Layouts, Inc., with unknown date;
- B. Sketches of proposed addition, unknown preparer and unknown date;

WHEREAS, proper proof of advertisement and service of notices of a public hearing in regard to this Application have been furnished; and

WHEREAS, the aforementioned plans were reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, dated October 18, 2013; and

WHEREAS, Mr. Wisniowski testified that the Applicant seeks to add one bedroom to the second floor of each side of the duplex because each unit currently has only one-bedroom and two-bedroom units are desired by the marketplace for rentals. Mr. Wisniowski does not reside in the Property and does not plan to reside there. The Property will be a retirement income property.

WHEREAS, the Applicant consented to the conditions set forth in the October 18, 2013 review letter of Angelo J. Valetutto, P.E., P.P.; and

WHEREAS, the Applicant consented to the condition that the area to the right side of the house will be paved with concrete, asphalt or block pavers to be used for parking two vehicles to serve the building on the Property, subject to obtaining approval for a curb cut from the applicable approving authorities.

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the report to it by its consultant, Angelo J. Valetutto, P.E., P.P., and finds that:

- (A) The Planning Board has jurisdiction in this matter.

- (B) Applicant's proposal will not be in conflict with the Master Plan, the Official Map or the Development Regulations of the City Ordinances and will not adversely affect adjoining or nearby properties.
- (C) During the course of the proceedings Applicant agreed to comply with all of the comments offered by Mr. Valetutto, as well as the items set forth in his review letter.
- (D) During the course of the proceedings, the Applicant agreed to the following conditions:
 - 1. The area to the right side of the house will be paved with concrete, asphalt or block pavers to be used for the parking two vehicles to serve the building on the Property, subject to obtaining approval for a curb cut from the applicable approving authorities.

WHEREAS, the Board has made the following findings and conclusions:

- 1. Applicant seeks a use variance necessitated by the addition to a pre-existing, non-conforming use.
- 2. Applicant seeks a bulk variance for inadequate parking.
- 3. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated October 18, 2013, which was reviewed by the Applicant and made a part of the record.
- 4. That the Applicant has put forth evidence to justify the grant of a use variance as well as the bulk variance for parking.
- 5. That the requested Use Variance, and Parking Variance are herein granted. The benefit of granting such variances outweighs the detriment, and can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 19th day of November, 2013 that the use variance and parking variance in conformance with the plans submitted by the Applicant and as amended during the hearing and

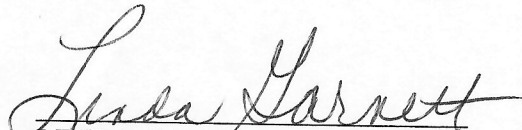
pursuant to the conditions set forth in this Resolution shall be and are hereby granted, subject to the following conditions:

1. The area to the right side of the existing house will be paved with concrete, asphalt or block pavers to be used for the parking two vehicles to serve the building on the Property, subject to obtaining approval for a curb cut from the applicable approving authorities.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. 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 hearing held on October 23, 2013.
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 shall publish a brief notice of this determination in an official newspaper of the municipality 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.

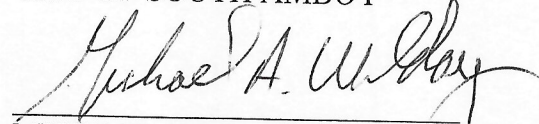
Be It Further Resolved that,

1. This Resolution shall take effect as provided by law.

ATTEST:


LINDA GARNETT, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


MICHAEL WILDAY, Chairman

CERTIFICATION

Certified to be a true copy of a Resolution adopted by the Planning Board of the City of South Amboy on November 19, 2013 at a duly convened meeting.

DATE:

Linda Garnett, Secretary