

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB-12-14
RESOLUTION APPROVING BULK VARIANCES FOR PROPERTY LOCATED ON
BLOCK 35, LOT 1.02 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Mary Horezga (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for Bulk Variances related to property located at 120 Rosewell Street, (Block 35, Lot 1.02) (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 a single family residential building;
and

WHEREAS, the Application seeks bulk variances in order to demolish the existing structure and construct a four bedroom single family dwelling, resulting in the following variances – front yard setback of 23 feet (as to Henry Street) where 25 feet is required; rear yard setback of 17.50 feet where 25 feet is required; and building height of 38.3 feet, where the maximum is 35 feet; and

WHEREAS, the Planning Board held a public hearing on August 27, 2014, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant was not represented by counsel; and

WHEREAS, the Applicant presented the testimony of Mary Horezga and her son,
Andrew Horezga; and

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

- A. Plans entitled "Variance Plan for Proposed Single Family Modular Dwelling", prepared by James E. Chadwick, P.E. & R.A., dated 8/1/14, consisting of 2 sheets;

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 August 15, 2014; and

WHEREAS, the Applicant testified that she is the owner of the Property which has been her residence for approximately 38 years. The existing home on the Property was damaged in Superstorm Sandy, and any reconstruction of the damaged home needs to be done in accordance with new government regulations, including a flood zone code.

WHEREAS, Ms. Horezga further testified that due to the age and condition of the existing home, it was not economically feasible to repair, but instead to build a new home. The proposed plan moves the footprint of the house but decrease the size from 2,700 to approximately 2,100 square feet. She testified that the height variance is needed due to the flood elevation requirement, and the front and rear yard setback variances arise from moving the footprint of the home.

WHEREAS, Andrew Horezga spoke on behalf of the Applicant and acknowledged receipt of the August 15, 2014 review letter of Angelo Valetutto, P.E., P.P. Mr. Horezga raised issues with items 4c, 4g and 4e in the August 15, 2014 review letter, which items Mr. Valetutto

and the Members of the Board explained were required items to be included with any potential approval of the Application; and

WHEREAS, Mr. Horezga testified about the method of construction and agreed to change the plans to indicate that it would be a four bedroom home; and

WHEREAS, the Applicant consented to the condition that the dwelling to be constructed remain a single family home and that she will personally live there; and

WHEREAS, the Board deemed said Application complete and further the Board did review the Application, including but not limited to the submitted plans and heard testimony and reviewed the aforesaid reports of Mr. Valetutto, at a public meeting held on August 27, 2014; and

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 items set forth in the August 15, 2014 review letter by Mr. Valetutto.

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

1. Applicant seeks bulk variances for height, front yard and rear yard setbacks necessitated by construction of a new home on the Property due to damage caused by Superstorm Sandy.
2. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated August 15, 2014, which was reviewed by the Applicant and made a part of the record.

3. That the Applicant has put forth evidence to justify the grant of the requested bulk variances.
4. That the requested bulk variances 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 24th day of September, 2014 that Bulk variances in conformance with the plans submitted by the Applicant and pursuant to the conditions set forth in this Resolution shall be and are hereby granted, subject to the following conditions:

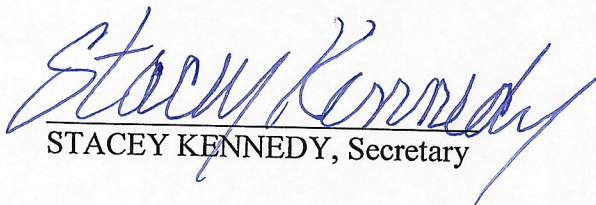
1. Submission and approval of revised plans to indicate the new building will be four bedrooms.
2. The building to be constructed will be limited to a single family residence with four bedrooms and three bathrooms.
3. The property will be maintained in conformance with the property maintenance regulations.
4. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by or an exemption letter from the Middlesex County Planning Board.
5. Each and all other applicable approvals, if any, required by law or statute or regulation.
6. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on August 27, 2014.
7. All other matters set forth above, and/or incorporated herein.
8. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
9. Payment of all sums now and/or hereafter due for application fees and/or escrows.

10. 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.

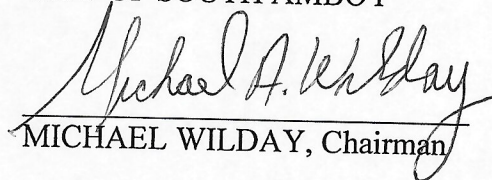
Be it Further Resolved that,

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

ATTEST:


STACEY KENNEDY, 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 September 24, 2014 at a duly convened meeting.

DATE:

Stacey Kennedy, Secretary