

**CITY OF SOUTH AMBOY PLANNING BOARD**  
**RESOLUTION PB 15 -18**

**Application Number 388-18A**

**Resolution granting approval consolidating two lots into one, use variance for a proposed two family residential use on one lot, and bulk variances for minimum lot area, minimum lot width, maximum dwelling units per acre, maximum dwelling units per building, and maximum lot coverage.**

**John J. Jr and Kim M. Zebrowski**  
**381 Highland Street**  
**Block 4 Lots 9 & 10**  
**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”) by John J. Jr and Kim M. Zebrowski (the “Applicant”) for approval consolidating two lots into one, use variance approval for a proposed two family residential use on one lot, and bulk variances for minimum lot area, minimum lot width, maximum dwelling units per acre, maximum dwelling units per building, and maximum lot coverage as to premises located at 381 Highland Street, also known as Block 4, Lots 9 & 10, 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 reports prepared by Jason C. Valetutto, P.E. , P.P. the consultant to the Planning Board dated March 14, 2018 and June 6, 2018; and

**WHEREAS**, the Application was certified as complete and public hearings with respect to the Application were held by the Board on March 28, 2018 and June 27, 2018 as per public notice and personal notice pursuant to NJSA 40:55D-12 ; and

**WHEREAS**, the Applicant amended the Application on May 16, 2018 reducing the proposed building from a three family unit to a two family unit (the “Amended Application”); and

**WHEREAS**, the Amended Application is based upon the revised plans submitted and reviewed by the consultant to the Board. The Applicant requires variances from the zoning requirements as set forth in the ordinance as follows:

<b><u>Description</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Use Variance RA Zone	Single Family Unit	2 Family Unit
Minimum Lot Area	5,000 sf/use; 10,000 sf total	5,000 sf total
Minimum Lot Width	50ft use; 100 ft. total	50 ft. total

Maximum DU/Acre	8.71	17.42
Maximum DU Building	1	2
Maximum Lot Coverage	25%	38.48%

**WHEREAS**, at the aforesaid public hearing, the following Township reports were entered into the record:

<u>Description of Reports</u>	<u>Date of Report</u>
AJV Engineering Inc.	March 14, 2018
AJV Engineering Inc.	June 6, 2018

**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 Application was amended from a requested three (3) family unit to a two (2) family unit, and all references to Findings of Fact are limited to the Amended Application presented on June 27, 2018. The Board has however considered all the testimony at the March 28, 2018 hearing in connection with its conclusions.
2. The Applicant was represented by George W. Pressler, IV, Esq.
3. Mr. Pressler on behalf of the Applicant acknowledge receipt of the Planning Reports of June 22, 2018 and March 14, 2018.
4. Mr. Pressler presented Mr. Joseph Kociuba, a Licensed Engineer and a Licensed Planner in the State of New Jersey who was accepted by the Board as a professional planner and licensed engineer.
5. Mr. Pressler represented that after hearing the concerns of the residents, the Applicant revised their plans and Application from a three (3) family unit on the property to a two (2) family unit. All recommendations as set forth in the Planning Report of June 6, 2018 can and will be satisfied by the Applicant.
6. Mr. Valetutto reported that the Stormwater Report and Design were acceptable to the Board Consultant, but that there might be some minor adjustments required to create a better product which was acceptable to Mr. Pressler on behalf of the Applicant.

7. Mr. Pressler represented on behalf of the Applicant that the two units to be constructed would both be rental units and will not be townhouses.
8. Mr. Kociuba next testified as follows:
  - (a) The Applicant's property is particularly suitable in that it fills a need in the community that being, the housing addressed in the City Master Plan element.
  - (b) The Applicant's property is not ideal for a single family home due to the large drop in the backyard as well as the fact that the site backs up to Hillcrest Manor a multi-family unit and then to the highway.
  - (c) There are a number of multi-family and duplex lots in the area.
  - (d) The Bulk Variances are all subsumed in the Use Variance. They are all tied to the minimum lot area, minimum lot width and maximum density. These densities are found elsewhere in the general area of Applicant's property.
  - (e) The lot coverage is mitigated by the inclusion of the substantial stormwater system that is being proposed.
  - (f) A rather aged existing home is being replaced with a contemporary structure.
  - (g) There is no detriment to the public good as houses similar in size to that proposed already exist in the area.
  - (h) A current and existing non-conformity is being removed.
  - (i) There is no significant increase in traffic nor substantial increase in housing.
  - (j) There will be no substantial impairment to the intent and purpose of the zone plan or zoning ordinances.

9. The meeting was open for public comment and questions.

10. Mr. T.J. Albanese of 375 Highland Street, South Amboy, NJ was sworn and questioned the height of the roof and height of the house. Mr. Albanese was also concerned about the construction along the street during construction.

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

## CONCLUSIONS

1. Residential use is permitted in the RA Zone but not a two family use which is a conditional use..
2. Applicant's property is in an area with existing one and two family residences as well as additional multi-family uses.
3. The granting of the variance will not substantially impair the intent and purposes of the zone plane and zoning ordinances of the City of South Amboy and is not irreconcilable with requirements in the RA Zone based upon the specific conditions associated with lot.
4. The proposal will enhance the residential use in the area by eliminating certain non-conforming elements of the existing use as well as upgrading the existing residential use.

**NOW, THEREFORE, BE IT RESOLVED** that the City of South Amboy Planning Board hereby **grants** Application #388-18A for approval consolidating two lots into one, use variance approval for a proposed two family residential use on one lot, and bulk variances for minimum lot area, minimum lot width, maximum dwelling units per acre maximum dwelling units per building, and maximum lot coverage as to premises located at 381 Highland Street, also known as Block 4, Lots 9 & 10, 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 June 6, 2018.
2. The minor subdivision is to be perfected by deed, with such deed and descriptions to be reviewed and approved by the Board Attorney and Planner.
3. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
4. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation.
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on June 27, 2018.
6. All other matters set forth above, and/or incorporated herein.

7. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
8. Payment of all sums now and/or hereafter due for Application fees and/or escrows.
9. 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.
10. 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.



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Kathryn Kudelka, Planning Board Secretary