

CITY OF SOUTH AMBOY PLANNING BOARD

REVISED RESOLUTION PB-17 -17

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 and minimum side yard.

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 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>
Minimum Lot Width	100 ft.	25ft
Minimum Side Yard Setback	5 ft.	0 ft.
Use Variance	conforming lots	noncompliance

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

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering Inc.	November 10, 2017

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 19,295 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 with approximately 14,000 square feet with frontage on Bordentown Avenue for a duplex or two family home.
 - b. The property is presently vacant
 - c. As to the two-family house, it fails to comply with lot width and thereby does not satisfy the conditional use requirements for the RA zone thereby requiring a D-3 Variance.
 - d. The Premises are surrounded on two sides by existing residential development and a mixture of one and two-family homes.
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.
- 12.. The meeting was opened for public comment and questions.
13. 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.
14. 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 above Findings of Fact, the Board concludes as follows;

CONCLUSIONS

The Board accepts Applicant's argument that the proposed bulk variance of 25 feet as to Minimum Front Yard Width can be granted without substantial detriment to the City of South Amboy Zone Plan and Zone Ordinance for the reasons set forth in the record and further does 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 #380-17 for minor subdivision approval, use variance approval and bulk variance for minimum lot width 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 21, 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 December 21, 2017.

Kathryn Kudelka, Planning Board Secretary