

Resol file

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION #22-2005

WHEREAS, the South Amboy Planning Board is in receipt of an application by Amboy Aggregates for relief and approval as requested therein pertaining to its property at Block 161 Lots 25 & 90; Block 162 Lot 6.02; and

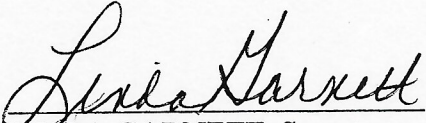
WHEREAS the Board's Planning Consultant has reviewed the same for the purpose of determining whether the application is complete within the meaning of N.J.S.A. 40:55D-10.3; and

WHEREAS during the course of his review, the Board's Planning Consultant has determined that by reason of the nature of the application and the relief required in connection therewith, that it should be heard by the South Amboy Board of Adjustment;

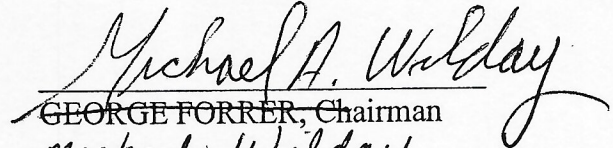
NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 11th day of October, 2005 as follows:

1. Based upon the recommendation and finding of the Board Consultant, the Board concludes that it does not have the jurisdiction to hear the subject application.
2. The Board Secretary shall forward the subject application to the Board of Adjustment within five days of the date hereof and shall simultaneously notify the Applicant of this action.
3. The Applicant shall have the right to file a request for an interpretation of the ordinance pursuant to N.J.S.A. 40:55D-7 (b) on the issue of jurisdiction.

ATTEST:


LINDA GARNETT, Secretary

PLANNING BOARD OF THE
CITY OF SOUTH AMBOY


~~GEORGE FORRER, Chairman~~
Michael Wilday

CERTIFICATION

Certified to be a True Copy of a Resolution adopted on October 11, 2005 by the South Amboy Planning Board at a duly convened meeting thereof.

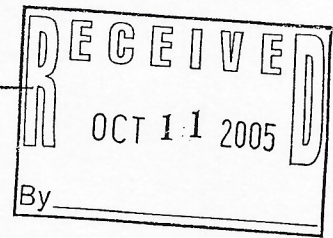
DATE:

Linda Garnett, Secretary

John T. Chadwick IV, P.P.

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October 11, 2005

City of South Amboy Planning Board
140 North Broadway
South Amboy, NJ 08879-1647

Re: Amboy Aggregates Application

Dear Board Members:

At the request of the Board I have reviewed the Amboy Aggregate application and more specifically:

1. Application form dated September 1, 2005.
2. Minor site plan completeness form prepared by Langan Engineering dated February 14, 2005 prepared by Christopher Hager, P.E.
3. Design and performance standards form (unsigned and undated).
4. Amboy Aggregates preliminary minor site plan prepared by Langan Engineering consisting of three sheets dated 8/30/05, 8/11/05 and 8/11/05 respectively.

In addition to the above, I reviewed the City of South Amboy Zoning Regulations, Zoning Plan, aerial photography, Decision and Judgment by Judge James P. Hurley filed July 14, 2004, and memo/letters by and between the Planning Board Attorney and applicant's attorney relevant to filing of the preliminary minor site plan application.

In connection with the above I conclude that the application filed with the Planning Board represents an expansion of a pre-existing non-conforming use. The Board has no jurisdiction in the matter. The application must be dismissed and the applicant directed to file with the Zoning Board of Adjustment for a d(2) use variance (expansion of a non-conforming use).

My conclusion is based upon the fact that Judge Hurley has ruled that Amboy Aggregates use of lots 6.02 and 25 block 161 is a pre-existing non-conforming use. The application proposes use of lot 90 block 161 as a part of the Amboy Aggregate operation. The use of lot 90 block 161 is an expansion of a pre-existing non-conforming use.

Respectfully,

JOHN T. CHADWICK IV, P.P.