

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 03 -14
RESOLUTION APPROVING PRELIMINARY AND FINAL SITE PLAN AND USE
VARIANCE FOR PROPERTY LOCATED ON BLOCK 45, LOT 50 LANDS OF THE CITY
OF SOUTH AMBOY

WHEREAS, application has been made by 28 Fulton Street Realty, LLC (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for a Use Variance related to property located at 262 Henry Street, (Block 45, Lot 50) (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 three-story building used for a two-family residential building; and

WHEREAS, the Application seeks a use variance to return the property to a prior use, three single-family apartments where same is prohibited in the zone; and

WHEREAS, the Planning Board held a public hearing on November 19, 2013, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant was represented by Joseph L. Bulman, Esq.; and

WHEREAS, the Applicant presented the testimony of Mark Vaysberg, and Jerry Lemega, Architect; and

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

- A. Signed and sealed survey entitled, "Survey of Property prepared for 28 Fulton Realty, LLC, prepared by Robert J. Raba, Jr., PLS, dated 6/8/13;
- B. Signed and sealed architectural plans, entitled, "Property @ 262 Henry Street", prepared by Jerry Ledega, RA, dated unknown, consisting of two sheets;
- C. Exhibit A - Deed
- D. Exhibit B - Floor Plan
- E. Exhibit C - Tax Card
- F. Exhibit D - Letter dated November , 2013 from prior owner Edward Bishop
- G. Exhibit E - Survey
- H. Exhibits F-1, F-2 & F-3 - Photographs

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 November 8, 2013; and

WHEREAS, Mr. Lemega testified regarding the plans that he prepared. He testified that there are separate entrances for each of the proposed three apartments; and

WHEREAS, Mr. Vaysberg, a principal of the owner, testified that the building was originally built as a three-family building and there are three separate electric meters, panels and gas meters that would be associated with the three proposed units. He testified that it is currently being used and rented as a two-family building; and

WHEREAS, Mr. Vaysberg testified that the property tax card indicates that the building is listed as having three dwelling units. He further testified that the letter from Mr. Bishop

indicated that the property was actually used as a three family building until the mid 1980s when it was reduced to use as a two-family building. He testified that the Applicant does not intend to enlarge the building in any way; and

WHEREAS, Mr. Vaysberg testified that the house across the street is also a three-family home and has off-street parking on both sides of the house. He further testified that there is no current on-site parking for the subject Property and no place to locate on-site parking. Mr. Vaysberg identified photographs which he testified indicated the availability of on-street parking spaces in the morning and evening weekday hours; and

WHEREAS, Mr. Vaysberg consented to the condition that all leases for the third floor tenant shall include a provision limiting the tenant to one vehicle; 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 Exhibits and heard testimony and reviewed the aforesaid report of Mr. Valetutto, at public meeting held on November 19, 2013; and

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the reports 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) 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.

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

1. Applicant seeks a use variance necessitated by the resumption of utilizing the existing building as a three-family building, where the RA Zone permits single-family buildings.
2. The Board's Engineer, Angelo Valetutto, P.P., P.E. prepared a report dated November 8, 2013, 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 a use variance.
4. That the requested Use Variance with conditions is herein granted. The benefit of granting such variance 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 26th day of February, 2014 that the Use 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 is hereby granted, subject to the following conditions:

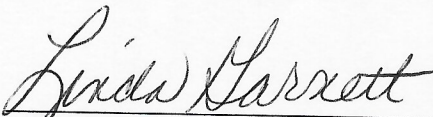
1. All leases for the third floor unit shall include a provision limiting the tenant to a single automobile.
2. The second means of egress to/from the third floor shall remain and will become a fire-rated enclosure.
3. The property will be maintained in conformance with the property maintenance regulations.
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 November 19, 2013.
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.

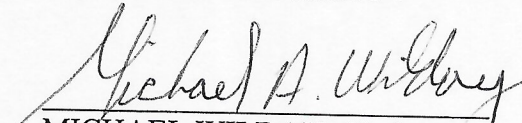
Be it Further Resolved that,

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

ATTEST:


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 February 26, 2013 at a duly convened meeting.

DATE:

Linda Garnett, Secretary