

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 04 -14
RESOLUTION APPROVING BULK AND USE VARIANCES FOR PROPERTY LOCATED
ON BLOCK 38, LOTS 3 & 4 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Willwood Builders, Inc. (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for a use variance and bulk variances related to property located at 104 Henry Street, (Block 38, Lots 3 & 4) (the “Property”); and

WHEREAS, Applicant will undertake the proposed improvements and the Application included the consent of the owner of the Property; and

WHEREAS, the Property is located in the RA Zone; and

WHEREAS, the Property is currently improved with a single-family residence with attached garage; and

WHEREAS, the Application seeks a conditional use variance to convert the existing garage into a garage on the ground floor and an apartment on the second floor because the conditional use standard requires a minimum lot size of 100’ by 100’ and the Property does not satisfy such condition; and

WHEREAS, the Application seeks two side-yard set variances, with five feet required and 3 feet and 3.2 feet proposed; and

WHEREAS, the Application seeks a conditional use variance to permit the second residential unit, because the conditional use standard requires a lot 100 feet by 100 feet, and the property is undersized; and

WHEREAS, the Planning Board held a public hearing on February 26, 2014, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was not represented by counsel; and

WHEREAS, the Applicant presented the testimony of Richard Woodard, the President of the Applicant; and

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

- A. Signed/unsealed survey titled "Plan of Survey Block 38, Lots 3 and 4" prepared by Brunswick, West, Inc., dated 8/15/13;
- B. Floor plan, unsigned/sealed, dated 11/16/13.

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 December 5, 2013; and

WHEREAS, Mr. Woodard testified that he is the President of the Applicant, which will be undertaking the proposed improvements. The Property was damaged in Hurricane Sandy and remains damaged. The Owner's son and daughter-in-law are living in the current home to assist the Owner, but the current home is only a one-bedroom house. This has created a hardship in the Owner's ability to rebuild her home; and

WHEREAS, Mr. Woodard further testified that he has worked in the area as a builder and is familiar with the character and use of many of the buildings in the vicinity of the property, and

that within 200 feet of the Property there are approximately 4 or 5 properties with multi-family buildings; and

WHEREAS, Mr. Woodard testified that the garage is sufficient size to fit two automobiles, so that no parking variance is required; and

WHEREAS, the Applicant consented to the condition that the apartment above the garage be served by its own separate sanitary sewer lateral and further consented to the condition that the existing curb and sidewalk along the front of the Property which does not meet the standards of the City of South Amboy be removed, replaced or repaired pursuant to the review and approval of the City Engineer; and

WHEREAS, the Applicant consented to the requirement that the revised stairway as described during the testimony of Mr. Woodard shall be subject to the review and approval of the Board's Engineer Angelo J. Valetutto, P.E., P.P.;

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 report of Mr. Valetutto, at a public meeting held on February 26, 2014; 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) 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 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 addition of an apartment above the garage on a lot which does not comply with the conditional use standards.
2. Applicant seeks two side yard variances of 3 feet and 3.2 feet, where 5 feet is required.
3. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated December 5, 2013, which was reviewed by the Applicant and made a part of the record.
4. That the Applicant has put forth evidence to justify the grant of a use variance and the requested bulk variances.
5. That the requested Use Variance and 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 26th day of March, 2014 that the use variance and bulk variances 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 are hereby granted, subject to the following conditions:

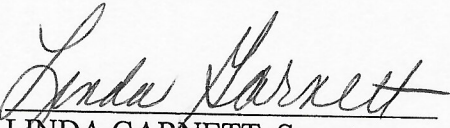
1. Submission and approval of revised plans in accordance with the testimony of the Applicant depicting the location of the stairway.
2. The apartment above the garage will be served by a separate sanitary sewer lateral.
3. The existing curb and sidewalk along the front of the Property which does not meet the standards of the City of South Amboy shall be removed, replaced or repaired pursuant to the review and approval of the City Engineer

4. The Property will be maintained in conformance with the property maintenance regulations.
5. 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.
6. Each and all other applicable approvals, if any, required by law or statute or regulation.
7. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on February 26, 2014.
8. All other matters set forth above, and/or incorporated herein.
9. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
10. Payment of all sums now and/or hereafter due for application fees and/or escrows.
11. 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.

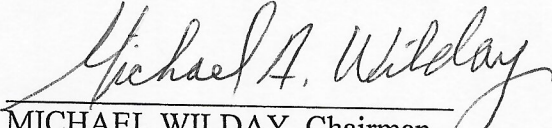
Be it Further Resolved that,

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 March 26, 2014 at a duly convened meeting.

DATE:

Linda Garnett, Secretary