

PLANNING BOARD
CITY OF SOUTH AMBOY

RESOLUTION PB- 4 -15
RESOLUTION APPROVING BULK VARIANCE FOR PROPERTY LOCATED ON BLOCK
125, LOT 10 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Andrew and Lauren Anderson (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for a Bulk Variance related to property located at 349 Fifth Street, (Block 125, Lot 10) (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 two-story single family residential building; and

WHEREAS, the Application seeks a bulk variance in order to construct a paved driveway along the Potter Street frontage, construct retaining walls and install fencing atop of the retaining walls, resulting in the following variance – a fence in the front yard greater than four (4) feet in height; and

WHEREAS, the Planning Board held a public hearing on February 25, 2015, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant was not represented by counsel; and

WHEREAS, the Applicant presented the testimony of Lauren Anderson; and

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

documents:

{144467.DOC.1}

- A. Plans entitled “Grading Plan 349 Fifth Street Building Permit Application Block 125 Lot 10” prepared by Envision Engineering, LLC, dated 11/25/14 and consisting of three sheets;
- B. Unsigned / unsealed outbound, location, topographic survey, entitled “Topographic Survey for Charles J. Anderson & Genevieve Anderson, and Andrew G. Anderson” prepared by Landmark Surveys, dated 10/28/14.

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 February9, 2015; and

WHEREAS, the Applicant testified that she is the owner of the Property. Ms. Anderson testified that use of the word “carport” on the plans was not intended to indicate a structure, simply a driveway.

WHEREAS, Ms. Anderson further testified that she would have the Applicant’s engineer work with Mr. Valetutto to revise the plans and revise the proposed location of the second retaining wall so that the second proposed retaining wall does not encroach on a public right-of-way; and

WHEREAS, Mr. Valetutto, P.E., P.P., and the Applicant confirmed that if the proposed driveway is approved, it will eliminate an existing variance by providing off-street parking where none currently exists;

WHEREAS, Ms. Anderson agreed with the comments of Mr. Kelly that the driveway should be asphalt up to the property line and then transition to concrete in the public right-of-way and that the Applicant's engineer would make appropriate changes to the proposed plans

WHEREAS, the Applicant consented to the conditions contained in Mr. Valetutto's February 9, 2015 review letter; 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 heard testimony and reviewed the aforesaid report of Mr. Valetutto, P.E., P.P., at a public meeting held on February 25, 2015; and

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the report 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 items set forth in the February 9, 2015 review letter by Mr. Valetutto.

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

1. Applicant seeks a bulk variance for a front yard fence in excess of four (4) feet in height necessitated by construction two retaining walls and a driveway, which will eliminate a separate off-street parking variance.
2. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated February 9, 2015, 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 the requested bulk variance.
4. That the requested bulk variance 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 25th day of March, 2015 that a Bulk variance in conformance with the plans submitted by the Applicant and pursuant to the conditions set forth in this Resolution shall be and is hereby granted, subject to the following conditions:

1. Submission and approval of revised plans to revise the location and extent of the retaining walls so it does not encroach on the public right-of-way, such plans to be reviewed and approved by the Board Engineer.
2. Submission and approval of revised plans to indicate that the material to be used for construction of the driveway will include concrete in the public right of way, such revised plans to be reviewed and approved by the Board Engineer.
3. No construction of a car port without further approval.
4. Compliance with all conditions set forth in the February 9, 2015 review letter of the Board's Engineer.
5. The property will be maintained in conformance with the property maintenance regulations.
6. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
7. 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 February 25, 2015.
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 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.

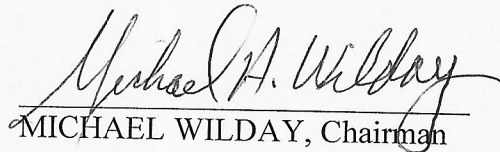
Be it Further Resolved that,

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

ATTEST:


STACEY KENNEDY, 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 25, 2015 at a duly convened meeting.

DATE:

Stacey Kennedy, Secretary