

CITY OF SOUTH AMBOY PLANNING BOARD

REVISED RESOLUTION PB- 4 -18

Case Number 387-17

Resolution granting preliminary major subdivision approval creating four lots, and bulk variance for minimum lot width as to proposed lot 1.04.

**Block 139 Lot 1
310 Elm Street
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") by M & S 310 Elm Street, LLC (the "Applicant") for preliminary major subdivision approval creating four lots, and a bulk variance for minimum lot width as to proposed lot 1.04 as to premises located at 310 Elm Street, also known as Block 139 , Lots 1 located on the Tax Map of the City of South Amboy in the RA Zone ; 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 December 15, 2017 and January 17, 2018; and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on January 24, 2018 and again on July 25, 2018 pursuant to corrected public notice and personal notice pursuant to NJSA 40:55D-12 ; and

WHEREAS, as part of the application and based upon the plans submitted and reviewed by the consultant to the Planning Board., the Applicant required a variance from the zoning requirements as set forth in the ordinance;

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Minimum Lot Width	50 ft.	49.76ft (Lot 1.04)

WHEREAS, at the 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.	January 17, 2018

WHEREAS, The Board determined that the certified list utilized by the Applicant for notice had exceeded the six (6) month period as provided in the MLUL requiring the Applicant to provide new notice both by publication and personal service to insure that all persons entitled to notice would receive same,

WHEREAS, the Board on July 25, 2018 opened the meeting to the public to receive any comment,

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 Timothy J. Little, Esq.
2. Mr. Little on behalf of the Applicant acknowledged receipt of the Planning Reports.
3. Mr. Little presented Mr. Paul J. Fletcher, P.E., P.P. as a professional planner and professional engineer who provided his qualifications and was accepted by the Board as a professional planner and professional engineer.
4. Mr. Fletcher testified as follows:
 - a. The Applicant's proposal is to subdivide the premises into four single family dwelling lots, with three of the lots being fully conforming and one lot (proposed 1.04) having lot width of 49.76 feet as opposed to the required width of 50ft.
 - b. The lots will each contain a single family dwelling, two with one car garages and two with two car garages.
 - c. The applicant accepts all of the conditions as set forth in the Planning Report dated January 17, 2018.
5. The meeting was opened for public comment and questions.
6. Mr. Michael Kusic of 325 Elm Street in the City of South Amboy was sworn and discussed his concerns related to the subdivision, traffic and parking.
7. Mr. Stan Jankowski of 135 John Street in the City of South Amboy was sworn and discussed his questions as to the subdivision and concerns as to school age children.
8. On July 25, 2018, Mrs. Bernadette Connors of 310 Cedar Street was sworn and advised the Board that she had received notice of the prior hearing date

but did not attend the meeting. She questioned whether there was any traffic study and was concerned about the very narrow street.

Based upon the above Findings of Fact, the Board concludes as follows;

CONCLUSIONS

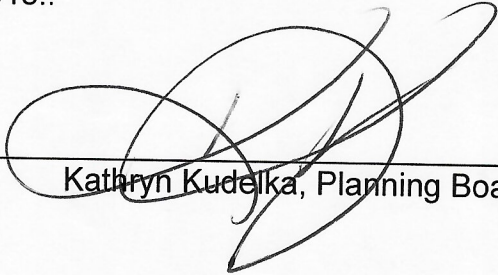
The Board confirmed its earlier action, there being no additional information provided and the Board finds that the proposed bulk variance of 24 inches as to Minimum Lot Width for proposed Lot.1.04 is de minimus and can be granted without substantial detriment to the City of South Amboy Zone Plan and 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 confirms its **grant** of Application #387-17 for Preliminary Major Subdivision Approval and bulk variance for minimum lot width as to proposed lot 1.04 located at 310 Elm Street , also known as Block 139 , Lot 1 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 January 17, 2018.
2. Submission of an application for Final Major Subdivision Approval with revised plans consistent with the Planning Report of January 24, 2018.
3. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
4. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect a Final Major Site Plan Approval
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on January 24, 2018.
6. All other matters set forth above, and/or incorporated herein.
7. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.

8. Payment of all sums now and/or hereafter due for application fees and/or escrows.
9. The 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 this resolution.
10. 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 July 25, 2018..



Kathryn Kudelka, Planning Board Secretary