

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB- 5 -15  
RESOLUTION APPROVING BULK VARIANCES FOR PROPERTY LOCATED ON  
BLOCK 78, LOT 13 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Norman Slingerland (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for a Bulk Variance related to property located at 122 South Feltus Street, (Block 78, Lot 13) (the “Property”); and

WHEREAS, Applicant is the owner of Property; and

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

WHEREAS, the Application seeks bulk variances in order to reconstruct his home following a fire. The original home and the proposed reconstruction require the continuation of several pre-existing conditions for which the Applicant seeks variances, and he seeks to increase the volume of the home without altering the footprint and to remove an off-site parking space; 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 Peter Burges, P.E., Christopher Martini, Steve Maloney and Norman Slingerland; and

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

documents:

{144656.DOC.1}

- A. Plans entitled "Reconstruction of Residence – MARK 1 RESTORATION SERVICES, INC. For Residence at: 122 S. Feltus Street" prepared by John Gibson Martin, AIA, dated 9/24/14 and consisting of six sheets;
- B. Signed survey, entitled "Survey of Property for: Norman Slingerland" prepared by Thomas M. Ernst, PLS, dated 11/21/14.

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 January 19, 2015; and

WHEREAS, Mr. Burgess testified that there is no vacant property on either side of the subject property available for purchase in order to eliminate the existing non-conformity for lot width.

WHEREAS, Mr. Burgess testified that the pre-existing variances the Application seeks to continue are lot coverage of 40.42% whereas 25% is the maximum; front yard setback of 11.6 feet whereas a minimum of 25 feet is required; side yard set back of one-tenth (.1) feet whereas a minimum of five (5) feet is required; and total side yard of 5.14 feet whereas the minimum required is ten (10) feet; and

WHEREAS, Mr. Burgess testified that the proposed development will eliminate one off-street parking space by converting the garage to a first-floor bedroom. Mr. Slingerland testified that the garage had never been used as an off-street parking space for vehicles.

WHEREAS, Mr. Burgess consented to amend the proposed plans so that no part of the proposed construction would encroach over the property line.

WHEREAS, the Applicant consented to amend the proposed plans to reflect a fire-rated wall due to the proximity to the property line; and

WHEREAS, the Applicant consented to the conditions contained in Mr. Valetutto's January 19, 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 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 January 19, 2015 review letter by Mr. Valetutto.

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

1. Applicant seeks to continue the following pre-existing non-conforming conditions - lot coverage of 40.42% whereas 25% is the maximum; front yard setback of 11.6 feet whereas a minimum of 25 feet is required; side yard set back of one-tenth (.1) feet whereas a minimum of five (5) feet is required; and total side yard of 5.14 feet whereas the minimum required is ten (10) feet.
2. Applicant seeks a bulk variance in order to remove one off-street parking space by enclosing the existing single-car garage for use as a bedroom.
3. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated January 19, 2015, 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 the requested bulk variances.
5. That the requested bulk variances are 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 Bulk variances in conformance with the plans submitted by the Applicant and to be revised and pursuant to the conditions set forth in this Resolution shall be and are hereby granted, subject to the following conditions:

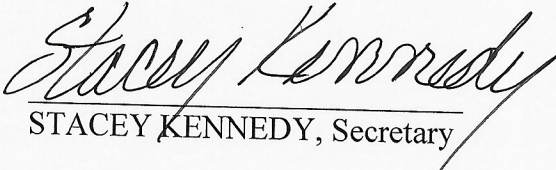
1. Submission and approval of revised plans to indicate that there will not be any construction which encroaches over the property line, such plans to be reviewed and approved by the Board Engineer.
2. Submission and approval of revised plans to indicate the use of fire-rated wall where the construction is nearest to the property line, such revised plans to be reviewed and approved by the Board Engineer.
3. The Applicant shall obtain an easement from the City of South Amboy to permit the existing concrete wall where the porch is along the property line.
4. Compliance with all conditions set forth in the January 19, 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.

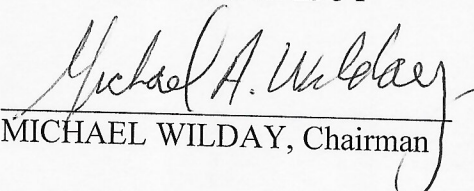
Be it Further Resolved that,

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