

CITY OF SOUTH AMBOY PLANNING BOARD

REVISED RESOLUTION PB- 5 -19

Application Number 380-17

**Resolution granting Final Minor Subdivision Approval creating two lots
Block 20, Lots 23, 24, and 29.01**

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 Tonnelle Avenue Properties, LLC (the "Applicant") for Final Minor Subdivision Approval creating two lots, as to premises located at 312 Bordentown Avenue, also known as Block 20, Lots 23, 24, and 29.01, located on the Tax Map of the City of South Amboy (the "Property"); and

WHEREAS, the application was the result of an order of Judge James P. Hurley under docket number L-000816-18 in the Superior Court of New Jersey, Law Division, (the "Civil Action") affirming the grant of a Use Variance, Bulk Variances, and Preliminary Minor Subdivision approval as to the Property, but reversing the Final Subdivision Approval and directing the Applicant to apply for Final Subdivision Approval; and

WHEREAS, the application was certified as complete and a public hearing with respect to the Application was held by the Board on December 20, 2018 as per public notice and personal notice pursuant to NJSA 40:55D-12; and

WHEREAS, the Plaintiff in the Civil Action was noticed and appeared with counsel; and

WHEREAS, at the aforesaid public hearing, the following City report was entered into the record:

Description of Report

Date of Report

Planning Report AJV Engineering, Inc.

December 10, 2018

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 Thomas E. Downs, Esq.
2. Mr. Timothy Noble, a Plaintiff in the Civil Action, was represented by Mr. Stephen W. Kornas, Esq. of the firm of HANLON, NIEMANN & WRIGHT, PC
3. The Board consultant Mr. Angelo J. Valetutto, P.E., P.P. advised the Board that the drainage report submitted by Applicant was compliant with the Board's resolution of approval. Outside agency approvals were also provided.
4. Mr. Kornas requested information as to a retaining wall between the Noble property and the Applicant's property and the height of the Applicant's proposed building.
5. Mr. Timothy Noble 319 George Street, was sworn and testified as follows;
 - a. There is a huge differential in the slope between his property versus the proposed development.
6. There was an extensive discussion and disagreement between and among Mr. Noble, the Board Consultant, and members of the Board as to the height of the retaining wall, the height of the new building, and elevations.
7. The meeting was opened to the public. No additional public comment was received.
8. The meeting was closed to the public.

Based upon the Findings of Fact and for the reasons set forth below, the Board concludes as follows:

CONCLUSIONS

The Board makes the following findings and conclusions:

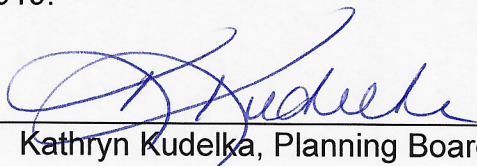
- Applicant has complied with all conditions of the original resolution of approval.
- All required agency approvals have been obtained.
- No variances are required for the proposed retaining wall.

29.01

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #380-17 for Final Minor Subdivision Approval, as to premises located at 312 Bordentown Avenue, also known as Block 20, Lots 3, 24, and 29.01, located 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 December 10, 2018.
2. The Minor Subdivision is to be perfected by deeds, with such deeds and descriptions to be reviewed and approved by the Board's Attorney and Planner.
3. The deeds perfecting the subdivision shall further restrict the grantees under the subdivision deeds from any further subdivision of either approved lot.
4. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on December 20, 2018.
6. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
7. Payment of all sums now and/or hereafter due for application fees and/or escrows.
8. 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 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.
9. 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.
10. All other matters set forth above, and/or incorporated herein.

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 January 23, 2019.



Kathryn Kudelka, Planning Board Secretary