

**CITY OF SOUTH AMBOY PLANNING BOARD**

**RESOLUTION PB- 05-24**  
**Application Number 443-23**

**Resolution granting Bulk Variance Approval for Minimum Rear Yard Setback and Maximum Lot Coverage.**

**John Malyshev by amendment from Awning Concepts & Design**

**Block 78, Lots 21 & 22**  
**526 John Street**  
**City of South Amboy**  
**RA Single Family Residential Zone**

**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 John Malyshev (the "Applicant") for Bulk Variance Approval for Minimum Rear Yard Setback and Maximum Lot Coverage to permit the construction of an enclosed glass sunroom on the footprint of an existing wood deck. on Block 78, Lots 21 & 22 on the Tax Map of the City of South Amboy at 526 John Street in the RA Single Family Residential Zone.

**WHEREAS**, the application reviewed by the Board consisted of those plans and documents as identified in the Application Review report prepared by Jason C. Valetutto, P.E., P.P. the consultant to the Board dated November 17, 2023.

**WHEREAS**, the application was certified as complete and a public hearing with respect to the Application was held by the Board on November 29, 2023, as per public notice and personal notice pursuant to NJSA 40:55D-12; and

**WHEREAS**, as part of the application and based upon the original plans submitted and reviewed by the consultant to the Board, the Applicant required variances as follows:

<b><u>Description</u></b> <b><u>Variances</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Maximum Lot Coverage	25%	26.68%
Maximum Rear Yard Setback	25 ft	21.8 ft

**WHEREAS**, at the public hearing, the following reports were entered into the record:

**Description of Report**

Planning Report AJV Engineering Inc.

**Date of Report**

November 17, 2023

**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 sworn in and testified as follows:

- a. He did not understand that Awnings Concepts and Designs (“Awnings”) as an entity could not be the Applicant and therefore requested that the application be amended to his name, but that Tracy Hollander Lenahan as representative of Awnings be permitted to act as his representative. The Board agreed to this request and the application is amended accordingly.

2. Ms. Tracy Hollander Lenahan was sworn in and testified as follows:

- a. She acknowledged receipt of the AJV report dated November 17, 2023.
- b. Awnings will be installing an enclosed glass sunroom on top of an already existing wood deck and attaching it to the deck and house.
- c. The color of the metal on the sunroom is black and the glass is a low energy efficient glass, and the sunroom will be bolted into the framework of the house.
- d. She understands that Awnings will require all necessary permits and inspections through the City Building Department
- e. She further understands that revised plans will be required to reflect “proposed Sunroom” not “proposed wood deck” and that the deck is already existing.
- f. The SunRoom will be used for family recreational purposes and only have infrared heaters with no plans now for air conditioning.
- g. The room will be an enclosed room.

3. The matter was opened to the public. No one appeared to speak on the application.

### **CONCLUSIONS**

The Board finds as follows:

1. The proposed expansion is for private use.
2. Awnings will be installing an enclosed glass sunroom on top of an already existing wood deck and attaching it to the deck and house.
3. The color of the metal on the sunroom is black and the glass is a low energy efficient glass and the sunroom will be bolted into the framework of the house.
4. Bulk Variance Approval for Maximum Lot Coverage and Minimum Rear Yard Setback can be granted without substantial detriment to the City of South Amboy RA Single Family Residential Zone 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 **grants** Application #443-23 for Bulk Variance Approval for Maximum Lot Coverage and Minimum Rear Yard Setback to Block 78, Lots 21 and 22 on the Tax Map of the City of South Amboy in the RA Single Family Residential Zone and located at 526 John Street.

1. Compliance with recommendations set forth in the Planning Report dated November 17, 2023.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect a Bulk Variance Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on November 29, 2023, including but not limited to the following.
  - a. All necessary permits and inspections through the City Building Department

- b. Revised plans to reflect “proposed Sunroom” not “proposed wood deck” and that the deck is already existing.
5. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
6. Payment of all sums now and/or hereafter due for application fees and/or escrows.
7. Counsel for the Board 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.
8. 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 January 24, 2024.



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Katie Rose Walenty, Planning Board Secretary