

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION #-6-2011

RESOLUTION TO APPROVE BULK VARIANCES FOR BLOCK 18.01, LOT 25  
THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Waldemar Mroczkowski, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for variance approval related to property located at 309 South Pine Avenue, South Amboy, (Block 18.01, Lot 25) (the “property”); and

WHEREAS, the Planning Board held a public hearing on June 22, 2011, 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 Application seeks the approval of variances to permit the construction of a roof over an existing cement patio area in the rear portion of the property; and

WHEREAS, the property is located in the RA building zone and the existing and proposed use is a permitted use in the zone; and

WHEREAS the Applicant seeks the following variances:

- a. Lot coverage – 29.87 proposed vs. 25% permitted;
- b. Side yard setback – 1.79ft proposed vs. 5 ft. permitted

WHEREAS, the Applicant provided testimony from the Applicant as well as the Applicant’s cousin Mark Nowak; and

WHEREAS, during the testimony presented by the Applicant, it was revealed that repairs and modifications to the prior patio had resulted in the existing encroachment into the side yard setback; and

WHEREAS, during testimony the Applicant consented to a revision to the proposed plans and to cut away and remove a portion of the existing cement patio so that there is a five foot set back from the side yard, resulting in a patio of approximately 14 feet by 26 feet (reduced from approximately 17 feet by 26 feet); and

WHEREAS, during testimony the Applicant acknowledged that construction of the proposed roof cover will require compliance with applicable building codes; and

WHEREAS, during testimony the Applicant testified that the roof cover will not be enclosed, there will be no sink facility and no utilities with the exception of lighting; and

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

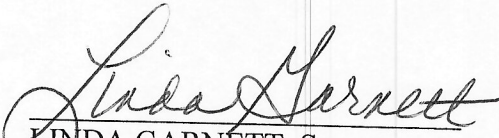
1. Applicant seeks bulk variances to permit the construction of a roof cover over an existing patio.
2. During the hearings the Applicant agreed to the imposition of conditions set forth below to address the Board's concern with encroachments into the side yard set back.
3. The variances as set forth in this Resolution are herein granted. The benefit of granting such variances 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 in the City of South Amboy in the County of Middlesex and State of New Jersey on this 27th day of July, 2011 a variance for

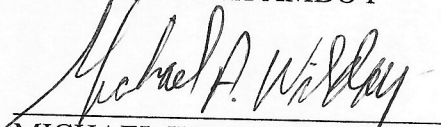
lot coverage and all other necessary variances to permit the construction of a roof cover over the patio on the property are hereby granted subject to the following conditions:

1. Applicant shall prepare revised plans reducing the size of the enclosed patio and roof cover so that there is a minimum of five foot side yard set back.
2. Applicant shall remove whatever portion of the existing patio is necessary such that the remaining patio is a minimum of five feet from the side yard property line.
3. Satisfaction of all conditions set forth in the report of Angelo J. Valetutto, P.E., P.P. dated June 7, 2011.
4. The patio shall not be enclosed; there shall be no plumbing or running water to the patio; and there shall be no utilities to the patio except for lighting.
5. Applicant shall prepare revised plans incorporating the conditions set forth in this Resolution which shall be reviewed and approved by the Board Engineer prior to the issuance of any building permits, and Applicant shall not request any building permits or undertake any construction activities on the property until such revised plans have been reviewed and approved by the Board Engineer.
6. Satisfaction of all conditions placed on the record during the Application.
7. That all outstanding taxes, application, and escrow fees be paid in full, and that no building permits shall be issued until all such taxes and escrow fees are paid in full.
8. This Resolution shall take effect as provided by law.

ATTEST:

  
LINDA GARNETT, 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 July 27, 2011 at a duly convened meeting.

DATE:

\_\_\_\_\_  
Linda Garnett, Secretary

June 7, 2011

Mr. Michael Wilday, Chairman  
City of South Amboy Planning Board  
140 North Broadway  
South Amboy, New Jersey 08879

Re: Proposed Patio Roof  
Waldemar Mroczkowski  
309 South Pine Avenue  
Block 18.01, Lot 25

Dear Mr. Wliday:

The above referenced applicant is seeking to construct an 18' x 26' roof over patio area. The proposed patio roof is to be attached to an existing rear enclosed porch. The subject property is situated in the RA building zone and the existing/proposed use of the property is a permitted use. The application will generate bulk variances for lot coverage (29,87% proposed vs. 25% permitted), and side yard setback (1.79 feet vs. minimum 5.0 feet required).

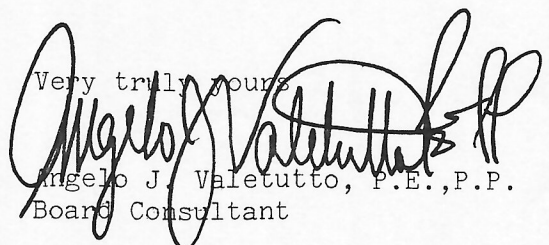
The Board should be aware that the subject property is undersized for the RA zone having only a width of 32 ft. vs. 50 ft, required and a total lot area of 4,000 sf vs. minimum required 5,000 sf. Other existing bulk variances for the subject property is front yard setback (23,12 feet. vs. 25 feet required) and side yard setback (1.79 feet vs. 5 feet minimum required). These four variances will exist/remain wheter or not the application is approved or denied.

The applicant should testify to the Board the following:

1. Any other properties within the area having either a lot coverage variance or a roof patio as is proposed.
2. The reason for the size of the roof as proposed.

The Board should note that the proposal will create the above noted variance to Section 53-88D of the City's Development Ordinance.

Very truly yours



Angelo J. Valetutto, P.E.,P.P.  
Board Consultant

pc: Ms. Linda Garnett, Board Secretary  
All Board members  
Joseph J. Maraziti, Jr., Esq., Board Attorney, via fax only