

CITY OF SOUTH AMBOY PLANNING BOARD

RESOLUTION PB-6-18
Application Number 383-17

Resolution granting Use Variance approval and Off-Street Parking Variance.

Block 87, Lot 6
424 Bordentown Avenue
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 Thomas E. Downs, IV of Felix J. Burgos-Figueroa (the "Applicant") for Use Variance approval and variance for Off Street Parking, to permit construction of a second floor addition to the property located on Block 87, Lot 6 on the Tax Map of the City of South Amboy in the RA – Single Family Residential Zone; and located at 424 Bordentown Ave.

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the application review report prepared by Angelo J. Valetutto, P.E., P.P. the consultant to the Planning Board dated December 29, 2017.

WHEREAS, the application was certified as complete and a public hearing with respect to the Application held by the Board on April 25, 2018 as per 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 two variances from the zoning requirements as set forth in the ordinance:

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Use Variance-Expansion of a non-conforming two family use Off-Street Parking	Conditional Approval 4	With Conditions 0

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

<u>Description of Report</u>	<u>Date of Report</u>
Planning Report AJV Engineering Inc.	December 29, 2017

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 F. Downs, IV.
2. Mr. Downs on behalf of the Applicant acknowledged receipt of the Planning Report of December 29, 2017.
4. Mr. Downs produced Mr. Michael T. Carr as a Licensed Professional Engineer in the state of New Jersey who provided his qualifications and was accepted by the Board as a professional engineer.
5. Mr. Carr testified as follows:
 - a. The property presently consists of a two family dwelling.
 - b. The proposed addition does not expand the existing footprint of the existing dwelling.
 - c. The proposed addition will result in the second floor dwelling unit to mirror the first floor and such expansion raises the need for the use variance.
 - d. The proposed addition will result in a more convenient living space for the applicant who resides on the second floor.
 - e. The proposed maintenance easement within the right of way of Catherine Street as shown on the proposed plans has previously been approved and recorded by Mayor and Council.
 - f. There is no impact on the drainage as a result of the construction.
 - g. On behalf of the Applicant agreed all of the conditions of the Planning Report of December 29, 2017 will be satisfied.
6. Mr. Downs then produced the Applicant Mr. Felix J. Burgos-Figueroa.
7. Mr. Burgos-Figueroa testified as follows:
 - a. He resides in the second floor unit and his mother and brother reside in the first floor unit.
 - b. He intends to expand the second floor to replicate the first floor and enhance his quality of life.

- c. The façade for the addition will match the existing building.
8. Mr. Angelo J. Valetutto, consultant to the Board advised the Board that:
 - a. Any bulk variances or setbacks which may exist are preexisting and the result of the original construction.
 - b. It would be the decision of the Board as to whether to require a driveway which would eliminate one parking space on Catherine Street and possibly affect the root structure of a large tree on the neighbors' property.
 9. The hearing was opened to the public, and no one made comment.

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

CONCLUSIONS

The Board finds that the proposed Use Variance and Variance for Off-Street Parking 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 **grants** Application #383-17 for Use Variance Approval and Variance for Off Street Parking as to Block 87, Lot 6 on the Tax Map of the City of South Amboy in the RA – Single Family Residential Zone and located at 424 Bordentown Ave.

1. Compliance with recommendations set forth in the Planning Report dated December 29, 2017.
2. No construction of a driveway for the Property.
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 an Amended Site Plan, Use, and Bulk Variance Approval.
5. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on April 25, 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. Secretary to 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.
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 May 23, 2018.



Kathryn Kudelka, Planning Board Secretary