

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB- 8 -16  
RESOLUTION GRANTING BULK VARIANCES RELATED TO PROPERTY AT BLOCK  
29, LOT 3.02, LANDS OF THE CITY OF SOUTH AMBOY

**WHEREAS**, application has been made by Gurmail Mann (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for various bulk variance approval related to site improvements, on property located at 255 Catherine Street, South Amboy, (Block 29, Lot 3.02) (the “Property”); and

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

**WHEREAS**, Applicant seeks to obtain approval for certain site improvements undertaken without first obtain necessary variance relief from this Board (the “Application”); and

**WHEREAS**, the Application requires and seven bulk (c) variances, including front yard setback for the carport where 25 feet is the minimum and 20.8 is proposed; side yard setback for the carport where 5 feet is the minimum and 0 feet is proposed; lot coverage where 25% is the maximum permitted and 30.96 is proposed; impervious lot coverage where 60 is the maximum permitted and 65.69 is proposed; rear yard set back for an accessory building where 3 feet is required and 0 is proposed; side yard set back for accessory building where 3 feet is required and 1.1 feet is proposed; and width of driveway where maximum of 24 feet is permitted and 29 feet is proposed.; and

**WHEREAS**, the Applicant was represented by Gregory F. Kusic, Esq.; and

**WHEREAS**, the Planning Board held public hearings on June 22, 2016 and August 24, 2016 and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

**WHEREAS**, the Applicant submitted and the Board considered, the following documents:

1. Filed application form;
2. One signed and sealed survey, prepared by Wayne K. Applegate, PLS, dated 4/12/16;
3. One checklist form, completed by the Applicant's attorney;
4. A signed and sealed copy of a survey entitled "Plan of Survey and Variance Sketch For: Tax Lot 3.02, Block 29, City of South Amboy, Middlesex County, New Jersey", prepared by AWR Land Surveying, dated 7/8/16, consisting of one sheet.

**WHEREAS**, the Board has made the following findings of fact:

1. Applicant seeks seven bulk variances for front yard setback, side yard setback, lot coverage, impervious lot coverage, rear yard set back for an accessory building, side yard set back for accessory building, and width of driveway, in relation to certain improvements (construction of a carport and installation of pavers) undertaken without first having obtained the necessary approval from this Board.
2. During the hearing on June 22, 2016 the Applicant presented the testimony of Gurmail Mann, the owner of the Property. Mr. Mann testified that he undertook the work to improve the Property.
3. Mr. Mann testified that there will be four adults with cars residing at the Property which is the reason for the increased size of the driveway.
4. Mr. Mann testified that the pavers were installed in approximately 2007 and the awning/carport was installed in early 2015.
5. Mr. Mann testified that during the installation of the awning/carport, his contractor was informed by Tom Kelly that permits were needed, but his contractor continued the work anyway because he did not want to lose the money he had paid the contractors.
6. During the June 22, 2016 meeting, the Applicant acknowledged receipt of the May 18, 2016 report of AJV Engineering and the June 15, 2016 report of AJV

Engineering. The hearing was carried to the next meeting to permit the Applicant to retain additional professionals.

7. The hearing continued on August 24, 2016. The Applicant acknowledged receipt of the August 5, 2016 AJV review letter.
8. Revised plans submitted by the Applicant resulted in impervious coverage of only 59.07%, thus the Application was amended to remove the request for a variance for impervious coverage.
9. During the August 24, 2016 hearing, there was discussion between the Board, its professionals and counsel for the Applicant about how to modify the existing improvements to reduce the nonconformities and reduce the need for variance relief.
10. The Applicant's counsel agreed that the pavers would be removed / cut back to eliminate the encroachment onto the neighboring property, which would result in a parking area under the carport of only 7'8". This would be accomplished by taking out a small amount of stone from the street to the gate of the carport.
11. Mr. Mann testified that he was present and heard and understand the discussion undertaken by his counsel with the Board and its professionals regarding amendments to the existing site conditions in order to reduce the nonconformities and reduce the need for some of the variance relief requested in the Application.
12. Mr. Mann testified that he will remove the stone adjacent to the driveway and replace it with grass.
13. Mr. Mann testified that a condition of any approval will be that the posts for the carport and the carport itself be modified/cut/moved so that all parts of the carport and its supports are on the Property.
14. Mr. Mann testified that he will have to comply with any Building Department requirements regarding the shed.
15. During the hearing the Applicant consented to the condition that all concrete related to the carport, the shed and in the front of the property be removed so that it does not encroach across the property line.
16. The Applicant agreed that prior to September 28, 2016, the Applicant will remove the stone and put grass in the front of the yard from the fence line or the gate to the property line and that all concrete encroachments across the property line will be removed.

17. The Applicant agreed that the changes to the carport would be completed within 90 days of August 24, 2016.
18. The Applicant consented to the condition that upon completion of all the revisions to the property, the Applicant will provide signed and sealed "As-built" plans to the Board and its Engineer.
19. Mr. Mann testified that he will arrange to have his contractor cut back the existing carport to eliminate the encroachment onto the neighboring property.

**WHEREAS**, the Board has made the following conclusions:

1. The Applicant has demonstrated that that the grant of variances, as amended, will not result in a substantial detriment to the public good and that will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
2. The Applicant has demonstrated that it will suffer exceptional or undue hardship if the requested variances, as amended, are not granted.
3. The Applicant has demonstrated that a grant of each of the requested variances, as amended, would advance a specific purpose of the Municipal Land Use Law and the benefits of granting each variance substantially outweighs the detriments.

**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 28th day of September, 2016 that the following variances for front yard setback for the carport where 25 feet is the minimum and 20.8 is proposed; side yard setback for the carport where 5 feet is the minimum and 0 feet is proposed; lot coverage where 25% is the maximum permitted and 30.96 is proposed; rear yard set back for an accessory building where 3 feet is required and 0 is proposed; side yard set back for accessory building where 3 feet is required and 1.1 feet is proposed; and width of driveway where maximum of 24 feet is permitted and 29 feet is proposed; - are hereby **GRANTED** and

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the Application of the Applicant is hereby **GRANTED** as amended and presented during the hearings of June 22 and August 24, 2016 subject to the following conditions:

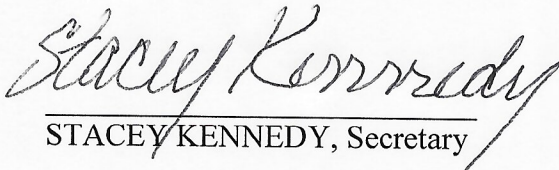
1. Submission, and approval by the Board's Engineer, of revised plans in accordance with testimony presented by the Applicant and in conformance with the Board Engineer's letters of June 15, 2016 and August 5, 2016 and the conditions of this Approval.
2. The encroachment of the carport across the adjacent property line will be eliminated within 90 days of August 24, 2016.
3. The stone in front of the gate leading under the carport will be removed and grass planted on or before September 28, 2016.
4. The plans, and "as-built" plans will specifically, clearly and boldly indicate that the parking space under the carport will be for residents only, one car only and is undersized, with a delineation the precise dimensions of the parking space.
5. The shed in the rear of the Property is approved in its current location subject to approval by the Building Department.
6. Applicant shall prepare revised plans to be reviewed and approved by the Board's Engineer.
7. Applicant shall provide "As-built" plans to be reviewed and approved by the Board's Engineer within thirty (30) days of satisfaction of all Conditions of Approval.
8. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by or an exemption letter from the Middlesex County Planning Board.
9. Each and all other applicable approvals, if any, required by law or statute or regulation.

10. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on June 22nd and August 24, 2016.
11. All other matters set forth above, and/or incorporated herein.
12. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.
13. Payment of all sums now and/or hereafter due for application fees and/or escrows.
14. 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:

  
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STACEY KENNEDY, Secretary

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
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ROBERT PAULUKIEWICZ, Chairman

**CERTIFICATION**

Certified to be a True Copy of a Resolution adopted by the Planning Board of the City of South Amboy on September 28, 2016 at a duly convened meeting.

DATE:

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Stacey Kennedy, Secretary