

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB-09-14  
RESOLUTION APPROVING USE VARIANCE FOR PROPERTY LOCATED ON BLOCK  
112, LOT 6 LANDS OF THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Lidia Awdrys-Ornafa (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for a Use Variance related to property located at 531 Washington Avenue (Block 112, Lot 6) (the “Property”); and

WHEREAS, Applicant seeks to utilize three existing classrooms in a building on the Property previously used by the Property owner, for the operation of a Polish-American preschool / daycare center; and

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

WHEREAS, the Property is currently improved with an existing building previously used as a school by the owner of the Property Sacred Heart Church; and

WHEREAS, the Application seeks a use variance to allow the use of the existing classrooms in the building for a Polish-American preschool/daycare facility, such variance being required because the daycare facility would not be operated by the owner of the property; and

WHEREAS, the Planning Board held a public hearing on May 28, 2014, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, said Applicant was not represented by counsel.; and

WHEREAS, the Applicant presented the testimony of Lidia Awdrys-Ornafa and Joanna Moczulski, her business partner; and

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

- A. Application form
- B. Hand drawing of floor plan and past/proposed student counts;
- C. Exhibit A-1, Special Education Certification for Ms. Awdrys-Ornafa

WHEREAS, proper proof of advertisement and service of notices of a public hearing in regard to this Application have been furnished; and

WHEREAS, the aforementioned documents were reviewed by Angelo J. Valetutto, P.E., P.P., the consultant to the Planning Board, who provided a report to the Planning Board, April 8, 2014; and

WHEREAS, Ms. Moczulski testified the Applicant is seeking to utilize the three classrooms on one side of the hallway highlighted in the floor plan. The rooms on the other side of the hallway are used for storage by the Church. She further testified that the children would use the same play area that was used when the prior daycare Creative Kids operated in the building; and

WHEREAS, Ms. Awdrys-Ornafa has certification as a special education teacher with speech therapy. She further testified that the children will be between 2.5 to 4 years old, and that they will have 60-70 children. There will be no food preparation on site.

WHEREAS, Ms. Awdrys-Ornafa testified that the hours of operation would be 7:00 am to 6:00 pm, Monday to Friday; and

WHEREAS, the Board reviewed the Application, including but not limited to the submitted plans and heard testimony and reviewed the aforesaid report of Mr. Valetutto, at public meetings held on May 28, 2014; and

WHEREAS, the Board has considered the plans, the respective testimony aforesaid and the report to it by its consultant, Angelo J. Valetutto, P.E., P.P., and finds that:

- (A) The Planning Board has jurisdiction in this matter.
- (B) Applicant's proposal will not be in conflict with the Master Plan, the Official Map or the Development Regulations of the City Ordinances and will not adversely affect adjoining or nearby properties.
- (C) During the course of the proceedings Applicant agreed to comply with all of the comments offered by Mr. Valetutto, as well as the items set forth in his review letter.

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

1. Applicant seeks a use variance necessitated by operating a preschool / daycare facility in a building previously utilized for the same use.
2. The Board's Engineer, Angelo Valetutto, P.E. prepared a report dated April 8, 2014, which was reviewed by the Applicant and made a part of the record.
3. That the Applicant has put forth evidence to justify the grant of a use variance.
4. That the requested Use Variance is herein granted. The benefit of granting such variance 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.

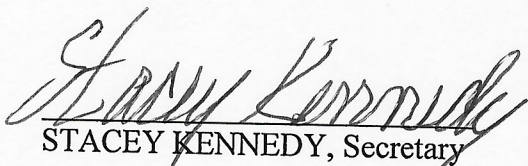
NOW, THEREFORE, Be It Resolved by the Planning Board of the City of South Amboy, on this 25th day of June, 2014 that a Use Variance pursuant to the conditions set forth in this Resolution shall be and is hereby granted, subject to the following conditions:

1. The Property will be maintained in conformance with the property maintenance regulations.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives, including but not limited to approval by the State of New Jersey and the Department of Childcare Services.
3. Each and all other applicable approvals, if any, required by law or statute or regulation.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on May 28, 2014.
5. Hours of operation will be limited to 7:00 am to 6:00 pm Monday to Friday and there will be a maximum of 70 children.
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 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.

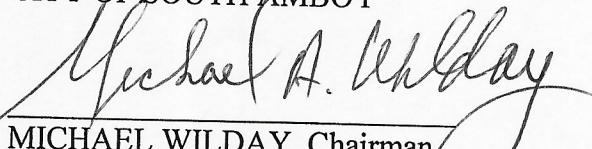
Be it Further Resolved that,

1. This Resolution shall take effect as provided by law.

ATTEST:

  
STACEY KENNEDY, 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 June 25, 2014 at a duly convened meeting.

DATE:

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Stacey Kennedy, Secretary