

CITY OF SOUTH AMBOY PLANNING BOARD

**RESOLUTION PB 11- 20
Case Number 410-20
KRZYSZTOF SWIECH**

Resolution for Bulk Variance Approval

**Block 39, Lot 9
114 David Street
City of South Amboy
RA 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 Krzysztof Swiech (the "Applicant") for Bulk Variance Approval, to permit the demolition of an existing single family dwelling and construct a new four bedroom single family dwelling on premises located at 114 David Street, also known as Block 39, Lot 9, located on the Tax Map of the City of South Amboy in the RA Zone; and

WHEREAS, the application reviewed by the Board consisted of plans and documents as identified in the report prepared by Jason C. Valetutto, P.E., P.P., the consultant to the Planning Board, dated July 10, 2020 and plans dated June 2, 2020 prepared by Concept Engineering Consultants, P.A. and plans dated May 12, 2020 prepared by Andrew Podberezniak, R. A.

WHEREAS, the application and initial plans were submitted on behalf of the Applicant and reviewed by the consultant to the Planning Board. The Applicant required the following Variances from the zoning requirements as set forth in the ordinance:

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Bulk Variances		
Minimum Lot Area	5,000 sf	2,500 sf
Minimum Lot Width	50 ft	25 ft
Minimum Front Yard Setback	25 ft	18 ft
Minimum Side Yard Setback	5 ft	3 ft
Maximum Total Side Yard Setback	10 ft	6.17 ft
Maximum Lot Coverage	25%	36.86%
Maximum Height In Stories	2-½ stories	3 stories
Maximum Dwelling Units Per Acre	8.71 du/ac	17.42 du/ac

WHEREAS, the application was deemed complete and a hearing was held by the Board on August 26, 2020 pursuant to public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the public hearing on August 26, 2020 was held via a visual and audio platform with proper notice to the public, and in accordance with standing orders of the Governor of the State of New Jersey; and

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

Description of Report

Date of Report

Planning Report AJV Engineering, Inc.

July 10, 2020

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 Planning Reviews), makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant was represented by Thomas E. Downs, IV , Esq.
2. Mr. Downs, on behalf of the Applicant, acknowledged receipt of the Planning Board Consultant's Report.
3. Mr. Downs first presented John J. Ploskonka, P.E. P.P. who was duly sworn and qualified as an expert in the field of professional engineering.
4. Mr. Ploskonka testified as follows:
 - a. There is an existing single-family home to be removed and replaced with a slightly large single-family home.
 - b. The dwelling would be a three story home as opposed the existing two-story home.
 - c. Seven bulk variances are required: Minimum Lot Area and Minimum Lot Width (both pre-existing), Minimum Front Yard, Minimum Side Yard, Minimum Total Side Yard, Maximum Lot Coverage, and Maximum Height.
 - d. The dwelling will be for sale, not rent.
 - e. The dwelling is in extremely bad condition due the Sandy, and in its current condition there is no way to save the house.
Mr. Ploskonka acknowledged that there was a density variance and the total number of bulk variances is eight including a variance for height.

5. Mr. Downs then presented James W. Higgins, Licensed Professional Planner, who was duly sworn and qualified as an expert in the field of Professional Planning.
6. Mr. Higgins testified as follows:
 - a. Mr. Ploskonka described the variances, what was necessary was to provide the reasons pursuant to C (1) and C (2) to support the requested variances.
 - b. C (1) deals with the small size of the site and the fact that it is undersized in terms of area, and width which drives the other variances including the density variance.
 - c. If a house which conformed to the ordinance were built on the property, the house would be fifteen feet wide and out of character for the area.
 - d. What is being proposed in terms of setbacks is in character for the area.
 - e. One setback of less than a foot has been eliminated and now there is now three feet setback on each side.
 - f. The change in the Front Yard setback from 0 feet to 18 feet allows for a garage and cars parked in the driveway, which is a significant improvement.
 - g. The proposed dwelling will be set back further than other houses in the immediate vicinity.
 - h. Due to flood elevation regulations, a two story house cannot be built and have two habitable stories.
 - i. There is a substantial benefit to the granting of the variances and no substantial detriments.
 - j. The increase in building coverage is a little over two hundred square feet.
7. The hearing was then opened to the public. No one from the public asked to be heard.
8. The Hearing was closed to the public.

CONCLUSIONS

The Board makes the following findings and conclusions:

1. The property is located in the RA Single Family Residential Zone and was previously utilized as a single family dwelling.
2. The Applicant's proposal is to demolish the existing dwelling and replace it with a new dwelling.

3. The dwelling would be a three-story home as opposed to the existing two-story home.
4. Eight bulk variances are required: Minimum Lot Area (pre-existing), Minimum Lot Width (pre-existing), Maximum Dwelling Units Per Acre (pre-existing) Minimum Front Yard, Minimum Side Yard, Minimum Total Side Yard, Maximum Lot Coverage, and Maximum Height.
5. The dwelling is in extremely bad condition due the Sandy, and in its current condition there is no way to save the dwelling.
6. As to the requested bulk (c) variances;
 - a. Minimum Lot Area, Minimum Lot Width, and Maximum Dwelling Units Per Acre are existing conditions.
 - b. The request for the remaining Front Yard, Side Yard, Total Side Yard Front Yard, Lot Coverage, and Height variances are new and resulting from the proposal.
 - c. If a house which conformed to the ordinance were built on the property, the house would be fifteen feet wide and out of character for the area.
 - d. What is being proposed in terms of setbacks is in character for the area.
 - e. One setback of less than a foot has been eliminated and now there is a three feet setback on each side of the dwelling.
 - f. The change in the Front Yard setback to 18 feet allows for a garage and cars parked in the driveway which is a significant improvement.
 - g. The proposed dwelling will be set back further than other houses in the immediate vicinity.
 - h. Due to flood elevation regulations, a two story dwelling cannot be built and have two habitable stories.
 - i. There is a substantial benefit to the granting of the variances and no substantial detriments.
7. The granting of the bulk variances described can be granted without substantial detriment to the City of South Amboy for the reasons set forth above and, 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. The application will provide benefits to the City while resulting in no negative impact.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application # **410-20** for Bulk Variance Approval to construct a new single family dwelling consisting of three-stories in the RA Zone with the following conditions:

1. The Applicant agrees that it would comply with the recommendations set forth in the Planning Review dated July 10, 2020.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on August 20, 2020.
4. All other matters set forth above, and/or incorporated herein.
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. The Board Secretary 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 September 23, 2020.

Amy Russo 9/24/2020
 Amy Russo, Planning Board Secretary

Planning Board Voting

	Aye	Nay	Abstain
Chairwomen Mary Szaro	X		
Vice Chairman Scott Kominkiewicz	X		
Tom Kelly			X
Mayor Henry			X
Brian McLaughlin			
Janet Kern			
Holly Hughes	X		
George Baranowski	X		
Catherine Corey			X
Alternates			
Dr. Jorge Gonzales-Gomez	X		
Steven Giarratano	X		