

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB 17-22

Application Number 432-22

RESOLUTION GRANTING USE VARIANCE, BULK VARIANCES FOR MINIMUM LOT AREA, MINIMUM LOT WIDTH, MINIMUM FRONT YARD-SOUTH PINE AVE, (2 Front Yards), MINIMUM FRONT YARD-HENRY STREET, MINIMUM ONE SIDE YARD, MAXIMUM LOT COVERAGE, MAXIMUM IMPERVIOUS COVERAGE, MINIMUM LANDSCAPE COVERAGE, MINIMUM DISTANCE BETWEEN BUILDINGS, DENSITY DWELLING UNITS PER ACRE, MAXIMUM DWELLING UNITS PER BUILDING, MINIMUM FLOOR AREA PER DWELLING UNIT, (3), MINIMUM OFF-STREET PARKING, AND MINOR SITE PLAN APPROVAL

Ruzhdi Jusufi
117-119 South Pine Avenue
Block 76, Lot 7
City of South Amboy
RA Single Family Residential Zone

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within Application for Use Variance, Bulk Variances and Minor Site Approval has been submitted to the City of South Amboy Planning Board (the "Board") by George Otlowski, Jr., Esq., Kenneth Kufka, Esq., appearing on behalf of Ruzhdi Jusufi (the "Applicant"), for Use Variance, Bulk Variances and Minor Site Plan Approval, as to premises located 117-119 South Pine Avenue, also known as Block 76, Lot 7, located on the Tax Map of the City of South Amboy; and

WHEREAS, the Application reviewed by the Board consisted of those 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 8, 2022; and

WHEREAS, the Application was certified as complete by the Completeness Committee and a Public Hearing with respect to the Application was held by the Board on July 27, 2022, per public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required Use Variance and Bulk Variances from the zoning requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Variances Required

Use Variance Required

	Requirement	Proposed
Approved Use	Single family	Three family

Bulk Variances Required

	Requirement	Proposed
Minimum Lot Area	15,000 sf	5,026 sf
Minimum Lot Width	150 ft	50.26 ft
Minimum Front Yard – South Pine Ave	25 ft	5.9 ft
Minimum Front Yard – South Pine Ave	25 ft	10.8 ft
Minimum Front Yard – Henry St	25 ft	2.0 ft
Minimum One Side Yard	5 ft	4 ft
Maximum Lot Coverage	25%	39.30%
Maximum Impervious Coverage	60%	Needs clarification
Minimum Landscape Coverage	40%	Needs clarification
Minimum Distance Between Buildings	10 ft	Survey scales at 4 ft
Density Dwelling Units Per Acre	8.71 du/ac	26 du/ac
Maximum Dwelling Units Per Building	1 du	2 du
Minimum Floor Area Per Dwelling Unit	1,000 sf	998.75 sf
Minimum Floor Area Per Dwelling Unit	1,000 sf	Needs clarification
Minimum Floor Area Per Dwelling Unit	1,000 sf	Needs clarification
Minimum Off-Street Parking	Needs clarification	0 spaces

; and

WHEREAS, at the previously mentioned public hearing, the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

July 8, 2022; and

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 Reports), makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant was represented by Ken Kukfa, Esq., of the Law Office of George Otlowksi, Jr., Esq., who acknowledged receipt of the AJV Engineering, Inc., report of July 8, 2022 (the “AJV Report”).

2. Mr. Kukfa presented Mr. Robert Lee, who was qualified as and accepted by the Board, as a licensed professional engineer and a licensed architect.
3. Mr. Lee was sworn in and testified as follows:
 - There does presently exist a two-family home with what was previously used as a retail store.
 - Mr. Lee used plan A100 as an Exhibit.
 - The applicant intends to modify the former retail use to a residential, three (3) bedroom, one (1) bathroom dwelling.
 - Referring the AJV Report, Mr. Lee reported that the Applicant agreed with all recommendations contained therein, except as specifically identified below.
 - The Applicant was looking for direction from the Board as to the removal of a shed and the impervious coverage for the existing driveway.
 - Structurally nothing will be changed and there will be no increase in the usable square footage or height.
 - There is an issue as to the required parking requirements of RSIS requiring five (5) spaces. In order to accomplish that, the existing shed has to be demolished and a driveway constructed to accommodate five (5) cars.
 - There followed a discussion with Jason Valetutto, the Board engineer and planner, discussing the concept of a pervious driveway.
 - Mr. Lee, using Exhibit A101, the entire project proposed.
 - Three (3) bedroom conversion from the retail space, one bathroom, single story.
 - Nothing new structurally.
 - Existing two-family dwelling and adjacent one-story former retail building.
 - The result will be three (3) residential units.
 - As to parking two (2) cars can fit, but, based upon the survey, there is no legal parking.

- The changes confirmed by Mr. Valetutto are all within the four (4) walls of the existing former retail area.
 - Each of the units in the two-family have two (2) bedrooms and, with the new proposed three (3) bedroom unit, there would be five (5) required spaces.
4. Mr. Kukfa presented Mr. Ruzhdi Jusufi, the Applicant and owner of the property.
5. Mr. Jusufi was sworn in and testified as follows:
- The property was purchased in March of 2022.
 - The retail use was a sign shop previously and vacant when purchased.
 - He is looking for two (2) parking spaces.
 - The fence on City property is to be removed.
 - He is going to reside in the new space to be constructed.
 - The shed described previously is to be removed.
 - Mr. Valetutto responded as to the parking/driveway issue that there be a 20 ft. wide driveway by 20 ft. in depth, so there is side-by-side parking. The result being two (2) parking spaces.
6. Mr. Kukfa presented Mr. Richard Lapinski, who was qualified as and accepted as a licensed professional planner.
7. Mr. Lapinski was sworn in and testified as follows:
- Generally off-street parking is not provided in this area of the City.
 - The property was developed many years ago, hence the conflict between commercial and residential activity, and most of the access was by pedestrian access.
 - The Board, with this Application, is achieving the elimination of a non-conforming commercial use, to be replaced by a residential use.
 - The Positive criteria for the variances include:
 - The conversion of a nonconforming commercial building;
 - While not ideal, the creation of two (2) parking spaces and an

advancement of the neighborhood in general where off-street parking is not universally provided; and

- Conversion of an obsolete commercial building.
 - As to the Negative criteria:
 - The conversion of the building would have no impact upon nearby or surrounding properties;
 - The two (2) buildings that exist on the lot are remaining exactly the same dimensions;
 - Modifications to the buildings will be mostly internal;
 - There is no impact upon the Master Plan as this creates additional housing;
 - The uses are compatible with the existing development patterns in the neighborhood;
 - There is no impact upon the character of the neighborhood;
 - The neighborhood is of mixed character and other buildings of similar intensity and density are not uncommon;
 - Any grant of the variances, as this is a unique piece of property with a unique history, would not frustrate the land use scheme of the community; and
 - Additionally, the bulk variances are pre-existing non-conforming conditions, none of which is changing because of this Application.
8. The Board, by affirmative vote, opened the meeting to the public.
 9. No one from the public requested to be heard.
 10. The Board, by affirmative vote, closed the public portion.
 11. Prior to the consideration of a motion, Mr. Stahl summarized the conditions to be considered by the Board in addition to those set forth in the AJV Report:

- Applicant to remove the existing fence on City property;
- No tandem parking;
- Shed to be removed;
- Area where shed to be removed to be used for two (2) off-street parking;
- Installation of a row of arborvitae, subject to the approval of Mr. Valetutto, in order to shield Lot 6 from headlights;
- Applicant shall provide a detailed calculation of the dimensions and calculations for the impervious surfaces existing and to be created by the Application;
- If required by Mr. Valetutto, a drainage calculation to insure no increase in runoff; and
- All other architectural and engineering items in the AJV Report will be complied with.

CONCLUSIONS

Based upon the findings of facts and for reasons set forth below, the Board concludes as follows:

- There does presently exist a two-family home with what was previously used as a retail store.
- The applicant intends construct a single structure modifying the former retail use to a residential, three (3) bedroom, one (1) bathroom dwelling.
- Referring to the AJV Report, Mr. Lee reported that the Applicant agreed with all recommendations contained therein, except as specifically identified below.
- Structurally nothing will be changed and there will be no increase in the usable square footage or height.
- There is an issue as to the required parking requirements of RSIS requiring five (5) spaces. In order to accomplish that, the existing shed has to be demolished and a driveway constructed to accommodate five (5) cars.
- Three (3) bedroom conversion from the retail space, one (1) bathroom, single story.
- Nothing new structurally.

- Existing two-family dwelling and adjacent one-story former retail building.
- The result will be three (3) residential units.
- As to parking two (2) cars can fit, but, based upon the survey, there is no legal parking.
- The changes, confirmed by Mr. Valetutto, are all within the four (4) walls of the existing former retail area.
- Each of the units in the two-family have two (2) bedrooms and, with the new proposed three (3) bedroom unit, there would be five (5) required spaces.
- The property was purchased in March of 2022.
- The retail use was a sign shop previously and vacant when purchased.
- The fence on City property is to be removed.
- He is going to reside in the new space to be constructed.
- The shed described previously is to be removed.
- Mr. Valetutto responded as to the parking/driveway issue that there be a 20 ft. wide driveway by 20 ft. in depth, so there is side-by-side parking. The result being two (2) parking spaces.
- Generally off-street parking is not provided in this area of the City.
- The property was developed many years ago, hence the conflict between commercial and residential activity, and most of the access was by pedestrian access.
- The Board, with this Application, is achieving the elimination of a non-conforming commercial use, to be replaced by a residential use.
- The Positive criteria for the variances include:
 - The conversion of a non-conforming commercial building;
 - While not ideal, the creation of two (2) parking spaces and an advancement of the neighborhood in general where off-street parking is not universally provided; and
 - Conversion of an obsolete commercial building.

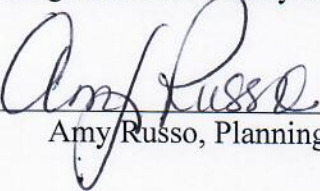
- As to the Negative criteria
 - The conversion of the building would have no impact upon nearby or surrounding properties;
 - The two (2) buildings that exist on the lot are remaining exactly the same dimensions;
 - Modifications to the buildings will be mostly internal;
 - There is no impact upon the Master Plan as this creates additional housing;
 - The uses are compatible with the existing development patterns in the neighborhood;
 - There is no impact upon the character of the neighborhood;
 - The neighborhood is of mixed character and other buildings of similar intensity and density are not uncommon;
 - Any grant of the variances, as this is a unique piece of property with a unique history, would not frustrate the land use scheme of the community; and
 - Additionally, the bulk variances are pre-existing non-conforming conditions, none of which is changing because of this Application.
- The Bulk Variances and Use Variance can be granted without substantial detriment to the City of South Amboy for the reasons set forth in the record and this Resolution, and further do 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 #432-22 for Bulk Variances and Use Variance set forth above and in the AJV Report as to premises located at 117-119 South Pine Avenue, also known as Block 76, Lot 7, located on the Tax Map of the City of South Amboy, with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated July 8, 2022, and the following:
 - Applicant to remove the existing fence on City property;
 - No tandem parking;
 - Shed to be removed;

- Area where shed to be removed to be used for two (2) off-street parking;
 - Installation of a row of arborvitae, subject to the approval of Mr. Valetutto, in order to shield Lot 6 from headlights;
 - Applicant shall provide a detailed calculation of the dimensions and calculations for the impervious surfaces, existing and to be created by the Application; and
 - If required by Mr. Valetutto, a drainage calculation to insure no increase in runoff.
2. The obligation of the Applicant to comply with the requirements of the City of South Amboy and compliance with all rules and regulations remains in full force and effect;
 3. Compliance with 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 hearings held on September 28, 2022;
 5. All other matters set forth above, and/or incorporated herein;
 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 or 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 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; and
 9. 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 December 15, 2022.

 12/16/2022

Amy Russo, Planning Board Secretary

Planning Board Application 432-22 Ruzhdi

	Application Vote Y/N/Abstain Hearing Date: September 28, 2022	Resolution Vote Y/N/Abstain
Chairwoman Mary Szaro	Y	Y
Vice Chairman Scott Kominkiewicz	Y	Absent
Mayor Fred Henry	Absent	Absent
Council President Michael Gross	Absent	Absent
Tom Kelly	Absent	
Janet Kern	Y	Y
Dr. Jorge Gonzalez Gomez	Absent	Y
George Baranowski	Y	Y
Gary Forshner	Y	Y
Alternates		
William DeMasi	Y	Y
Andrew Horezga	Y	Y
Robert Paulukiewicz	Y	Y
Francis Mulvey	Y	Absent