

CITY OF SOUTH AMBOY PLANNING BOARD

**RESOLUTION PB# 8 - 21
APPLICATION Number 415-20
Helen-S Home Remodeling LLC**

RESOLUTION GRANTING BULK VARIANCE APPROVAL

**Block 69, Lot 1
415 Main 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 Thomas E. Downs IV, Esq. on behalf of Helen-S Home Remodeling LLC (the "Applicant") for Bulk Variance approval, in Block 69, Lot 1 on the Tax Map of the City of South Amboy in the RA Zone and located at 415 Main Street.

WHEREAS, the application reviewed by the Board consisted of those plans and documents as identified in the Reports prepared by Jason C. Valetutto, P.E., P.P., the consultant to the Planning Board, dated March 17, 2021 and April 16, 2021, as further identified as follows:

1. Signed and sealed Survey titled "Property Survey Of Block 69, Lot(s): 1, Purchaser Information: Helen-S Home Remodeling LLC, 415 Main Street, City of South Amboy, Middlesex County, New Jersey", prepared by Martin A. Grant Surveying, Inc., dated 11/16/2017, consisting of one page.
2. Marked up copy of Survey titled "Property Survey of Block 69, Lot(s) 1, Purchaser Information: Helen-S Home Remodeling LLC 415 Main Street, City of South Amboy, Middlesex County, New Jersey , Prepared by Martin A. Grant Surveying, Inc. dated 11/16/2017, consisting of one page.

WHEREAS, the application was certified as complete and public hearings with respect to the Application were held by the Board on March 24, 2021 and April 28, 2021 via remote access 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 Bulk Variances from the zoning requirements as set forth in the ordinance:

	Requirement	Proposed
Minimum Lot Depth	100.00 ft.	98.5 ft.
Minimum Front Yard	25 ft.	20 ft.
Maximum Fence Height Front Yard	4 ft.	6 ft.

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

<u>DESCRIPTION</u>	<u>DATE OF REPORT</u>
Planning Report AJV Engineering, Inc.	March 17, 2021
Planning Report AJV Engineering, Inc.	April 16, 2021

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

Hearing March 24, 2021

The Applicant was represented by Thomas E. Downs, IV, Esq.,

1. Mr. Downs acknowledged receipt of the AJV Engineering, Inc. planning report of March 17, 2021.
2. Mr. Downs introduced Andrzej Plochocki, the Applicant, who was sworn in and testified as follows:
 - a. He along with his wife are principals in Helen-S Home Remodeling, who owns 415 Main Street, which is to be their primary residence.
 - b. The dwelling will have four bedrooms, kitchen, etc. as did the original dwelling.
 - c. No renovations will be made to the exterior of the dwelling.
 - d. There is an existing parking lot which was used when the original dwelling was converted to an office.
3. Mr. Downs, who was uniquely qualified to testify on the history of the dwelling, was sworn in and testified as follows:
 - a. The dwelling was constructed in 1929 by his great grandfather and sold to a tugboat captain in the area as a residence.

- b. Upon the passing of that owner, the dwelling was sold to Mr. Tom Sheehan and made it into an office in 1983 with approvals from the City Zoning Board of Adjustment.
 - c. When Mr. Sheehan retired in 2008, Mr. Downs moved in and used the building as his office.
 - d. There then followed a colloquy between Mr. Downs and Jason Valetutto, Board Consultant and Planner, concerning an issue of a fence.
 - e. Mr. Downs reported that there is a four foot fence along Augusta Street and a six foot fences behind a hedgerow.
 - f. The fence did not appear on any survey submitted.
 - g. Mr. Downs suggested an amendment to the application to include the fence.
 - h. The six foot fence requires a Bulk Variance as it is in the front yard.
 - i. Mr. Downs confirmed that no exterior improvements are proposed.
4. Mr. Downs introduced James Higgins as a Licensed Planner in the State of New Jersey who provided his qualifications and was accepted by the Board as a Professional Planner. Mr. Higgins was sworn in and testified as follows:
- a. He inspected the plans and the application submitted on behalf of the Applicant.
 - b. He visited the site on a number of occasions, reviewed the zoning, and was very familiar with site.
 - c. The dwelling was originally a residence and then converted to an office by virtue of a variance.
 - d. The Applicant is attempting to take a use which is not permitted in the zone and convert it to a permitted use (residence).
 - e. The Applicant is making the site more conforming than the current use.
 - f. There are two minor variances that are existing conditions and qualify as a C-1 hardship due to the shape of the lot.
 - g. The depth of the lot is approximately 3 feet less than the 100 foot minimum and the dwelling is an angle to Main Street.

- h. The set back is twenty feet where twenty five feet is required. Granting of the variances qualify under the C-2 variance again due to converting a nonconforming use into a primary principal residence.
- i. There is no substantial detriment to the surrounding areas.
- j. The Applicant's case having been completed for the evening, subject to continuation on April 28 2021, by a Motion made, seconded, and approved, the matter was then opened to the public. No one from the public requested an opportunity to speak. Public portion was closed.

Hearing April 28, 2021

- 1. Mr. Downs opened the continued hearing amending the application to include the fence and fence height.
- 2. Mr. Downs acknowledged receipt of the AJV Engineering, Inc. planning report of April 16, 2021.
- 3. Mr. Downs recalled the applicant Mr. Plochocki who resumed and testified as follows:
 - a. He marked up a survey to show where the fence was located on the property.
 - b. The six foot fence is on the Main Street and Feltus Street side of the property and approximately 25 feet back from the setback line of the corner of the house.
 - c. He wants a board on board fence to be able to separate his dog from his neighbor's dog.
 - d. He has no objection to fixing the sidewalk on Augusta Street.
 - e. He agreed to satisfy all of the conditions in the Planning Report AJV Engineering, Inc. as further contained in the transcript of the hearing.
 - f. A gate will be installed at one of the driveway entrances to prevent vehicles from driving through the lot.
 - g. The fence along Augusta Street will be increased to 6 ft high and will be moved further back onto the property to insure it is not located within the City right-of-way.

The Applicant's case having been completed by a Motion made, seconded, and approved

the matter was opened to the public.

Mr. Andrew Horzega of 120 South Rosewell Avenue was sworn and testified as follows:

- a. He questioned the limitation on fence height of six feet. Mr. Kelly advised him that the problem was that the fence was in the front yard and therefore needs a variance from the permitted height of four feet.

The matter upon motion made and second and approved was closed to the public.

CONCLUSIONS

The Board makes the following findings and conclusions:

1. The dwelling was constructed in 1929 and sold to a tugboat captain in the area as a residence.
2. Upon the passing of that owner, the dwelling was sold to Mr. Tom Sheehan, and made it into an office in 1983 with approvals from the City Zoning Board of Adjustment.
3. When Mr. Sheehan retired in 2008, Mr. Downs moved in and used the dwelling as his office
4. The six foot fence along Augusta Street requires a bulk variance as it is in the front yard.
5. The applicant is attempting to take a use which is not permitted in the zone and convert it to a permitted use (residence)
6. The Applicant is making the site more conforming then the current use.
7. There are two minor variances that are existing conditions.
8. The depth of the lot is approximately 3 feet less that the 100 foot minimum and the dwelling is an angle to Main Street.
9. The set back is twenty feet where twenty five feet is required. Granting of the variances qualify under the C-2 variance again due to converting a nonconforming use into a primary principal residence.
10. A 6 ft high fence will be installed within the front yard of Augusta Street.
11. A gate will be installed at one of the driveway entrances.
12. There is no substantial detriment to the surrounding areas.

13. The structure has been returned to a permitted use with and as such neither this action nor the existing variances present a substantial detriment to the health safety or welfare of the community or negatively impact the zone plan or zoning ordinances of the City.
14. The Applicant will apply for a Zoning Permit to insure the location of the fence and the driveway gate do not occur within the City right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #415-20 for Bulk Variances for a former dwelling converted to an office and now returned to its original permitted use as a single-family dwelling from the requirements for Minimum Lot Depth, Minimum Front Yard and Maximum Fence Height in a Front Yard on Block 39, Lot 10 on the Tax Map of the City of South Amboy in the RA Zone at 415 Main Street conditioned on the follow;

1. Compliance with recommendations set forth in the Planning Reports dated March 17, 2021 and April 16, 2021.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect Bulk Variance Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on March 24, 2021 and April 28, 2021.
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. 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 26, 2021.

	Aye	Nay	Abstain
Chairwomen Mary Szaro	X		
Vice Chairman Scott Kominkiewicz	X		
Tom Kelly			
Mayor Henry	X		
Councilman Tom Reilly			
Janet Kern	X		
Holly Hughes	X		
Dr. Jorge Gonzalez-Gomez	X		
George Baranowski			
Alternates			
Gary Forshner			
William DeMasi	X		



 Amy Russo, Planning Board Secretary