

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**AUGUST 27, 2014**

Members present: Michael Wilday, Mayor Henry, Councilwoman Noble, Richard Moran, Peggy Scarillo, Bette Leibowitz, Darcy McCabe-Brew, Robert Paulukiewicz

Members absent: Frank Milatta, Francis Mulvey, Thomas Kelly

Also present: Angelo Valetutto, P.P.; Brett Carney, Esq.

Meeting was called to order followed by the salute to the Flag.

Chairman Wilday stated adequate notice of this meeting has been provided under "The Open Public Meeting Act" by advertisement.

Roll call was taken at this time.

Motion by Richard Moran seconded by Robert Paulukiewicz to accept the Minutes of the July 23, 2014 meeting. Motion carried 4-0, 4 abstentions.

**Completeness Committee**

Completeness Committee member Richard Moran stated that Application # 351-14 has been reviewed and deemed complete subject to the requirements listed in the AJV Engineering correspondence of August 15, 2014.

Motion by Richard Moran, seconded by Peggy Scarillo to deem the application complete. Motion carried 2-0.

**Mary Horezga – Application #351-14**

Mary Horezga and Andrew Horezga were sworn in. Brett Carney, Esq. confirmed jurisdiction on the application and asked for a determination of how the applicant would like to proceed. The application before the board without any modification is for a C variance with bulk variances. There is question as to whether it may be adjusted to a B variance.

Angelo Valetutto clarified that item two on his report dated August 15, 2014 talks about his interpretation of the "Sandy maps" in which the applicant would be at a .2 elevation which relates to the insurance policy. The applicant would have to elevate the first floor from 19.5 up to 20.

If the applicant does that, then that puts the overall height of his building greater than 10 percent above the 35 maximum. If the applicant chooses to do that, it becomes a use variance and five affirmative votes are needed and neither Councilwoman Noble nor Mayor Henry will be able to participate.

If the applicant sticks with the application as is, then it's a bulk variance, all the members can participate and a simple majority of who is voting is all that is needed.

Andrew Horezga responded that they would maintain the application at 19.5 and it would be a bulk variance where Mayor and Councilwoman Noble can participate. Mr. Horezga acknowledged receipt of Mr. Valetutto's August 15 letter to Mr. Wilday.

Mr. Valetutto advised Mr. Horezga prior to proceeding that he did not have to review every item on the report. Rather, he could reserve comment for only those statements he has issue with or questions about.

Chairman Wilday confirmed for the record that Mr. Horezga is proceeding without council or a professional.

Mr. Horezga thanked Mr. Valetutto and Mr. Kelly for answering questions and getting the application before the board as soon as possible. He also acknowledged the help of Stacey Kennedy for assistance with the application process.

Mr. Horezga began his testimony by stating that the situation of the applicant has been dire since hurricane Sandy. It has been stressful trying to get back to a normal living situation. "This is another step in the process of recovery and we're here tonight to present our case and work with you to take that step."

Mr. Horezga then asked his mother, Mary, a series of questions confirming that she is the owner of block 35 lot 1.02 which has the address of 120 Rosewell Street which has been her primary residence for 38 years. The house was substantially damaged by Superstorm Sandy. Therefore she is required to reconstruct her house according to prescribed government codes including a flood zone code that requires her to elevate the structure as part of the repair process. This elevation is to at least 15 feet.

The prospect of repairing her current house and elevating it proved to be both economically and practically infeasible due to the age, size and type of material the house is constructed of. She is going to rebuild a new house on said lot. The loss of her property has placed a substantial hardship upon her.

Moving the footprint of the new house proposed allows her to construct the home with more square footage than if she were to build on the existing footprint. The current house is a three-

story brick structure with approximately 2,700 square feet of living space and 6 bedrooms. The proposed new structure would be 2.2 stories with approximately 2,090 square feet of living space which is less square footage than the prior home. The proposed home has 4 bedrooms.

So the application is for a height variance as well as a rear yard setback and front yard setback variance as determined necessary by the state zoning office. The approximate height of the current property is 38 feet. The height of the new proposed structure would be 38.3 feet.

Mr. Horezga continued, speaking on behalf of his mother. They reviewed the letter from Mr. Valetutto's office and are in agreement with everything requested except for a few items he then addressed.

Item 4C on page two regarding street trees, they currently have two trees on the property on Henry Street and one along Rosewell Street that was then taken down. Mr. Horezga objected to putting up street trees to accommodate the loss of trees due to the strip of grass that is between the curb and the sidewalk being very narrow, approximately 8 – 10 inches depending on where in the strip you are. The applicant feels that it really wouldn't hold a tree very well. Also, there are no trees on Rosewell or Henry.

Mr. Horezga stated that along Rosewell on both sides of the street there are no trees that are on the street. All trees are part of individual owners' property. He said they are going to be taking down three trees and prior to the storm they had a row of Arbor Vitas that they would like to move around to Rosewell Street which would be in full compliance with the building codes in the town but they don't want to have to put in street trees in that strip of grass between the curb and the sidewalk. Mostly because it doesn't fit the area, they don't think there's enough room and the closest street trees they could find in the area by and large cause substantial damage to the sidewalks leading to uneven pavement, cracking and things of that nature.

With his mother getting older, Mr. Horezga said he didn't want to run the risk that in a few years having to worry about her tripping on a sidewalk because they had to put in street trees.

Mr. Valetutto responded saying that Mr. Horezga made a valid point about placing the tree between the curb and the sidewalk. However, he said that wasn't the intention of the board. He said that if you look on the plan, it shows the three trees within the property and those three trees are being taken down and, in his professional opinion, he would like to see them replaced wherever on the applicant's property not within the front side triangle.

Mr. Valetutto continued that the only other issue he would have is that if the board sees fit to give any consideration for the trees then he thinks as part of the board approval, that the applicant should be required to put foundation plantings along the front of the house. Mr.

Valetutto concluded saying that the normal course is that if you remove three trees you put up three trees, not between the curb and the sidewalk but on the property. Chairman Wilday added that the applicant can choose the breed of tree that is most conducive to what their likes are.

The second thing Mr. Horezga addressed was item 4G, the issue of installation of non-slip pads. He expressed concern that there are no non-slip pads installed at any intersection pretty much anywhere below the tracks. Given the fact that they're on a very tight budget for this project the applicant proposed maintaining the intersection as it was. He said they've never had a problem there with fall and slip.

Chairman Wilday said the area previously had a non-conforming situation.

Mr. Valetutto clarified stating that the applicant's plan already calls for a depressed curb. Under ADA barrier-free handicap regulations, a non-slip pad is required. He said that a non-slip pad is not a very expensive item, estimating cost at around \$50 - \$60. He said that there are a range of acceptable products in a range of prices.

Mr. Valetutto elaborated saying that if the board approved an application on a corner with a depressed curb and not require a non-slip pad, it would be at risk as well as the property owner if people come in and say we didn't enforce the barrier-free ADA regulations.

The last item Mr. Horezga addressed was 4E in regard to the city engineer inspecting the sanitary sewer lateral.

Mr. Valetutto interjected to clarify what was meant in this item stating that any time you attempt to utilize an existing lateral, which is what you should do, you call a company like Roto Rooter and for less than \$300 they put a camera in it just to make sure that there are no roots or breaks in the line. He said that is the extent of what the board is looking for. It's really for the applicant's own protection. It's much better to take care of any potential issues now and will help the applicant in the long run.

Mr. Horezga inquired about whether the process is to have the city engineer come out or to submit a report from someone. Mr. Valetutto explained that you call the company and they will provide the applicant with a CD of their findings that he holds on to until he goes for his building permit if the application gets approved. The CD is submitted to Mr. Rasimowicz as proof that the existing lateral is functional and not in disrepair.

Mr. Horezga said that they are in agreement with all other items which concluded his testimony.

Chairman Wilday then asked if the board had any questions.

Bette Leibowitz asked what the applicant meant by the term “modular dwelling” in item J on the application.

Mr. Horezga explained that a modular home is a home that is completed in modules at an offsite factory, in this case in Pennsylvania. The way that will work as far as construction is that the existing structure will be demolished and a traditional cinderblock foundation with all of the compliances needed. Then those modules will be delivered in 12 foot by 40 foot sections. There will be a crane onsite and the crane will place the modules on the foundation and a work group will attach them all, the siding will go up and that’s how the home will be constructed.

Ms. Leibowitz then asked if the applicant is planning to use this dwelling as a single family residence to which Mr. Horezga replied yes.

For the record, Ms. Leibowitz asked for clarification on how many bedrooms the dwelling will have assuming approval. Mr. Horezga responded that the home will have four bedrooms on the second floor. It could be three bedrooms and a study or three bedrooms and a library but there will be four bedrooms.

Peggy Scarillo commented that the applicant also is showing a bedroom on the first floor. She said the plans show four bedrooms on the second floor and a fifth on the first floor. Mr. Horezga responded that the space on the first floor is a dining room and then an open floor plan at the back of the kitchen with a low counter.

Mr. Horezga agreed for the record that it is a four bedroom dwelling. Mr. Valetutto requested that the plans be changed accordingly and Mr. Horezga agreed.

Chairman Wilday confirmed that Mary Horezga will live in the single family home to which she replied affirmatively. Chairman Wilday asked if Ms. Horezga would have a problem if the approval was contingent upon the dwelling remaining a single family home and that she cannot convert it to a two-family or a multi-family without coming back before the board.

Ms. Horezga responded that the area is not zoned for multi-family, it’s only zoned single-family. She has no problem with the contingency that the dwelling remains a single family home and she will be living there. Chairman Wilday said that the application will not be valid if the applicant tries to proceed with conversion to a multi-family dwelling. They would have to come back before the board.

Darcy McCabe-Brew asked how long the project will take from start to finish assuming approval. Mr. Horezga said that once they receive building permits, they will order the home and then while the home is being constructed, which will take approximately eight weeks, we’ll build the foundation. Then in about eight weeks the home will be delivered. At that point they

will probably be about 90 percent finished and they would have to connect the utilities and build the decks. So that could take another month. Mr. Horezga was hopefully to have the project completed by Christmas.

Ms. McCabe-Brew asked how long the crane was going to be there. Mr. Valetutto commented that the crane would be “in and out. They have to move that thing quickly.” He followed that by saying that the critical thing is getting the footing and foundation in before the winter. “That will be set up then they will come and just drop it in.”

Mr. Valetutto offered two comments about modular homes: It’s very important to get a good mason to make sure that footing and foundation lines up because when they come in and are putting it in they’re not going to change it. Number two, once it’s in place they have a good finisher. The quality of modular homes now is very good.

Chairman Wilday asked if the four bathrooms would have an adequate size sanitary sewer. Mr. Horezga said there are only three bathrooms and Chairman Wilday said four bathrooms are what were stated. Mr. Valetutto said that he may have made an error in number of bathrooms but the sanitary sewer calculations dictate 300 gallons per day once you get three bathrooms or above. So that the amount of sewage you’re generating from the existing house is the same amount that the new home is going to be so there’s no increase. What we need to enforce is based on number of bedrooms.

Mr. Horezga then had one additional item before closing which was the issue of approval from Freehold Soil Conservation District. He has been in touch with them and essentially because they will be disturbing less than 5,000 square feet of dirt, he doesn’t know the exact square footage...

Mr. Valetutto then interjected saying that Mr. Horezga completes and submits the form and in 3-5 days he will receive a letter saying he’s exempt. It’s a document that Mr. Horezga is going to need at some point when he gets everything in place and is ready to break ground.

Mr. Paulukiewicz then asked whether Mr. Horezga has a licensed builder. He said according to his past experience with modular homes, you don’t work with the company directly. You work with a builder who helps with the crane, insurances, etc.

Mr. Horezga said that they are going through a state grant program so they qualify for some aid from the state and the rigors that they have put their contractors through to be blessed by the state are pretty substantial so they’re vetted, insured, licensed and competent.

Mr. Horezga informed the board that the builder is Jersey Coast Modular Homes based out of Egg Harbor Township. Patty Hydock is the owner and sales rep who will be coordinating logistics.

Chairman Wilday then asked if they did an advance survey of the area to make sure they could get the crane in through the town considering bridge clearance, etc. Mr. Valetutto said they need to satisfy the Police Department, the roads, etc. Mr. Paulukiewicz said that from his experience before the house hits the road, they know all of the bridges they have to go over, they put the unit on a trailer before they ship it out so they meet size restrictions, etc.

Mr. Horezga said that he believes the company does that as part of their due diligence in the ordering process. He said he's seen modular homes delivered in areas where you wouldn't think they would be able to get it a truck through. Mary Horezga added that they already have one modular home on Henry Street right down the block from them.

Chairman Wilday then opened the hearing to the public. There were no members of the public wishing to address the board on this application.

Motion by Peggy Scarillo, seconded by Bette Leibowitz to close the public portion of this application. Motion carried 8-0.

Motion by Mayor Henry, seconded by Richard Moran to approve the application subject to the conditions set forth in the correspondence from AJV Engineering of August 15, 2014 and reflective of the testimony given this evening with the stipulation that it's going to be a single family dwelling with four bedrooms and three bathrooms. Motion carried 8-0.

#### Resolution – James Coble Application #350-14

Motion by Richard Moran, seconded by Robert Paulukiewicz to accept the resolution as written. Motion carried 3-0, 5 abstentions.

Mr. Valetutto then said that the board received correspondence with regard to Raritan River Landing. "It's essentially what the county refers to as a PG letter meaning it identifies that just the improvements along main street amount to \$107,000 of what the guarantee has to be and then there's four conditions that are agreements that have to be done." This was a major step with the project going ahead along with getting the sewer extension. Mr. Valetutto said he knows that that's coming too. "So it appears that one of the major blockages with that project is now behind us." Mr. Valetutto commented that he doesn't think they are going to break ground until the spring but he knows that Mr. Yaroni is trying to break ground before then.

The other correspondence was from Freehold Soil regarding the Yaroni application that asks for three items before they issue their permit.

The only other item that the board received was a letter looking for a recommendation for Joe Maraziti as a real estate attorney which he is not. The letter has been given to Mr. Carney and he is going to review it and respond accordingly.

Motion by Bette Leibowitz, seconded by Peggy Scarillo to close the public portion of the meeting. Motion carried 8-0.

Motion by Bette Leibowitz, seconded by Richard Moran to adjourn. All in favor.

Stacey Kennedy