

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
AUGUST 26, 2015

Members present: Michael Wilday, Thomas Kelly, Mayor Henry, Councilwoman Noble, Richard Moran, Frank Milatta, Robert Paulukiewicz, Holly Hughes, Mary Szaro

Members absent: Francis Mulvey, Darcy McCabe-Brew

Also present: Angelo Valetutto, P.P., Brent 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 22, 2015 meeting. Motion carried 6-0, 3 abstentions.

Chairman Wilday announced the resignation of Board and Completeness Committee member Peggy Scarillo. Robert Paulukiewicz then was appointed to the Completeness Committee.

Completeness Committee

Completeness Committee member Richard Moran stated that Application # 362-15 for Bill Leary has been reviewed and deemed complete subject to the requirements listed in the AJV Engineering correspondence of August 4, 2015. Motion by Richard Moran, seconded by Robert Paulukiewicz to deem the application complete. Motion carried 2-0.

City of South Amboy Resolution # 134-2015

Chairman Wilday said that the City of South Amboy has referred an ordinance amending South Amboy City Code Chapter 53, Development Regulations, Section 53-46, Second 53-79 and Bulk Schedule Requirements to the South Amboy Planning Board for its review and report pursuant to N.J.S.A. 40:55D-26.

Angelo Valetutto explained that any time Mayor and council are in the process of enacting a new ordinance regarding development regulations it comes before the planning board for the purposes of a recommendation. There is a certain time frame so as to make the

recommendation and the one before the board this evening essentially provides some liberal development for people affected by Super Storm Sandy with regard to giving them consideration when rebuilding their dwellings that have new first floor elevations and to give them additional considerations so that people that had to elevate their houses and may now be in violation of the height and other bulk variances would not have to come before this board but that the authority would be for the review of the zoning officer. Once the zoning officer grants an approval, it would then be passed on for a building permit through Mr. Kelly's office.

Further, Mr. Valetutto commented that it's really of vital importance in his opinion so much so that Council in its action are in the process of waiving the 20 day period that you typically have after the second reading of an ordinance and you can only do so under certain circumstances when the matter is of an urgent nature. And so for that reason, it was Mr. Valetutto's strong recommendation that the Board adopt the recommendation that the Planning Board is in favor of Super Storm Sandy Ordinance 11-2015.

Motion by Richard Moran, seconded by Mary Szaro to approve the resolution as written.
Motion carried 9-0.

Resolution - Review and Report of City of South Amboy Resolution # 134-2015

Motion by Frank Milatta, seconded by Richard Moran to memorialize the approved resolution as written. Motion carried 9-0.

Resolution - Reliance Property of South Amboy – Application # 360-15

Motion by Frank Milatta, seconded by Richard Moran to accept the resolution as written.
Motion carried 5-1, 1 abstention.

Bill Leary – Application # 362-15

Bill Leary of 12 Bradford Road, Edison NJ was sworn in.

Angelo Valetutto asked Mr. Leary to acknowledge receipt of a report prepared by AJV Engineering dated August 4, 2015 in which he delineated six comments. Mr. Valetutto further expressed that he believes the best course would be to go through each point and have Mr. Leary tell the Board why he did what he did and to seek their approval to have it remain as it is.

Before proceeding, Chairman Wilday asked Mr. Leary if he had any professionals that would be testifying on his behalf. Mr. Leary said he had no representation.

Mr. Leary acknowledged receipt of the referenced correspondence from AJV Engineering. Mr. Valetutto said that item number one was a statement of fact that Mr. Leary is seeking to

legalize the work that was performed. Mr. Leary confirmed that all of the work already has been performed.

Mr. Valetutto said that point number two talks about the lot being undersized. He then referred to number three and said that the Board would like to hear why the work was performed prior to an application approval of a zoning permit. Mr. Leary said that he didn't realize that he needed a zoning permit to replace the sidewalk.

Mr. Valetutto pointed out that Mr. Leary had already gotten on May 19 and January 27 two earlier zoning permits for work that he's done on this property and the sidewalk is more that sidewalk. Mr. Leary is seeking the Board to approve the construction of concrete on both sides of the dwelling where it's only 20 inches which is what Mr. Valetutto stated he has the biggest problem he has with the application beyond the fact that he did all of the work without any approvals or inspections.

Mr. Valetutto asked Mr. Leary to inform the Board why he thinks it's appropriate to have concrete on two sides of the house where it's an undersized lot and the amount of impervious coverage he has on the property is in excess of the 60 percent permitted by this zone.

Mr. Leary acknowledged the various previous permits and applications because when he purchased the property and as he did work along the way he spoke to Mr. Kelly and put permits in as they did work. He said he didn't realize he needed a zoning permit to redo a sidewalk so that's why he didn't do it. Mr. Valetutto corrected Mr. Leary saying that he did not put in a sidewalk and that he put in 20 inches of concrete on either side of the house and that he put a concrete patio in the back. Those are the things the Board would like to hear about.

Mr. Valetutto also mentioned that, in consultation with AJV Engineering, Mr. Leary had already sought to get an approval from Mayor and Council to get an easement so that he can continue to have stairs that encroach within the public right of way.

Mr. Leary said that the new concrete work is not actually on both sides of the house. One side is existing. The other side was existing also is approximately 20 inches or so of cement on both sides. The one side that he replaced was in extremely poor condition so in upgrading the entire property he decided to replace that. He also did work on the front porch and the front steps which needed a new concrete pad underneath it which was poured. And in the back yard, a concrete patio to come off of the back two sets of stairs was also ripped up and repoured. He didn't really consider impervious coverage because it already existed and was just working on trying to make the house better with no intention of avoiding anybody from the township. Nothing was done intentional to get over on anything.

Mr. Leary said that regarding the steps that go into the right of way, through this process he got a survey to make sure where the property lines were and he realized that's where the front steps went overlapped onto the township sidewalk with Mr. Valetutto pointing out seeking an easement from the town.

Chairman Wilday asked Mr. Leary if he is planning to reside in the house. Mr. Leary said that he is not. He is planning to flip or rent the property. Chairman Wilday mentioned that Mr. Leary is a contractor and Mr. Leary agreed. Chairman Wilday confirmed that Mr. Leary understands when dealing with zoning laws, permits and ordinances that the town requires. Chairman Wilday reinforced that everyone must comply with these laws and they expect Mr. Leary to do it. Chairman Wilday further commented that fines could have been issued for this.

Mr. Valetutto confirmed that fines could have been issued for this and that Mr. Leary was given the opportunity to either remove the problem which is the impervious coverage and satisfy that the work was done in accordance with sound engineering design or come before the board for the approval. Mr. Leary sought to come before the board for the approval. If it is that the approval is not granted to whatever means the Board enacts then Mr. Leary would be obligated to proceed with the action of this board.

Mr. Leary said that he is willing to comply with the needs stipulated in Mr. Valetutto's report and to seek the previously mentioned easement with the South Amboy City Council. Given that Mr. Leary is a HVAC contractor, he would grant that Mr. Leary may not have known concrete work permits and that he would not recommend a fine in this matter as long as he complies with what's necessary.

Mr. Valetutto said that he has an issue with the fact that Mr. Leary is over in impervious coverage by 136 square feet which essentially means that the concrete work on either side of the house is what puts him over. Mr. Valetutto believes that since he is looking to make the house nicer, the patio in the back lends itself more to the attractiveness and usefulness than having concrete work where you only have 20 inches on the side of the house. Mr. Valetutto's though is to have the concrete removed on the side of the house and then let him continue with what he has constructed in terms of the patio in the back and to seek the easement in the front.

Mr. Leary said that he does not agree with Mr. Valetutto in that Mr. Leary said he didn't put the concrete work on both sides. He only redid one side. He feels that area is a main thoroughfare/walkway to get into the back yard. Also, there are gutters there that the water would go on and to try to cut a piece of grass...

Mr. Leary feels that what he did there is nice work and that it's valuable that he replaced what already existed. The Board then reviewed the photos provided in the application.

Mary Szaro then asked if Mr. Leary went above and beyond what already existed or did he strictly replace what was there. Mr. Leary said he replaced what was there.

Robert Paulukiewicz asked if there was a patio in the backyard or is that new. Mr. Leary said that there was concrete there already. He just replaced what was there. Mr. Paulukiewicz asked that as you stand in front of the house, the left side is the old walkway to the back, is that part of the applicant's property or the neighbors. Mr. Leary said it is both. There is a small alley way to get through there.

Mr. Valetutto asked how long Mr. Leary has owned the property. Mr. Leary said over a year. Mr. Valetutto asked if he purchased it with cash or through financing. Mr. Leary said he may have purchased it with cash and then it became financed.

Mr. Valetutto said that his office has not seen proof that when Mr. Leary bought the house all of this was already there so if Mr. Leary could provide Mr. Valetutto with a survey showing all if this is there then Mr. Leary's only problem is the easement in the front that is going to be considered by Mayor and Council and the fact that he did a replacement without inspection.

Mr. Leary said he doesn't believe there is any documentation showing that prior to him purchasing the property. Mr. Valetutto said that he can investigate it through Google Earth to see what the condition was on this property approximately two years ago when Mr. Leary bought it. He said he would happy to do that for next month's meeting unless the Board would like to proceed with a decision tonight based on Mr. Leary's testimony.

Mr. Valetutto said that if we find that when Mr. Leary bought this property two years ago it didn't exist we would have an even greater problem with tonight's testimony.

Chairman Wilday carried testimony over to next month in order to take a look at what conditions existed when the property was purchased. He then opened to the public.

Linda Lagriola of 216 George Street was sworn in. She said that she lives directly behind the applicant's property and claimed that there was not a patio in the backyard. She said that Mr. Leary put a fence up on her fence. She asked if Mr. Leary was planning to make the house a one family or two family. Mr. Leary said that he did not plan to make it a multi-family dwelling.

Motion by Richard Moran, seconded by Robert Paulukiewicz to close the public portion of this application. Motion carried 9-0.

Mr. Kelly then asked Mr. Leary what the status was of the supports for the fence. Mr. Leary said that it currently is connected to the neighbor's fence. A worker put the fence up temporarily with tie wires because he did not have the proper clamping and that's how it still

stands. Mr. Kelly asked that Mr. Leary's intentions are to support that fence and Mr. Leary said yes.

The vote for this application was carried to the next meeting on September 23, 2015 at 7 p.m. to allow for additional investigation into pre-existing conditions on the property. (Later in the evening, the September meeting date was moved to September 30 to accommodate the Jewish holiday Yom Kippur.)

Amboy Realty LLC – Application # 361-15

Transcript attached.

Chairman Wilday opened the discussion to the public. There was no public wishing to speak.

Motion by Richard Moran, seconded by Thomas Kelly to close the public portion of this application. Motion carried 7-0.

Motion by Thomas Kelly, seconded by Richard Moran to approve the application subject to the conditions set forth in correspondence from AJV Engineering of June 17, 2015 and subject to the conditions set forth in this meeting. Motion carried 7-0.

Following testimony, Chairman Wilday called for a brief recess. Roll call was taken to commence meeting. Thomas Kelly and Councilwoman Noble were not present for the remainder of the meeting.

Southeast Sayreville Development Corporation – Application # 349-14

Transcript attached.

Following testimony, Chairman Wilday called for a second recess. Roll call was taken to resume the meeting.

The hearing for this application was continued to the next meeting on September 23, 2015 at 7 p.m. however the applicant was unavailable due to the Jewish holiday Yom Kippur.

Motion by Richard Moran seconded by Robert Paulukiewicz to move the next meeting to September 30, 2015 at 7 p.m. Motion carried 7-0.

It was further agreed that the September meeting would be dedicated to the applications presently open and that all new applications would be deferred to the October 28, 2015 meeting.

Chairman Wilday opened the meeting to the public. There were no public wishing to speak.

Motion by Richard Moran, Mayor Henry to close the public portion of the meeting. Motion carried 7-0.

Motion by Frank Milatta, seconded by Richard Moran to adjourn. All in favor.

Stacey Kennedy