

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
SEPTEMBER 25, 2013

Members present: Michael Wilday, James Riehl, Mayor Henry, Richard Moran, Francis Mulvey, Bette Leibowitz, Darcy McCabe-Brew

Member absent: Councilwoman Noble, Thomas Kelly, Frank Milatta, Peggy Scarillo, Robert Paulukiewicz

Also present: Angelo Valetutto, P.E., P.P.; Andrew Brewer, Esq.

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

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

Roll call was taken at this time.

Motion by Richard Moran, seconded by James Riehl to accept the Minutes of the previous meeting. Motion carried 4-0, 3 abstentions.

Completeness Committee

Ewa & Tomasz Wisniowski Application #337-13

Completeness Committee Chairman Richard Moran stated based on correspondence from the Board's Planner he recommends that the application be deemed to subject to the Mr. Valetutto's report. Motion carried 2-0.

Wojciech Zeromski Application #336-13

Mr. James Vail, Esq. will represent the applicant. Mr. Vail stated the applicant would like to make an application for a minor subdivision on property he owns at 427 Prospect Street. It is Lot 2, Block 2 on the Tax Map. The lot is irregular in shape, approximately 75' wide, approximately 165' deep and the square footage on the lot is approximately 11,937 feet. The lot runs through Prospect Street to Highland Street. It is improved with a 1 ½ frame dwelling that fronts on Prospect Street and there is a two-car detached garage on the Highland Street side. Mr. Vail stated his client is asking to subdivide the lot to create a building lot that fronts on Highland Street. The new lot would be 75' wide, 78' deep. The remaining lot with the

existing dwelling would be 75' wide and 75' deep. Both resulting lots would be greater than the minimum lot size of 5,000 sf. The lots however will require a variance for minimum lot depth. The remaining lot with existing house would require a variance for minimum rear yard. Both lots should meet all other bulk requirements and both lots will have two off-street parking spaces. The existing garage on Highland Street will be removed.

Mr. Vail stated from a zoning perspective the property is unique. Mr. Vail presented the current Tax Map that he has blown up. The map was marked as Exhibit A1. Mr. Vail described the shape of the lot and the surrounding properties. Mr. Vail stated this application would not be out of character because all of the other lots in the neighborhood are all of different sizes and shapes. The benefits of the application would also outweigh the burdens. Right now fronting on Highland Street is a garage, if approved instead of having a garage fronting on Highland Street you would have a single family home. This would be more pleasing and improve the look of the street. The single family home would result in a good ratable for the City.

Mr. Vail stated Mr. Zeromski is a retiree, he wants to do this because of course when you are living on a retirement income taxes goes up, maintenance on the property goes, and he would like to sell off the property. This would allow him to stay in his house. It would cause his taxes to go down, sell off the lot and get a little bit of money from the sale and the maintenance burden would decrease as well. He would not need to maintain such a large lot, much more manageable for him.

Mr. Vail stated he realizes that if approved, they will need to have a subdivision map prepared by a licensed surveyor to show the footprint of the proposed dwelling. The proposed dwelling would fit within the footprint. Mr. Valetutto stated each lot would need two off-street parking spaces.

Mr. Wojciech Zeromski was sworn in.

Mr. ??? was sworn in.

Ms. Leibowitz questioned if there will be a garage on his lot. Mr. Zeromski stated he will not put a garage on his property, he will put in a two-car driveway. Mr. Valetutto stated on the proposed lot, the future owners could possibly propose a one-car garage and driveway if there is enough area. If not a two-car driveway will be required.

Mr. Zeromski stated he proposes to sell the subdivided lot.

Mr. Riehl questioned the location of the subdivision line on the drawing. Mr. Vail stated they propose to split the lot in half.

Chairman Wilday opened the hearing to the public on this application.

Mr. Frank Hawes, 444 Prospect Street, South Amboy, was sworn in.

Mr. Hawes stated he has lived in this area, his family owns most of the property on the block. They would prefer that the property be subdivided like the map of Maxwell, street to street because in time his family would like to develop the rest of their property, across the street and next door. They do not want to be hindered by a subdivision across the back. Mr. Hawes described on the tax map how he would prefer the subdivision be drawn. Mr. Hawes stated if approved the way the applicant has proposed, he will then need to purchase the property because Mr. Hawes would like to propose in the future a building like downtown here. Mr. Hawes stated they also own Lots 2, 3, 5, 6, his son owns Lot 1. Mr. Hawes would like to build a four or five condo building in the future. Mr. Riehl stated if approved in the way proposed by Mr. Hawes, you are looking at Mr. Zeromski's house being five inches off the property line.

Mr. Vail summarized that they have met their burden to show that the property is unique and to strictly apply the zoning ordinance would result in undue hardship to the applicant. They have shown that the benefits of the application certainly and clearly outweigh the burdens. If the application is granted, the street view on Highland Street would be greatly improved and the City would have a nice ratable.

Mr. Brewer stated if approved it would be subjected to the testimony presented and subject to review and approval of a more formal subdivision map prepared by a licensed surveyor to be reviewed and approved by Mr. Valetutto and the filing of a subdivision deed which will perfect the subdivision which would include a deed restriction that there will not be any further bulk variances granted for either of the two subdivided lots.

Motion by Bette Leibowitz, seconded by James Riehl to approve the application based on the stipulations on the record that have been agreed to by the parties and as stated by the Board's Counsel. Motion carried 7-0.

Chairman Wilday opened the meeting to the public. Motion by Richard Moran, seconded by James Riehl to close the public portion of the meeting. Motion carried 7-0.

Motion by Bette Leibowitz, seconded by Darcy McCabe-Brew to adjourn. All in favor.

Linda Garnett