

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
July 24, 2013

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

Members absent: James Riehl, Frank Milatta, Francis Mulvey

Also present: Angelo Valetutto, P.P., P.E.; Brent Carney, Esq.

Meeting was called to order by Chairman Wilday followed by the salute to the Flag. Roll call was taken at this time.

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

Motion by Richard Moran, seconded by Peggy Scarillo to approve the Minutes of the previous meeting. Motion carried 4-0, 5 abstentions.

Completeness Committee

Completeness Committee Chairman Richard Moran stated he is in receipt of Mr. Valetutto's review letter on the proposed Minor Subdivision Application #336-13 for Wojciech Zeromski. Based on information submitted by Mr. Valetutto, Chairman Moran motioned to deem the application complete subject to the application and escrow fees being paid, proper notice being given and that a minor subdivision survey, signed and sealed by a professional land surveyor be submitted. Motion was seconded by Peggy Scarillo and carried 2-0.

Resolution – Enterprise Electric, Inc. Application 334-13

Motion by Peggy Scarillo, seconded by Richard Moran to adopt this resolution. Motion carried 4-0, 5 abstentions.

Joseph R. Fusco – Application #335-13

Mr. Joseph R. Fusco and Angelo Valetutto were sworn in. Mr. Fusco stated he resides at 237 North Feltus Street.

Mr. Fusco stated his house is built on two lots. The back part of house is on a hill. He would like to utilize the yard by leveling it out. Mr. Fusco stated he would like to control the drainage and water flow from his property.

Mr. Valetutto stated he has prepared a letter dated June 20, 2013. Mr. Fusco stated he was in receipt of the letter. Mr. Valetutto reviewed the letter with the applicant.

Mr. Valetutto stated the applicant is seeking a bulk variance for the maximum height of the wall.

Mrs. Chris Fusco was sworn in at this time.

Mr. Valetutto stated the Board does not have the right to grant approval within a public right-of-way. If the applicant receives an approval this evening, the applicant will need to appeal to the Mayor and City Council for an easement.

Mr. Valetutto stated if the applicant's wall goes beyond the limits of their property, they will need written permission from the neighboring property owners. As long as they do not build beyond their property, they are fine.

Mr. Valetutto stated the 6 foot height of the wall is next to their one-car garage and this is something the Board would not encourage but the fact is that the street the car backs out to is a very low volume street. Mrs. Fusco feels there is no hardship because there is an apron that will help the them to see any on- coming vehicles.

Mr. Fusco described how he would address the drainage situation.

Mr. Valetutto stated if approved, the applicant must get Mayor and City Council approval, and then apply for permits.

Mr. Kelly questioned the property adjacent to their, was it an alley. Mrs. Fusco stated it was given to them by the City.

Mr. Valetutto explained the steps the applicant will need to take if the applicant is approved.

Chairman Wilday opened the application to the public.

Ms. Ruth Dix-Moon, 111 North Pine Avenue. Ms. Dix-Moon questioned if the applicants realized that they need an engineer. Mr. Kelly stated as part of the permit process, it will need to be prepared by a New Jersey licensed engineer.

Motion by Bette Leibowitz, seconded by Thomas Kelly to closed the public portion of this application. Motion carried 9-0.

Motion by Bette Leibowitz, seconded by Peggy Scarillo to approve the application subject to each and every condition outlined during the meeting and all conditions outlined in Mr. Valetutto's letter. Mr. Kelly questioned if the Board wants to place a maximum height on the fence that will be constructed atop of the proposed wall. It was agreed by all present that the maximum height of the fence will be four feet. Motion carried 9-0.

Old Business

Mr. Carney stated regarding 234 First Street vs. South Amboy Planning Board, Judge Hurley denied the Plaintiff's request for relief, and made judgment in favor of the Board. Therefore, Count One is now dismissed with prejudice and the Judge has called for a case management conference for August 12th.

We will need to wait to see what the plaintiff will do with their second count.

Chairman Wilday opened the meeting to the public. Motion by Bette Leibowitz, seconded by Peggy Scarillo to close the public portion. Motion carried 9-0.

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

Linda Garnett