

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
June 22, 2022

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Council President Michael Gross, Thomas Kelly, Janet Kern, Jorge Gonzalez-Gomez, William DeMasi, Robert Paulukiewicz, Francis Mulvey

Members absent: George Baranowski, Gary Forshner, Andrew Horezga

Also present: Jason C. Valetutto, P.E., P.P., James E. Stahl, Esq.

Chairwoman Mary Szaro called this meeting to order.

Adequate notice of this meeting has been provided under “The Open Public Meeting Act of New Jersey” by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall. Electronic notice has been provided via the agenda on the City Website and the agenda posted on the bulletin board at City Hall.

Salute the Flag.

Roll call was taken at this time.

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the Minutes of May 25, 2022, Motion carried: 7-0, 3 abstentions.

Chairwoman Mary Szaro then reviewed the evening’s agenda.

ANNOUNCEMENT of APPLICATION CARRIED

Application PB# 389-18A – 200 South Broadway, LLC.

200 South Broadway / Block 42, Lots 19.01 & 20.01

Mr. Kenneth Pape, Esq. requested that the above-referenced application be carried to July 27, 2022

RESOLUTIONS

Resolution: PB 14-22

Application: 424-21 – Robert Lubelli

716 Conlogue Avuene / Block 93, Lot 11

Motion by Jorge Gonzalez-Gomez, seconded by Scott Kominkiewicz to accept the Resolution granting Bulk Variances for minimum side yard setback to the pool, minimum pool clearance from all structures, maximum fence height in front yard, maximum lot coverage.

Motion carried: 7-0, 3 abstentions.

COMPLETENESS

Application: 433-22 – Grand Home Investment XII, LLC.
104 S. Rosewell Street / Block 38, Lot 2

Completeness Committee Chairwoman Janet Kern stated that she is in receipt of a letter from AJV Engineering, Inc. dated June 17, 2022, regarding Application 433-22, Grand Home Investment XII, LLC. recommending **Complete**.

Motion by Janet Kern seconded Jorge Gonzalez-Gomez to accept the recommendation of Complete for Application 433-22, Grand Home Investment XII, LLC.

Motion carried: 2-0, 0 abstention

PUBLIC HEARING

Application: 427-22 – William O’Leary
357 Ferris Street / Block 17, Lots 16 & 18
Please refer to the transcript

Prior to the hearing starting Mayor Fred A. Henry, Council President Michael Gross and Thomas Kelly stated they would be recusing themselves from this application hearing.

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Scott Kominkiewicz seconded by Janet Kern. With no public to speak on this matter

Chairwoman Szaro asked for a motion to close this portion of the meeting.

Motion by Jorge Gonzalez-Gomez, second Janet Kern.

Chairwoman Szaro asked for a motion to approve the Preliminary and Final Site Plan portion of this application subject to all the testimony, and all the conditions outlined in the letter for AJV Engineering, Inc. Dated June 15, 2022, and all conditions outlined by Mr. James E. Stahl, Esq.

Motion by Jorge Gonzalez-Gomez, seconded by Scott Kominkiewicz.

Motion carried 7-0, 0 abstention

DISCUSSION - NONE

CORRESPONDENCE – NONE

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by Scott Kominkiewicz. With no one from the public wishing to speak, Chairwoman Szaro closed the meeting to the public.

Chairwoman Szaro announced that the next scheduled meeting would be held in person on Wednesday, July 27, 2022, at 7:00 pm.

Chairwoman Szaro called this meeting to adjourn. All in favor.

Respectfully submitted,

Amy Russo
Planning Board Secretary
Minutes Approved on June 22, 2022

CITY OF SOUTH AMBOY
PLANNING/ZONING BOARD MEETING

Wednesday, June 22, 2022
7:00 p.m.

AT: Municipal Building
140 North Broadway
South Amboy, New Jersey 08879

Application: 427-22
Applicant: William O'Leary

Transcribed By:
Stephanie Hagen, RPR

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)
- (18)
- (19)
- (20)
- (21)
- (22)
- (23)
- (24)
- (25)

B O A R D M E M B E R S :

Chairwoman Mary Szaro
 Council President Michael Gross
 Scott Kominkiewicz
 Dr. Jorge Gonzales-Gomez
 Greg Baranowski
 James Stahl, Esq.
 Mayor Fred Henry
 Thomas Kelly
 Janet Kern
 William DeMasi
 Robert Paulukiewicz
 Francis Mulvey

A P P E A R A N C E S :

GEORGE J. OTLOWSKI, JR., ESQ.
 708 Carson Ave
 Perth Amboy, New Jersey 08861
 Attorney for Applicant

(1) Application 427-22, property
(2) located at 357 Ferris Street and Mr. Otlowski is
(3) the attorney.

(4) CHAIRWOMAN SZARO: I would like
(5) to just -- please come up. I would like to
(6) disclose and be transparent, I don't know if
(7) anyone from Frog Hollow is here or any opinion
(8) they may have, but just to let you know, my
(9) daughter serves on the board if there is any kind
(10) of issue.

(11) MR. OTLOWSKI: None.

(12) (Whereupon, an off-the-record
(13) discussion takes place.)

(14) So that's seven individuals.
(15) Everyone who is left here, Mr. Otlowski, are
(16) eligible to participate and vote and as I
(17) understand, you and I had a brief discussion, you
(18) have three witnesses, you have Mr. Testa as the
(19) architect, you have the Engineer and you have Mr.
(20) O'Brien as your planner. Is that correct?

(21) MR. OTLOWSKI: That's correct.

(22) MR. STAHL: So no -- you have no
(23) principal or applicant --

(24) MR. OTLOWSKI: They are
(25) available if the board deems it necessary for

(1) them to testify.

(2) MR. STAHL: Why don't you enter
(3) your appearance although many people know you but
(4) for the record, let's put your name on the record
(5) and if you want to make an opening statement or
(6) introduction, of course, it's your pleasure.

(7) MR. OTLOWSKI: I'll do a very
(8) brief one if you don't mind. George Otlowski
(9) representing the applicant here. And as I said,
(10) I don't plan to drag out this application. This
(11) application is for six units, I mean six units
(12) and two in each of the units. So we are looking
(13) for 12 altogether. And the site that has been
(14) chosen is basically been laying feral for
(15) sometime. This is a perfect development of that
(16) site and I wish to convince you of that through
(17) the witnesses that I have here today that you
(18) would approve the project and if you want to, I
(19) would call my first witness.

(20) MR. STAHL: Yes.

(21) MR. OTLOWSKI: I'll call the
(22) architect, Mike Testa.

(23) MR. STAHL: Mr. Testa, if you
(24) will raise your right hand.

(25) (Whereupon, Michael Testa is

(1) duly sworn.)

(2) MR. STAHL: Please keep your
(3) voice up and state your name and even though it's
(4) an easy last name, please spell the last name
(5) for the record?

(6)
(7) QUESTIONING OF MR. TESTA BY MR. OTLOWSKI:

(8)
(9) A Sure. Michael Testa, T-E-S-T-A,
(10) I am the principal of the architectural firm
(11) Michael V. Testa, Manalapan, New Jersey. I am a
(12) licensed architect since 1996, principal of the
(13) architectural firm since 2002. I have testified
(14) before the City of South Amboy many times.

(15) MR. STAHL: Is it just me or is
(16) everyone hear the witnesses? He's soft-spoken.

(17) A Registered architect in good
(18) standing in the State of New Jersey.

(19) MR. OTLOWSKI: That's what I was
(20) going to ask you. You want more towards his
(21) qualifications I'll go through the educational
(22) background?

(23) MR. STAHL: Madam Chair, it's up
(24) to you and the board. He has good experience and
(25) he has testified before this board probably at

(1) least a dozen times but I don't make that
(2) decision, so we can either hear more or you can
(3) make the determination.

(4) CHAIRWOMAN SZARO: I'll just ask
(5) if anyone on the board has any objections? No
(6) objection.

(7) Q Mike, did you have an
(8) opportunity to review the plans for this project?

(9) A Yes, I have. My firm has
(10) prepared the architectural drawings, the plans
(11) and elevations for the three buildings that are
(12) on the site on Ferris Street.

(13) Q That's the stencil that you got
(14) over there?

(15) A Yeah.

(16) MR. STAHL: Mr. Testa, if I may
(17) and once we get through this, I am done, I don't
(18) want to intrude on the board's prerogative. All
(19) the documents you are going to present including
(20) those of the engineer, if they have not
(21) previously been provided to the board, please
(22) advise us or more importantly if I think they
(23) are, if they are colorized or in some fashion
(24) different than the packet the board has received,
(25) please identify them that so the board knows. If

(1) they are part of the package that has been
(2) delivered to the board, I would request that you
(3) identify each of the boards by the title block in
(4) the right-hand corner in order that we may know
(5) what you will be testifying to, and that goes for
(6) the Engineer as well, and then I would still like
(7) to just mark it, the boards, start from A-1 and
(8) we will go through the As through anything you
(9) have or the Engineer has or if the planner has
(10) it. Okay? Thank you very much.

(11) A Sure. Just to follow-up. All
(12) the boards I am going to present to you tonight
(13) are part of the board package. There are no
(14) colored documents for this submission.

(15) I would like to walk the board
(16) through each of the sheets from the floor plans
(17) through to the elevations. So I am going to go
(18) walk over to the easel right now and the board up
(19) in front of the -- the drawing up in front of the
(20) board is sheet PV-1, and this is the floor plans
(21) of both buildings one and two, and building
(22) three.

(23) MR. OTLOWSKI: Do you mind if we
(24) mark that A-1?

(25) MR. STAHL: Yes, and please put

(1) today's date, Mr. Testa, 6/22/22.

(2) MR. VALETUTTO: Mr. Testa just
(3) testified this is what was submitted. So we went
(4) through that whole lineage, we weren't going to
(5) take exhibits, this is what the board has in
(6) front of them.

(7) MR. STAHL: He said if you don't
(8) mind, we are still making a record, even though
(9) they are here, I think we ought to have people
(10) testify to a document so the record is clear that
(11) it's still been marked A for the number of
(12) today's date.

(13) MR. VALETUTTO: Okay, clear,
(14) I'll remember that when we are discussing my
(15) reports and numbers.

(16) A Again in speaking to Mr.
(17) Valetutto, I am also in possession of his report
(18) dated June 15, 2022.

(19) MR. OTLOWSKI: Which we have no
(20) objection being made part of the record.

(21) MR. PAULUKIEWICZ: Can I ask a
(22) favor. Can you move that board closer, I am an
(23) old guy. I can't see that well. Butch is older
(24) than me. Thank you.

(25) A Again, the drawing in front of

(1) you is the ground floor which in clarification
(2) for Mr. Valetutto, we are going to relabel first
(3) floor. First floor is the street level elevation
(4) where there is a single car garage, the main
(5) entrance into the unit, the common corridor that
(6) leads to a recreation office area at the rear.

(7) There is in the single family --
(8) in the single car garage, there is enough room in
(9) that garage to store at least two garbage cans, a
(10) regular garbage can and recycle can. There is
(11) also enough room at the front of the garage for
(12) storage of a bicycle or whatever storage the unit
(13) may have. There is also additional closet space
(14) and there are utilities on this ground level.

(15) This floor plan in both, I am
(16) going to say both buildings, there is actually
(17) two of the same and the third building is
(18) slightly different, there is just a slight
(19) offset. The areas are pretty much the same,
(20) everything is the same, except the offsets in the
(21) building and that was due to some site
(22) conditions. So I'll walk you through one floor
(23) plan and it's pretty much uniform throughout the
(24) building.

(25) As you can see, there is a set

(1) of stairs that take you up to the second level.
(2) The second level is the main living area. I'll
(3) mark this A-2.

(4) That's been marked A-2, main
(5) living area we have the front of the space being
(6) the main living space, the television, where
(7) everybody is going to pretty much hang out and
(8) live. The rear of the space has a dining area
(9) and an eat in kitchen with an island. It also
(10) has a recessed area in the corner that has an
(11) open outdoor balcony so occupants can have a
(12) grill out there and enjoy the outdoor space
(13) within the footprint of the building area.
(14) That's common in all three buildings, it's not in
(15) the corner, it's tucked away to give the
(16) balconies some privacy and it takes advantage of
(17) the beautiful tree area and natural setting in
(18) the back of the property.

(19) Also have a powder room located
(20) on this floor and a stair that's going to take
(21) you up to the third level. This would be A-3,
(22) third level consist of three bedrooms. The
(23) stairs takes you to a centrally located point
(24) with a common hall bathroom which would be used
(25) for the two small bedrooms facing the front of

(1) the property and a rear master bedroom suite with
(2) a full bathroom, walk-in closet. We also have a
(3) stackable washer dryer located in the hallway and
(4) a gathering area to give you some space for the
(5) washer dryer as you are bringing the linen basket
(6) or laundry basket.

(7) Again the floor plan layout is
(8) almost identical in buildings one and two and
(9) building three.

(10) Sheet PV-4 which will be exhibit
(11) A-4, top left corner is the front elevation
(12) facing the street, this elevation is very similar
(13) to the elevation of the buildings that I did on
(14) Main Street, just at the end of North Broadway,
(15) the 12 unit complex there. It consists of
(16) horizontal siding, AZEK Urethane trim, white
(17) paneling inside, raised panels. We also have
(18) vinyl shutters and the architectural style
(19) shingle with a small dormer to accentuate the
(20) overhang are of the front living room.

(21) You can see you have two garage
(22) doors at the ground level for the single car
(23) garages and a main entrance door with a small
(24) roof over the top of it.

(25) The sides of the building are

(1) very simple, they pretty much the buildings face
(2) each other except for the two end units. Again,
(3) all the materials being the same on all four
(4) sides.

(5) A-5 will be sheet PV-5, and you
(6) see the rear of the building which again, the
(7) facade doesn't have that large boxy feel to it,
(8) steps in the building gives you some depth and
(9) texture, and gives you some privacy on the
(10) balconies that I indicated before.

(11) There is a set of stairs from
(12) the main balcony off the kitchen that brings you
(13) down to the rear yard, so if the kids are in the
(14) yard, it's easy to get up and down. Again, it's
(15) all the same building materials AZEK siding, trim
(16) around the buildings, AZEK deck and urethane
(17) railing system. And opposite side depicting the
(18) same things showing the movement as the building
(19) steps away from the front of the building.

(20) That is it for our buildings.
(21) So in conclusion, the design of the building is
(22) very typical for the City of South Amboy. I have
(23) done a number of houses in the area. I feel very
(24) confident in moving forward, it's contemporary
(25) living, large open spaces, comfortable and it's

(1) in a beautiful setting in the neighborhood. So
(2) that concludes my testimony.

(3) Q And did you have a chance to
(4) review the comments of the city concerning the
(5) project?

(6) A Yes, Mr. Valetutto's comments
(7) item 12 on page three of seven pertains to the
(8) architectural drawings. Item A is the labeling
(9) of the units has been flipped from the
(10) architectural and the site plans, we will
(11) coordinate with the site Engineer to make sure
(12) those labels are consistent on both sets of
(13) drawings.

(14) MR. VALETUTTO: Mike, that's for
(15) the Engineer, that's for the site plan. Your
(16) plans and the detail that he provided coincide.
(17) The actual site plan itself got flip-flopped.

(18) A We will straighten that out. We
(19) will make sure that's correct.

(20) Item B, overhang at the front of
(21) the unit should be located and labeled drawn with
(22) a dashed line, that will be coordinated again,
(23) whether it be on my drawings or the Engineer's
(24) drawing. 36 inch doors for each unit should be
(25) labeled 36 inch man door, MD, we will clarify

(1) those, 36 inch man doors.

(2) The areas noted for the garages
(3) has breakdowns not give credit towards lot
(4) coverage for minimal floor area, we can remove
(5) them, that's not an issue for us. Ground floor,
(6) first floor, second floor should be labeled
(7) first, second and third since these floors are
(8) three stories, buildings are three stories, we
(9) will adjust the drawings to correct the labeling
(10) as requested.

(11) Item G, area shown incorrect not
(12) showing the gross area. The area on the drawings
(13) is net floor area, Mr. Valetutto wants gross
(14) floor area, we will work with Mr. Valetutto to
(15) make sure the areas are listed are consistent to
(16) which Mr. Valetutto feels comfortable as being
(17) identified as.

(18) And I think that's it on that
(19) page. Item five of seven goes into the
(20) architectural plan, the different sheets I just
(21) testified to. Primarily the comments are with
(22) respect to the way we are breaking out the floor
(23) areas, and I will work with Mr. Valetutto to make
(24) sure those areas are adjusted from gross or net,
(25) however he deems them acceptable.

(1) I think, Jason, that addresses
(2) the items. One of the things too, you wanted me
(3) to clarify the bump outs of the family room
(4) windows, those are nine foot two by one foot
(5) overhangs and the space above and that's on
(6) building one, two and three. I think that
(7) addresses the architectural comments from Mr.
(8) Valetutto.

(9) MR. OTLOWSKI: Okay. I don't
(10) know how your board does it. I haven't been here
(11) before. You want me to go through all the
(12) experts or you want to question them one at a
(13) time?

(14) CHAIRWOMAN SZARO: I'll just ask
(15) now if the board has any questions for Mr. Testa
(16) and does anyone have any questions? Jason, you
(17) want to start us off?

(18) MR. VALETUTTO: No, I'm fine.
(19) Mike did a good job with his presentation. I am
(20) confident my comments will be addressed.

(21) CHAIRWOMAN SZARO: Anyone else
(22) from the board have any comments, questions? We
(23) are good.

(24) MR. OTLOWSKI: I'll call my next
(25) witness then.

(1) MR. OTLOWSKI: Your name for the
(2) record.

(3) MR. FARRELL: Frank Farrell,
(4) F-A-R-R-E-L-L.

(5) (Whereupon, Frank Farrell is
(6) duly sworn.)

(7) MR. STAHL: Please state your
(8) name, spelling your last name for the court
(9) reporter, please.

(10)
(11) QUESTIONING OF MR. FARRELL BY MR. OTLOWSKI:

(12)
(13) A Frank Farrell, F-A-R-R-E-L-L.

(14) Q Give us your -- I was going to
(15) ask him for his qualifications.

(16) A Absolutely. Good evening,
(17) ladies and gentlemen. I am a licensed Civil
(18) Engineer in the State of New Jersey, I received
(19) my undergraduate education at Rowan University
(20) where I graduated in 2009. I received my
(21) licensure in 2014. I have been practicing
(22) engineering for the past 13 years, I think the
(23) last eight of which have been under my licensure.

(24) I have appeared before numerous
(25) boards but not in my original hometown of South

(1) Amboy so it's a pleasure to be here this evening.

(2) But I was recently accepted by
(3) Sayreville as of June 15, so last week. I am a
(4) principal at Grotto Engineering as of 2020, and I
(5) have spent my career actually at Grotto for the
(6) past 13 years.

(7) Q Have you had an opportunity to
(8) review the plans?

(9) MR. STAHL: Madam, Chair, does
(10) the board accept his qualifications?

(11) CHAIRWOMAN SZARO: Does the
(12) board have any objections? None.

(13) MR. VALETUTTO: One thing, since
(14) the board was pretty transparent with our members
(15) that stood down, I would like you to put on the
(16) record your relationship with Frog Hollow even
(17) though I understand but they need to understand.

(18) A Absolutely. So Mr. O'Leary
(19) became a client of mine, I believe it was in
(20) April of last year. I am actually a board member
(21) also at Frog Hollow, and as of -- recently as of
(22) February, I am actually the President.

(23) The situation, to avoid a
(24) conflict of interest, we have actually set up a
(25) Chinese wall, I have no contact with the board or

(1) any of the other membership at Frog Hollow
(2) regarding this application or any professional
(3) application and similarly I do not discuss Frog
(4) Hollow with Mr. O'Leary. We have discussed it
(5) with the board professionals at various meetings
(6) and I believe that I am well qualified and
(7) avoided a conflict of interest.

(8) MR. STAHL: Just for the record,
(9) Frog Hollow is within 200 feet of --

(10) A Frog Hollow is literally the
(11) adjacent property to the east.

(12) MR. STAHL: So they did receive
(13) the notice?

(14) A As the President of the swim
(15) club, I am aware that they received the notice.
(16) They may or may not have formed other committees
(17) or had discussions, I really don't --

(18) MR. STAHL: The board itself, I
(19) want to make it clear, as you said transparent,
(20) and as far as you know, there has been no
(21) determination by that group to enter into any
(22) objection --

(23) A I wouldn't --

(24) MR. STAHL: -- or comments
(25) either way?

(1) A I wouldn't know. I really have
(2) had no discussion with them. So that my work
(3) professionally for Mr. O'Leary is not in anyway
(4) formed by the opinions that the rest of the board
(5) has.

(6) MR. STAHL: Just need to say
(7) this, it was given to me in a legal matter,
(8) George, for whatever, we don't use the word, I am
(9) laughing but it's appropriate because of the
(10) culture we are in, we don't use the word Chinese
(11) wall anymore.

(12) A Sorry.

(13) MR. STAHL: It's a little
(14) levity.

(15) MR. VALETUTTO: It's already
(16) been documented.

(17) MR. STAHL: It came up in a
(18) litigation I had, the word called now it's a
(19) screen.

(20) A Screen. Find myself in a fairly
(21) unique position here.

(22) MR. STAHL: You find yourself as
(23) a native of South Amboy.

(24) Q As I said, you prepared plans
(25) for this project. Correct?

(1) A Yes.

(2) Q Want to give us the benefit of
(3) those plans?

(4) A Absolutely.

(5) Q Continuing A or go to B?

(6) MR. STAHL: Stay with A but the
(7) number will change.

(8) A We are on A-6. For now we have
(9) the -- I should probably mark a couple of these
(10) in advance in case I flip back and forth.

(11) This is the cover sheet, which I
(12) am identifying as A-6, dated 6/22/22; the
(13) existing conditions plan will be identified as
(14) A-7; site plan will be identified as A-8; and the
(15) grading and utility plan will be A-9.

(16) I'll be referring to the
(17) existing conditions sheet here. The property is
(18) identified as 357 Ferris Street in block 17, lot
(19) 16 and 18. Lot 18 represents this small lot, it
(20) is identified by property lines only, there is no
(21) marking to tell you there is another lot there
(22) and lot 16 rather is the remainder which is the
(23) majority of the site. For this application, the
(24) zoning requirements table assumed they have been
(25) consolidated.

(1) The lot area in total is 55,027
(2) square feet or 1.26 acres. The developed portion
(3) of the site is occupied by an existing
(4) two-and-a-half story framed dwelling, asphalt
(5) driveway, framed garage, two small sheds and
(6) miscellaneous fences and other concrete areas.

(7) The area to the east of the
(8) building and to the south near Louisa Street are
(9) wooded. That's approximately 8/10 of an acre,
(10) most of that, almost all of it will remain. The
(11) topography of the site generally in slopes east
(12) to west, sorry, west to east. Areas in the front
(13) tend to slope towards Ferris Street where the
(14) middle and rear of the properties tend to slope
(15) directly to the east. The westerly portion of
(16) the property is mildly sloped whereas the
(17) easterly portion is more steeply sloped.

(18) The neighboring uses include
(19) residential uses to the north, west and south,
(20) and Frog Hollow Swim Tennis Club is located to
(21) the east. Ferris Street in this location along
(22) most of the property's frontage is 50 feet wide,
(23) but as you travel to the east it narrows and
(24) becomes divided at it's -- narrows to
(25) approximately 32 feet from edge to edge not

(1) including the division. The slope of the road
(2) increases from roughly five percent to 16 percent
(3) or more as you continue down the hill towards the
(4) east.

(5) I will now refer to the site
(6) plan which is A-8. So the site plan you will see
(7) that there are three separate structures
(8) identified, each of those structures will have
(9) two units for a total of six units. The various
(10) improvements on the lot will be demolished to
(11) complete this construction. Proposed building
(12) one will have a single curb cut and driveway that
(13) will serve both units A and B within said
(14) building. Buildings two and three will share a
(15) curb cut and asphalt driveway and parking area,
(16) this avoids a third curb cut along Ferris Street.

(17) Each unit has a one car garage
(18) and sufficient driveway area for one or more
(19) additional parked vehicles. It varies, the unit
(20) furthest to the west where whether it's 1A or 1B,
(21) I can't remember, it's identified on my drawing
(22) as B which needs correction but we can fit three
(23) cars in that driveway, two in most of the other
(24) driveways, and then another two in front of
(25) building three.

(1) Access is provided to the units
(2) through a garage entrance or typical front door
(3) located at ground level or at the first floor at
(4) the front of the unit. Each unit also has access
(5) from the rear of the unit to a balcony. And from
(6) that balcony to the rear yard via a set of
(7) stairs. That balcony is located on the second
(8) floor, so there is no rear exit or entrance from
(9) the first floor of the unit.

(10) The retaining wall is proposed
(11) along the easterly portion of the proposed
(12) development. The areas beyond the wall will
(13) remain wooded. To be clear, the only areas that
(14) will be disturbed are the those that are
(15) necessary for the construction of the wall, the
(16) trees and vegetation along the remainder of the
(17) property will persist. The wall will vary in
(18) height from roughly two-and-a-half feet to 14
(19) feet and a fence is provided along the top of the
(20) wall as is required. Utility connections will be
(21) made to the existing utilities in Ferris Street.

(22) I am going to the sheet A-9 to
(23) show that to you but it's not particularly
(24) relevant yet.

(25) I am going to run through the

(1) zoning requirements table. I will address some
(2) specific variances. As I mentioned, the minimum
(3) lot area required, sorry, we are in the RA zone.
(4) We are going to cover the RA zone requirements.
(5) The minimum lot area required is 5,000 the
(6) proposed is 55,027. The minimum lot width is 50
(7) feet where 223 1/2 feet exists. The minimum lot
(8) depth is 100 feet where 220.1 feet exist.

(9) For the yard requirements, we
(10) have the front yard for the principal building,
(11) the minimum is 25 feet, I believe I have listed
(12) here that the proposed is 25, it actually exceeds
(13) 25, I think it's actually 37.

(14) The minimum one side yard is
(15) five feet and five feet is proposed. The minimum
(16) total side yard is ten feet whereas the total
(17) side yard proposed is 109.75 feet, so there are
(18) still 105 feet almost, 104.75 feet between the
(19) easterly most face of the building and the
(20) property line.

(21) The minimum, maximum principal
(22) building height is 35 feet. The actual building
(23) height for each of the structures is unique. The
(24) most -- the tallest building is 39.43 feet which
(25) exceeds the maximum permitted by more than ten

(1) percent and that will require a D variance or use
(2) variance for that. The maximum principal
(3) building height is also two-and-a-half stories
(4) whereas we described the building as three
(5) stories, a variance is required for that as well.
(6) The maximum lot coverage is 25 percent and we are
(7) listing 8.24 percent. I believe Mr. Valetutto
(8) has identified that as 8.3 and change, if we have
(9) made a mistake in that calculation, we will be
(10) happy to make the adjustment, it is still under
(11) the ordinance requirement.

(12) The maximum impervious land
(13) coverage is 60 percent and the proposed is 18.03
(14) percent. The minimum floor area per unit is
(15) 1,000 square feet whereas in excess of 2,000
(16) square feet is proposed, we are listing 2,202
(17) square feet on the site plan which I believe
(18) differs a little bit in Mr. Valetutto's and Mr.
(19) Testa's calculations we will be happy to revise
(20) that to be accurate and consistent across the
(21) drawings. It is in excess of what is required,
(22) no variance is requested or needed.

(23) The maximum dwelling units per
(24) acre is 8.71, the density proposed is 4.75 which
(25) is compliant. The minimum off street parking

(1) requirement is 14 whereas 16 spaces are proposed.
(2) The maximum dwelling units per building, again
(3) it's the RA zone and single-family residential
(4) zone is one whereas for this application two
(5) units per structure is proposed and a variance is
(6) being requested. The minimum site landscaping is
(7) 40 percent and the proposed is 81.97 percent.

(8) So to recap the variances that
(9) we are requesting, it includes the use as was
(10) described, the lot is in the RA zone but would
(11) allow for some construction, but the proposed is
(12) for three two unit structures. There is also a D
(13) variance for height, buildings two and three
(14) which are the centrally located and then the most
(15) easterly buildings are 38.61 feet and 39.43 feet
(16) respectively which exceeds the maximum height by
(17) more than ten percent and a use variance is
(18) required for those.

(19) The bulk variances that we are
(20) requesting include the minimum rear yard set back
(21) as I described moments ago, building one is
(22) 19-and-a-half-feet from the rear property line
(23) whereas 20 feet is required. The maximum
(24) building height for building one is 37.64 feet.
(25) So it exceeds the maximum allowable by the

(1) ordinance but not so egregiously as to become a D
(2) variance.

(3) All of the buildings are three
(4) stories whereas two-and-a-half is permitted and
(5) the maximum number of dwelling per unit as I
(6) described is two units whereas one is permitted.

(7) We are also requesting two
(8) different waivers. That includes the requirement
(9) for sidewalk along the property's frontage to the
(10) right-of-way. There is no sidewalk there now.
(11) There isn't sidewalk between Pine -- South Pine
(12) and the lot now and as you continue further down
(13) the hill, down towards the east end of Frog
(14) Hollow, as I described, the slope becomes such
(15) that sidewalk there is probably not advisable.
(16) As a result, we are requesting a waiver from that
(17) condition, from that requirement.

(18) There is also a waiver requested
(19) for the distance between the curb relative to the
(20) front property line. I'll actually refer again
(21) to A-8 which is along the portion of the site
(22) that is in front of building three. This layout
(23) provides us the ability to allow residents of
(24) these two buildings, buildings two and three to
(25) access their units through a single shared

(1) driveway rather than have a third driveway
(2) located even closer to the hill that leads down
(3) towards Frog Hollow. Less curb cuts generally is
(4) a more favorable condition and there is ample
(5) room on the site for maneuverability for all the
(6) residents that may reside in all of the
(7) buildings.

(8) So that concludes my sort of
(9) direct testimony. I have also had an opportunity
(10) to review the letter provided by AJV Engineering
(11) dated June 15, 2022. Rather than run through
(12) each item, because we can, but I don't think it's
(13) particularly necessary, Mr. Testa and Mr.
(14) Valetutto and I will coordinate and make sure
(15) that any of Mr. Valetutto's comments or
(16) requirements are addressed.

(17) There really isn't anything here
(18) that I believe I disagree with her say, just a
(19) matter of making sure all the numbers match
(20) between the various drawings.

(21) Q We agree to make those changes.

(22) A If granted an approval, we would
(23) agree that a condition of said approval would be
(24) to comply with Mr. Valetutto's letter.

(25) Q Fine.

(1) A To address a couple of specific
(2) things that Mr. Valetutto was looking for, I have
(3) -- so on page four item three, why does building
(4) one require a hammerhead near Ferris Street, I
(5) don't believe it does require it, it's part of a
(6) revision we were going through, I thought it
(7) beneficial to provide the ability for the tenants
(8) or the residents of building one to have the
(9) opportunity to K-turn before backing out rather
(10) onto Ferris Street. If it's not necessary, it
(11) can be removed, it doesn't provide a significant
(12) benefit or detriment to the site, if it's cleaner
(13) without it, it's fine but --

(14) MR. VALETUTTO: My comment is
(15) that I think the residents should just directly
(16) back out. I don't think the K-turn, there really
(17) isn't enough area there. We have all seen the
(18) movie Austin Powers where he puts his golf cart
(19) between the two buildings and he's locked in. I
(20) feel that's just a similar situation waiting to
(21) happen so. I think straight out is the better --

(22) A The solution can be either to
(23) expand that hammerhead a little bit, we are still
(24) under the maximum impervious coverage or to
(25) eliminate it entirely. We can, I believe that

(1) Mr. Valetutto and I can work that out and address
(2) his concerns.

(3) There was also a question
(4) regarding mailboxes, I believe it's my
(5) understanding, I believe mailboxes would be
(6) installed right on the front of the buildings,
(7) various buildings, which is typical with
(8) construction such as this. There was also a
(9) question related to trash being collected by the
(10) city or private hauler. I believe it would be
(11) appropriate for the city to -- I believe that the
(12) city picks up trash now, I am getting a nod, and
(13) I believe as residents, that would continue
(14) unless there was some requirement that it be
(15) addressed by a private hauler.

(16) And I believe that addresses --
(17) so long as we can come to an agreement, and I
(18) believe that we can, I believe that addresses
(19) most of Mr. Valetutto's --

(20) MR. VALETUTTO: If we can go
(21) back to page three of seven of my report. The
(22) comment seven, the rounded curb that's installed
(23) between building two unit A and building three
(24) unit B, I just want --

(25) A I agree. I like that idea. I

(1) agree with your assessment. I'll refer again to
(2) A-8, I believe what the request is, between
(3) buildings two and three, there is a curb or an
(4) island so to speak and we can widen that island,
(5) reduce the amount of impervious coverage, provide
(6) an additional area for landscaping and also
(7) enhance the protection for pedestrians in this
(8) area relative to vehicles. It would also
(9) discourage vehicles from parking directly up
(10) facing the front door. We can certainly make
(11) that change.

(12) MR. OTLOWSKI: Does that
(13) conclude your testimony?

(14) A It does.

(15) CHAIRWOMAN SZARO: Thank you,
(16) any questions for Mr. Farrell?

(17) MR. PAULUKIEWICZ: I don't if
(18) you would be the proper person to answer, but on
(19) page two, testimony about will there be a
(20) townhouse association, will the applicant reside
(21) in one of the units, just some information on
(22) that? If you are the person or we would wait --

(23) A I would defer to the owner or
(24) Mr. Otlowski.

(25) MR. STAHL: George, I was going

(1) to ask that question. We don't have to do it
(2) now. I think after you complete the third
(3) witness, or you can make the rep or put a
(4) principal on, the question if it's going to be
(5) rental or ownership as to the units, that's one
(6) of the questions.

(7) MR. OTLOWSKI: I would have him
(8) testify that it would probably be rentals. But
(9) I'll bring him up.

(10) But as far as my expert witness,
(11) is there any other questions?

(12) CHAIRWOMAN SZARO: Any other
(13) questions for Mr. Farrell? Okay. Thank you.

(14) (Whereupon, Kevin O'Brien is
(15) duly sworn.)

(16) MR. STAHL: Please state your
(17) name and spelling your last name, please.

(18) MR. O'BRIEN: My name is Kevin
(19) O'Brien, O-'-B-R-I-E-N.

(20) MR. STAHL: Go ahead, George,
(21) why don't you qualify him.

(22)
(23) QUESTIONING OF MR. O'BRIEN BY MR. OTLOWSKI:

(24)
(25) Q Are you licensed in the State of

(1) New Jersey?

(2) A I am. I have that privilege and
(3) honor. I am not only licensed in the State of
(4) New Jersey, I have my certification from the
(5) American Institute of Certified Planners, my
(6) license is up-to-date and in good standing.

(7) I have appeared before over 250
(8) boards in this state, here in Middlesex County I
(9) have appeared in Carteret, Highland Park,
(10) Milltown, New Brunswick, North Brunswick, Perth
(11) Amboy, Piscataway, Sayreville, South Brunswick,
(12) South Plainfield and Spotswood. I teach planning
(13) and zoning at Rutgers as an adjunct, and I do
(14) classes for the New Jersey Association of
(15) Planning Officials, as well as the New Jersey
(16) Association of Planning and Zoning
(17) Administrators.

(18) MR. OTLOWSKI: I would like the
(19) board to recognize him as a planner?

(20) CHAIRWOMAN SZARO: Any
(21) objections? None.

(22) A Thank you, Madam Chair. Mr.
(23) Farrell has discussed the relief that's required.
(24) So because this is a use variance and we have to
(25) meet a number of prongs of criteria for you to be

(1) able to grant this variance, let's go right to
(2) the unique aspect of the application.

(3) The site itself is oversized, at
(4) 55,000 square feet it is 11 times larger than
(5) what is required for a single-family home in the
(6) RA zone. But as you know, there is steep slope
(7) restraints which constrain the eastern side of
(8) the property. So we believe that because of the
(9) size of this lot, that the lot can accommodate
(10) the additional buildings without any problem.

(11) Adequate parking is provided,
(12) not only are the spaces in the garage and on the
(13) driveway adequate for the ordinance, but also
(14) more than adequate for the residents and
(15) additional parking is being provided.

(16) Housing as you know is in great
(17) demand. Housing prices have skyrocketed, what
(18) will happen in the future, none of us know. If
(19) you know, please let me know so I can invest
(20) properly. But right now, prices are very very
(21) high. There is a great demand for housing, all
(22) types of housing from rental to ownership, to
(23) townhomes, to single-family homes. Since Covid,
(24) this trend has just taken off and right now there
(25) is no end in sight. So we will see what happens

(1) but because there is such a great demand for
(2) housing, we believe that there is no problem in
(3) marketing these homes, we believe that there is
(4) great demand here in South Amboy.

(5) South Amboy as you know is great
(6) location. You have got access to the train
(7) station, access to the future ferry terminal as
(8) well as the regional highway network. People
(9) want to live here because of its location.

(10) As a use variance, as I said, we
(11) have to meet certain criteria including that we
(12) support the purposes of the municipal land use
(13) law that is found in chapter 40-55D, section two
(14) where the purposes of zoning are listed. And
(15) among those purposes that I believe this
(16) application meets are purpose A, to encourage
(17) municipal action to guide the appropriate use or
(18) development of all lands in the state in a manner
(19) that will promote the public health, safety,
(20) morals and welfare. And I believe this
(21) application promotes the general welfare by
(22) providing a much needed residential use.

(23) Item C, to provide adequate
(24) light, air and open space. This is a very large
(25) oversized lot as we have discussed which will

(1) provide 82 percent of open space, far above what
(2) is required for a single-family home, which is at
(3) 40 percent and because of that large open space
(4) of 82 percent, adequate light, air and open space
(5) are being provided.

(6) Item G is to provide sufficient
(7) space in appropriate locations for a variety of
(8) residential uses and this provides, this proposal
(9) does provide a residential use, it's particularly
(10) suited for it, there is a residential use on it
(11) now and it has been a residential property for
(12) quite some time.

(13) Item I is to promote a desirable
(14) visual environment, and we believe the new
(15) townhomes will compliment the neighborhood, we
(16) will preserve the existing slope in the wooded
(17) area and maintain the character of the community
(18) and based upon these purposes of zoning, I
(19) believe this application conforms with these
(20) passages from the municipal land use law.

(21) In addition to that we have got
(22) to show you that we conform with the master plan
(23) and the 2017 master plan does list a number of
(24) objectives on page seven through nine. Among
(25) those are objectives are and I quote, promote a

(1) desirable visual environment through creative and
(2) flexible development techniques, second one is
(3) provide for a variety of housing types designed
(4) to support and address the housing needs of a
(5) population representing a range of income groups
(6) and then lastly, an established residential
(7) neighborhood to encourage new residential
(8) developments in locations and densities which are
(9) compatible with the existing development
(10) patterns.

(11) I believe this application meets
(12) those goals. It preserves the residential
(13) character of the neighborhood, a desirable visual
(14) environment is promoted by the new buildings, the
(15) townhomes address a need for a sector of housing
(16) which South Amboy is quite familiar with and the
(17) 82 percent open space shows a much less than
(18) average density.

(19) We also have to show you that
(20) there will or will not be a negative impact as a
(21) result of the granting of the variance. I don't
(22) believe that there will be a negative impact. I
(23) can't identify any. The fact that this hearing
(24) was noticed in accordance with the municipal land
(25) use law, to all neighbors within 200 feet and

(1) none are here to object or state an opinion on it
(2) I think speaks to the negative impact of this
(3) application upon those adjoining neighbors.

(4) But I believe that this
(5) application is going to be a positive for the
(6) City of South Amboy. This allows new residents
(7) to enjoy the city and all that it has to offer.
(8) Seniors may wish to downsize to stay in the city
(9) or young people may wish to start their homes
(10) here at this location.

(11) There will be a number of
(12) economic advantages to this application, not only
(13) increase in ratables which is an advantage but
(14) the cost of construction will not spent in local
(15) home supply stores, the work people who are going
(16) to be working on this house are going to be
(17) spending their days here, spending their money on
(18) lunches and supplies and other things as they
(19) work through the day, so I believe there will be
(20) a positive economic impact upon the city as a
(21) whole.

(22) So in order to meet the proofs
(23) for a use variance, we have got to show you that
(24) we meet the three prongs of the criteria, that
(25) there are special reasons which are based in the

(1) municipal land use law, that there is a positive
(2) criteria met based on the master plan of the
(3) zoning ordinance, and lastly, we meet the
(4) negative criteria.

(5) I believe that we have met the
(6) special reasons because we have shown that we
(7) meet the goals of municipal land use law in items
(8) A, C, G and I. Positive criteria is met by
(9) showing you that we have met the goals of the
(10) master plan, this application supports those
(11) goals by providing for a balanced variety of
(12) housing, promoting a desirable visual environment
(13) and creating a less than average housing density
(14) in this particular area which protects the
(15) character of the neighborhood.

(16) The negative criteria are met,
(17) there will be no negative impact on nearby homes
(18) of the area and in fact will be a positive for
(19) the city as a whole.

(20) The existing bulk variances can
(21) be granted under a C-1 hardship argument due to
(22) the steep slope conditions on the lot which
(23) constrain development, and a bulk variance is
(24) subsumed within the D-1 use variance for both the
(25) use itself of the townhomes and the height which

(1) is a D-6.

(2) So in conclusion, I believe that
(3) this application can be granted without
(4) substantial detriment to the public good, and
(5) without substantial impairment to the zone plan
(6) and zoning ordinance.

(7) I welcome any questions, Mr.
(8) Otlowski.

(9) MR. STAHL: May I ask a couple
(10) of questions?

(11) CHAIRWOMAN SZARO: Certainly,
(12) Mr. Stahl.

(13) MR. STAHL: Just several if you
(14) will, first of all, are you familiar with whether
(15) these are going to be rentals or sales?

(16) A I defer to Mr. Otlowski.

(17) MR. STAHL: Number two, not
(18) trying to -- not trying to lay up any softball, I
(19) want to be transparent so the board understands,
(20) that's my role, could this project have been, not
(21) that it should have been, subdivided into
(22) single-family homes?

(23) The question is not a loaded
(24) question. It's a question that the board I think
(25) would want to just consider not that it should

(1) be. No one is looking for it, but either under a
(2) conditional use or something else and similar
(3) traffic load, population load might occur if that
(4) was an alternate proposal. Am I correct? I am
(5) not suggesting that. The board has to know these
(6) things in their consideration.

(7) A I would suggest, Counsel, that
(8) that is probably an answer best given by the site
(9) Engineer who can tell you what could fit on the
(10) area that's available for development.

(11) MR. STAHL: Again, not trying to
(12) -- just so you know, George, I am not
(13) entertaining that the applicant should have done
(14) something else, I just think in terms of what the
(15) board would want to know that, you know, these
(16) are two two-family townhouses and that whether or
(17) not this project were to come along and they look
(18) at it favorably, that's fine. If they say, well,
(19) I am not so sure, there could be other equivalent
(20) uses which may not be that different.

(21) MR. OTLOWSKI: Right.

(22) MR. STAHL: That's my right
(23) point. I am always very careful, my only side is
(24) the board's side. I understand.

(25) A One of the purposes of the

(1) municipal land use law is to seek the more
(2) efficient use of the land. And having three
(3) townhome buildings rather than six residential
(4) buildings is certainly far more efficient in that
(5) it takes up much less room, six single-family
(6) homes would take up 60,000 square feet of the
(7) 80,000 -- of the 55,000 square foot lot.

(8) MR. STAHL: You actually
(9) answered the question that I asked in your own
(10) articulate fashion. I mean, you know, I am not
(11) trying to help you, you don't need the help, as I
(12) said, I just want the board to be fully aware of
(13) all issues. Thank you.

(14) A Well, having not been presented
(15) with that plan, but this is certainly --

(16) MR. STAHL: I don't want you to
(17) misread it. You answered that question very
(18) well.

(19) CHAIRWOMAN SZARO: Thank you,
(20) Mr. Stahl. Does the board have any questions for
(21) Mr. O'Brien?

(22) MR. PAULUKIEWICZ: These are not
(23) questions but they are statements, I guess
(24) disagreements with what you were saying about the
(25) things of master plan, to have housing affordable

(1) or housing available to people of various means
(2) and being on the planning board, living in this
(3) community, now for the return trip of almost
(4) seventeen years, I see everything, it's quite
(5) expensive, even the rentals, that if I went back
(6) to work full-time, I still couldn't afford to
(7) live in any of these units, and I don't know what
(8) you will be charging for rent, but it's probably
(9) a market rate which could effect that.

(10) The character of the
(11) neighborhood, it's zoned single-family use, and
(12) you are saying this won't change the character,
(13) but up there a lot of it is predominantly
(14) single-family homes.

(15) I had one more thing, and again,
(16) it hits me, greatest thing is that retired people
(17) will come to South Amboy to want to live, and
(18) with the new developments that are coming in,
(19) these new apartments, that there is such a
(20) demand, they are not affordable, I have been
(21) looking for years, and there is nothing I could
(22) afford. Those are my comments to you.

(23) A Well, I certainly can't disagree
(24) with a comment, because that's your personal
(25) experience. I too am seeking to downsize. But

(1) when the master plan talks about housing
(2) available for all the various price points, just
(3) because you or I would not want to or can afford
(4) a particular location, there are others who can,
(5) and the fact that we can draw them to South Amboy
(6) and have that money stay here at that price point
(7) that they are comfortable with I think is
(8) something that is an advantage to the community.

(9) I look at these kids today
(10) buying million dollar homes. My parents' house
(11) in 1960 cost \$10,000. I won't tell you what my
(12) first one cost. I look at the numbers and say
(13) woah, how is it happening, it's happening in town
(14) after town, they are buying them, they are
(15) affording them, they are maintaining them, it's a
(16) different price point then what folks like you
(17) and I are used to.

(18) MR. PAULUKIEWICZ: It's also
(19) what most other people can't afford those. There
(20) has been an article in the New York Times saying
(21) everybody is stuck because at this level, this is
(22) the price and nobody is moving because nobody is
(23) moving up because they can't afford that next
(24) step.

(25) A Interesting.

(1) MR. PAULUKIEWICZ: These are
(2) things I see in town, and I think there is a
(3) price is one thing, but the character in the
(4) neighborhoods that South Amboy Historical
(5) Society, Historical Preservation Commission
(6) looking at buildings, and the place I live in is
(7) approximately 100 years old, but it's a stable
(8) community, it's here, it's improving.

(9) The character of the town and of
(10) the city of the single-family homes that are --
(11) make it important, make it what it is, and I
(12) don't think this would really fit that
(13) neighborhood.

(14) A I think that if you were putting
(15) this in the middle of a developed residential
(16) neighborhood, there would be a different story to
(17) this, but the fact you have got an entire eastern
(18) side which has the slopes, the woods and goes
(19) down to the pool makes this less of a problem
(20) than it would be in a completely developed one
(21) square block single-family residential homes,
(22) because this, once you get down Ferris, I mean
(23) you are going down to the pool if you are going
(24) anywhere.

(25) MR. PAULUKIEWICZ: If you go

(1) fast enough, you are going out to the bay.

(2) A I heard that happens on
(3) occasion.

(4) CHAIRWOMAN SZARO: Thank you,
(5) Bob. I am sorry, are there any other questions
(6) for Mr. O'Brien? Okay. Thank so you so much.

(7) A Thank you, Madam Chair.

(8) MR. OTLOWSKI: I think the board
(9) wanted to hear from Jack O'Leary.

(10) (Whereupon, John Thomas O'Leary
(11) is duly sworn.)

(12) MR. STAHL: State your name,
(13) spelling your last name.

(14) MR. O'LEARY: My name is John
(15) Thomas O'Leary, O-'-L-E-A-R-Y, 662 South Stevens
(16) Avenue, South Amboy, New Jersey.

(17) MR. STAHL: Mr. Otlowski?

(18)

(19) QUESTIONING OF MR. O'LEARY BY MR. OTLOWSKI:

(20)

(21) Q There was a question as to
(22) whether or not you are going to be renting it or
(23) --

(24) A Well, first of all, they are for
(25) sale but we all know if you are going to finance,

(1) there is no bank going to give you financing
(2) unless there is a rental clause in there in case
(3) they don't sell, even the biggest developments in
(4) the State of New Jersey. That's just the way it
(5) goes with financing.

(6) Secondly, and in regards to the
(7) neighborhood, that particular property is
(8) surrounded by two-family units. The point of
(9) fact, when you cross Pine Avenue, you have a
(10) string of row houses that are adjacent to this
(11) particular piece of property. So it's more
(12) conducive to a -- the way it's established right
(13) now, it's more of a multi-family neighborhood
(14) than it is a single-family neighborhood, and
(15) that's not the purpose of why it was designed to
(16) be built this way.

(17) We took the Frog Hollow is swim
(18) club in consideration, we felt there should be a
(19) huge buffer, not coming down and bastardizing the
(20) property, and tearing apart all the trees and put
(21) houses on a hill, that would do away with the
(22) island that Frog Hollow now enjoys. That
(23) particular island is in a city right of way that
(24) blocks the property.

(25) We felt we wanted to develop a

(1) project here that would accommodate Frog Hollow,
(2) have a good entrance and be a good neighbor to
(3) Frog Hollow with this big buffer between the swim
(4) club and the project.

(5) MR. STAHL: Jack, just to make
(6) the record clear, it's the present intent to sell
(7) these units?

(8) A Absolutely sure, yes.

(9) MR. STAHL: And therefore you
(10) would create a townhouse association?

(11) A There would be a homeowner's
(12) association, it doesn't need to go to DCA, it's
(13) under a certain amount of units, but of course --

(14) MR. STAHL: You have your common
(15) area and typical master deed, et cetera, et
(16) cetera.

(17) A That's right. So as the board
(18) looks at this, I think we took some things into
(19) consideration, we didn't -- we could have tried
(20) to come in and had a subdivision for five, it's
(21) actually 200 feet, so you are going to get more
(22) than six lots, but the house would be sitting up
(23) against the picnic area down in Frog Hollow, the
(24) road would have to be ripped up, the island would
(25) be gone, doesn't make sense to do it that way, so

(1) we felt a smaller project, six units, with the
(2) townhouse type development considering that most
(3) of those units that surround this particular
(4) piece of property are multi-family.

(5) MR. STAHL: Okay.

(6) CHAIRWOMAN SZARO: Thank you,
(7) any other questions for Mr. O'Leary? Thank you.

(8) MR. OTLOWSKI: That's the
(9) presentation.

(10) CHAIRWOMAN SZARO: Okay. Thank
(11) you. At this time do I have a motion to open the
(12) application up to the -- the hearing up to the
(13) public? Anyone from the public who would like to
(14) be heard only on this application.

(15) MR. STAHL: Is there a motion?

(16) MR. KOMINKIEWICZ: So moved.

(17) MS. KERN: Second.

(18) CHAIRWOMAN SZARO: No one from
(19) the public. Do I have a motion to close?

(20) MR. GONZALES-GOMEZ: Motion to
(21) close.

(22) MS. KERN: Second.

(23) CHAIRWOMAN SZARO: Okay.

(24) MR. VALETUTTO: I just have one
(25) more question that came up while I was listening

(1) to the presentations, I think it's probably best
(2) directed to Frank, the Engineer.

(3) We never touched upon the
(4) construction of the fence as far as height,
(5) material, solid, chain link. One thing I wanted
(6) to bring up, maximum of four feet high is allowed
(7) in a front yard, also because of the fact that
(8) you are on the high side of the elevation, I
(9) wasn't sure if you are going to look for a four
(10) foot fence all the way around because it's not
(11) really for privacy, it's more for the falling
(12) hazard over the wall so if you can touch upon
(13) that.

(14) MR. FARRELL: Sure. I would
(15) offer that the fence will be fully compliant with
(16) the City of South Amboy's fencing ordinance and
(17) requirements, the four feet in the front yard.

(18) If it was going to change in
(19) height at the -- where it leaves that front yard,
(20) along the remainder of the perimeter --

(21) MR. VALETUTTO: 25 feet back you
(22) can go up to six foot but I don't know if Mr.
(23) O'Leary, because then that now eliminates his
(24) views --

(25) MR. FARRELL: Right, the fence

(1) is as tall as I am. I believe the requirement
(2) would be that we would probably limit the fence
(3) height as required to four feet in the front yard
(4) and probably be all the way around. But the
(5) moral of the story is it will be compliant with
(6) the city's ordinance.

(7) MR. VALETUTTO: Solid board on
(8) board fence?

(9) MR. O'LEARY: I think the
(10) ordinance of South Amboy requires board on board.

(11) MR. VALETUTTO: Just wanted to
(12) make sure the board was aware of the fence.

(13) CHAIRWOMAN SZARO: Anyone else
(14) have questions?

(15) Then at this time do I have a
(16) motion to approve application 427-22, Mr. Stahl,
(17) will you outline the conditions?

(18) MR. STAHL: Yes, the conditions
(19) of the approval, well, the motion will be made,
(20) you can -- we always go positive rather than
(21) negative, so the motion to approve the
(22) application, which will approve the use variance
(23) both as to height and use, that being the number
(24) of units in a single-family zone and the height
(25) variance and then we are -- the board would also

(1) be granting the bulk variances with regard to
(2) minimum rear yard maximum building height,
(3) maximum building height on stories, maximum
(4) dwelling units per unit per building and waivers
(5) as requested for sidewalk along the frontage and
(6) the right-of-way and curb distance to the
(7) property line.

(8) The rest -- the approval would
(9) be subject to the normal and customary conditions
(10) as we set forth in the resolution with regard to
(11) outside agencies, paying all required fees and
(12) the satisfaction of all representations made by
(13) any witness with respect to response to the AJV
(14) Engineering, Inc. report dated June 15, 2022
(15) which has been addressed by both the architect
(16) and the Engineer. It would also be subject to an
(17) order to protect the municipality and the future
(18) owners of the units a condominium form of
(19) association in order that all common areas are
(20) undertaken by the association and so the city
(21) does not have any obligation or any improvements
(22) on that site, that would be an agreement which
(23) would be subject to review by Mr. Valetutto and
(24) myself, once drafted, and all other
(25) representations made by counsel and the witnesses

(1) are conditions of approval. It has been
(2) indicated that this will be a for sale project
(3) and those are the conditions that are subject to,
(4) there is no Sara approval necessary on this, and
(5) those would be all of the conditions.

(6) CHAIRWOMAN SZARO: Thank you,
(7) with those conditions, do I have a motion to
(8) approve?

(9) MR. GONZALES-GOMEZ: So moved.

(10) CHAIRWOMAN SZARO: Do I have a
(11) second?

(12) MR. KOMINKIEWICZ: Second.

(13) CHAIRWOMAN SZARO: Role call?

(14) CLERK RUSSO: Chairwoman Szaro?

(15) CHAIRWOMAN SZARO: Yes.

(16) CLERK RUSSO: Scott

(17) Kominkiewicz?

(18) MR. KOMINKIEWICZ: Yes.

(19) CLERK RUSSO: Janet Kern?

(20) MS. KERN: Yes.

(21) CLERK RUSSO: George Gonzales?

(22) MR. GONZALES-GOMEZ: Yes.

(23) CLERK RUSSO: William DeMasi?

(24) MR. DEMASI: Yes.

(25) CLERK RUSSO: Robert

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)
- (18)
- (19)
- (20)
- (21)
- (22)
- (23)
- (24)
- (25)

Paulukiewicz?

MR. PAULUKIEWICZ: Yes.

CLERK RUSSO: Francis Mulvey?

MR. MULVEY: Yes.

CLERK RUSSO: Motion passes.

(Whereupon, the matter is
adjourned at 8:13 p.m.)

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)
- (18)
- (19)
- (20)
- (21)
- (22)
- (23)
- (24)
- (25)

CERTIFICATE OF OFFICER

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date as hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Stephanie Lyn Rahn

STEPHANIE LYN RAHN
 License No. 975352
 Notary Public of the
 State of New Jersey
 My Commission Expires
 April 18, 2027