

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
July 27, 2022

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

Members absent: Mary Szaro, George Baranowski, Gary Forshner

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 Council President Michael Gross, seconded by Jorge Gonzalez-Gomez, to accept the Minutes of June 22, 2022, Motion carried: 9-0, 1 abstention.

Vice-Chairman Scott Kominkiewicz 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 August 24, 2022

Application: 432-22 – Ruzhdi Jusufi

117 -119 S. Pine Avenue / Block 76, Lot 7

Mr. Otlowski, Esq. informed the Board that the applicants Engineer was unable to attend the meeting and asked if the application be carried to September 28, 2022, meeting without re-notice.

RESOLUTIONS

Resolution: PB 15-22

Application: 427-22 – William O’Leary

357 Ferris Street / Block 17, Lots 16 & 18

Motion by Robert Paulukiewicz, seconded by Jorge Gonzalez-Gomez to accept the Resolution granting Use Variance, Bulk Variance, Waivers and Preliminary and Final Site Plan Approval. Motion carried: 6-0, 4 abstentions.

PUBLIC HEARING

Application: 433-22 – Grand Home Investment XII, LLC.

104 S. Rosewell Street / Block 38, Lot 2

Please refer to the transcript

Prior to the hearing Andrew Horezga stated he would be recusing himself from this application being he is in the 200ft radius of the applicant.

Vice Chairman Kominkiewicz asked for a motion to open this portion of the meeting to the public. Motion by Council President Michael Gross seconded by Janet Kern. With no public to speak on this matter Vice Chairman Kominkiewicz asked for a motion to close this portion of the meeting. Motion by Thomas Kelly, second Janet Kern.

Vice Chairman Kominkiewicz asked for a motion to approve the Minor 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 30, 2022, and all conditions outlined by Mr. James E. Stahl, Esq.

Motion by Jorge Gonzalez-Gomez, seconded by Council President Michael Gross.

Motion carried 7-0, 0 abstention

DISCUSSION - NONE

CORRESPONDENCE – NONE

Vice Chairman Kominkiewicz asked for a motion to open the meeting to the public. Motion by Thomas Kelly, seconded by Janet Kern. With no one from the public wishing to speak, Vice Chairman Kominkiewicz closed the meeting to the public.

Vice Chairman Kominkiewicz announced that the next scheduled meeting would be held in person on Wednesday, August 24, 2022, at 7:00 pm.

Vice Chairman Kominkiewicz called this meeting to adjourn. All in favor.

Respectfully submitted,

Amy Russo

Planning Board Secretary

Minutes Approved on September 28, 2022

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

2 CONVERY, CONVERY, AND SHIHAR
3 32 Main Street
4 Suite 1
5 Edison, New Jersey 08837
6 BY:BERNARD SHIHAR, ESQ.
7 Attorneys for applicant

8
9 FLETCHER ENGINEERING, INC
10 54 W. Pond Road
11 Hopelawn, New Jersey 08861
12 BY:PAUL FLETCHER

13 DUGASZ & BROWER ARCHITECTS, PC
14 24 Egan Avenue
15 Fords, New Jersey 08863
16 BY:DAVID DUGASZ

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19
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21
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A L S O P R E S E N T:

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INDEX OF EXHIBITS

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NONE		

REQUESTS FOR DOCUMENTS/INFORMATION

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DIRECTIONS NOT TO ANSWER

PAGE-LINE

1 CHAIRMAN KOMINKIEWICZ: This evening, we
2 have two hearings on applications, and the first one
3 is for application 433-22, the applicant is Grand
4 Home Investment, XII, LLC, and representing the
5 applicant is Mr. Bernard Shihar.

6 MR. SHIHAR: Thank you.

7 CHAIRMAN KOMINKIEWICZ: Greetings.

8 MR. SHIHAR: Good evening, Mr. Chairman,
9 members of the board, Mr. Stahl. My name is Bernard
10 Shihar, from the firm of Convery, Convery, and
11 Shihar, representing the applicant, Grand Home
12 Investment XII, LLC. This is an application
13 regarding property known as 104 South Rosewell Road,
14 also known as block 38, lot 2 in the RA zone.

15 Presently existing on the property is a
16 two story single family home. The applicant's
17 proposal is to demolish that home, and build a new
18 single family home with a first floor garage. We are
19 seeking a minor site plan approval, and some
20 relatively minor bulk variances for lot coverage
21 where 25 percent is permitted, and we're asking to be
22 allowed to have 29.1 percent. Our maximum building
23 height permitted is 35 feet, we're asking for 36.82
24 feet, and the number of stories permitted is two and
25 a half, we're asking for three.

1 I have with me our engineer, Mr. Paul
2 Fletcher, who is also a licensed planner, and David
3 Dugasz, the architect, and also the principal of
4 Grand Home Investment. Unless there are any
5 preliminary questions, I'll call my first witness.

6 CHAIRMAN KOMINKIEWICZ: Board? Please
7 do.

8 MR. SHIHAR: Mr. Fletcher?
9

10 PAUL FLETCHER, F-L-E-T-C-H-E-R, having first been
11 duly sworn, testified under his oath as follows:

12 MR. STAHL: Mr. Shihar, he's been here
13 before, but just want to make some preliminary.

14 MR. SHIHAR: Mr. Fletcher, you're a
15 licensed engineer and planner in the State of New
16 Jersey, correct?

17 MR. FLETCHER: That is correct.

18 MR. SHIHAR: How many boards, zoning and
19 planning, have you testified before?

20 MR. FLETCHER: Fifty.

21 MR. STAHL: Mr. Chair, as you recall, Mr.
22 Fletcher has been before this board, I would guess
23 six to twelve times, so it's up to the board whether
24 they want to accept his qualifications.

25 CHAIRMAN KOMINKIEWICZ: Any objections

1 to accept? Okay.

2 MR. STAHL: Just for the record, Mr.
3 Fletcher is being qualified by this board for
4 purposes of engineering and professional planning.
5 Mr. Shihar?

6 MR. SHIHAR: Mr. Fletcher, you were hired
7 by the applicant to prepare the plans for this
8 particular application?

9 MR. FLETCHER: That is correct.

10 MR. SHIHAR: And did you visit the subject
11 property and become aware of it's present situation?

12 MR. FLETCHER: Yes.

13 MR. SHIHAR: Please tell the board how it
14 presently exists.

15 MR. FLETCHER: Yes, there's an existing
16 one-story framed dwelling in rather poor condition,
17 it's clearly obsolete and nonfunctional.

18 CHAIRMAN KOMINKIEWICZ: Mr. Shihar, as a
19 point of order, I'm sorry, Mr. Fletcher, for Mr.
20 Horezga --

21 MR. STAHL: We have a recusal. He's
22 within the 200 foot. And we want you to keep your
23 voice up a little. And Ms. Court Reporter, if you
24 would like to move closer to Mr. Shihar, or to that
25 area.

1 MR. SHIHAR: You can continue, Mr.
2 Fletcher.

3 MR. FLETCHER: Yes, the applicant
4 intends to demolish the existing structure and
5 construct a new three-story, five-bedroom single
6 family dwelling. Subject property is in the RA zone,
7 where five thousand square feet is required, 5,027
8 feet exists. The property is 50.27 wide by 100 feet
9 deep. All the bulk setback requirements are being
10 complied with. The front, rear, and sides, we're
11 exceeding the side yard setbacks by two and a half
12 feet on each side. The front setback is 32, we are
13 looking for 25.

14 There are two variances that are being
15 requested, first is the building height and storage,
16 where allowed is 35 feet and two and a half stories,
17 proposed is 36.82 feet, and three stories. The
18 reason this is requested and frankly necessary, is
19 because this is in a flood zone. We're elevating the
20 two floors above an enclosed area that will also
21 serve for storing cars so that our finished floor is
22 well above the flood zone elevation of 14, our
23 finished total will be at 18.2. We are also
24 providing the appropriate flood vents that are
25 required for any property that is in the flood zone.

1 The other variance is for lot coverage.
2 25 percent is allowed, 29.1 percent is proposed.
3 This is not something that is, in my mind,
4 significant. Because of the complying with the side
5 setback and in fact exceeding them, the variance is
6 caused by perhaps a little increase in the depth of
7 the building, which will not be noticeable for the
8 passing public or anybody walking by the property, so
9 it won't look overbuilt on the lot, it's only four
10 percent, 4.1 percent above the allowable 25 percent.

11 The two variances can be granted under
12 the C(2) criteria where the benefits outweigh the
13 detriments. I see no negative impact to the
14 neighborhood, in fact I see a positive effect by
15 bringing in a new aesthetically pleasing construction
16 into this yard and removing a rather poor looking
17 existing building.

18 MR. STAHL: Mr. Fletcher and Mr. Shihar,
19 you are in receipt of the AJV Engineering report
20 dated June 30, 2022, am I correct?

21 MR. SHIHAR: You're correct, Mr. Stahl.

22 MR. STAHL: And Paul, you may want to
23 just address, unless someone else is going to do it,
24 the questions on page four and five, number one, and
25 then number two. Our usual question is, are there

1 any items in the report, the AJV report, that the
2 applicant cannot satisfy? So, however you want to
3 cover those two questions.

4 MR. SHIHAR: What is the date of that
5 report?

6 MR. STAHL: June 30. Paul should have
7 one. We have copies.

8 MR. SHIHAR: Let me have it, rather than
9 look for it. Thank you.

10 MR. FLETCHER: Okay, first of all, the
11 bulk of Mr. Valetutto's report complies with all his
12 comments with regards to the questions requiring
13 testimony. He notes that the date of the plan is
14 shown as 2/28/22, it's the Fletcher Engineering
15 policy to date, the plan and the date of the -- which
16 was February 28, '22. The date of the property
17 owner's list is later than that, I guess that's
18 the date we received the list. So the --

19 MR. VALETUTTO: Excuse me, Mr. Fletcher,
20 you're saying field work, you're talking about your
21 survey, this is the site plan, not the survey. That
22 is why the date is incorrect.

23 MR. FLETCHER: We would be happy to
24 change the date. As I said, our policy is the date,
25 our site plan is the same date as the survey, but

1 we'll change it. Number 2, what is the proper street
2 address for Grand Homes? Mr. Shihar, I understand it
3 to be 1297 Centennial Avenue.

4 MR. SHIHAR: It's 5266 Foster Street,
5 Piscataway, New Jersey 08854.

6 MR. FLETCHER: We will revise the plan
7 to show that address. Number 3, justification of the
8 three bulk variances, the construction of three
9 stories to get above the flood zone elevation, I
10 previously testified yes. I believe the other
11 variance of lot coverage is de minimus.

12 CHAIRMAN KOMINKIEWICZ: Mr. Fletcher,
13 you stated that the difference is de minimus, it's
14 nearly five percent, and it is a standard-sized city
15 lot, so I'm just curious, what is, what requirement
16 do you have, or does the applicant have, to exceed
17 the 25 percent lot coverage? What is the benefit to
18 either the applicant, and/or the community to exceed
19 that?

20 MR. FLETCHER: That's a building issue I
21 would like to defer to the architect.

22 MS. MULVEY: Can you please speak louder?

23 MR. FLETCHER: That's a building issue I
24 would like to defer to the architect for the owner.

25 MR. STAHL: Okay, we'll do that. Any

1 other questions, Mr. Valetutto?

2 MR. VALETUTTO: He's still got a couple
3 more.

4 MR. STAHL: And then the five is our
5 existing lateral or new laterals.

6 MR. FLETCHER: Yeah, number 4, the
7 grass, the elevated wood deck, and we will have a pad
8 that will go up to the stairs and if possible, the
9 existing laterals will be used if they're in good
10 condition.

11 MR. VALETUTTO: And if that's the case,
12 then we need to have the report for the sanitary
13 sewer inspection and the city of the DV, whichever
14 professional company you utilize.

15 MR. FLETCHER: We'll have it, we'll
16 provide documentation to you.

17 MR. VALETUTTO: Paul, does that conclude
18 your testimony?

19 MR. FLETCHER: Yes.

20 MR. PAULUKIEWICZ: Are you going to
21 address the other things on the architectural plan if
22 you're going to address them?

23 MR. STAHL: There's an architect.

24 MR. VALETUTTO: Just a couple of
25 housekeeping comments. After the review, and after

1 the report went out, I did notice that the concrete
2 curb detail, the title shows a six-inch reveal, and
3 the detail itself shows an eight-inch reveal, so that
4 needs to be revised to six inches to conform with the
5 city standards.

6 And also during testimony, we heard about
7 the height being 36.82 feet, and the lot coverage
8 being 29.1 percent based on the gross floor square
9 footage, and also the exterior dimensions provided by
10 the architect. The actual height is 36.75 feet, and
11 the lot coverage is actually 29.68 percent, both of
12 which are included in my report on page 5 of 5.

13 CHAIRMAN KOMINKIEWICZ: Any other
14 questions or comments from the board?

15 MR. KELLY: Yeah, Mr. Fletcher, can you
16 just speak to the existing fencing that is depicted
17 in the proposed plan? I see here that there is a
18 chain link fence across the front of the property, is
19 that existing or proposed?

20 MR. FLETCHER: That is existing, clearly
21 that will be removed.

22 MR. KELLY: So, is all of the chain link
23 fence going to be removed that is depicted in the
24 drawings? Because some of it, apparently, on the
25 northern end is on the adjacent property and appears

1 as though on the left hand side, the southern end is
2 also on someone else's property. But in the rear and
3 in the front it appears to be on the property of this
4 proposed lot.

5 MR. FLETCHER: If the fence belongs to
6 the client, our property, it will be removed. There
7 is a PVC fence on the left, and I suspect the owner
8 to the left, if the chain link fence on the right
9 belongs to the adjoining property, clearly that will
10 stay. If it belongs to us, it will be removed.

11 MR. KELLY: So, is the property owner, I
12 guess we can wait to get testimony from the property
13 owner, I guess, is the property owner going to reside
14 here, or is this going to be sold? I can hold off on
15 the question until you --

16 MR. FLETCHER: I understand it will be
17 sold.

18 MR. KELLY: It's a spec house?

19 MR. FLETCHER: Yes.

20 MR. KELLY: So, are they proposing the
21 fence?

22 MR. STAHL: Well, we just want to know
23 if, either the fence will be removed, or the fence
24 will stay so the resolution can be consistent. So
25 what, Mr. Kelly, you want to leave it, you leave it,

1 you can also take it away later on. The board just
2 wants to know, with regard to that item, what's going
3 to happen to it. Tom, you have a problem with the
4 chain link, is that an issue?

5 MR. KELLY: No, I'm just curious because
6 it's unusual to have a fence across the front of a
7 parcel. It's not really --

8 MR. PAULUKIEWICZ: If I may?

9 MR. KELLY: It's not really fitting in
10 with the residential look.

11 MR. VALETUTTO: Also, Mr. Stahl, there
12 would have to be some sort of gate installed if they
13 are going to leave the fence in order for cars to
14 access the driveway and the garages, so it's probably
15 easier just to remove it.

16 MR. KELLY: And I guess my question is,
17 is there gonna be a fence proposed?

18 MR. STAHL: Mr. Shihar, why don't we do
19 it this way so we don't waste time. During a short
20 break or when you got your architect up, you can just
21 talk to your client and just tell us what he wants to
22 do because as Mr. Valetutto said, there is gonna have
23 to be a gate for vehicles anyway.

24 MR. PAULUKIEWICZ: If I could, I went
25 past the property today, and I usually run pass it,

1 the fence across the front of the property is there
2 to keep people out because this house has been
3 destroyed during Sandy, it's all boarded up, so
4 that's why that fence across the front of the
5 property. The property to the right is a city park,
6 it's a playground area, so maybe that fence is there
7 for the playground to keep the kids there and off the
8 property. All I can say is the fence out front had
9 been there before, but after, I guess looking at the
10 property, you can see it's there to keep people out.

11 CHAIRMAN KOMINKIEWICZ: So, perhaps then
12 it would be best if the applicant, and it's of
13 course, up to the applicant, to plan to remove the
14 fence. In keeping with the rest of the neighborhood
15 and it being that it would defeat, it had a purpose
16 at one time, but being a new home, it would not have
17 a purpose anymore.

18 MR. FLETCHER: Clearly the applicant
19 intends to remove the fence across the front, as he
20 mentioned any of the fences that are his, he will
21 remove.

22 CHAIRMAN KOMINKIEWICZ: Thank you. Any
23 other questions? Any other comments? Mr. Fletcher,
24 your testimony? No? Thank you. Mr. Shihar?

25 MR. SHIHAR: I call David Dugasz, our

1 architect.

2

3 DAVID DUGASZ, D-U-G-A-S-Z, having first been duly
4 sworn, testified under his oath as follows:

5 MR. STAHL: State your name and spell
6 your last name.

7 MR. DUGASZ: My name is David Dugasz,
8 D-U-G-A-S-Z-as in Zebra, I am one of the owners of
9 Dugasz Architects who prepared the plans. My office
10 is located in Fords. I've been licensed for
11 approximately 24 years, and I have presented in front
12 of numerous boards. I presented once or twice here.

13 MR. SHIHAR: I ask that his credentials be
14 accepted as an architect.

15 CHAIRMAN KOMINKIEWICZ: Any questions or
16 comments from the board members? Seeing there are no
17 concerns.

18 MR. STAHL: Qualified as an architect and
19 testify, just keep your voice up.

20 MR. DUGASZ: Is that better?

21 MR. STAHL: Yes.

22 MR. SHIHAR: Mr. Dugasz, you were hired by
23 the applicant to prepare the architectural plans for
24 this house?

25 MR. DUGASZ: Yes, I was.

1 MR. SHIHAR: Can you please describe it
2 briefly for the board's edification?

3 MR. STAHL: Before you go, because I
4 don't like to interrupt, sir, have you had an
5 opportunity to see the AJV Engineering report dated
6 June?

7 MR. DUGASZ: Yes, I did.

8 MR. STAHL: Raising your left hand,
9 you've read it and you're familiar with it?

10 MR. DUGASZ: I am familiar with it, yes.

11 MR. STAHL: Can you identify as we go
12 along if there is anything that cannot be
13 accommodated per Mr. Valetutto's report, correct?

14 MR. DUGASZ: Yes, I will. Okay, the first
15 item on his list was the square footage, and we can
16 correct that. On sheet A-1, the door size is not
17 labeled, and we will label them on the construction
18 documents and I will make sure that the door sizes
19 meet the applicable code. He made a comment about
20 the man door below the deck. In case there is a
21 fire, there is a separate way out so I don't think
22 that would be an issue, and I don't think it would be
23 an issue anyway.

24 MR. VALETUTTO: I was just asking for
25 purposes of code, you're allowed to egress underneath

1 the deck, that's all I was asking for.

2 MR. DUGASZ: Yes, that's fine.

3 MR. VALETUTTO: Because the deck does go
4 to the ground.

5 MR. DUGASZ: Yes, you're allowed, yes.
6 The room labeled storage, it was a spare space off
7 the side. We lifted the home up, the home is
8 approximately 35 foot 4, by 43 feet, and we lifted
9 the first floor out of the ground to accommodate
10 parking, once again it's in a flood zone, and then we
11 applied the two stories on top of it.

12 The home design itself was brought to me
13 as an idea following similar homes that are in the
14 neighborhood which I believe is down the street from
15 the actual home, and we worked off the square footage
16 based upon room sizes that we thought would be
17 applicable for a modern home.

18 I do understand that we are over by
19 almost four point, so many square feet. I don't have
20 it in front of me directly, 4.68 square feet, or
21 percentage, which is a considerable amount of square
22 footage. So if we did have to remove that, the home
23 itself would probably suffer from an architectural
24 standpoint, but I'm not quite sure if, you know, if
25 we can probably take some square footage out, but at

1 this point, this is based upon the design I did based
2 upon homes in the area that we were selling, so that
3 is how we came up with the square footage that we
4 came up with. So, it could have been standard size
5 rooms, and we work off that and brought them to Paul,
6 and he prepared the site plan off of that.

7 So, there is some square footage that we
8 can probably cut off, but the full 4.68 would be on
9 the other side, for the spaces that we're providing.

10 CHAIRMAN KOMINKIEWICZ: Okay, so it's
11 really the will of the applicant to want this type of
12 house, this design --

13 MR. DUGASZ: Yes.

14 CHAIRMAN KOMINKIEWICZ: More so than
15 anything else driving that?

16 MR. DUGASZ: Yeah, I mean, there are
17 homes, like I said, in the area, that match the
18 design, I believe of similar square footage for lots
19 so we scan the area and he felt the views out to the
20 front, I prepared other plans down in Wildwood and
21 Wildwood Crest, they're of similar design, everything
22 is raised, trying to get the most sunlight, trying to
23 get the most views out, and that's what we're trying
24 to achieve here.

25 CHAIRMAN KOMINKIEWICZ: Personally, and

1 I'm not speaking for the rest of the board, but
2 personally I understand the reason for exceeding the
3 height because of the flood zone, that's
4 understandable. But my question, really as far as
5 variances is concerned, variances are concerned, was
6 the proposed excess of 25 percent of lot coverage.

7 MR. DUGASZ: Yes, I hear you.

8 CHAIRMAN KOMINKIEWICZ: All right.

9 MR. DUGASZ: I can't really testify to
10 that, only from an architectural standpoint I would
11 have to go back to Paul, but his testimony was, I
12 believe, it would be a C(2) variance. I'll let him
13 go back and do that. But, we worked off of similar
14 homes that were in the area, okay.

15 CHAIRMAN KOMINKIEWICZ: All right, thank
16 you. Okay, any other questions from board members,
17 comments?

18 MR. KELLY: Are there other homes in the
19 area that have five bedrooms.

20 MR. DUGASZ: I'm sorry, I thought I was
21 done. That I can't testify to, I don't know if the
22 other houses have --

23 MR. KELLY: So, if we can't reduce the
24 home, I'm just curious as to why five bedrooms.
25 We're trying to adhere to the other homes in the

1 area.

2 MR. DUGASZ: I hear what you're saying, I
3 believe that the first floor, when we designed the
4 upper floor has four bedrooms, I believe the bedroom
5 on the second floor, when I was talking to the
6 client, his preference was to provide a space that an
7 elderly person wouldn't have to travel all the way up
8 to the third floor, so that's how we came up with
9 that as part of the scope.

10 MR. KELLY: And is the fireplace going to
11 have a bumpout?

12 MR. DUGASZ: No.

13 MR. KELLY: So, the fireplace is gonna be
14 completely contained within the home?

15 MR. DUGASZ: Yes.

16 CHAIRMAN KOMINKIEWICZ: Any other
17 questions, Mr. Kelly?

18 MR. KELLY: No, thank you, Mr. Chairman.

19 CHAIRMAN KOMINKIEWICZ: Mr. Valetutto?

20 MR. VALETUTTO: In my report in regards
21 to your sheet A-1, I think comment number two you
22 kind of just glanced over and didn't address about
23 the hot water heater, meters, HVAC, and that stuff?

24 MR. DUGASZ: All of that would be raised
25 out of the flood zone.

1 MR. VALETUTTO: Okay, as of now the
2 engineer is showing the garage floor as 9.2 feet, and
3 according to the flood map, you're in elevation 12,
4 so that is a substantial elevation. If you put
5 stairs in there, that's gonna take away one parking
6 space, however if one parking space is removed, it
7 will still be providing the minimum required for
8 RSIS.

9 MR. DUGASZ: There would be four spots, I
10 believe.

11 MR. VALETUTTO: If you have to put stairs
12 in, you're gonna lose --

13 MR. DUGASZ: The stairs are to the side,
14 the stairs are out of that area.

15 MR. DEMASI: The stairs for the utilities?

16 MR. KELLY: Where are the utilities being
17 placed?

18 MR. DUGASZ: I thought that there would be
19 a storage room and they would be raised on a
20 platform.

21 MR. VALETUTTO: Is that acceptable, Tom?

22 MR. KELLY: Yeah, the only issue is if
23 your garage slab is at the 9.2, BFE is plus one,
24 right, so it's 12 plus 1, you're at a 13, to the
25 most.

1 MR. DUGASZ: I would go back and reverify
2 that if need be, we could provide the HVAC in the
3 attic and bring it down and change the frame.

4 MR. KELLY: And find a water heater
5 closet, somewhere?

6 MR. DUGASZ: That would be just a angled
7 system.

8 MR. KELLY: And the condenser unit, I'm
9 assuming on the deck?

10 MR. DUGASZ: Would be on a raised
11 platform, yes.

12 MR. VALETUTTO: And I did not hear
13 testimony in regard to my comment three about the
14 columns in the front if a vehicle struck it, if the
15 structure would be able to support itself.

16 MR. DUGASZ: No.

17 CHAIRMAN KOMINKIEWICZ: Is there a code
18 for that?

19 MR. VALETUTTO: No, I don't think there
20 is a code for that, but I'm just a big safety guy and
21 you know, somebody comes home and accidentally hits
22 the gas instead of the brake and goes right into one
23 of those columns and the whole balcony's come
24 crashing down, that's all I was trying to bring a
25 point to the board.

1 MR. DUGASZ: Same with a house, there's no
2 answer for that.

3 MR. VALETUTTO: Can it be constructed
4 without columns? There's an answer for that.

5 MR. DUGASZ: No, not for seven feet, and
6 not by the building code because you can only handle
7 it for two feet.

8 MR. VALETUTTO: Okay, so then the answer
9 is no for what the homeowner would like, however, it
10 can be done. You're saying it can only go two
11 feet. Technically, you could go the --

12 MR. DUGASZ: The whole thing is this, they
13 can hit the house. I can construct it a little bit
14 different, I can put steel in, but as it normally
15 would be built, if you build it out of wood, if
16 somebody hits it, it's gonna move. That's as simple
17 as I can put it.

18 MR. VALETUTTO: I'm not an architect,
19 that's why I asked the question. I'm just asking if
20 there was redundancy, if one column gets taken out,
21 if the structure can still support itself. That's
22 all the question was, there's no need for extra.

23 MR. DUGASZ: You're asking the question,
24 so it's no problem.

25 MR. VALETUTTO: Stick to the facts, no

1 attitude, can't get attitude on the transcript.

2 MR. DUGASZ: I'm not giving attitude, I'm
3 just saying if you hit it, it's --

4 MR. VALETUTTO: Okay, thank you, no
5 further questions.

6 CHAIRMAN KOMINKIEWICZ: Thank you very
7 much. Any board members, any questions or comments
8 for the, no? Okay, thank you very much Mr. Dugasz.
9 Mr. Shihar?

10 MR. SHIHAR: That's the applicant's case.

11 CHAIRMAN KOMINKIEWICZ: All right. Any
12 questions or comments from the board members or the
13 applicant? Okay, at this point I would like to open
14 the meeting to the public. Oh, we need a motion, I'm
15 sorry, to open the meeting to the public for this
16 application.

17 DR. GONZALEZ: Moved to open to the
18 public.

19 MS. KERN: Second.

20 CHAIRMAN KOMINKIEWICZ: Roll call,
21 please.

22 MS. RUSSO: Scott Kominkiewicz?

23 CHAIRMAN KOMINKIEWICZ: Yes.

24 MS. RUSSO: Mayor Fred Henry?

25 MAYOR HENRY: Yes.

1 MS. RUSSO: Council President Mickey
2 Gross?

3 MR. GROSS: Yes.

4 MS. RUSSO: Tom Kelly?

5 MR. KELLY: Yes.

6 MS. RUSSO: Janet Kern?

7 MS. KERN: Yes.

8 MS. RUSSO: Jorge Gonzalez?

9 DR. GONZALEZ: Yes.

10 MS. RUSSO: William DeMasi?

11 MR. DEMASI: Yes.

12 MS. RUSSO: Andrew Horezga -- oh, I'm
13 sorry. Robert Paulukiewicz?

14 MR. PAULUKIEWICZ: Yes.

15 MS. RUSSO: Francis Mulvey?

16 MS. MULVEY: Yes.

17 CHAIRMAN KOMINKIEWICZ: Okay, are there
18 any members of the public who wish to comment or ask
19 any questions on this application? Mr. Horezga?

20

21 ANDREW HOREZGA, H-O-R-E-Z-G-A, having first been duly
22 sworn, testified under his oath as follows:

23 MR. STAHL: Please state your name and
24 where you reside.

25 MR. HOREZGA: My name is Andrew

1 Horezga, resident at 120 South Rosewell Avenue, South
2 Amboy, New Jersey.

3 I don't want to do anything except offer
4 a point of fact to the board for consideration. I
5 heard, just sitting in the back of the room because I
6 am recused for this particular case, there was a
7 question about the number of bedrooms, I think
8 there's five bedrooms proposed for this home. And my
9 point of fact to the board is I rebuilt after Sandy,
10 I came before the board to get a variance and
11 initially I proposed five bedrooms in the house.
12 Four are on the third floor, or upmost level, and a
13 single bedroom on the second floor of the residence.
14 I have an elderly mother in her mid-70s, and this
15 board held that that had to become a dining room,
16 they wouldn't allow a fifth bedroom in the home. We
17 had complied with that, and so, I just wanted to
18 bring that up.

19 The second point is, during the course of
20 the past few years during the reconstruction of that
21 area, I became friends with and toured six different
22 homes that were built between Henry and Rosewell,
23 including the ones provided by the applicant in their
24 application as far as referencing them as homes in
25 the area. And based on my observations being in

1 those homes, those residence are three to four
2 bedrooms also. So, I just want to bring that to the
3 attention of the board, and thank you.

4 CHAIRMAN KOMINKIEWICZ: Thank you, Mr.
5 Horezga.

6 MR. DEMASI: Can we ask questions now?

7 CHAIRMAN KOMINKIEWICZ: You can ask
8 questions after we close the public.

9 Any other members of the public care to
10 come forward? For the record, seeing that nobody is
11 coming forward, may I have a motion to close the
12 public portion of this hearing?

13 MR. PAULUKIEWICZ: Make a motion.

14 BOARD MEMBER: Second.

15 MR. SHIHAR: Mr. Chairman, if I may, I
16 spoke with my client, and if the board does have some
17 dislike for five bedroom homes in the area, my client
18 is willing to limit it to four bedrooms, although I
19 don't see the advantage, but certainly if that is the
20 main issue before the board, we're willing to make it
21 four bedrooms.

22 CHAIRMAN KOMINKIEWICZ: Well, the
23 testimony was that one of the reasons your applicant
24 wanted to exceed the maximum lot coverage was because
25 it kind of fit in with the other houses in the

1 neighborhood, I think that's a fair conception that
2 this will fit into the nature of the other ones that
3 are four-bedrooms and three-bedroom houses as Mr.
4 Kelly had pointed out.

5 So, I personally, I mean I'm just one
6 person on the board, I think that would, I think that
7 would be a very fair concession and Mr. Valetutto,
8 how would that impact your?

9 MR. VALETUTTO: Nothing, because they
10 already complied with five bedrooms and parking, so
11 if they're reducing the bedrooms, they're still going
12 to comply with parking.

13 CHAIRMAN KOMINKIEWICZ: So, thank you
14 very much.

15 MR. SHIHAR: My client just wants to be as
16 cooperative as he can with the board.

17 MR. KELLY: If I may, Mr. Chairman, I
18 also agree that four bedrooms is more optimal than
19 five bedrooms, in my opinion, fits in with the
20 character of the community.

21 CHAIRMAN KOMINKIEWICZ: Okay, all right,
22 being that we had public portion before, I ask for a
23 vote. Are there any other questions or comments from
24 the board members? Mr. DeMasi?

25 MR. DEMASI: Yes, thank you. So, it was

1 stated before that with keeping with the character of
2 the other houses in the area would determine the
3 square footage. Do we know the square footage of the
4 other houses that are able to fit on similar sized
5 lots? You were saying that they were similar in
6 character.

7 MR. DUGASZ: I believe that when I, when I
8 prepared the plans, the homeowner presented me with a
9 similar set of plans for the home up the street and I
10 worked basically off the size of that home, that's
11 basically what I worked off of. I believe it was the
12 same size. That was approximately eight months ago,
13 but that's what I believe.

14 MR. DEMASI: Thank you.

15 CHAIRMAN KOMINKIEWICZ: Any other
16 questions or comments? All right, at this point I
17 will entertain a motion on the application, for
18 approval, Mr. Stahl?

19 MR. STAHL: The conditions as I
20 understand them, subject to comment from the board,
21 are number one, the fence, the chain link fence is to
22 be removed, the concrete pad will be installed below
23 the deck where indicated, in which it will require
24 revised calculations as to drainage. The applicant
25 has consented to a reduction in the bedroom count

1 from five to four, and through it's architect and
2 engineer, all other items as set forth in the June
3 30, 2022 report of AJV Engineering will be complied
4 with.

5 CHAIRMAN KOMINKIEWICZ: Thank you.

6 DR. GONZALEZ: I'll move those
7 parameters for this application.

8 CHAIRMAN KOMINKIEWICZ: Okay, I have a
9 motion.

10 MR. GROSS: Second.

11 CHAIRMAN KOMINKIEWICZ: Thank you very
12 much, roll call, please?

13 MS. RUSSO: Scott Kominkiewicz?

14 CHAIRMAN KOMINKIEWICZ: Yes.

15 MS. RUSSO: Mayor Fred Henry?

16 MAYOR HENRY: Yes.

17 MS. RUSSO: Council President Mickey
18 Gross?

19 MR. GROSS: Yes.

20 MS. RUSSO: Tom Kelly?

21 MR. KELLY: Yes, I believe it would be
22 great to get that house removed, it's been sitting
23 there since Sandy.

24 MS. RUSSO: Janet Kern?

25 MS. KERN: Yes.

1 MS. RUSSO: Jorge Gonzalez?

2 DR. GONZALEZ: Yes.

3 MS. RUSSO: William DeMasi?

4 MR. DEMASI: Yes.

5 MS. RUSSO: Robert Paulukiewicz?

6 MR. PAULUKIEWICZ: Yes.

7 MS. RUSSO: Francis Mulvey?

8 MS. MULVEY: Yes.

9 CHAIRMAN KOMINKIEWICZ: The application
10 is approved, thank you very much.

11 MR. SHIHAR: Mr. Stahl, you need a
12 transcript?

13 MR. STAHL: Yes.

14

15 (Hearing was adjourned at 7:44 p.m.)

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C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of testimony provided under oath by and before me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

Deanna Wizbicki

DEANNA WIZBICKI,
Registered License No: 30CY00001700
Notary ID No: 2330518

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