

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB -11 -23

Application Number 440-23

RESOLUTION GRANTING BULK VARIANCE APPROVAL

Jose Reyes Camacho
375 Raritan Street
Block 149, Lot 8

City of South Amboy
RA Single Family Residential Zone

WHEREAS, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance, the within Application for Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the “Board”) by Thomas E. Downs, IV Esq appearing with and on behalf of Jose Reyes Camacho (the “Applicant”), for Bulk Variances for maximum impervious coverage and minimum landscape coverage as to premises located 375 Raritan Street, also known as Block 149, Lot 8 located on the Tax Map of the City of South Amboy (the “Current Application”); and

WHEREAS, the Application reviewed by the Board consisted of those plans and documents as identified in the Report prepared by Jason C. Valetutto, P.E., P.P., the consultant to the Planning Board, dated September 19, 2023; and

WHEREAS, the Application was certified as complete by the Completeness Committee and a Public Hearing with respect to the Application was held by the Board on June 28, 2023 and September 26, 2023, per public notice and personal notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required Bulk Variances from the zoning requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Variances Required

Bulk Variances

	Requirement	Proposed
Maximum Impervious Coverage	60%	76.24%
Minimum Landscape Coverage	40%	23.76%

And

WHEREAS, at the previously mentioned public hearing, the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.
AJV Engineering, Inc.

June 14, 2023;
September 19, 2023; and

WHEREAS, the Board, after carefully considering the evidence presented to it by or on behalf of the Applicant, and upon the advice and recommendations of the advisory municipal personnel, and consultants (including, without limitation, those set forth in the aforesaid Planning Reports), makes the following findings of facts:

FINDINGS OF FACT

HEARING DAY ONE

JUNE 28, 2023

1. Thomas E. Downs, IV Esq., who acknowledged receipt of the AJV Engineering, Inc. report dated June 14th, 2023 (the "AJV Report"), represented the Applicant.
2. Mr. Downs then reported as follows:
 - The Applicant requested approval for zoning permits to install fencing and a driveway.
 - The Applicant installed the driveway and increased the footprint.
 - The Applicant installed a 6 foot fence on top of an existing retaining wall, increasing the fence to approximately 7.5 to 7.9 feet.
 - Applicant's Attorney informed Applicant he must remove everything he installed on the city right of way back inside their lot lines.
 - Applicant's Attorney informed Applicant he must reduce the 7.5 foot fence along the sideline and the rear yard to a conforming 6 foot fence. Also, to remove the 6 foot fence and bring it back inside the front yard setback.
 - Applicant wants to install a gate in the front yard to have access from the yard into the street.

3. Mr. Downs then presented Mr. Jose Reyes Camacho, Jr.
4. Mr. Camacho was sworn in and testified as follows:
 - He is the son of the Applicant.
 - There was already a block fence and they added to it. They didn't understand how to get a permit.
 - He understands he has to move the fence back to bring it inside the front yard setback.
 - He is going to decrease the size of the fence to bring it to 6 feet all the way around.
 - Applicant reviewed Mr. Valetutto's letter of June 14, 2023. He will also move the flower boxes back inside the property line.
 - Applicant is requesting a variance to extend the fence all the way around the property.
 - Applicant is requesting to put a gate in front of the house.
 - Applicant conceded he received a permit to replace concrete on the property which they were given as a direct replacement but added additional concrete, changing the coverage by 23% approximately. Applicant took out concrete strips and replaced that with grass, then removed grass and replaced with concrete.
 - The Applicant will mark the corners of their property.
 - The Applicant shall provide that their engineer reflects all changes verbally agreed to above on revised plans together with removal of a portion of the concrete resulting in closer compliance with a reduction in the two requested variances.
5. The Board on motion, made and approved, carried the hearing to September without any further notice.

HEARING DAY TWO
SEPTEMBER 26, 2023

1. Thomas E. Downs, IV Esq., who acknowledged receipt of the AJV Engineering, Inc. report dated September 19, 2023 (the "AJV Report"), represented the Applicant.
2. Mr. Downs reported to the Board as follows:

- The fence has been brought down from 7.99 to 6 feet. The fence was moved off the top of the retaining wall and put down to the ground.
3. Andrew Wu, P.E. was sworn in, testified his license is in good standing.
 4. Mr. Wu redesigned the plans for the property. He did a survey showing existing conditions on the property in June showing the changes to its current condition.
 5. Mr. Wu testified as follows:
 - Mr. Wu will correct the plans again to include all the requirements in Mr. Valetutto's letter of September 19, 2023.
 - The current impervious coverage is 74.4%, reduced from 82.3%.
 - The original landscaping was 17.7%. It has been increased to 25.6%.
 - There is no room to further the pervious coverage to what it was prior to the renovations that were done by Applicant.
 6. Mr. Valetutto disagreed with the number stated by Mr. Wu.
 - Proper number would include existing 73.67% of impervious coverage with 76.24% proposed.
 - Proper number would include 26.33% of existing landscape coverage and 23.76% proposed.
 7. Mr. Wu accepted Mr. Valetutto's calculations and agreed to correct them on the site plans.
 8. Mr. Wu acknowledged that all fences will be 6 feet or under.

CONCLUSIONS

Based upon the findings of facts and for reasons set forth below, the Board concludes as follows:

- The Bulk Variances can be granted without substantial detriment to the City of South Amboy for the reasons set forth in the record and this Resolution, and further do not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative criteria required for the granting of the requested relief.

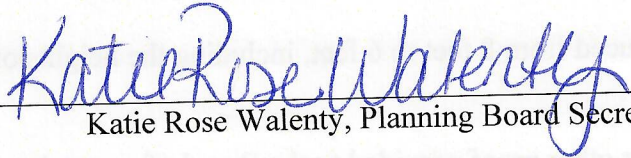
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy

Planning Board hereby **grants** Application #440-23 for Bulk Variances for maximum impervious coverage and minimum landscape coverage as to premises located at 375 Raritan Street, also known as Block 149, Lot 8 located on the Tax Map of the City of South Amboy with the following conditions:

1. The Applicant agreed that it would comply with the recommendations set forth in the Planning Report dated September 19, 2023;
2. The front yard fence will be moved 11.21 feet from the front property line;
3. The fence installation will be reduced from 8 feet to 6 feet, including the heights of the posts;
4. That there will be a photograph or other proof provided to the Board of a sample of concrete to show that has it been poured to a thickness of at least 6-inches with a reinforcing wire mesh;
5. A receipt will be provided to the Board that indicates the design strength of the concrete that was poured by the commercial concrete supplier;
6. The size of the driveway apron will be reduced 9 to 10 feet, and the Applicant will replace the curbing with full face curb and will grass the area which was reduced;
7. The obligation of the Applicant to comply with the requirements of the City of South Amboy and compliance with all rules and regulations remains in full force and effect.
8. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation
9. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on June 28, 2023 and September 26, 2023.
10. All other matters set forth above, and/or incorporated herein;
11. Payment of all outstanding unpaid taxes, and other municipal charges and assessments;
12. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
13. The Board Attorney shall publish a brief notice of this determination in an official newspaper of the City of South Amboy within twenty (20) days of the date of this resolution shall furnish to the Planning Board Secretary an Affidavit of Publication by said newspaper; and
14. Prior to the commencement of any site work, all professional escrow fees due the

Board Planning Consultant and Planning Board Attorney shall be paid in full and the Applicant must submit a revised Site Plan for review by the Board to ensure Resolution Compliance.

THIS IS TO CERTIFY that the foregoing is a true copy of the Resolution adopted by the Planning Board of the City of South Amboy at its public meeting held on September 29, 2023.



Katie Rose Walenty, Planning Board Secretary