

# **CITY OF SOUTH AMBOY PLANNING BOARD**

## **RESOLUTION PB 12-23 APPLICATION Number 442-23 247 George Street – Arlen Encarnacion**

### **RESOLUTION GRANTING BULK VARIANCE APPROVAL FOR MAXIMUM LOT COVERAGE**

**Block 42, Lot 8  
247 George Street  
City of South Amboy  
RA Single Family Zone**

**WHEREAS**, pursuant to the applicable provisions of the City of South Amboy Land Use Ordinance the within application has been submitted to the City of South Amboy Planning Board (the "Board") by Arlen Encarnacion (the "Applicant") for Bulk Variance approval, in Block 42, Lot 8 on the Tax Map of the City of South Amboy in the RA Zone and located at 247 George Street.

**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 15, 2023.

**WHEREAS**, the application was certified as complete and a public hearing with respect to the Application was held by the Board on September 26, 2023 per public notice and personal notice pursuant to NJSA 40:55D-12; and

**WHEREAS**, as part of the application and based upon the plans submitted and reviewed by the consultant to the Planning Board, the Applicant required a Bulk Variance from the zoning requirements as set forth in the ordinance as follows;

|                      | <u>Requirement</u> | <u>Proposed</u> |
|----------------------|--------------------|-----------------|
| Maximum Lot Coverage | 25%                | 32.83%          |

**WHEREAS**, at the public hearing, the following Reports were entered into the record:

#### **DESCRIPTION**

#### **DATE OF REPORT**

Planning Report - AJV Engineering, Inc.

September 15, 2023



**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 Report), makes the following findings of facts:

### **FINDINGS OF FACT**

The Applicant was represented by himself.

1 The Applicant was sworn in and testified as follows.

- a. He acknowledged receipt of the AJV Engineering, Inc. planning Report of September 15, 2023.
- b. He is seeking approval for the installation of a standard housing door to replace the existing bilco door for entry to the basement of the premises.
- c. There is a full bathroom and shower and toilet but no kitchen and no entrance from the remaining portion of the premises.
- d. The dwelling is occupied by one family consisting of 4 people
- e. He acknowledged that the basement had been previously used as an apartment without proper municipal approvals and is no longer occupied by a tenant

2. There was a discussion with the Board concerning the future use of the basement area and limitations to be placed on the use. The Board suggested that the shower could remain subject to his obtaining necessary approvals for it.

The Applicant's case having been completed, by a Motion made, seconded, and approved the matter was opened to the public. No one from the public requested an opportunity to speak. Public portion was closed.

### **CONCLUSIONS.**

The Board makes the following findings and conclusions:

The present use consists of a single family structure

The Applicant is seeking approval for the installation of a standard housing door to replace the existing bilco door for entry to the basement of the premises.

There is a full bathroom and shower and toilet but no kitchen and no



entrance from the remaining portion of the premises.

The dwelling is occupied by one family consisting of 4 people

The basement had been previously used as an apartment without proper municipal approvals.

The existing shower shall be removed unless Applicant makes a timely application for necessary approvals and permits for the shower.

The height of the framing of the entry door into the basement must be raised.

The basement cannot be leased and it may only be used for personal storage and use by the Applicant.

Based upon the findings of facts and conclusions set forth above, the Board concludes as follows:

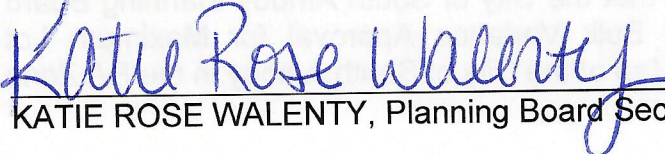
- The Bulk Variance can be granted without substantial detriment to the City of South Amboy for the reasons set forth in the record and this Resolution, and further do not create substantial detriment to the public good. The Applicant has satisfied its burden of proof as to both the positive and negative 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 #442-23 for Bulk Variance Approval for Maximum Lot Coverage, on Block 42, Lot 8 on the Tax Map of the City of South Amboy in the RA Zone at 247 George Street.

1. Compliance with recommendations set forth in the Planning Report dated September 15, 2023.
2. Compliance with the requirements of all applicable ordinances, statutes, codes, regulations and/or administrative directives.
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation to perfect Bulk Variance Approval.
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on September 26, 2023.
5. All other matters set forth above, and/or incorporated herein.
6. Payment of all outstanding unpaid taxes, and other municipal charges and assessments.

7. Payment of all sums now and/or hereafter due for application fees and/or escrows.
8. 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.
9. Compliance with the following additional conditions:
  - a. The existing shower shall be removed unless Applicant makes a timely application for necessary approvals and permits for the shower.
  - b. The height of the framing of the entry door into the basement must be raised.
  - c. The basement cannot be leased and it may only be used for personal storage and use by Applicant.

**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 November 29, 2023.

  
KATIE ROSE WALENTY, Planning Board Secretary