

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB - 9 -23

Application Number 439-23

**RESOLUTION GRANTING MINOR SUBDIVISON AND
BULK VARIANCE APPROVAL**

**John David Vona
530 Catherine Street
Block 85, Lot 10**

**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 Minor Subdivision and Bulk Variance Approval has been submitted to the City of South Amboy Planning Board (the “Board”) by Thomas E. Downs, IV Esq appearing on behalf of John David Vona (the “Applicant”), for Minor Subdivision and Bulk Variances as to Proposed Lot 10.02 for, Minimum Front Yard, Minimum Side Yard, Maximum Lot Coverage, Accessory Use Minimum Rear Yard and Off-Street Parking; 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 May 15, 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, 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 |
|---------------------------------|--------------------|-----------------|
| Minimum Front Yard | 25' | 14.5' |
| Minimum Side Yard | 5' | 3.6' |
| Maximum Lot Coverage | 25% | 27.49% |
| Accessory Use Minimum Rear Yard | 3' | 2.9' |
| Off-Street Parking | 2 | 0 |

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.

May 15, 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

1. Thomas E. Downs, IV Esq, who acknowledged receipt of the AJV Engineering, Inc. report May 15, 2023 (the "AJV Report"), represented the Applicant.
2. Mr. Downs presented a summary of the application as attorney for the Applicant as follows;
 - The application is to subdivide 530 Catherine Street (the "Existing Property") in order to create two separate lots.
 - The Existing Property was transferred to John David Vona five or six years ago.
 - Mr. Vona Sr. died five or six months ago.
 - Everything on the lot has been there for the better part of 100 years.
 - Proposed Lot 10.01 would be a vacant lot, with only a shed situated on it.
 - The residence is situated on Proposed Lot 10.02.
3. The Applicant was not present, and Mr. Downs testified on his behalf.
 - Charles V. Bell, the Applicants Surveyor, could not be present, but Mr. Downs testified that there would be no problems with making the changes to which Mr. Valetutto is requesting in the AJV Report.
 - Mr. Downs agreed with Mr. Valetutto and Mr. Stahl that the subdivision should

be done by deed transfer and not by use of a plat plan.

4. Mr. Stahl informed Mr. Downs that the Applicant would have to provide the form of subdivision deeds for review along with the Metes and Bounds Description to Mr. Valetutto for the two separate lots, who would then present it to the chairman and board secretary for execution after approval.
 - Mr. Downs agreed.
5. Mr. Downs continued his testimony.
 - The current residence on Proposed Lot 10.02 has three bedrooms.
6. Mr. Valetutto informed Mr. Downs that based on the residence having three bedrooms, the Residential Site Improvement Standards, would require two off-street parking spaces.
 - Mr. Valetutto informed Mr. Downs that the proposed driveway would not be feasible because it would only be 14.5 feet and would not be large enough to meet the minimum requirement for a driveway.
 - Mr. Downs agreed with Mr. Valetutto to remove the proposed driveway on Proposed Lot 10.02 and change the depressed curb to a full face curb to allow for one more on-street parking.
 - Mr. Downs agreed that the application would need a parking variance for two spaces where zero are provided.
7. Mr. Downs continued his testimony.
 - Mr. Downs agreed that even though Proposed Lot 10.01 meets the minimum lot size, if they were to build on the land, it may need variances, and that approval of this subdivision does not mean an approval for any future variances.
 - The Applicant presently resides in California.
 - The Applicant's father Mr. Vona Sr. lived on the premises before his passing.
 - Currently, the Existing Property is vacant.
 - The shed located on Proposed Lot 10.01 is a perfectly solid free standing shed which was used by Mr. Vona Sr. for storage of his gardening equipment.
 - Mr. Downs then amended his application verbally under the catchall provision that he would want to amend the application to include a waiver from the board to allow the preexisting shed to remain subject to development of the property as long as the shed is maintained properly.

8. There followed a discussion by Jason Valetutto, the Board engineer and planner discussing the necessary variances and waivers.
 - Because of the subdivision, the Applicant is changing the lot sizes. Therefore, all preexisting variances need to be reaffirmed by the Board.
 - The preexisting home cannot be adjusted or moved to satisfy the front yard setback or the side yard setback.
 - Mr. Downs agreed.
 - As to the waiver for the shed located on Proposed Lot 10.01, it is an accessory use, which the Board should take into consideration.
 - A waiver would be necessary during any future application if the Applicant wishes to move the shed to Proposed Lot 10.02 because the result would be two sheds on Proposed Lot 10.02 where only one shed is permitted per property.
 - Mr. Downs agreed.
9. The Board by affirmative vote opened the meeting to the public.
10. No one from the public desired to be heard.
11. The Board by affirmative vote closed the public portion.
12. Prior to the consideration of a motion, Mr. Stahl summarized the conditions to be considered by the Board in addition to those set forth in the AJV Report:
 - The proposed driveway is to be removed and the depressed curb will be replaced with a full face curb to add one on-street parking space.
 - Mr. Downs requested an amendment to the application as to the vacant lot.
 - The shed can remain subject to it being properly maintained and to a future development application on the vacant lot.

CONCLUSIONS

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

- The application is to subdivide 530 Catherine Street (the “Existing Property”) in order to create two separate lots.
- The Existing Property is owned by John David Vona.

- The residence will be situated on Proposed Lot 10.02.
- Proposed Lot 10.01 would be an empty lot, with only a shed situated on it .
- Due to the subdivision of the property, the residence on Proposed Lot 10.02 requires the appropriate bulk variances.
- The variances can be granted under the C (2) criteria where the benefits outweigh the detriments.
- There is no negative impact on the neighborhood,
- 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.

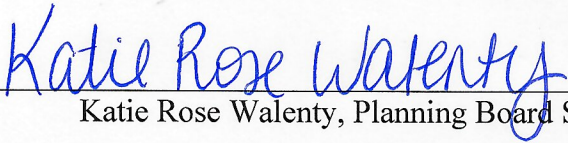
NOW, THEREFORE, BE IT RESOLVED that the City of South Amboy Planning Board hereby **grants** Application #439-23 for Minor Subdivision and Bulk Variances as to Proposed Lot 10.02 for, Minimum Front Yard, Minimum Side Yard, Maximum Lot Coverage, Accessory Use Minimum Rear Yard and Off-Street Parking for premises located at 530 Catherine Street, also known as Block 85, Lot 10, 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 May 15, 2023;
2. The proposed driveway on Proposed Lot 10.02 will be removed and the depressed curb will be replaced with a full face curb;
3. Subdivision deeds to perfect the subdivision to be approved by Mr. Valetutto and Mr. Stahl as to form and content;
4. 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;
5. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
6. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearings held on June 28, 2023;
7. All other matters set forth above, and/or incorporated herein;
8. Payment of all outstanding unpaid taxes, and other municipal charges and

assessments;

9. Payment of all sums now and/or hereafter due for Application fees and/or escrows;
10. The Board Secretary 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 receipt of a copy of this Resolution by the Applicant, and the Applicant shall furnish to the Planning Board Secretary an Affidavit of Publication by said newspaper; and
11. 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.

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 July 26, 2023.



Katie Rose Walenty, Planning Board Secretary

The Home News Tribune

NOTICE OF DECISION

**CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB - 9 -23**

Application Number 439-23

**RESOLUTION GRANTING MINOR SUBDIVISION AND
BULK VARIANCE APPROVAL**

**John David Vona
530 Catherine Street
Block 85, Lot 10**

**City of South Amboy
RA Single Family Residential Zone**

NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING of the Planning Board of the City of South Amboy on July 26, 2023, a Resolution was memorialized as follows:

GRANTED, Application #439-23 for Bulk Variances and Minor Subdivision approval as to premises located at **530 Catherine Street**, also known as **Block 85, Lot 10**, located on the Tax Map of the City of South Amboy

A copy of this resolution has been filed with the Planning Board of the City of South Amboy, 140 North Broadway, South Amboy, and New Jersey and is available for inspection during normal business hours.

James E. Stahl, Esq.
Borrus, Goldin, Foley, Vignuolo,
Hyman & Stahl, P.C.
Attorney for the Planning Board of
The City of South Amboy
2875 U.S. Highway 1
North Brunswick, NJ 08902
(732) 422-1000