

PLANNING BOARD  
CITY OF SOUTH AMBOY

RESOLUTION PB-09-13  
RESOLUTION TO APPROVE BULK VARIANCE AND  
SITE PLAN FOR BLOCK 120, LOT 1  
THE CITY OF SOUTH AMBOY

WHEREAS, application has been made by Joseph R. Fusco, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for site plan and variance approval related to property located at 237 N. Feltus Street, South Amboy, (Block 120, Lot 1) (the “property”); and

WHEREAS, the Planning Board held a public hearing on July 24, 2013, and has carefully considered the Application as well as the testimony and exhibits presented by the Applicant; and

WHEREAS, the Applicant was not represented by counsel; and

WHEREAS, the Application seeks the approval of site plan and a bulk variance to permit the construction of a retaining wall in the front yard in excess of four feet high (“Application”); and

WHEREAS, the property is located in the RA building zone and the existing and proposed use is a permitted use in the zone; and

WHEREAS, the Applicant provided testimony from Joseph R. Fusco; and

WHEREAS, Mr. Fusco testified that his existing house is built on two lots and the back part of the home is on a hill. He would like to flatten the backyard and control the water draining from his property; and

WHEREAS, the Board's Engineer Angelo Valetutto, P.E., P.P. issued a review letter dated June 20, 2013, which noted that the placement of the proposed wall would be within the City's right-of-way, which would require approval and an easement from the City of South Amboy; and

WHEREAS, the Applicant consented to the conditions set forth in the June 20, 2013 review letter; and

WHEREAS, the Board has made the following findings and conclusions:

1. Applicant seeks a bulk variance to permit the construction of a wall in the front yard in excess of four feet in height.
2. The benefit of granting such variance outweighs the detriment, and can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, Therefore Be It Resolved by the Planning Board in the City of South Amboy in the County of Middlesex and State of New Jersey on this 28th day of August, 2013 a variance and site plan to permit a wall in excess of four feet in the front yard and all other necessary variances to permit the construction of the wall as set forth in the Application on the property are hereby granted subject to the following conditions:

1. Satisfaction of all conditions set forth in the report of Angelo J. Valetutto, P.E., P.P. dated June 20, 2013.
2. Satisfaction of all conditions placed on the record during the Application.
3. Receipt of approval and an easement from the City of South Amboy for any construction to take place on or in the public right-of-way.
4. The maximum height of a fence to be constructed on the wall shall be four feet.