

CITY OF SOUTH AMBOY PLANNING BOARD
RESOLUTION PB #9 - 26

Application Number 468-25

**SITE PLAN APPROVAL
AND BULK VARIANCE APPROVALS**

**235 First Street, James DeLuca
Block 51, Lot 1**

**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 Site Plan Approval and Bulk Variance Approvals for minimum front yard setback – Stockton Street, maximum lot coverage and maximum building height has been submitted to the City of South Amboy Planning Board (the “Board”) by Jacob Davdison, Esq. of the firm of Falk, Flotteron & Davidson, LLP, appearing on behalf of 235 First Street, James DeLuca, (the “Applicant”) as to premises located at 235 First Street, also known as Block 51, Lot 1 (the “Property”) located on the Tax Map of the City of South Amboy (the “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 May 15, 2026; and

WHEREAS the Application was certified as Complete and a Public Hearing with respect to the Application was held by the Board on May 27, 2026, 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 RA Single Family Residential Zone, requirements of the City of South Amboy as set forth in the applicable ordinances as follows:

Bulk Variances Required

	Requirement	Proposed
Minimum Front Yard Set Back – Stockton Street	25 ft	21.3 ft
Maximum Lot Coverage	25%	36.22%
Maximum Building Height	2-½ stories	3 stories

And

WHEREAS the following reports were entered into the record:

Description of Reports

Date of Report

AJV Engineering, Inc.

May 15, 2026

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 fact:

FINDINGS OF FACT

1. Jacob Davdison, Esq., counsel for the applicant, acknowledged receipt of the AJV Engineering, Inc. report dated May 15, 2026 (the “AJV Report”).
2. Counsel introduced Mr. James DeLuca, the Owner of the premises and Applicant. The Board swore in Mr. DeLuca, who testified as follows:
 - He acquired the Premises in 1990 and at that time did have necessary building permits.
 - He ended up completing the renovations in 1991.
 - The garage exists the way it did in 1990.
 - Mr. DeLuca rented the house for approximately 32 years and then was prepare to sell the house but was unable to sell the house without necessary permits.
 - A-1 was introduced by Counsel which represented a survey in connection with the purchase in 1990.
 - A-2 was then introduced dated May 3, 2022.
 - A-3 was then introduced into evidence which was a survey dated March 6, 2025.
 - In 1991, Mr. DeLuca installed several sidewalks but no renovations.
 - In 1991, Mr. DeLuca gutted the inside walls and sheetrock and cleaned up the attic.

- Mr. DeLuca then lived in the home for several years, using the upstairs attic area for a tv and couch. There are no doors nor is there a closet in the attic area.
 - No work was done in the basement which exists the way it did in the 90's. This included a toilet and what is known as a slop sink.
 - The roof was not expanded and there were no additional windows or changes in the roof line.
 - Mr. DeLuca did have permits as best he can recall but he did not save them and they were all eventually thrown out.
 - There had been a fence as disclosed on one of the surveys, but it had rotted out several years ago and removed.
 - There was a wooden deck installed in the rear sometime in the 1990's. No permit was obtained for that work.
 - There was no expansion of the footprint of the building. Mr. De Luca indicated that the driveway was improved by him by macadam.
 - Mr. DeLuca now wants to enclose the area that had Bilco slanted doors. The doors are off and he has a wooden enclosure.
 - Mr. Valetutto confirmed that there are only three (3) variances required as set forth in his report.
3. Mr. Davidson then produced Gary Junkroft who described his qualifications and was found by the Board to be an expert in the field of architecture. The Board swore in Gary Junkroft and Mr. Junkroft testified as follows:
- Mr. Junkroft further opined that the approval of the Bulk Variances would allow the building to be consistent with the residential character in the area. In the event that the Board granted the approval, it would not create any new traffic, parking or any detrimental impacts.
 - Mr. Junkroft further testified that A-1 has the site plan and background information for the lot. A-2 is the as-built plans of the property.
 - The lot is located in RA, Single Family Zone. It's a side-by-side attached duplex. The property is approximately 41x111 feet 4,551-square foot in the lot area. There are three bulk variances that needed to be addressed with this application, the minimum front yard setback, the maximum lot coverage, and maximum building height.

4. The Board upon motion and seconded opened the meeting to the public. There was no public input. Upon motion made and seconded the hearing was closed to the public.

CONCLUSIONS

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

- The required Bulk Variance Approvals 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 #468-25 for Site Plan Approval and Bulk Variance Approvals for minimum front yard setback – Stockton Street, maximum lot coverage, maximum building height as to premises located at 235 First Street, also known as Block 51, Lot 1 located on the Tax Map of the City of South Amboy with the following conditions:

1. The Applicant will comply with all recommendations made in the AJV Report dated May 15, 2026;
2. 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;
3. Compliance with each and all other applicable approvals, if any, required by law or statute or regulation;
4. Compliance with all representations and agreements made by or on behalf of the Applicant at the hearing held on May 27, 2026;
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. The Board Attorney shall publish a brief notice of this determination in the official newspaper of the City of South Amboy within twenty (20) days of the date of receipt of a copy of this Resolution; and

9. 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.
10. Neither the attic nor the basement area are to be improved so as to permit either one or both to be used as living space. This condition will run with the land and be binding upon the Applicant and his successors or assigns.

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 June 24, 2026.

Katie Rose Walenty

Katie Rose Walenty, Planning Board Secretary