

BOARD OF ADJUSTMENT
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Perth Amboy, New Jersey 08861

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**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
THURSDAY, FEBRUARY 9, 2012**

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The meeting was called to order at 7:00 P.M. by Chairman Thomas Ward.

Salute to the flag (Pledge of Allegiance was said).

The Chairman of the Perth Amboy Board of Adjustment, Thomas Ward advised the audience that notice of this meeting has been filed with the Home News Tribune, The Star Ledger, City of Perth Amboy's web page at www.ci.perthamboy.nj.us and posted on the Bulletin Board in the City Clerk's office, indicating that tonight's meeting is being held at the Council Chambers, City Hall, 260 High Street, at 7:00 p.m.

ROLL CALL:

Those present: Chairman Thomas Ward, Vice Chairman Michael Savoia, Mrs. Leslie Dominguez Rodriguez, Mrs. Yvonne Everett, Mrs. Lisa Nanton, and Mrs. Linda Cruz

Those absent: Ms. Susan Batista and Mr. P. Roman (excused)

Zoning Board Staff: Alfred J. Petit-Clair, Jr., Esq.
Jeffrey Raush, P.E., P.P.
Iwona H. Cwiek, Recording Secretary

CLOSED SESSION: none

APPLICATIONS:

Docket No. 2950 **Diogenes Corona**
967 State Street
Block 431; Lot 47

xc: Mayor W. Diaz
Council
Y. Fehrenbach, BA ✓
M. Blunda, Esq.

This applicant is requesting use variances for a used car dealership. Also, applicant proposes to use a trailer as an office on site.

James F. Clarkin III, Esq. is representing the applicant. He stated that the applicant seeks a use variance to operate a business to sell used cars to the public. The subject property is located at 967 State Street between a residential use and Garretson Avenue in the M-1 Light Industrial Zone where a retail business is a prohibited use. Mr. Clarkin stated that it is a small size lot, has 25 ft frontage on State Street and 26 ft front on Garretson. The property is not large enough to have any permitted use in M-1 Zone and doesn't even have 10% of required size. The only proposed improvement on the site is standard size office trailer 17' x 8' in the back left corner. In addition to the use variance other variances are needed: trailer is not permitted use in this zone; no landscaping or buffer – property doesn't have room to do that. There will be one employee at the site. Applicant is requesting a waiver from a site plan because of the small size of the use and lot. There is no ability to provide a lot of improvements.

Mr. Clarkin calls his first witness, Mr. Diogenes Corona and his interpreter Mr. Jonathan Colon. Mr. Petit-Clair sworn-in Mr. Colon and then Mr. Corona. Mr. Corona stated that he owns the property and wants to use as used car dealership. Mr. Corona submitted a picture of the proposed trailer. The hours of operation: daily 8:30 am to 6:00 pm, Sat. 9 am to 1:00 pm; closed on Sunday. There will be one employee on the site; there will be no car wash, no oil change, no repairs, and no maintenance of the vehicles on the site. There will be lighting by the trailer, away from the residential area. To change the water and waste from the tank at the trailer he will set up an account with portable company to do that.

Board's discussion on the application addressing the following issues: no testimony from planning prospective; what is the lot being used currently for; have he received any parking tickets; will he replace the fence, currently the fence is in disrepair; security issues.

Mr. Clarkin suggested the positive and negative criteria and stated that this is a unique piece of property. The use is the least intrusive to the public. Applicant agrees to put a solid fence along the property line.

Public portion:

- Glenn Brusetto, 965 State Street, express his concern about this application. The lot is too small for the use; big concern about safety; there is speculation to the numbers of the vehicles being stored.
- Frank Sinera, 975 State Street, express his concern about severe safety issues. He stated that the applicant is using the lot currently as a transfer point and sells the cars.

Vice Chairman Savoia made a motion to deny the application and the motion was so moved and seconded by Mrs. Everett. The motion to deny the application was voted on and approved by the vote of 7.

NEW BUSINESS: none

APPROVAL OF MINUTES: December 8 and December 22, 2011

Chairman Ward made a motion to approve the minutes and the motion was so moved and seconded by Vice Chairman Savoia. The motion was voted on and approved. Mrs. Nanton and Mrs. Cruz abstained.

MEMORIALIZATIONS: none

ROLL CALL FOR UPCOMING MEETING:

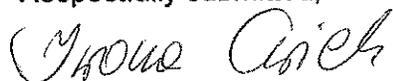
Next scheduled regular meeting: March 8, 2012 at 7:00 PM.

ADJOURNMENT:

Vice Chairman Savoia made a motion to adjourn the meeting and was seconded by Mrs. Dominguez Rodriguez. Motion to adjourn the meeting of February 9, 2012 was so moved.

Meeting was adjourned at 8:00 P.M.

Respectfully submitted,



Iwona Cwiek
Recording Secretary