

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
May 18, 2022

REGULAR MEETING

Chairwoman Strollo called the regular meeting of the Board of Adjustment of the Borough of Ramsey to order at or about 7:30 P.M. **Chairwoman Strollo** announced that the meeting is being conducted via teleconferencing due to the COVID-19 restrictions.

PLEDGE OF ALLEGIANCE

Chairwoman Strollo led the Pledge of Allegiance.

Chairwoman Strollo read the Open Public Meetings Law notice.

ATTENDANCE	PRESENT	ABSENT
Ms. Boone, Alt. #1	X	
Mr. Crimmins	X	
Mr. FitzPatrick	X	
Ms. Jarvis		X
Mr. Molinari, Alt. #2	X	
Mr. Mooradian		X
Mr. Raspantini	X	
Mr. Scuderi	X	
Chairwoman Strollo	X	
Mr. Rogers Esq., Board Attorney	X	
Mr. Hals, Board Engineer	X	
Ms. Lupo, Board Admin. Secretary	X	

APPROVAL OF MINUTES

A motion to approve the minutes of 04/20/22 was made by Mr. Crimmins, seconded by Mr. Scuderi. All eligible members voted in favor. Carried.

RESOLUTION(S) - None

BOARD COMMENTS - None

PUBLIC COMMENTS - None

PUBLIC HEARING

Matthew & Lindsay Grasso, Block 5202, Lot 5; 81 Morton Drive.

Mr. Rogers verified that the applicants had noticed properly and that the hearing could proceed.

John J. D'Anton, Esq. of 21 Franklin Turnpike, Ramsey, N.J. appeared on behalf of the applicant. Mr. D'Anton presented the following exhibit:

Exhibit A-1 Architectural Plan dated November 24, 2021

Matthew & Lindsay Grasso were sworn in. Mr. Grasso said that they decided that they needed more living space and consulted with Paul from Natural Earth to design the gazebo patio. Chairwoman Strollo asked Mr. Rogers to advise the Board of the procedures for an application where the construction has been completed. Mr. Rogers responded that the Board can't rely on the fact that the work was done without permits. Mr. Rogers said that the Board needs to make a decision on whether or not the applicant meets the criteria that's necessary in order for the granting of a variances.

BOARD QUESTIONS

Ms. Boone asked Mr. Grasso if there was another location for the gazebo. Mr. Grasso said no. There isn't room to move it anywhere else on the property. Mr. Scuderi asked Mr. Grasso if there was there an existing patio under the gazebo. Mrs. Grasso said there was some existing patio and dirt with a small retaining stone wall.

PUBLIC QUESTIONS - None**TESTIMONY OF THOMAS ASHBAHIAN**

Thomas Ashbahian of 39 Spring St., Ramsey, N.J. was sworn in and deemed an expert in planning and architecture. Mr. Ashbahian said that when he visited the Grasso residence the gazebo had been fully erected with a fireplace and all masonry work completed in and around the gazebo. Mr. Ashbahian said that the lot has 12,375 sf where 14,000 sf is required. Mr. Ashbahian said that the lot is wider than deeper. Mr. Ashbahian said that the separation distance between the secondary structure is supposed to be 20' and they have a separation of 10.1'. Mr. Ashbahian said that to the best of his knowledge he doesn't know where the 20' in the Ordinance originated from. Mr. Ashbahian said that he doesn't know of any other Ordinances in the area that have that distance or a similar distance to separate from a principal building. Mr. Ashbahian said the gazebo is a rather a unique structure relative to what the zoning contemplates in the way of secondary structures. The gazebo itself needs to be close to the house to be effectively used. Mr. Ashbahian said by adding the gazebo the building coverage increased to 20.37% where 15% is maximum allowed. Mr. Ashbahian said that the building coverage is currently at 17.6%. Mr. Ashbahian said that this variance hinges heavily on the fact that it's an undersized lot. If it was a conforming lot of 14,000 sf, the building coverage would be a lot closer to 15%. Mr. Ashbahian said that the impervious coverage as it existed before

the gazebo was approximately 31% with 35% maximum allowed. Mr. Ashbahian said that adding the gazebo brings the impervious coverage to 36.84% which is not significantly over 35%. Mr. Ashbahian said that if this was a conforming lot of 14,000 sf, a variance for impervious coverage would not be required. Mr. Ashbahian said that a gazebo is a very popular and current type of construction. People are looking to live literally outside, especially during COVID. Mr. Ashbahian said that zoning never anticipated this type of building and couldn't obviously consider what type of regulations would apply to it. Mr. Ashbahian said that this structure is somewhat different. It's literally all open air and light. Mr. Ashbahian said that the gazebo is barely visible from the street. It's a very pleasing aesthetic due to the construction. Mr. Ashbahian said that they already have a deficiency in the rear yard and the only effective place for this gazebo to function would be in the general location where it is today. Mr. Hals noted in his review that there's an actual Site Plan Waiver approval under Chapter 34.5, for a structure in excess of 200 sf. Mr. Ashbahian said that the footprint of the gazebo is 270 sf. Mr. Ashbahian said that he doesn't see any negative criteria. Mr. Ashbahian said that the property is slightly irregular in shape in that it's much shallower than it is deeper. There's only one area on this property that such a gazebo could fit appropriately. Mr. Ashbahian said that the application could be considered and approved without substantial detriment to the public good and without impairing the intent and purpose of the zone plan, and the zoning ordinances.

BOARD QUESTIONS

Mr. FitzPatrick inquired about the impervious coverage calculation. Mr. Scuderi asked Mr. Ashbahian if the lot was conforming at 14,000 sf would three variances be requested. Mr. Ashbahian said that maximum impervious coverage would be ok, but they would still need to request variances for building and for setback from principal structure. Mr. Scuderi asked Mr. Ashbahian if there's anything in the code that closely resembles the concept. Mr. Ashbahian said no. Mr. D'Anton said that there's no definition of a gazebo in the zoning ordinance. Mr. Scuderi asked Mr. Ashbahian if there are any utilities in the gazebo. Mr. Grasso said that there's electrical for lighting and gas for the fireplace. Mr. Rogers asked Mr. & Mrs. Grasso why they chose the size of the gazebo and did they consider something smaller or differently. Mrs. Grasso said that was the design that they were presented with and they went with it. Chairwoman Strollo asked Mr. Ashbahian if there is any regulation in the ordinance applicable when there is a fireplace. Mr. Ashbahian said that there is no restriction to having a fireplace in this type of location.

PUBLIC QUESTIONS - None

PUBIC COMMENTS

Chris Stelle of 91 Morton Drove was sworn in. Mr. Steel said that he lives behind the fireplace in that structure and could barely see the structure from his back deck. Mr. Stelle said that he has no issue with it.

Avenue. Mr. Giannella said that they are requesting a front yard variance of 24.1' where 50' is required. Mr. Giannella said that they are looking to add an addition and a new covered porch to the front of the home. The additions will extend the side of the home facing Grove Street. Mr. Giannella said that they are requesting a height variance for 37.9' where 35' is maximum permitted. Mr. Giannella said that the property is sloped from the lowest grade to highest. Mr. Giannella said that the third variance is for impervious coverage of 34.4% where 30% is maximum permitted. The last variance is for building coverage for 13.6% where 12% is maximum permitted. Mr. Giannella said that the house is a two/three bedroom house built in 1935. The two bedrooms combined are probably the size of a normal one bedroom. It looks like they split one bedroom because there's no door in between the two bedrooms. They are railroad bedrooms and you have to go through one room to get to the other. Mr. Giannella said what they are proposing is 500 sf more than what is required because the lot is undersized. Mr. Giannella said that there's an existing pool and pavers all around it. Mr. Giannella said that they are eliminating one of the driveways in the front. Mr. Giannella said that if they were a conforming lot, they would not require building or impervious coverages.

BOARD QUESTIONS

Ms. Boone asked Mr. Giannella if a drainage system will be installed. Mr. Giannella said that he will be installing a seepage pit as per Mr. Hals' review. Mr. Scuderi asked Mr. Giannella if this was a conforming lot would the variances be required for building and impervious coverages. Mr. Giannella said no. Mr. Scuderi asked Mr. Giannella if the property was level would a variance for height be required. Mr. Giannella said no. There's a slope and the height is measured from the lowest point. Mr. Hals provided the Board with some clarifications. Mr. Hals said that the building height is measured from the lowest grade to the ridge. Mr. Hals said that the roofline of the home is proposed to be stepped so the height of the home at the garage end of the home will be 35' and at no point will the exposed or visual height of the home exceed 35'. Mr. Hals said that in terms of the size of the lot regarding building coverage and impervious coverage, the lot in the zone is required to have 12% building coverage and they are proposing 13.6%. The lot size is substantially smaller than 40,250 sf. If their lot was 33,700 sf which is still 84% of what the required lot area would be, they would be fully conforming for building and impervious coverage. Mr. Hals said that the front yard setback matches the existing front yard along Grove Street that currently exists today. Mr. Hals said that he did make a comment that they should make drainage improvements. Specifically, with the increased building and impervious coverage, he recommends a seepage drainage system should be provided for the roof runoff from the home. The drainage system should be designed to storm the volume of runoff from a 2" rainfall. Mr. Giannella agreed.

PUBLIC QUESTIONS - None

ADJOURNMENT

A motion was made by Mr. Crimmins, seconded by Mr. Scuderi, to adjourn the regular meeting at 10:00 pm. All voted in favor. Carried.