

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
Held December 15, 2010

The **Chairman, Howard Cantor** called the regular meeting of the Board of Adjustment of the Borough of Ramsey to order at 8:02 PM. Howard Cantor announced that notice of this meeting, stating its time and place, has been published in *The Record* and *The Ridgewood News* in accordance with the Sunshine Law and that notice was also posted on the bulletin board of the Municipal Building. The Chairman also pointed out the location of the fire exits.

PLEDGE OF ALLEGIANCE

James Forbes led the Pledge of Allegiance.

ATTENDANCE	PRESENT	ABSENT
Howard Cantor, Chairman	X	
Luke Chamberlin	X	
Richard Daul, Alternate No. 2	X	
James Forbes, Vice Chairman	X	
Gary Gyss	@ 8:32	
Abbas Safai	X	
Thomas Scuderi, Alternate No. 1		X
Angela Strollo	X	
David Torchin	X	
Deirdre Dillon, Council Liaison	X	

Robert E. Landel, Board Attorney	X	
Richard Mammone, Zoning Officer	X	
Barbara McCausland, Board Secretary	X	

PUBLIC HEARINGS

Janice Brennan & John Paul Vадnais, Block 2201, Lot 22, 87 Woodland Ave.
Variance to allow a building height of 42'5" where 35' is allowed.

Vincent Laino is the architect on the project, and John Paul Vадnais were sworn in by **Mr. Landel**. **Mr. Laino** said they are seeking a height variance. **Mr. Laino** said the homeowner's site has a severe topography issue. There are several existing retaining walls on the property; the garage is the lowest point, the front and rear are the higher points of the property. **Mr. Laino** said they feel their proposal will have a positive influence on the neighborhood and in no way a negative impact. The existing ridge height of the house is 34' 10" from the highest ridge point to the lowest foundation grade point. If the lot was flat the homeowners would not be asking for a variance.

Mr. Vadnais said their goals for the project are to deal with the growth in our family. There are a lot of storage needs with 7 people and privacy and quiet when you work from home.

Mr. Laino was questioned on the total amount of living space with the proposed site plan. **Mr. Laino** said plus or minus 5,400 sf. **Mr. Mammone** said the maximum living space is 5,000 sf. in the R2 zone which will mean another variance is required.

Alan Braggin 25 Franklin Street. **Mr. Braggin** asked the builder (Vincent) if the foundation to the addition will have windows. **Mr. Laino** answered no; the only place there will be a window is where there was a former garage door. **Mr. Braggin** asked what would be your argument for a hardship other than personal hardship. **Mr. Laino** said the hardship is the topography of the property.

BOARD ACTION

A roll call vote to approve this application with the following conditions: there will be no living space in the attic nor will it ever be used for living space, the living area be no greater than 5,000 sf. and that if a soil movement is necessary that the applicant will be coming back for that is as follows:

Board Member	Ayes	Nays	Abstain	Absent
Howard Cantor	X			
Luke Chamberlin	X			
Richard Daul	X			
James Forbes	X			
Gary Gyss			X	
Abbas Safai	X			
Thomas Scuderi				X
Angela Strollo	X			
David Torchin	X			

CARRIED

John & Laura Spiegelman, Block 5206, Lot 29, 80 Oxford Court. Variances for 9.68' side yard (existing) where 10' is required, 37' front yard where 40' is required, building coverage of 23.06% where 15% is allowed and impervious coverage of 36.33% where 35% is allowed.

John Spiegelman was sworn in by **Mr. Landel**. **Mr. Spiegelman** said they are looking into putting an addition on the back of the house and adding a second floor.

Mr. Spiegelman submitted a revised site plan (one copy). The Board is requesting **Mr. Spiegelman** to have 15 copies of the revised site plan submitted 10 days in advance to all the members so it can be reviewed for the next meeting. It does not require additional

notification of publication.

Edna Day 67 Oxford Court was sworn in by **Mr. Landel**. **Mrs. Day** said she is directly opposite to 80 Oxford Court and she loves the idea of having a front porch on that house. That house does not look like it is on a small lot; to the right of it yes to the west side of it does because they split the yard. The house that is there is probably a tear-down; it's only two bedrooms; it's very small and he has three kids. **Mrs. Day** said it will add great value to the neighborhood. She hopes they get the front porch.

Alan Braggin gave his personal comments concerning the neighbor's comments and his personal opinion regarding this application why it should be approved.

BOARD ACTION

A roll call vote to carry this application to the January 19, 2011 meeting is as follows:

Board Member	Ayes	Nays	Abstain	Absent
Howard Cantor	X			
Luke Chamberlin	X			
Richard Daul	X			
James Forbes	X			
Gary Gyss	X			
Abbas Safai	X			
Thomas Scuderi				X
Angela Strollo	X			
David Torchin				

CARRIED

Ramsey Holdings, LLC, Block 4301, Lot 14.06, 984 Route 17 North. Amended site plan to construct a samshburger Restaurant and The Vitamin Shoppe in place of the Verizon store.

Andy Del Vecchio, Esq. is representing **Ramsey Holdings, LLC**. This property was before the Board last year and received approvals from this Board in December of 2009. The approvals granted was for a 3,600 sf. Verizon store and a second building to be occupied by Anthony's Coal Fired Pizza located in a separate stand alone building more to the rear of the property. Unfortunately for the length of time that the approval process took a Verizon company owned store decided not to proceed with that location; however, if the amended application does not meet with this Board's approval they have located a Verizon franchiser who will be willing to go into that spot.

Mr. Del Vecchio said what they are proposing with the amended application is with the Vitamin Shoppe there will be no change to the building just a tenancy change. With regard to Anthony's Coal Fired Pizza there is no change to that proposed tenant. **Mr. Del**

Vecchio said an opportunity presented itself to introduce a second restaurant on the site, smashburger. The second restaurant is a permitted use in the zone; smashburger is not a fast food restaurant. There is no drive-thru, no take-out it has waiter, waitress service from the counter to the tables. There is a lower traffic and parking demand than the Verizon store and Anthony's Coal Fired Pizza generated. **Mr. Del Vecchio** has taken all the concerns that they have heard from this Board and reapplied them to the new use.

Charles P. Dietz of the Dietz Partnership is the architect for **Ramsey Holdings, LLC** was sworn in by **Mr. Landel**. **Mr. Dietz** said the only changes are minor architectural changes where the entrance doors are to be placed all the other architectural materials, size, shape and height everything they designed for the Verizon store has been installed back on The Vitamin Shoppe. **Mr. Dietz** described the signage visibility. Nothing has changed at the Anthony's Coal Fired Pizza site. The smashburger site signage will change from black to red to match the red for the smashburger franchise. All the architectural features will be intact from what was previously approved.

Lawrence Bell 1 Windsor Lane. **Mr. Bell** asked **Mr. Dietz** whether Anthony's Coal Fired Pizza is the same as to what was approved. **Mr. Dietz** said yes. **Mr. Bell** said the Anthony's that was approved was 3,000 sf.; how many square feet is this Anthony's? **Mr. Dietz** said there was an internal dimension problem on the original; the way they were measuring it was from the inside verses the outside making it 200 sf. less. **Mr. Bell** stated this is 3,200 sf. and what was approved was 3,000 sf. **Mr. Dietz** stated, yes that's correct.

Mr. Burtin was sworn in by **Mr. Landel**. **Mr. Burtin** said he has a rendering of the current plan showing Anthony's Coal Fired Pizza 3,200 sf. and smashburger is 2,500 sf. **Mr. Burtin** said they have reduced parking by 4 spaces; by doing that they have increased the size of the landscape island. **Mr. Burtin** said they are required to have 85 parking spaces; the plan shows 96 parking spaces and there is room in the front to add 11 more spaces should they need it. **Mr. Burtin** stated that other than the changes he has mentioned everything else stays 100% as previously approved.

Alan Braggin asked **Mr. Burtin** about the underground and above ground utilities.

Lawrence Bell asked **Mr. Burtin** if the underground utilities are already in. **Mr. Burtin** said the drainage system is already in. **Mr. Bell** asked if is for a 3,000 sf. building or a 5,500 sf. restaurant building. **Mr. Burtin** said they designed the detention system for the initial application which included all the area discussed; it is already designed to accommodate the extra 175 sf.

This application is adjourned to the January 19, 2011 regular meeting of the Board of Adjustment.

The memorialization of The Castle resolution will be heard at the January 19, 2011 meeting.

BOARD ACTION

Board Member	Ayes	Nays	Abstain	Absent
Howard Cantor	X			
Luke Chamberlin	X			
Richard Daul				
James Forbes	X			
Gary Gyss	X			
Abbas Safai				
Thomas Scuderi				X
Angela Strollo	X			
David Torchin				

CARRIED

RESOLUTIONS MEMORIALIZED

John & Aileen Alicandri, 22 Dixon Street, Block 5001, Lot 17. Variance for a detached garage of 21' where 16' is allowed was denied.

Stephen Malki, 59 Sauna Road, Block 2001, Lot 18. Variance to allow a 25' rear yard where 50' is required was approved.

Richard & Eileen Molinari, 12 Colleen Court, Block 2601, Lot 58. Variance to allow a 22.7' sideyard where 25' is required was approved.

MINUTES

Howard Cantor asked for a motion to accept the minutes of the regular meeting of November 17, 2010 Board of Adjustment. All the members present at this meeting carried the motion unanimously.

ADJOURNMENT

The Board of Adjustment meeting was adjourned at 10:32 P.M.

Respectfully submitted,

Barbara McCausland
Board of Adjustment Secretary