

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
Held January 20, 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	X	
Abbas Safai	X	
Thomas Scuderi, Alternate No. 1	X	
Angela Strollo	X	
David Torchin	X	
Arthur Nalbandian, Council Liaison	@ 9:10	
Robert E. Landel, Board Attorney	X	
Richard Mammone, Zoning Officer	X	
Barbara McCausland, Board Secretary	X	

PUBLIC HEARINGS

Metro PCS New York LLC, Block 3702, Lot 1. 500 North Franklin Tpke. Variance to allow wireless communication, conditional use approval. Continued.

Greg Meece, Esq. is the attorney for **Metro PCS New York**. **Mr. Meece** stated at the December meeting there was testimony from the project engineer **Jim Dlugosz**, **Daniel Penesso**, the radio frequency engineer and **Joe Chiaravallo**, the radio frequency compliance officer.

Ronald Reinertsen is a licensed professional planner in the state of New Jersey and is employed at Pennoni Associates in Cedar Knolls, New Jersey. **Mr. Reinertsen** reviewed the ordinance, the Master Plan, zoning drawings, visited the site and took photographs for review which are furnished with the site plan. **Mr. Reinerstsen** described the conditions and the existing uses of the property and then described what is proposed and how it fits with the ordinance.

Alan Braggin 25 Franklin Street was sworn in by **Mr. Landel**. **Mr. Braggin** asked **Mr. Reinertsen** questions about the location and alternative placement of the equipment. **Mr. Reinertsen** answered yes; inquiries have been made to the landlord of the building. **Mr. Braggin** stated he is not opposed to Metro PCS putting antennas on the roof he thinks it's a benefit to the community. The only objection he has is to the gross area of use. **Mr. Braggin** requested the Board to make a recommendation to review the ordinance of the town perhaps to say that equipment (platform for the cabinets) for cell towers on a roof be less than or equal to 180 sf. to avoid any conflict of variances in the future unless the intent was for safety reasons that they wanted to limit the amount of equipment on a roof of wind load, weight of structural issues, or fire hazards etc..

BOARD ACTION

A roll call vote to approve this application is as follows:

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

CARRIED.

Steven Vaccari, (Goldberg's Famous Bagels) 114 E. Main Street. Variance to allow seating where not enough parking exists.

Abbas Safai recuses his self from this application.

Forest G. Merrill Esq. is representing **Steven Vaccari (Goldberg's Famous Bagels)**. **Mr. Merrill** stated that the reason for the increase in parking spaces is that the applicant is proposing 20 seats in their bagel shop.

Mr. Goldberg said he is putting seats on the wall (left side of the store), a handicap bathroom and the cooking equipment from the back and putting it up front with a bagel kettle.

Alan Braggin 25 Franklin Street was sworn in by **Mr. Landel**. **Mr. Braggin** said he agrees with **Mr. Chamberlin** with regard to the parking assignment for this particular situation. **Mr. Braggin** asked if whether this is considered fast food being 70% is take - out? **Mr. Landel** said personally he does not think this is fast food.

Abbas Safai was sworn in by **Mr. Landel**. **Mr. Safai** stated basically he didn't think their business didn't need that much parking; mostly their clients are the high school kids. They will come have lunch and go.

BOARD ACTION

A roll call vote to carry this application is as follows:

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	X			

DENIED.

A roll call vote to approve this application with store hour limitations is as follows:

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	X			

CARRIED.

PSSACF, LLC (King Pizza) 22 Church Street. Variance to allow seating where not enough parking exists.

Hugh McGuire Esq. is representing **PSSACF (King Pizza)**. **Mr. McGuire** stated when **Mr. Featherstone** entered into this lease for these premises they also took over the operation of the existing pizzeria. At the time they took over the operation there was some seating in the store. The matter went before the planning board in 2009 at that time for a site plan waiver. Apparently the previous owner had not come before the Board of Adjustment for a variance for seating.

Mr. Featherstone and Brian Donovan were sworn in by **Mr. Landel**. **Mr. Featherstone** stated they don't have any table service or have people eating dinner. It is mostly take-out delivery and the high school kids come and sit-down for lunch. The seating consists of two booths and two high tops.

BOARD ACTION

A roll call vote to approve this application is as follows:

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

CARRIED.

Sean Duffy, Block 4905, Lot 35, 165 Canterbury Drive. Proposed sideline of 8.92' where 10' is required.

Howard Cantor recuses his self from this application. **James Forbes** will be acting chairman.

Sean Duffy was sworn in by **Mr. Landel**. **Mr. Duffy** said he wishes to extend the existing wall on his garage that is currently at 8.92' from the property line and extend that wall bringing it forward by 14'9" which will allow him to remove a car from his driveway and place it in covered parking. He said it will also improve the aesthetics of his house.

BOARD ACTION

A roll call vote to approve this application is as follows:

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

CARRIED.

Daniel Archetti, Block 4601, Lot 15, 16 Thornhill Drive. Variance to allow coverage of 19.35% where 15% is allowed.

Daniel Archetti was sworn in by **Mr. Landel**. **Mr. Archetti** said they want a variance for building coverage. The existing building coverage is 16.15% it would increase to 19.35% with the addition which will be approximately 450 sf. The addition will replace the existing deck to the left of it; extend the family room, kitchen area, a half bath and an office for my wife.

Mr. Chamberlin stated that a note for the applicant and for other public; the definition of a hardship as well as granting variances doesn't mean running out of space at home or the number of people living in the house. It is understandable and we all get through it but just to understand that is not the definition of a hardship for granting a variance.

Mr. Landel Esq. stated a hardship has to be directly to the topography, shape or size of the lot.

Angela Strollo stated she wanted to point out that it has to be a hardship that is particular to the property. Unfortunately we can't consider a personal hardship. **Mrs. Strollo** said she is sensitive to a personal hardship; we have all gone through them, but we have to look at the property and if there is no hardship (the size of the lot, the location of the building on the lot) then we would have to argue or make a case that it would be a better planning alternative to increase coverage in this R3 zone to 20% which I'm not sure we can do that either.

Abbas Safai asked **Mr. Archetti** if it was possible to eliminate the addition of the office and utilize the basement. **Mr. Archetti** said they considered that but basically that would put who is ever utilizing that basement space out of touch with the first floor and in his wife's situation that would not be conducive to being able to care for her father or at least be in touch with what is going on.

BOARD ACTION

A roll call vote to deny this application is as follows:

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

CARRIED.

RESOLUTIONS MEMORIALIZED

Jeffrey Chapman & Hanora Bellucco, 6 Acorn Ct., Block 3101, Lot 11. Variance to allow a 10' fence for a tennis court where 4' is allowed was approved.

Anthony & Elizabeth Beninati, 112 Refy Ave., Block 3408, Lot 14. Variance to allow a 33.3' front yard where 40' is required was denied.

MINUTES

Howard Cantor asked for a motion to accept the minutes of the regular meeting of December 16, 2009 Board of Adjustment. All the members present at this meeting carried the motion unanimously.

ADJOURNMENT

The Board of Adjustment meeting was adjourned at 10:56 P.M.

Respectfully submitted,

Barbara McCausland
Board of Adjustment Secretary