

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
March 17, 2021

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	
Ms. Fisher Poppe	X	
Mr. FitzPatrick	X	
Ms. Jarvis	X	
Mr. Mooradian	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 01/20/21 & 02/17/21 was made by **Mr. Crimmins**, seconded by **Mr. Mooradian**. All eligible members voted in favor. **Carried.**

CONSENT RESOLUTIONS

Vouchers/Performance Bonds/Letter of Credit:

A motion was made by **Mr. Crimmins** seconded by **Mr. Mooradian**, to approve the 03/17/21 **CONSENT RESOLUTION** recommending to the Mayor & Council the payment of vouchers. All eligible members voted in favor. **Carried.**

RESOLUTION

Sara & Thomas Gustafson, Block 3201, Lot 24; 53 Ramsey Avenue.

A motion to waive the reading of the resolution was made by **Mr. Crimmins**, seconded by **Ms. Fisher Poppe**. All in favor. **Carried**.

A motion to approve the resolution was made by **Mr. Crimmins**, seconded by **Ms. Fisher Poppe**.

Roll Call: **AYES:** **Mr. Cimmins, Ms. Fisher Poppe, Mr. FitzPatrick,
Mr. Jarvis, Mr. Mooradian, Mr. Scuderi,
Chairwoman Strollo**

NAYES:
ABSTAIN:
ABSENT:

Carried.

William & Elizabeth Yirce, Block 3212, Lot 6; 34 Larch Avenue.

Mr. Rogers said that there are a couple of items that need clarification regarding the Resolution of Approval for William and Elizabeth Yirce. **Mr. Rogers** said that the Board approved a 6 foot fence on Momar Drive, but there wasn't any discussion with regard to the amount to be open on the top of the fence. **Mr. Rogers** said in the body of the resolution it is written that 2 feet is to be open on top. **Mr. Rogers** thinks that may have been 1 foot. **Mr. Rogers** said that this correction can be done by amendment.

Chairwoman Strollo said that she listened to the recording for the meeting a few times and noted that there was no discussion about 2 feet open on the top. **Chairwoman Strollo** said that the motion that was made by **Mr. FitzPatrick** referenced two conditions; the first being a 6 foot fence with some type of lattice on top on Momar Drive and the second was a 6 foot fence with 50% open facing on Larch Street.

Chairwoman Strollo continued that reference to photos was also mentioned in the motion. A discussion with the Board determined that a 1 foot opening on the top was approved.

A motion to approve the resolution as amended was made by **Ms. Fisher Poppe**, seconded by **Mr. Crimmins**.

Roll Call: **AYES:** **Mr. Crimmins, Ms. Fisher Poppe, Mr. FitzPatrick,
Ms. Jarvis, Mr. Mooradian, Chairwoman Strollo**

NAYES:
ABSTAIN:
ABSENT:

Carried.

OLD BUSINESS

2020 Annual Report recommendation letter

A motion to approve the acceptance of the annual report was made **Mr. Crimmins**, seconded by **Mr. Mooradian**.

Roll Call: **AYES:** **Ms. Boone, Mr. Crimmins, Ms. Fisher Poppe,**

**Mr. FitzPatrick, Ms. Jarvis, Mr. Mooradian, Mr. Scuderi,
Chairwoman Strollo**

**NAYES:
ABSTAIN:
ABSENT:**

Carried.

BOARD COMMENTS - None

PUBLIC COMMENTS - None

PUBLIC HEARING:

Thomas Ashbahian. Notice of Appeal of Zoning Determination Made on August 20, 2020 Relating to 24 Grant Street, Ramsey, N.J. - Continuation

Chairwoman Strollo and **Ms. Jarvis** are eligible to vote.

James J. Delia, Esq. of Wells, Jaworski & Liebman, LLP, 12 Route 17 North, Paramus, N.J. appeared on behalf of the applicant.

David L. Rutherford, Esq. of 131 Dayton Street, Ridgewood, N.J. appeared on behalf of Alejandro and Andrea Frezza who are the owners of property located at 24 Grant Street.

Mr. Delia & Mr. Rutherford reviewed their Exhibit List.

TESTIMONY OF ALEJANDRO FREZZA

Alejandro Frezza of 11 Utopian Place, Airmont, N.Y. was sworn in. **Mr. Frezza** confirmed that he and his wife are the owners of the property located at 24 Grant Street. **Mr. Frezza** said that when he purchased the property in 2018 there was a residential home, a detached garage and parking area. **Mr. Frezza** confirmed that those improvements exist today. **Mr. Rutherford** asked **Mr. Frezza** when he acquired the property, what were his intentions. **Mr. Frezza** said to use it for my landscaping business. **Mr. Frezza** said that he owns a landscaping business that does landscape installation, maintenance and hardscape. **Mr. Rutherford** asked **Mr. Frezza** if he made any inquiries to a Borough Representative to see if the use is permitted before he purchased the property. **Mr. Frezza** said yes. **Mr. Rutherford** asked **Mr. Frezza** if he received anything in writing to those inquiries. **Mr. Frezza** said no. **Mr. Rutherford** asked **Mr. Frezza** if he's familiar with a letter that was written to the Board dated December 17, 2020. **Mr. Frezza** said yes. **Mr. Rutherford** asked **Mr. Frezza** if the letter accurately describes the nature of the proposed use of the property. **Mr. Frezza** said yes. **Mr. Rutherford** asked **Mr. Frezza** if he obtained any permits after he purchased the property. **Mr. Frezza** said yes. He said that he obtained a Fence permit, dated November 27, 2018 and a Soil Movement permit to extend the parking lot with gravel on November 29, 2018. **Mr. Frezza** continued that he was advised by Mr. D'Agostaro in early 2019 that Site Plan approval was needed. **Mr. Frezza** said that he first appeared in front of the Planning Board in August 2019 and submitted some revisions. The second hearing took place in January 2020. **Mr. Frezza**

said that they had additional revisions after Mr. Hals' review and was scheduled for another hearing and then COVID hit. The next appearance was in August 2020. **Mr. Rutherford** asked **Mr. Frezza** if that is when **Mr. Ashbahian** raised the issue about the legality of the use. **Mr. Frezza** said yes. **Mr. Rutherford** asked **Mr. Frezza** to describe other businesses in the neighborhood that use their properties to store vehicles, pieces of equipment, materials and supplies. **Mr. Frezza** did so. **Mr. Rutherford** presented Exhibit A-5, 15 photos, dated February 2021. **Mr. Frezza** described the photos.

CROSS-EXAMINATION OF ALEJANDRO FREZZA BY MR. DELIA

Mr. Delia asked **Mr. Frezza** where his current office is located. **Mr. Frezza** said that he has a small office in the basement of the house located at 24 Grant Street and has home office at his home. **Mr. Delia** asked **Mr. Frezza** what kind of office work is performed at Grant Street. **Mr. Frezza** said that there's a back door that leads him to an unfinished basement where he plans his day. He doesn't need much office space. He just has a desk and a chair in a small corner of the basement. **Mr. Delia** asked **Mr. Frezza** how many vehicles and pieces of equipment does he own. **Mr. Frezza** described the vehicles and equipment. **Mr. Delia** asked **Mr. Frezza** what State the vehicles are registered in. **Mr. Frezza** said New York. **Mr. Frezza** continued that he's looking into pricing insurance premiums and is planning to register everything in New Jersey. **Mr. Delia** asked **Mr. Frezza** if anyone has lived in the house on Grant Street while he was the owner. **Mr. Frezza** said yes. The tenant is still there and has been there for over nine years. **Mr. Frezza** said that the tenant is aware that he has to leave and has advised him that he will be leaving right after the winter. **Mr. Delia** asked **Mr. Frezza** if he made any inquiries to determine what was permitted. **Mr. Frezza** said yes. **Mr. Delia** asked **Mr. Frezza** if he received anything in writing. **Mr. Frezza** said no. **Mr. Delia** asked **Mr. Frezza** if he has received a Certificate of Occupancy. **Mr. Frezza** said no. He's trying to obtain one.

REBUTTAL BY MR. RUTHERFORD

Mr. Rutherford asked **Mr. Frezza** if he intends to terminate the existing residential use and devote it solely to commercial or office use. **Mr. Frezza** said yes.

BOARD QUESTIONS

Mr. FitzPatrick asked **Mr. Frezza** about the tree removal. **Mr. Frezza** confirmed that he removed five (5) trees which didn't require a permit. **Mr. FitzPatrick** asked **Mr. Frezza** if he cleaned up the property after he purchased it. **Mr. Frezza** said yes. **Chairwoman Strollo** asked **Mr. Frezza** once the residential use is terminated does he plan to use the space as an office. **Mr. Frezza** said yes. He plans to move his office there. **Mr. Rogers** asked **Mr. Frezza** was he present when Mr. D'Agostaro visited the property in 2018. **Mr. Frezza** said yes. **Mr. Rogers** asked **Mr. Frezza** if he had his office in the basement at the time when Mr. D'Agostaro visited the property. **Mr. Frezza** said no. **Mr. Frezza** said he began using the office space in the basement probably around 2019. **Mr. Rogers** asked **Mr. Frezza** if Mr. D'Agostaro actually saw that office space. **Mr. Frezza** said no.

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

Thomas V. Ashbahian of 39 Spring Street, Ramsey, N.J. was previously sworn in. Mr. Delia presented the following exhibits:

Exhibit TA1-Photo Exhibit 1

Exhibit TA2-Photo Exhibit 2

Exhibit TA3-Photo Exhibit 3

Exhibit TA4-Photo Exhibit 5

Exhibit TA5-Photo Exhibit 5

Exhibit TA6-Letter from Bruce Whitaker to Orchard Street, LLC dated January 21, 2021 and Planning Board Resolution of Approval for 20 Orchard Street, LLC dated April 15, 2008

Exhibit TA7-Kresker/43 Spring Resolution 4-19-88

Exhibit TA8-The Illustrated Book of Development definitions cover

Exhibit TA9-The Illustrated Book of Development definitions 63

Exhibit TA10-The Illustrated Book of Development definitions 288

Exhibit TA11-The Illustrated Book of Development definitions 324

Exhibit TA12-The Illustrated Book of Development definitions 372

Exhibit TA13-24 Grant Street Planning Memo to Ramsey ZBA

Mr. Ashbahian described the photo exhibits TA1-TA5. **Mr. Rogers** asked **Mr. Ashbahian** if he's a licensed Planner in the State of New Jersey. **Mr. Ashbahian** said yes. **Mr. Ashbahian** continued that he's been a planner since 1985 and has practiced as a planner continuously since that time. **Mr. Rogers** asked **Mr. Ashbahian** if Exhibit TA13-24 Grant Street Planning Memo is his opinion as a licensed planner in the state of New Jersey. **Mr. Ashbahian** said yes. **Mr. Ashbahian** read his memo to the Board. **Mr. Ashbahian** described Exhibits TA7-TA12.

CROSS-EXAMINATION OF THOMAS ASHBAHIAN BY MR. RUTHERFORD

Mr. Rutherford asked **Mr. Ashbahian** if there is reference to a 300 foot separation in the Planning Board Resolution of Approval for 20 Orchard Street, LLC dated April 15, 2008. **Mr. Ashbahian** said he didn't see it. **Mr. Rutherford** continued his cross-examination as it pertained Exhibits TA6, the Brown Dog Resolution and 83 Grant Street Resolution.

Rebuttal was made by **Mr. Delia**.

BOARD QUESTIONS

Chairwoman Strollo said that **Mr. Ashbahian** testified as a Planner and felt that the Board required direction from their Planner. **Mr. FitzPatrick** inquired about several definitions in the Illustrated Book. **Mr. Ashbahian** said that he wouldn't want to interpret what Moscowitz is trying to define. **Mr. FitzPatrick** inquired about several

photos. **Chairwoman Strollo** asked **Mr. Ashbahian** if he would agree that a landscape business provides service off-site. **Mr. Ashbahian** said it probably would.

PUBLIC QUESTIONS - None

Mr. Rutherford asked the Board to consider a Special Meeting. The Board responded that they will be willing to do a Special Meeting.

Mr. Rogers suggested that the meeting be carried to April 21, 2021. **Mr. Rogers** said that he will consult with both attorneys with respect to a Special Meeting to be announced at the April 21, 2021 meeting. **Mr. Rogers** said in the meantime, the Board can determine how much time their planner will need to review the materials and provide a report.

NEW BUSINESS - None

OLD BUSINESS

Chairwoman Strollo announced that the Mechanic Cousins, LLC application has been withdrawn. They will be submitting a new application and new notices will be going out.

ADJOURNMENT

A motion was made by **Mr. Mooradian**, seconded by **Mr. Fisher Poppe** to adjourn the regular meeting at 10:30 pm. All voted in favor. **Carried.**