

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
March 20, 2019

REGULAR MEETING

Chairwoman Strollo called the regular meeting of the Board of Adjustment of the Borough of Ramsey to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE

Ms. Woods led the Pledge of Allegiance.

Chairwoman Strollo read the Open Public Meetings Law notice.

ATTENDANCE	PRESENT	ABSENT
Mr. Crimmins	X	
Ms. Dugan		X
Mr. FitzPatrick, Alt. 1	X	
Mr. Heller	X	
Mr. Mooradian, Alt. 2	X	
Mr. Scuderi	X	
Mr. Willcox		X
Ms. Woods	X	
Chairwoman Strollo	X	
Mr. Schefers, Board Attorney	X	
Mr. Hals, Board Engineer	X	
Ms. Lupo, Board Secretary	X	

APPROVAL OF MINUTES

A motion to approve the minutes of 1/16/19 was made by **Ms. Woods**, seconded by **Mr. FitzPatrick**. All eligible members voted in favor. **Carried**.

CONSENT RESOLUTIONS

Vouchers/Performance Bonds/Letter of Credit:

Escrow Release - Lempp, Gerhart and Rose \$140.78
Block 2601, Lot 25.20

A motion to approve the Escrow Release was made by **Ms. Woods**, seconded by **Mr. Crimmins**. All eligible members voted in favor. **Carried**.

A motion was made by **Mr. Crimmins**, seconded by **Mr. Heller** and was carried, to approve the 3/20/19 **CONSENT RESOLUTION** recommending to the Mayor & Council for the payment of vouchers. All eligible members voted in favor. **Carried**.

BOARD COMMENTS - None**PUBLIC COMMENTS** - None**PUBLIC HEARING:**

Docket V-01-19-ZBA-01-Kim & James Langham, Block 2401, Lot 7; 201 Shadyside Road
(*Variance to allow front yard setback at 30.75' where 50' is required.*)

Mr. Schefers said that the applicant had noticed properly and that the hearing could proceed.

Kim Langham, 201 Shadyside Rd. was sworn in. **Mrs. Langham** said that the original part of their house was built in the 1900's prior to setback rules with an original front porch which they would like to make a wrap-around porch. **Mrs. Langham** stated that because the house is less than 50' from the street, they require a variance. **Mrs. Langham** continued that the change was for aesthetic reasons and the neighbors were all in support of the improvements to the house.

QUESTIONS FROM THE BOARD

Mr. Crimmins asked **Mrs. Langham** if the existing porch is 31.8' from the street. **Mrs. Langham** said yes. **Mr. Scuderi** asked **Mrs. Langham** if they were connecting the existing two porches. **Mrs. Langham** said yes. **Mr. Scuderi** asked **Mrs. Langham** how far they were going out in width. **Mrs. Langham** stated the plan was not to go out further than 7'. The picture of the house was marked as **Exhibit A-1**. **Mr. Scuderi** clarified with **Mrs. Langham** that they have an existing non-conformity and the plan was to be 30.75' which is a slightly over a foot more.

Mrs. Hals stated that **Mrs. Langham** is looking for a C-1 variance due to the location of the existing house with respect to the property; the C-2 is the aesthetic improvement of the house.

QUESTIONS FROM THE PUBLIC - None**COMMENTS FROM THE PUBLIC** - None**COMMENTS FROM THE BOARD**

Mr. Scuderi stated that the house predates the Zoning Code and a lot of the older homes were constructed with foundations fairly close to roads for reasons at that time that are not necessitated now. **Mr. Scuderi** continued that based on testimony here, the addition being sought is not offensive to the code, it is minimal impact and feels there is justification for both the C1 and C2 variances and is in favor of the application. **Ms. Woods** agreed with **Mr. Scuderi** stating it qualifies for both the C1 and the C2 and would be in favor of the application. **Mr. Crimmins** agreed and stated it was an improvement

aesthetically and from a safety standpoint as well and is in favor of it. **Mr. Heller** stated he was in favor of it. **Mr. FitzPatrick** said the age of the house predating the code is a hardship and the changes are minor so he would be in favor. **Mr. Mooradian** agreed and would be in favor of the application. **Chairwoman Strollo** was in agreement with the Board and felt there was no detriment and the application did not compromise the intent of the Zoning Code.

A motion to approve the application was made by **Mr. Scuderi**, seconded by **Mr. Heller**.

Roll call: Ayes: Mr. Crimmins, Mr. FitzPatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo

Nays:

Abstain:

Absent: Ms. Dugan, Mr. Willcox

Carried.

PUBLIC HEARING:

Docket V-01-19-ZBA-02-Brian & Tricia Budway, Block 3305, Lot 5; 426 Elizabeth Avenue
(Variance to allow front yard setback at 37' where 40' is required.)

Mr. Schefers said that the applicant had noticed properly and that the hearing could proceed.

Tricia Budway, 426 Elizabeth Ave. and **Brian Budway**, 426 Elizabeth Ave. were sworn in. **Mr. Budway** stated that they were seeking a variance to cover the existing platform of the front steps which has been open and would be a 37' set back from the front. **Mr. Budway** stated they were seeking a hardship variance as the lot is undersized. **Mr. Schefers** asked to mark the picture of the home and the plans as **Exhibit A-1** and **Exhibit A-2**. **Ms. Budway** further explained the covered area using the marked exhibits, stating that they have added a second floor addition and the covered platform makes the addition more aesthetically pleasing.

QUESTIONS FROM THE BOARD

Mr. Scuderi asked **Mr. Budway** with regard to the picture, if the new overhang goes further than the front extension of the house. **Mr. Budway** replied that it did and if you look at the survey, you can see the bump out of the house. **Mr. Scuderi** asked **Mr. Budway** if the lot is smaller than required. **Mr. Budway** said yes. **Ms. Woods** asked **Mr. Budway** about another included exhibit showing the house across the street. **Mr. Budway** stated it was included to show how the house would fit into the neighborhood.

QUESTIONS FROM THE PUBLIC - None

COMMENTS FROM THE PUBLIC - None

COMMENTS FROM THE BOARD

Mr. Crimmins said the house was built at the 40’ set back and the addition is a cover, you’re not expanding out and in addition, it’s a safety issue in addition to aesthetics so he would be in favor. **Ms. Woods** stated this is clearly a hardship and does not go against the intent of the code and she would be in favor of the application. **Mr. Scuderi** agreed with the previous statements. **Mr. Heller** joined with the other Board members and was in favor. **Mr. FitzPatrick** said he was also in favor of the application stating that the undersized lot causes a hardship. **Mr. Mooradian** stated he was also in favor as there is no detriment to the neighborhood. **Chairwoman Strollo** also agreed with the comments of the Board members stating the addition is modest and there is a C1 hardship, the porch addition provides shelter and safety supporting the Municipal Land Use Law without detriment to the adjoining properties with that encroachment and no compromise to the intent of the code.

A motion to approve this application was made by **Mr. Crimmins**, seconded **Mr. FitzPatrick**.

Roll call: Ayes: Mr. Crimmins, Mr. FitzPatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo

Nays:

Abstain:

Absent: Ms. Dugan, Mr. Willcox

Carried.

RESOLUTIONS MEMORIALIZED - None

CORRESPONDENCE - None

NEW BUSINESS

Ordinance No. 02-2019 regarding Escrow Deposits, **Councilman Kilman** stated that Mayor and Council voted to approve and amend the Zoning Escrow fees to \$600 from \$300.

Ordinance No. 03-2019 the fence Ordinance, **Councilman Kilman** said there was a slight amendment to the original 6’ change, to eliminate confusion to the front being 4’.

Ms. Woods asked **Councilman Kilman** about the 50 percent open area on the fencing, how are we to determine that? **Councilman Kilman** replied the Zoning Officer would look at that; we don’t want solid fences.

2018 Annual Report - **Chairwoman Strollo** read the Annual Report which reviews the Board’s decisions on the prior year.

A motion to approve the annual report was made by **Ms. Woods**, seconded **Mr. Crimmins**.

Roll call: Ayes: Mr. Crimmins, Mr. FitzPatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo

Nays:

Abstain:

Absent: Ms. Dugan, Mr. Willcox

Carried.

OLD BUSINESS – None

EXECUTIVE SESSION

Executive Session – Pending Litigation

Chairwoman Strollo read the resolution to allow the Board to enter into closed session.

A motion to approve going into Executive Session was made by **Mr. Scuderi**, seconded **Ms. Woods**.

Roll call: Ayes: Mr. Crimmins, Mr. FitzPatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo

Nays:

Abstain:

Absent: Ms. Dugan, Mr. Willcox

Carried.

Board entered closed session at 8:11 pm.

ADJOURNMENT

A motion was made by **Mr. Scuderi**, seconded by **Ms. Woods** to adjourn the regular meeting at 8:15 pm. All in favor. **Carried.**