

RAMSEY ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
June 19, 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	X	
Mr. Heller	X	
Mr. Mooradian, Alt. 2	X	
Mr. Scuderi	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 4/17/19 was made by **Ms. Dugan**, seconded by **Mr. Heller**. All eligible members voted in favor. **Carried**.

CONSENT RESOLUTIONS

Vouchers/Performance Bonds/Letter of Credit:

Escrow Release – Laganella, Anthony & Phyllis \$125.55
Block 1901, Lot 8

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

A motion was made by **Ms. Woods**, seconded by **Mr. Scuderi** and was carried, to approve the 6/19/19 **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:**

V-04-19-ZBA-05-The Camp, LLC, Block 3608, Lot 23.01; 38 Grant Street. Variance to allow construction of a new dwelling without a garage where a garage is required.

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

Mr. Andrew Kohut, Esq. of Wells, Jaworski & Liebman, Paramus, N.J. appeared on behalf of the applicant. **Mr. Kohut** said that the property is located in the B-3 zone with residential use. The property was subdivision was approved by the Planning Board but left the approval of the removal of the garage to this Board. **Mr. Kohut** said that the applicant is seeking to replace an existing dated house with a new one. **Mr. Kohut** said the request to remove the garage mainly has to do with the configuration of the lot and restrictions in place due to the location of the stream.

TESTIMONY OF TIBOR LATINCSICS

Tibor Latincsics of Conklin Associates, Ramsey, N.J. was sworn in and deemed an expert in engineering and professional planning. Mr. Kohut presented the following exhibits:

- Exhibit A-1 Site Plan last revised 04/17/19
- Exhibit A-2 Photo dated 06/19/19
- Exhibit A-3 Architectural Plan last revised 04/19/18
- Exhibit A-4 Aerial Photo dated 06/19/19
- Exhibit A-7

Mr. Latincsics said that the primary feature of the lot is that the Masonicus Brook runs through the lot. **Mr. Latincsics** continued that the property has been occupied by a two bedroom home in poor condition with no garage. The property is located on the west side of Grant Street, directly across from the former King Crash tow yard. **Mr. Latincsics** said that they are proposing to replace the existing home with a cape-cod style two bedroom home that fits the scale of the property with a 1,260 sq. ft. footprint. **Mr. Latincsics** said the key element which drives this application is the Masonicus Brook; the entire property is in a flood plain of the Masonicus Brook. **Mr. Latincsics** continued that the site plan was developed with the appropriate approval of the NJDEP. **Mr. Latincsics** said that an important element of reconstructing the home is to elevate it above the flood plain which is a significant improvement over existing conditions. **Mr. Latincsics** said that the surrounding homes do not have a garage. **Mr. Latincsics** said that there are environmental constraints which dictate where the house is located.

QUESTIONS FROM THE BOARD

Mr. Scuderi asked **Mr. Latincsics** what would have to happen to this proposal if a garage

was to be included in the plan. **Mr. Latinsics** said they would have to take 30 to 40 percent of the first floor and dedicate it to a garage. There will also be an added challenge to elevate the garage above the flood plain and ramp the driveway up to the garage. **Mr. Scuderi** asked **Mr. Latinsics** if this application was being proposed under a C-1 Hardship basis. **Mr. Latinsics** said yes due the physical constraints of the property with the Masonicus Brook. **Chairwoman Strollo** asked **Mr. Latinsics** to explain the net fill restrictions. **Mr. Hals** said that the NJDEP regulates this which basically means that you are not allowed to displace any of the flood volume in the construction of a home; you can move it around so that there is zero net loss of the fill. **Mr. Hals** continued the new house has to allow the flood waters to flow underneath the house so that you are not losing any volume of the flood. **Ms. Woods** asked **Mr. Latinsics** how long is the driveway. **Mr. Latinsics** answered it was 32.3 ft., enough for a car to be parked without extending out and it is double wide.

QUESTIONS FROM THE PUBLIC - None

COMMENTS FROM THE PUBLIC - None

COMMENTS FROM THE BOARD

Ms. Dugan said in her opinion it's a clear C-1 with the irregular shaped property and the brook, there will be no detriment to the public good and would be in favor of it. **Mr. Heller** felt this was a quantum leap and would vote in favor. **Mr. FitzPatrick** said it was a C-1 with the shape of the property and would be voting for it. **Mr. Mooradian** agreed as it was a big improvement and would be in favor. **Mr. Scuderi** said it was a unique application as to the zoning and character of the neighborhood; because of the modest size of the residence he was in favor of removing the garage and he would be in favor of the application. **Ms. Woods** stated she felt the application met both the criteria for the C-1 and the C-2 and would be in favor of the application. **Chairwoman Strollo** stated she agreed with the Board; the applicant has met the negative criteria, several hardships are on this property given the topographical features, the application addressed whether there is detriment to the public good and she would be in favor of the application.

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

Roll call: Ayes: Ms. Dugan, Mr. Fitzpatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo

Nays:

Abstain:

Absent: Mr. Crimmins

Carried.

PUBLIC HEARING:

V-06-19-ZBA-06-Joseph & Lauren Daloisio, Block 303, Lot 8; 98 Bonnie Way. Variances to allow a rear yard setback of 28' existing, 28' proposed where 50' is minimum required

and side yard setback of 23.7' existing, 23.7' proposed where 30.1' is minimum required.

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

TESTIMONY OF JOSEPH & LAUREN DALOISIO

Joseph Daloisio and **Lauren Daloisio** of 98 Bonnie Way, Allendale, NJ were sworn in. **Mr. Daloisio** said that he is currently the Secretary for the Land Use Board in Allendale which is why their attorney recommended that they appear in Ramsey. **Mr. Daloisio** said that they are looking to build a second story addition over their existing, semi-detached garage. **Mr. Daloisio** said that currently under Allendale ordinance they fall under the side yard and front yard setback non-conformity; the lot is an irregular shaped lot and the house sits irregularly on that lot. **Mr. Daloisio** continued that they do not feel there is any detriment to the neighborhood; their neighbors are in favor of the addition. **Mr. Daloisio** stated they are seeking a C-1 Hardship variance.

Mr. Hals asked **Mr. Daloisio** who are his neighbors to the rear of his property. **Mr. Daloisio** said it was the Ramsey Country Club and New Jersey Transit. **Mr. Hals** asked **Mr. Daloisio** to describe his property. **Mr. Daloisio** said it is a triangular shape on a cul-de-sac. **Mr. Hals** added that the distance from the railroad right-of-way to the front of **Mr. Daloisio's** garage was about 50 ft. so the entire garage is located in the rear yard; any addition that was put on there would be non-conforming.

Chairwoman Strollo asked **Mr. Daloisio** what variances he is requesting. **Mr. Daloisio** said that the existing rear yard setback is at 28 ft. where 50 ft. is required and the side yard setback is at 23 ft. where 30 ft. is required. **Mr. Hals** added that because they are increasing the gross area of the home, they are asking for the variance on the existing home because the setbacks become non-conforming as per the Allendale ordinances. **Mr. Hals** indicated that the application qualifies as a C-1 Hardship variance.

QUESTIONS FROM THE BOARD - None

QUESTIONS FROM THE PUBLIC - None

COMMENTS FROM THE PUBLIC - None

COMMENTS FROM THE BOARD

Mr. Scuderi stated that he believed the applicant had established that they should be entitled to a C-1 Hardship variance based on a unique property and hardships associated with it; there is no detriment to the public good and he would be in favor of it. **Ms. Woods** said the application meets all of the requirements of a C-1 Hardship variance and is in favor. **Ms. Dugan** is also in favor, stating there has been no change to the

footprint or impervious condition. **Mr. Heller** stated he joined the other members of the Board. **Mr. Fitzpatrick** was in favor of the C-1 Hardship. **Mr. Mooradian** was in agreement and was in favor. **Chairwoman Strollo** agreed with the Board saying the requirements of the C-1 Hardship had been met; there are no negative impacts to the neighboring properties.

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

Roll call: **Ayes:** **Ms. Dugan, Mr. Fitzpatrick, Mr. Heller, Mr. Mooradian, Mr. Scuderi, Ms. Woods, Chairwoman Strollo**

Nays:

Abstain:

Absent: **Mr. Crimmins**

Carried.

RESOLUTIONS MEMORIALIZED

1. Docket #V-04-19-ZBA-04-Patrice Smiley Andrews, Block 2910, Lot 13; 77 Maple Street. Variances to allow maximum building coverage of 21.41% where 20% is required and a front yard setback of 29.6' where 40' is required were approved.

A motion to waive the reading of the resolution was made by **Ms. Woods.**, seconded by **Ms. Dugan. Carried.**

A motion to approve the resolution was made by **Ms. Woods**, seconded by **Mr. Fitzpatrick.**

Roll call: **Ayes:** **Ms. Dugan, Mr. Heller, Chairwoman Strollo**

Nays:

Abstain: **Mr. Fitzpatrick, Mr. Mooradian, Mr. Scuderi, Ms. Woods**

Absent: **Mr. Crimmins**

Carried.

CORRESPONDENCE - None

NEW BUSINESS- None

OLD BUSINESS - None

ADJOURNMENT

A motion was made by **Mr. Scuderi**, seconded by **Ms. Woods** to adjourn the regular meeting at 8:26 pm. All in favor. **Carried.**