

RAMSEY PLANNING BOARD
MINUTES OF MEETING HELD ON OCTOBER 15, 2019

REGULAR MEETING

Chairman Iorio called the regular meeting of the Ramsey Planning Board to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Mr. Carey led the Pledge of Allegiance.

ANNOUNCEMENT BY CHAIRMAN IORIO

This meeting is being held in accordance with the Sunshine Law. **Chairman Iorio** read the Open Public Meetings Law notice.

MEMBERS	PRESENT	ABSENT
Mr. Carey	X	
Ms. Cusick	X	
Ms. Green	X	
Mr. Garbasz	X	
Mr. Haas	X	
Mr. Strollo	X	
Mr. Daul, Alt. II	X	
Councilman Verdone		X
Mayor Dillon	X	
Chairman Iorio	X	

IN ATTENDANCE	PRESENT	ABSENT
Mr. Whitaker, Board Attorney	X	
Mr. Hals, Board Engineer	X	
Ms. Lupo, Admin. Secretary	X	

APPROVAL OF MINUTES

A motion to approve the minutes of 10/01/19 was made by **Mr. Carey** seconded by **Mr. Garbasz**. All eligible members voted in favor. **Carried**.

CORRESPONDENCE - None

WAIVER APPLICATIONS

Applicant: Fulton, Menfi, Frega, Straubinger & Berlamino, LLC
Location: 6 Arrow Road
Leased Area: 8,014 sq. ft.
Proposed Business: CPA Firm

The office will be open 7 days a week, Monday through Saturday 6:00 AM to 8:00 PM. The number of employees is 18 F/T, 2 P/T and the number of parking spaces is 40.

Applicant: Wae Consulting, LLC
Location: 14 Overbrook Road
Leased Area: 100 sq. ft.
Proposed Business: Consulting businesses on operational and finance systems

The office will be open 5 days a week, Monday through Friday 9:00 AM to 5:00 PM. The number of employees is 1 F/T and the number of parking spaces is 1.

Applicant: World Golfs, LLC
Location: 14 Overbrook Road
Leased Area: 300 sq. ft.
Proposed Business: Executive Networking

The office will be open 5 days a week, Monday through Friday 8:30 AM to 5:30 PM. The number of employees is 1 F/T and the number of parking spaces is 2.

Applicant: ITL Global Services, LLC
Location: One Plaza Lane
Leased Area: 650 sq. ft.
Proposed Business: Telecommunication Provider

The office will be open 5 days a week, Monday through Friday 8:00 AM to 5:00 PM. The number of employees is 4 F/T and the number of parking spaces is 4..

Applicant: QFR Capital Management, L.P.
Location: 46 N. Central Avenue
Leased Area: 450 sq. ft.
Proposed Business: Asset Management, Hedge Fund

The office will be open 5 days a week, Monday through Friday 8:00 AM to 5:00 PM. The number of employees is 4 F/T and 1 P/T and the number of parking spaces is 3.

Applicant: Town & Country Compounding & Consulting Services, LLC
Location: 535 E. Crescent Avenue
Leased Area: 8,917 sq. ft.
Proposed Business: Compounding Laboratory & Office

The business will be open 5 days a week, Monday through Friday 9:00 AM to 6:00 PM. The number of employees is 16 F/T, 2 P/T and the number of parking spaces is 45.

Applicant: Rejuvenate Hair & Skin Inc.
Location: 47 N. Franklin Turnpike
Leased Area: 160 sq. ft.
Proposed Business: Rejuvenate Hair & Skin

The business will be open 6 days a week, Monday through Saturday 9:00 AM to 9:00 PM. The number of employees is 1 F/T and the number of parking spaces is 3.

A motion to approve the waivers, subject to the approval of the Construction Official, Board of Health and Fire Official, was made by **Mr. Carey**, seconded by **Mr. Haas**.

Roll Call: **AYES:** **Mr. Carey, Ms. Cusick, Ms. Green, Mr. Garbasz, Mr. Haas, Mr. Strollo, Mr. Daul, Mayor Dillon, Chairman Iorio***
 NAYES:
 ABSTAIN: ***Chairman Iorio** abstained from Fulton, Menfi, Frega, Straubinger & Berlamino, LLC
 ABSENT: **Councilman Verdone**

Carried.

COMMENTS FROM THE PUBLIC

Mr. Braggin of Ramsey, N.J. commented on the 83 Grant Street application, cars parked on North Central near Ramsey Jeep Chrysler and the property located at 13 North Central Avenue.

COMMENTS OF BOARD MEMBERS

Chairman Iorio commented on the cars parked on North Central and the property located at 13 North Central Avenue.

Mr. Hals commented on 83 Grant Street.

ORDINANCES - None

PUBLIC HEARING:

**Gad Gilan - Continuation
Block 4810, Lot 15; 4 North Spruce Street
Amended Site Plan/Variance**

Matthew S Rogers, Esq. of 123 Prospect Street, Ridgewood, N.J. appeared on behalf of the applicant. **Mr. Rogers** said at the last hearing the Board brought up two major concerns. **Mr. Rogers** said that one had to do with the parking in the rear for the current tenants and the other had to do with a protection type barrier for the proposed outdoor seating. **Mr. Rogers** said that the landlord had agreed to designate four spaces in the rear to the current tenants leaving one space designated for the applicant. The landlord also designated to the applicant four spaces in the front for a total of five parking spaces where fourteen parking spaces are required by code. **Mr. Rogers** said that the applicant is now requesting a variance for nine parking spaces which is based upon the square footage of the site. **Mr. Rogers** presented the following exhibit:

Exhibit A-1 Photo dated 10/15/19

Mr. Rogers said that **Mr. Hals** had reviewed four protection type barrier options and has accepted two of the four options. **Mr. Rogers** said that the applicant is willing to go ahead with either of the options. **Mr. Rogers** said that he believes that the applicant satisfied the two concerns of the Board. **Mr. Rogers** said that they are amending the application and are requesting a variance for nine parking spaces as opposed to seven that was originally submitted. **Chairman Iorio** asked **Mr. Rogers** if the applicant is willing to reduce the number of seats to offset the reduction in the parking spaces. **Mr. Rogers** said that the parking is calculated by the square footage of the site rather than seating, but the applicant is willing to comply if that is what the Board requests. **Mr.**

Carey inquired about the protective devices to be installed in the front. **Mr. Rogers** described both that were proposed to and accepted by **Dave Hals**. **Mr. Whitaker** asked **Mr. Hals** if either proposal from a technical standpoint, subject to receipt of installation details, would be acceptable from a safety standpoint. **Mr. Hals** said yes. Either proposal could work. **Chairman Iorio** asked **Mr. Rogers** if the parking signs in the front that limit parking to fifteen minutes will be removed. **Mr. Rogers** said that the applicant will comply if that's the Board's request. **Mr. Strollo** asked **Mr. Rogers** how deliveries are handled. **Mr. Gilan**, who was previously sworn in, said they get very little deliveries. They bake everything onsite. **Mr. Gilan** said that linen deliveries would be once per week to the side entrance on Arch Street. **Chairman Iorio** said that he has a concern with limited amount of parking spaces and the seating. **Chairman Iorio** asked **Mr. Rogers** what the applicant would be willing to propose as far as a reduction in the number of seats. **Mr. Rogers** said that the applicant is willing to drop the number of seats to twenty-five.

PUBLIC QUESTIONS/COMMENTS

Mr. Braggin of Ramsey, N.J. was sworn in. **Mr. Braggin** presented the following exhibits:

Exhibit C-1 Photos dated October 5, 2019

Exhibit C-2 Photos dated October 14, 2019

Mr. Braggin described the photos. **Mr. Braggin** asked **Mr. Gilan** if the seating count includes the benches. **Mr. Gilan** said that the benches are installed permanently along the wall and are part of the décor. **Chairman Iorio** asked **Mr. Rogers** if the benches were counted in the seating calculation. **Mr. Rogers** said that they didn't, but they will include them in the total count.

Mr. Braggin said that the applicant knew that insufficient parking was present and with his prior knowledge of this he accepted a self-imposed hardship which cannot be corrected by a C-2 hardship variance. **Mr. Braggin** commented on the seating. **Mr. Braggin** commented on the handicap parking space and safety bollards. **Mr. Braggin** said that the Master Plan specifically states that variances shouldn't be granted for intensification use. It's the owner's responsibility to do the due diligence on whether the site is in the appropriate location for their type of use. **Mr. Braggin** said that he doesn't believe this applicant should receive a parking variance. The number of seats needs to be drastically reduced in order to fulfill the ordinances that are required.

Mr. Rogers commented that when the applicant applied for the proper permits he was advised that he needed to submit an application for a parking variance. **Mr. Rogers** said the applicant followed that advice and submitted the proper application. **Mr. Rogers** said that the applicant is trying to bring a good viable business to Ramsey. **Mr. Rogers** commented on the C-2 hardship variance that they are requesting. **Mr. Rogers** said that the use is an approved use which has limitations with regard to the number of seats. **Mr. Rogers** said that the applicant is willing to reduce the number of seats. **Mr. Rogers** said that benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.

BOARD COMMENTS

Ms. Cusick said that she believes that not everyone that visits the town business areas travels in an automobile. For example, on Sunday while people are visiting the Farmer's Market. **Ms. Cusick** said that the business is also located within a close proximity to the High School. **Ms. Cusick** said that there are walkers in town. This is what she witnesses on the weekends.

Mr. Carey said that he believes that whatever usage will acquire the space there will be a parking shortage. **Mr. Carey** said that the applicant has addressed the bollards in the front. **Mr. Carey** said he believes that the benefits outweigh any detriments.

Mr. Strollo commented on the ADA parking space. **Mr. Hals** confirmed that a parking space in

front can be accommodated for an ADA parking space.

Chairman Iorio said that there is a parking deficiency on the site; however this is a unique situation because there’s public parking across the street as well as being within walking distance to downtown Ramsey. **Chairman Iorio** said that he agrees with **Ms. Cusick’s** comment about people walking to this site rather than driving. **Chairman Iorio** said he doesn’t believe that thirty people and cars will be there at the same time. **Chairman Iorio** said that he appreciates the reduction in the number of seats and would consider that a condition as well as a designated ADA parking space. **Chairman Iorio** said that he would consider a condition with no employees parking across the street in the spaces that are designated to Ramsey Shoppers. **Chairman Iorio** said that he also would like to see the fifteen minute parking signs removed. **Chairman Iorio** said that he doesn’t believe that the Master Plan refers to limiting the intensity/density of future development near or around Main Street applies to this application. **Chairman Iorio** said that this is permitted use in the zone. It’s not being intensified by reducing the amount parking spaces. There’s access to street parking as well as parking across the street and actual street walkers.

A motion to approve the application was made by **Mr. Carey**, seconded by **Ms. Cusick**, subject to the following conditions:

- ADA Parking Space to be provided
- Employees do not park in the Ramsey designated Shoppers Parking across the street
- 25 seats include benches
- Decorative Bollard
- Removal of the parking signs
- Subject to Subcode Fire Official

Roll Call: **AYES:** **Mr. Carey, Ms. Cusick, Ms. Green, Mr. Garbasz, Mr. Haas, Mr. Strollo, Mr. Daul, Chairman Iorio**

NAYES:

ABSTAIN: **Mayor Dillon**

ABSENT: **Councilman Verdone**

Carried.

PUBLIC HEARING:

**Ramsey Auto Group-Mazda
Block 5103, Lot 5; 436 Route 17 North
Amended Site Plan**

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

Mr. Jaworski presented the following exhibits:

- Exhibit A-1 Bergen County Planning Board Exemption dated 09/06/19
- Exhibit A-2 Bergen County Soil Conversation District Approval dated 09/10/19
- Exhibit A-3 Amended Site Plan dated 04/03/19
- Exhibit A-4 Mounted Photos of Proposed Elevations dated 10/15/19
- Exhibit PB-1 Dave Hals review letter dated 09/20/19

TESTIMONY OF THOMAS ASHBAHIAN

Thomas V. Ashbahian of 39 Spring Street, Ramsey, N.J. was sworn in and deemed an expert in architecture. **Mr. Ashbahian** described the existing and proposed conditions. **Mr. Ashbahian** said that they are installing a two-story jewel box feature adding 384 sf and a more identifiable

entrance. **Mr. Ashbahian** said that there are no variances created by this application. **Mr. Ashbahian** said that there is only one pre-existing nonconforming condition which is green space and they are proposing to improve that. **Mr. Ashbahian** said that they are adding some curbing and landscaping as you enter the site. **Mr. Ashbahian** said that they will comply with all the actionable comments on Dave Hals' review. **Mr. Carey** inquired about the existing fence. **Mr. Ashbahian** described the fencing. **Chairman Iorio** inquired about the light poles. **Mr. Ashbahian** said that they are relocating one light pole to a new curbed area. **Chairman Iorio** inquired about the curbing. **Mr. Ashbahian** said that the proposed curbing will match the existing concrete curbing. **Chairman Iorio** inquired about a landscaping plan. **Mr. Jaworski** said that they have not submitted a landscaping plan but will provide it to the Shade Tree Commission. **Chairman Iorio** asked **Mr. Ashbahian** what is the condition of the landscaping in rear border of the property behind the fence. **Mr. Ashbahian** said he did not look at that. His focus was on the front of the building, the aesthetics of the building itself and adjusting the curblines.

PUBLIC QUESTIONS

Andrea Lorberbaum of 18 Birchwood Court, Upper Saddle River, N.J. asked **Mr. Ashbahian** if the property behind the fence included in the landscaped area calculations. **Mr. Ashbahian** said yes. **Ms. Lorberbaum** asked **Mr. Ashbahian** if there is an existing variance for the nonconforming fifteen-foot setback where twenty feet is required. **Mr. Ashbahian** said he's not aware of any.

Alfonse DeMaria of 15 Birchwood Court, Upper Saddle River, N.J. inquired about the variance for the fifteen-foot setback. **Mr. Whitaker** said that the prior resolution and plan need to be reviewed.

TESTIMONY OF FRANK MINERVINI

Frank Minervini of 585 Route 17 South, Ramsey, N.J. was sworn in. **Mr. Jaworski** asked **Mr. Minervini** if the shields were installed on the lights. **Mr. Minervini** said yes. **Mr. Minervini** said that he hired Greenbelt Landscaping to look at the rear lot area and will comply with whatever the Shade Tree Commission suggests. **Chairman Iorio** asked **Mr. Minervini** if the dumpster is fenced in. **Mr. Minervini** said no but it will be.

PUBLIC QUESTIONS - None

Mr. Jaworski asked **Mr. Ashbahian** if the existing conditions are nonconformities. **Mr. Ashbahian** said that the survey indicates there's one point at 15.2 feet to the rear property line. There's a basin located there and whoever installed the curb was trying to accommodate a drainage structure. **Mr. Ashbahian** said that's the closest point and whoever installed the fence followed that irregular line. **Mr. Ashbahian** said that as per the current survey the setback from the rear property line to the curblines is 22 feet and the rear setback from the property line to the fence is approximately 18-19 feet. **Mr. Whitaker** said that they need to proffer proof that the nonconformity was previously approved or make a modification. **Mr. Jaworski** asked **Mr. Ashbahian** if they could move the fence from 15.2 feet to 20 feet. **Mr. Ashbahian** said yes.

PUBLIC COMMENTS

Andrea Lorberbaum of 18 Birchwood Court, Upper Saddle River, N.J. was sworn in. **Ms. Lorberbaum** presented the following exhibits:

- Exhibit C-1 Photos dated Oct. 1 through Oct. 15
- Exhibit C-2 Landscape Plan

Ms. Lorberbaum described the photos. **Ms. Lorberbaum** said that her house is fully visible from Route 17. **Ms. Lorberbaum** said that are no trees left from the original landscaping plan. The original landscaping plan shows fifty-two staggered white pine trees. **Ms. Lorberbaum** said that on her property line there were thirty-two shown on the plan and now there are five left in poor health. **Ms. Lorberbaum** said that she's been living at 18 Birchwood Court for six years and there has been no maintenance to the buffer zone. **Ms. Lorberbaum** said that when trees have fallen they have been chopped up and left. **Ms. Lorberbaum** said that she's concerned about having a site and sound buffer.

Mr. Whitaker said that the Landscaping Plan marked as C-2 there shows a chain link fence with vinyl slats three feet behind the parking curb. **Mr. Whitaker** said that Landscaping Plan prepared by Fred Klenk dated 1985 shows no variance. **Mr. Whitaker** said that the fence runs twenty feet with a cut in where the drainage is indicated. **Mr. Whitaker** recommended to the Board that the original Resolution of Approval be reviewed and a landscaping plan be submitted.

Alfonse DeMaria of 15 Birchwood Court, Upper Saddle River, N.J. was sworn in. **Mr. DeMaria** said that the fence line that abuts his property is approximately fifteen to eighteen in varying places. **Mr. DeMaria** is concerned about the buffer zone having a visual and sound barrier. **Mr. DeMaria** said that the trees were cut by Ramsey Auto Group.

Chairman Iorio said that the application will be carried to November 5, 2019 at 7:30 pm. No new notices are required.

Committee Reports:

Subdivision Committee: Nothing to report

Application Review Committee: **Next Meeting: October 31, 2019 @ 12:00 P.M.**

Finance Committee: Vouchers/Performance Bonds/Letter of Credit:

Motion was made by **Mr. Carey** seconded by **Mayor Dillon** and was carried, to approve the 10/15/19 **CONSENT RESOLUTION** recommending to the Mayor & Council payment of vouchers. All in favor. **Carried.**

Master Plan & Zoning Committee: **Mr. Carey** said that a special Master Plan meeting has been scheduled for Tuesday, October 29, 2019 at 7:30 pm which will be open to the public for comments. A draft copy will be available on the Borough website and a hard copy can be viewed at the Borough Hall on Friday, October 18, 2019.

Procedures Committee: Nothing to report

Capital Improvement & Public Lands: Nothing to report

RESOLUTIONS - None

OLD BUSINESS - None

NEW BUSINESS - None

ADJOURNMENT

A motion was made by **Ms. Cusick**, seconded by **Ms. Green** to adjourn the regular meeting at 9:45 P.M.