

**RAMSEY PLANNING BOARD**  
**MINUTES OF MEETING HELD ON FEBRUARY 5, 2019**

**REGULAR MEETING**

**Chairman Iorio** called the regular meeting of the Ramsey Planning Board to order at or around 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.

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>
<b>Mr. Carey</b>	<b>X</b>	
<b>Mr. Iorio</b>	<b>X</b>	
<b>Ms. Cusick</b>	<b>X</b>	
<b>Ms. Green</b>	<b>X</b>	
<b>Mr. Garbasz</b>	<b>X</b>	
<b>Mr. Haas</b>	<b>X</b>	
<b>Mr. Strollo</b>	<b>X</b>	
<b>Mr. Daul, Alt. II</b>	<b>Left @ 7:55 pm</b>	
<b>Councilman Verdone</b>	<b>X</b>	
<b>Mayor Dillon</b>		<b>X</b>

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

**APPROVAL OF MINUTES**

A motion to approve the minutes of 01/15/19 was made by **Ms. Cusick**, seconded by **Mr. Carey**

All eligible members voted in favor. **Carried.**

**CORRESPONDENCE**

Letter dated January 29, 2019 from Mr. Douglas regarding 83 Grant Street, LLC.

Letter dated January 28, 2019 from Mr. Fennelly regarding 83 Grant Street, LLC.

A motion to receive and file the correspondence was made by **Ms. Cusick**, seconded by **Mr. Haas**. All in Favor. **Carried.**

**COMMENTS OF BOARD MEMBERS**

**Mr. Whitaker** thanked the Board for his acknowledgement at the last meeting. **Mr. Whitaker** said that he has enjoyed working with the Board over the years and considers Ramsey a special place.

**COMMENTS FROM THE PUBLIC**

**Mr. Bragg** of Ramsey, N.J. commented on the status of the Wawa and requested copies of correspondence letters.

**Todd Myer** of 453 Island Road commented about the process regarding communication from an individual who cannot be physically present for a Board hearing. **Mr. Whitaker** provided a response regarding the process and judicial proceeding.

**ORDINANCES**

Ordinance 02-2019 & Ordinance 03-2019

A motion to recommend to the Mayor & Council the adoption of the Ordinances No. 02-2019 and No. 03-2019 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, Councilman Verdone, Chairman Iorio**

**NAYES:**

**ABSTAIN:**

**ABSENT:**     **Mayor Dillon**

**Carried.**

**WAIVER APPLICATIONS**

**Applicant:**                 **Bergen Thai Massage Spa, LLC**

**Location:**                 **43 Spring Street**

**Leased Area:**             **580 sq. ft.**

**Proposed Business:**     **Therapy Massage**

The business will be open 7 days a week, Monday through Sunday, by appointment only. The number of employees is 1 F/T and 1 P/T and the number of parking spaces is 3.

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**Applicant:**                 **Revere Plumbing & Heating, LLC**

**Location:**                 **37 Orchard Street**

**Leased Area:**             **1,100 sq. ft.**

**Proposed Business:**     **Plumbing & Heating Contractors Office**

The business will be open 7 days a week, Monday through Sunday, 7:30 AM to 5:30 PM. The number of employees is 7 F/T and 2 P/T and the number of parking spaces is 6.

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**Applicant:** TCTL1, LLC  
**Location:** 61 Grant Street  
**Leased Area:** 2,685 sq. ft.  
**Proposed Business:** Lighting, Electrical & Industrial/Marine Supplies

The business will be open 5 days a week, Monday through Friday, 8:00 AM to 5:00 PM. The number of employees is 3 F/T and the number of parking spaces is 10.

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**Applicant:** Kareema Hamoi  
**Location:** 503 N. Franklin Turnpike  
**Leased Area:** 887 sq. ft.  
**Proposed Business:** Barber Shop

The business will be open 7 days a week, Monday through Sunday, 8:00 AM to 6:00 PM. The number of employees is 2 F/T and the number of parking spaces is 5.

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**Applicant:** King Pizza of Ramsey, LLC  
**Location:** 22 Church Street  
**Leased Area:** 910 sq. ft.  
**Proposed Business:** Pizzeria

The business will be open 7 days a week, Monday through Sunday, 11:00 AM to 10:00 PM. The number of employees is 1 F/T and 1 P/T and the number of parking spaces is 6.

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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 **Ms. Cusick**.

**Roll Call:**   **AYES:**       **Mr. Carey, Ms. Cusick, Ms. Green, Mr. Garbasz, Mr. Haas, Mr. Strollo, Mr. Daul, Councilman Verdone, Chairman Iorio**  
                  **NAYES:**  
                  **ABSTAIN:**  
                  **ABSENT:**   **Mayor Dillon**

Carried

**PUBLIC HEARING:**

**Baseline Associates, LLC - Continuation  
Block 4201, Lot 6  
425 Island Road**

**Mr. Daul** was recused.

**Jay Atkins, Esq.** of Sunshine, Atkins, Minassian, Tafuri, D'Amato, & Beane, P.A., 887 Kinderkamack Road, River Edge, N.J. appeared on behalf of the applicant.

**TESTIMONY OF MICHAEL DIPPLE**

**Mr. Dipple** of L2A Land Design, LLC, 60 Grand Avenue, Englewood, N.J. was previously sworn in. **Mr. Atkins** presented Exhibit A-2a dated January 11, 2019. **Mr. Dipple** described the changes in

the updated plan. **Mr. Dipple** said that the plans have been revised as per **Mr. Hals'** review and Crew Engineer's report. **Mr. Dipple** said that some of the changes were engineering in nature. They are still proposing 16 single family residential developments and 2 detention basins. **Mr. Dipple** said that biggest change to the plans was the narrowing of the road width as per **Mr. Hals'** review letter. **Mr. Dipple** said that in the northeast corner of Road A and Road B they decreased the size of the retaining wall in the corner to maximum height of 6 feet from 8-10 feet. **Mr. Dipple** said that all of the structures meet the maximum height requirement for the zone and do not require any height variances. **Ms. Cusick** asked **Mr. Dipple** if there were any updates to the volume of the dry wells that are located on each individual lot. **Mr. Dipple** said no. The volume of each dry well is based upon the size of each roof structure and that has remained the same. **Mr. Dipple** said that there were some incidental changes to the inlet locations and grading changes to incorporate the grading of the roadway as per **Mr. Hals'** review letter. **Mr. Atkins** asked **Mr. Dipple** if water drains to Island Road from the site. **Mr. Dipple** said yes. **Mr. Atkins** asked **Mr. Dipple** if a larger pipe can be connected into the Regency Park development located across the street. **Mr. Dipple** said yes. **Mr. Atkins** asked **Mr. Dipple** if they would need permission to change any piping on the Regency Park development. **Mr. Dipple** said yes. **Mr. Hals** was sworn in. **Mr. Hals** explained the sizing and locations of the piping that exists across Island Road into the Regency Park development. **Mr. Dipple** said that they made some changes to the Utility Plan as per Crew Engineer's report dated October 10, 2018. There were no changes to the lighting or landscaping plans. **Mr. Dipple** said that they found a way to preserve a few more trees at the northwest corner of the site. **Mr. Dipple** reviewed the length and heights of each retaining wall that is being proposed. **Mr. Atkins** presented Exhibit A-6 and A-6a. **Mr. Dipple** described the exhibits. **Chairman Iorio** asked **Mr. Dipple** if the applicant has considered regrading the site to eliminate some of the retaining walls as per **Mr. Hals'** review letter. **Mr. Dipple** said that he thinks that they had. **Chairman Iorio** asked **Mr. Dipple** how many lots propose driveways behind the house. **Mr. Dipple** said two lots. **Mr. Carey** asked **Mr. Dipple** if the all the homes meet the height restrictions of the Ramsey Code. **Mr. Dipple** said yes. **Mr. Dipple** reviewed the Soil Movement. **Mr. Dipple** said that 4,961 cubic yards of soil is to be exported from the site. **Mr. Carey** asked **Mr. Dipple** if there has been any soil testing. **Mr. Dipple** said that he did not perform those tests. **Mr. Atkins** said that the applicant had them done and will submit the results at the next meeting. **Mr. Whitaker** said that if the tests show that there's no contaminates than it's strictly a soil movement application. If the tests show that there are contaminates that have to be removed, a witness would need to testify as to how the removal is going to be accomplished. **Mr. Whitaker** said that the results need to be submitted to **Mr. Hals** to review and determine if someone would need to testify. **Ms. Cusick** asked **Mr. Dipple** to discuss the lighting plan. **Mr. Dipple** described the proposed lighting. **Mr. Atkins** asked **Mr. Dipple** if he believes all the lots will be conforming. **Mr. Dipple** said yes. **Chairman Iorio** asked **Mr. Dipple** if the survey was performed without the benefit of a complete title search. **Mr. Dipple** said that he did not perform the site survey. **Mr. Atkins** said that they will provide that at the next meeting. **Ms. Cusick** requested the need to review the entirety of **Mr. Hals'** review letter dated January 22, 2019. **Mr. Dipple** did so. **Mr. Dipple** said that items #1 through #8 are statement of fact. **Mr. Hals** reviewed #9 and stated that the property is located in the R-3 Zone District. There are four proposed corner lots with this proposed development. As you enter into the development on Island Road there are two proposed corner lots on each side of the road and then there are two other corner lots in the development by side Road B. The R-3 permits a 40-foot front yard setback for a corner lot and a setback of a least 20 feet from the side street line. In this case, specifically, the first two corner lots as you enter the development on Island Road are proposed less than 40 feet. The houses will be pulled closer to Island Road than what currently exists. While it meets the R-3 Zone District requirements is will also have a direct impact on the traveling public on Island Road and give the appearance that those homes are closer to Island Road than what currently exists. Section 34-15.2.b

specifically says that the average front yard setback within 500 feet along Island Road has to be established for those houses. **Mr. Hals** believes that those two houses as you enter into the development should have a 40-foot setback on each corner. This is not represented on the plan. **Mr. Whitaker** said that the interpretation of the Ordinance 34-15.2.b is that you need to maintain 40 feet unless you can show that homes along the roadway average are less and then there would be 35 foot minimum. **Mr. Dipple** said that they can comply with that Ordinance. **Mr. Dipple** commented on Soil Moving. **Mr. Dipple** said that Items 15-17 have been met. **Mr. Dipple** read Item #18. **Mr. Hals** commented that he agrees with the proposed grading for the roadways and the proposed layouts for the lots. **Mr. Hals** said that he believes that conforming building lots can be built in accordance with the R-3 Zone District requirements. **Mr. Hals** said that he does not believe that the Board should approve a Soil Movement application. **Mr. Hals** said that the grading that is being proposed is not realistic. There are 3 to 1 slopes being proposed which means that every 3 foot horizontal rises 1 foot vertical, and it would almost be impossible to push a lawnmower. Generally, slopes around homes are graded maximum at a 5- 6 to 1 slope. This translates to a 20% slope or something flatter. The homes should be graded to the slope of the land. **Mr. Hals** said that generally people tend to look for 30 to 40 feet of a backyard to utilize an area for recreation behind the home. Some of the proposed grading goes directly down by the houses having a 3 to 1 slope close to the house. Again, this is inappropriate. **Mr. Hals** said that in his opinion this is not the right time for the Board to approve the Soil Movement application. **Chairman Iorio** asked **Mr. Hals** how many homes are graded with the 3 to 1 slope. **Mr. Hals** said that 10 of the lots are graded that way. **Mr. Dipple** respectfully disagreed. **Mr. Dipple** said that he agrees that they incorporate 3 to 1 slopes in some areas which he feels can be improved. **Mr. Whitaker** asked **Mr. Dipple** if the slopes that can be improved would affect the overall drainage plan. **Mr. Dipple** said no. **Mr. Whitaker** said that there may be an ability to improve what was proposed and yet the accomplishment from the drainage perspective would remain the same. **Mr. Dipple** said that meeting the height requirement was not easy especially from changing a farm to a residential subdivision. Some of homes proposed are at 35 feet on the peak so they can't really move up or down without seeking a variance. **Mr. Whitaker** said that if there are places where the plan can be improved, the Board would like to see that happen. **Mr. Hals** reviewed the Storm Drainage System. **Mr. Hals** said that the detention basins are designed as both retention and detention basins. The outlet pipes from the basin are set above the bottom of the basins so the water quality storms (about 70% of all rain events) will be retained in the basin and then percolate into the soil. The ponding level of the basins will be about 1.25' before the water level reaches the orifice pipe to drain from the basins. The basins are designed so the water will drain from the basins within 72 hours. This meets the storm water management rules. **Mr. Hals** said that the detention basins are proposed to be maintained by a Homeowner's Association. The language for the creation of the Homeowner's Association must be submitted to the Board Attorney for review. The Stormwater Maintenance Manual will be required to be filed as a deed restriction for each of the lots for the maintenance of the detention basins. **Mr. Hals** said that Items #29 through #31 are minor details that need to be corrected. Items #32 through #35 need to be addressed regarding the drainage crossing on Island Road. **Mr. Hals** said that Item #36 addresses proposed inlets. **Mr. Hals** said that some inlets are unnecessary and shall be removed from the plan. **Mr. Hals** said that the survey needs to be updated. The southerly boundary does not agree with the adjoining subdivision map and needs to be verified. The survey was performed without the benefit of a complete title search and is subject to municipal restrictions, easements of record, and other facts that a title search may disclose. The applicant shall confirm that there are no restrictions, easements, or covenants on the property. **Mr. Hals** said that the subdivision plat needs to be updated. The 140' line for the measurement of the minimum lot area must be shown on the subdivision plan. **Mr. Hals** said that all the sidewalk and curbing along Island Road frontage need to be replaced. **Mr. Whitaker** recommends that the applicant provide in addition to the modifications

that are made to the plan the following: Title Search, Soil Testing and to contact Regency Park to see if they would consent to that pipe being replaced.

**QUESTIONS FROM THE PUBLIC**

**Todd Myers** of 453 Island Road asked **Mr. Dipple** if he has taken into account the survival of the 36", 150' tall chestnut tree when grading the property. **Mr. Dipple** said that the grading begins 35' from the chestnut tree. They plan to keep that tree. **Mr. Myers** asked **Mr. Dipple** if the service road would harm the tree. **Mr. Myers** commented about the water problem on Island Road.

**Peter Fisher** of 602 Apache Court in Mahwah asked **Mr. Dipple** if the frozen ground would affect the performance of the detention basin. **Mr. Dipple** said no.

**Braggin** of Ramsey, N.J. asked **Mr. Dipple** if there's a severe slope of land from the crescent of the property, cross Island Road and then down again through the Regency Park property. **Mr. Dipple** said yes. **Mr. Braggin** asked **Mr. Dipple** to verify the height requirement. **Mr. Dipple** did so.

**Mr. Whitaker** said that the application will be carried until March 5, 2019. No new notices are required.

**Committee Reports:**

Subdivision Committee: Nothing to report

Application Review Committee: **Next Meeting: February 14, 2019 @ 12:00 P.M.**

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

Motion was made by **Mr. Carey** seconded by **Mr. Garbasz** and was carried, to approve the 02/05/2019 **CONSENT RESOLUTION** recommending to the Mayor & Council payment of vouchers. All in favor. **Carried.**

Master Plan & Zoning Committee: Nothing to report

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 **Mr. Carey** seconded by **Mr. Haas** to adjourn the regular meeting at 10:25 P.M.