

**RAMSEY ZONING BOARD OF ADJUSTMENT**  
**Minutes of the Regular Meeting**  
**February 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**

**Mr. Scuderi** 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** - None

**CONSENT RESOLUTIONS**

Vouchers/Performance Bonds/Letter of Credit:

A motion was made by **Mr. Crimmins**, seconded by Ms. Fisher Poppe, to approve the 02/17/21 **CONSENT RESOLUTION** recommending to the Mayor & Council the payment of vouchers. All eligible members voted in favor. **Carried.**

**BOARD COMMENTS**

**Chairwoman Strollo** welcomed **Ms. Boone** and thanked her for serving our community in this capacity. **Chairwoman Strollo** said that she's certain that she would add valuable

balance and fair perspective to the Board.

### **PUBLIC COMMENTS**

**Mr. Braggin** of Ramsey, N.J. commented about meeting procedures during and after the pandemic.

### **PUBLIC HEARING:**

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

**Mr. Rogers** had previously verified that the applicants had noticed properly and that the hearing could proceed.

**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 Architectural Plans last revised November 3, 2020

Exhibit A-2 Survey dated September 2, 2020

Exhibit A-3 Eight photographs

Exhibit BOA-1 Dave Hals correspondence dated December 21, 2020

**Mr. Jaworski** said that the property is unique in that it's located on the northwest corner of Ramsey Avenue and Franklin Street, an unimproved right-of-way. **Mr. Jaworski** said the proposal is for a very modest 900 sf addition. **Mr. Jaworski** said the lot is an existing undersized lot for the area. The lot is 7,864 sf where 14,000 sf is required. **Mr. Jaworski** said that both Ramsey Avenue and Franklin Street have right-of-way widths of 40'. Chapter 34-4.4 requires all front yard to be increased by  $\frac{1}{2}$  the difference between the width of the street and 50'. The minimum front yard setback for Ramsey Avenue is 45' and 22.5' for Franklin Street. **Mr. Jaworski** said that both C-1 and C-2 variance criteria can be met.

### **TESTIMONY OF THOMAS GUSTAFSON**

**Thomas Gustafson** was sworn in. **Mr. Gustafson** said that they are proposing a modest 900 sf addition. **Mr. Gustafson** said that they are looking to stay in Ramsey and this proposal seems like the best option.

**BOARD QUESTIONS** - None

### **PUBLIC QUESTIONS**

**Mr. Braggin** of Ramsey, N.J. asked **Mr. Gustafson** if he was aware when he purchased the house that the previous owner installed the white fence outside the property line.

**Mr. Gustafson** said yes. He said that they signed a waiver stating that it's on town property and if there were any damage to it by the town, they would be responsible for it.

**TESTIMONY OF PETER COOPER**

**Peter Cooper** of 14 Overbrook Road, Ramsey, N.J. was sworn in and deemed an expert in architecture. **Mr. Cooper** described the photos. **Mr. Cooper** said that the surrounding area has variable sized houses many of which have not been improved. **Mr. Cooper** said that the setbacks are pretty consistent along Ramsey Avenue, but along Franklin Street the immediate properties to the left are close to the road. **Mr. Cooper** said that further down the road where the subdivision begins there are larger homes on larger lots. **Mr. Cooper** described the existing nonconformities. **Mr. Cooper** described the proposed addition.

**BOARD QUESTIONS**

**Mr. Scuderi** asked **Mr. Cooper** if the front yard setback is due to the proposed new canopy on the second floor. **Mr. Cooper** said yes. **Mr. Scuderi** asked **Mr. Cooper** if the living space and impervious coverages were within the code. **Mr. Jaworski** replied that they are well within the code. **Mr. Scuderi** asked **Mr. Cooper** if any alternatives to construct the addition within the code were discussed. **Mr. Cooper** said that conceptually there is very little room to the left without encroaching on the setback. There is some room to the rear, but that would involve reconstruction to the house substantially. **Mr. Cooper** said that it would also take up most of the rear property that exists and loom over the rear neighbor considerably. **Mr. Scuderi** asked **Mr. Cooper** if the addition would center the house on the lot. **Mr. Cooper** said yes. **Mr. FitzPatrick** asked **Mr. Cooper** if the fence is part of the application. **Mr. Rogers** replied that the Board doesn't have jurisdiction concerning the fence. It's a municipal issue. **Chairwoman Strollo** asked **Mr. Hals** to discuss the paper street. **Mr. Hals** said that it's an unimproved right-of-way that leads from Ramsey Avenue to West Oak Street. It's improved with a walk-way that has always been a pathway for school children to walk to Hubbard School.

**PUBLIC QUESTIONS**

**Mr. Braggin** of Ramsey, N.J. asked **Mr. Cooper** if adding an addition to the rear of the house would require a redesign of the rooms that would be extensive as being compared to putting a 2-story addition on the eastside. **Mr. Cooper** said yes. **Mr. Braggin** inquired about the fire place and chimney. **Mr. Braggin** also inquired about the height of the addition. **Mr. Hals** confirmed height of the new addition was calculated correctly. **Mr. Braggin** asked **Mr. Cooper** if there is any soil movement. **Mr. Cooper** said that it's approximately less than 100 cy.

**PUBLIC COMMENTS**

**Mr. Braggin** of Ramsey, N.J. was sworn in. **Mr. Braggin** said that the plan is a good plan and is in favor of the application. **Mr. Braggin** said that he believes that the fence should be moved back to the property line.

**BOARD COMMENTS**

**Mr. Scuderi** said that the applicant has established a C-1 hardship. **Mr. Scuderi** said that it's clearly an undersized lot being almost half of what is required in the zone. **Mr. Scuderi** said that he doesn't believe that there's any substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. **Mr. Scuderi** said that he believes that the applicant has met their burden and would be in favor of this application. **Ms. Fisher Poppe** said that she believes that the design was thoughtfully planned and the structure is aesthetically pleasing. **Ms. Fisher Poppe** said that the addition is modest and useful and fits in with neighborhood. **Ms. Fisher Poppe** said that she doesn't see a substantial detriment to the neighbors and would be in favor of this application. **Mr. Crimmins** said that it's an extremely undersized lot and unique property. **Mr. Crimmins** said that the plan is modest and an improvement of what's existing. **Mr. Crimmins** said that it meets all the hardship requirements, but also is a benefit to the town and would be in favor of this application. **Chairwoman Strollo** said she believes that the applicants have established the positive criteria and have established a C-1 hardship. **Chairwoman Strollo** said that there's unique characteristics of the lot that create the hardship by virtue of the undersized lot. **Chairwoman Strollo** also said that paper street is also unique to the property. **Chairwoman Strollo** said that plan is very well done. It's aesthetically pleasing and in keeping with the neighborhood. **Chairwoman Strollo** said that there's no interference with neighboring properties. **Chairwoman Strollo** said that there is no substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and would be in favor of this application.

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

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

**NAYES:**

**ABSTAIN:**       **Ms. Boone**

**ABSENT:**

**Carried.**

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

**Mr. Rogers** had previously verified that the applicants had noticed properly and that the hearing could proceed.

**Mr. & Mrs. Yirce** were sworn in. **Mr. Yirce** said they currently have an existing wood lattice fence that is deteriorating and needs to be replaced. **Mr. Yirce** that they have 3

small children and the fence height along Momar Drive is 4 feet and they are requesting 6 feet. **Mr. Yirce** said that there's a lot of foot and vehicle traffic on Momar Drive. **Mr. Yirce** said that having a 6 foot fence would give them piece of mind that someone can't reach over the fence and grab a child. **Mr. Yirce** said that aesthetically the 6 foot PVC fence would look nice and at the same time give them some privacy. **Mr. Yirce** said that the house is set back on Larch Avenue so that vehicular vision will not be an issue. **Mr. Yirce** doesn't see any detriments to having a 6 foot fence there. **Mr. Yirce** described the photos of the existing conditions. **Mr. Yirce** described the type of proposed fence.

### **BOARD QUESTIONS**

**Chairwoman Strollo** asked **Mr. Hals** to described the setbacks of the fence. **Mr. Hals** replied that the existing fence is compliant. The existing fence on the Momar Drive side of the house is a 4 foot lattice PVC fence. The fence is 50% open. The fence extends from the front of the home towards the street and along the right-of-way line. The front yard setback on a corner lot is 20 feet. **Mr. Hals** said to be compliant with a 6 foot fence they would have to move it back 20 feet from where it currently is today. **Mr. Hals** said to be compliant with a 6 foot fence on the Larch Street side, they could connect the fence to front line of the house. **Chairwoman Strollo** asked **Mr. Yirce** if they are planning on installing the fence 20 feet from the fence line on Momar Drive. **Mr. Yirce** said no. The fence would be halfway across the house. **Chairwoman Strollo** asked if that requires an additional variance. **Mr. Rogers** said that another variance is needed for the location of the 6 foot fence. **Mr. Rogers** said that is covered in their notice. **Mr. Yirce** said that he proposing a 6 foot fence in the exact location of the existing fence. **Ms. Jarvis** asked **Mr. Yirce** if he had considered any plantings to block the vision. **Mr. Yirce** said there currently is shrubbery, but they are not in good shape and they collect debris. **Mr. Yirce** said that they find debris in the yard all the time from the vehicles passing through on Momar Drive. **Mr. Yirce** said that he plans to remove the old shrubbery and just have the fence. **Ms. Jarvis** asked **Mr. Yirce** what is the benefit to the public with a 6 foot fence in that location. **Mr. Yirce** said aesthetically it would look nicer and to protect his children. **Ms. Jarvis** asked **Mr. Hals** what is the purpose of having a 4 foot fence with 50% open in the front yard. **Mr. Hals** said it's specifically written that way so that there are no wall compounds. Its intent is to keep the front yard area open. **Ms. Boone** asked **Mr. Yirce** if the fence is moved back would any trees need to be removed. **Mr. Yirce** said yes. **Mr. Scuderi** asked **Mr. Hals** what would they need to change not to require a variance. **Mr. Hals** said that no fences are allowed in the front yard. **Mr. Hals** said to make the fence conforming they would have to replace the existing fence with the same type fence that they already have. **Mr. Hals** said that if they want a 6 foot fence or a 4 foot high solid fence it would have to be moved 20 feet back from where it currently is located to be conforming. **Mr. Scuderi** asked **Mr. Hals** what if it was a 6 foot fence in the existing location and 50% open. **Mr. Hals** said that would require a variance because it's in the front yard. **Mr. Scuderi** asked **Mr. Yirce** if they would be able to work with a 6 foot open fence. **Mr. Yirce** said that he wouldn't be opposed to a little lattice.

**PUBIC QUESTIONS** - None

**PUBLIC COMMENTS** - None

**BOARD COMMENTS**

**Chairwoman Strollo** said that there is hardship on the Momar side of this property because it's a corner lot. **Chairwoman Strollo** said that visited the site and was comfortable with the visibility and safety as you turn the corner. **Chairwoman Strollo** said that she would feel a little bit more comfortable with an open fence vs. a solid fence to avoid the blockade type fence. In general, she would be in favor of the application. **Mr. Scuderi** said that he's concerned with a barrier effect. **Mr. Scuderi** said he understands the applicant's need for privacy from the inside looking out, but from the outside you would see a solid barrier. **Ms. Boone** said that she would not be opposed to a 6 foot fence with lattice. **Ms. Jarvis** said that she's understands the concerns of Mr. & Mrs. Yirce for the safety of their children. **Ms. Jarvis** said she feels that the property is unique, but is concerned about the aesthetics. **Ms. Jarvis** has a concern about meeting the code requirement without a meeting that burden. **Mr. Crimmins** said that a 6 foot fence as proposed creates a compound. **Mr. Crimmins** said that he would prefer a fence 50% open as required by the code in the front. **Ms. Fisher Poppe** agrees with Mr. Crimmins comments. **Ms. Fisher Poppe** would prefer to see a 4 foot fence along the front. **Ms. Fisher Poppe** said that she's in favor of a 6 foot fence with lattice on top along Momar due to the foot traffic. **Ms. Fisher Poppe** said she's in favor of a more open fence in the front due to a security concern. **Ms. Jarvis** said after hearing Mr. Crimmins and Ms. Fisher Poppe's comments her opinion has changed and is more in line with their comments.

**Mr. Rogers** asked Mr. & Mrs. Yirce if they would prefer changing what was proposed as per the Board's comments. **Mr. Yirce** said that he's not opposed to changing the side fence on Momar to include lattice on the top. **Mr. Yirce** that he would prefer having a 6 foot fence along the front on Larch, but would agree to it 50% open.

A motion to approve the application with the modified stipulations stated below was made by **Mr. FitzPatrick**, seconded by **Mr. Crimmins**.

1. 6 foot fence on the Momar Drive side with lattice on top
2. 6 foot fence on the Larch Avenue side 50% open

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

**NAYES:**

**ABSTAIN:**        **Ms. Boone**

**ABSENT:**

**Carried.**

**RESOLUTIONS**

Robert & Alexandra Corcoran  
Block 4909, Lot 4  
95 South Franklin Turnpike

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

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

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

**NAYES:**

**ABSTAIN:**       **Ms. Jarvis, Chairwoman Strollo**

**ABSENT:**

**Carried.**

**NEW BUSINESS**

2020 Annual Report

**Mr. Rogers** stated this past year the Board has heard a couple of interpretations regarding mixed uses. **Mr. Rogers** said that the Board can make a recommendation that the Ordinance be looked for a clearer definition of what types of uses can be permitted in a zone.

**OLD BUSINESS**

**Chairwoman Strollo** announced the following:

**Thomas Ashbahian**. Notice of Appeal of Zoning Determination Made on August 20, 2020 Relating to 24 Grant Street, Ramsey, N.J. - Continuation has been carried to March 17, 2021.

**Mechanic Cousins, LLC**, Block 4902, Lot 9; 26 Mechanic Street. Application has been carried to March 17, 2021.

**ADJOURNMENT**

A motion was made by Mr. Crimmins, seconded by **Ms. Fisher Poppe** to adjourn the regular meeting at 9:45 pm. All voted in favor. **Carried.**