

RAMSEY PLANNING BOARD
MINUTES OF REGULAR MEETING HELD ON AUGUST 18, 2020

REGULAR MEETING

Chairman Iorio called the regular meeting of the Ramsey Planning Board to order at or around 7:30 p.m. **Chairman Iorio** announced that the meeting is being conducted via Zoom.

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
Councilman Verdone	X	
Mayor Dillon	X	
Chairman Iorio	X	

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

APPROVAL OF MINUTES

A motion to approve the minutes of August 4, 2020 was made by **Ms. Cusick**, seconded by **Mr. Carey**. All eligible members voted in favor. **Carried.**

CORRESPONDENCE

Chairman Iorio said that correspondence was received earlier today, August 18, 2020, from James J. Delia, Esq. regarding Alejandro & Andrea Frezza.

A motion to file and receive the correspondence was made by **Mayor Dillon**, seconded by **Ms. Cusick**.

Roll Call: AYES: Mr. Carey, Ms. Cusick, Mr. Haas, Councilman Verdone, Mayor Dillon, Chairman Iorio

NAYES:

ABSTAIN:

ABSENT: Ms. Green, Mr. Garbasz, Mr. Strollo

Carried.

WAIVER APPLICATIONS

Applicant: Larson Landscaping

Location: 465 Route 17 South

Leased Area: 100 sq. ft.

Proposed Business: Landscaping Office Only

The office will be open 6 days a week, Monday through Saturday 7:00 AM to 7:00 PM. The number of employees is 5 F/T and the number of parking spaces is 1.

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 **Mayor Dillon**.

Roll Call: AYES: Mr. Carey, Ms. Cusick, Mr. Haas, Councilman Verdone, Mayor Dillon, Chairman Iorio

NAYES:

ABSTAIN:

ABSENT: Ms. Green, Mr. Garbasz, Mr. Strollo

Carried.

PUBLIC COMMENTS - None

COMMENTS OF BOARD MEMBERS

Chairman Iorio thanked the Board for their participation in the zoom meetings. **Chairman Iorio** also thanked Ms. Lupo for preparing all documentation electronically. **Mr. Carey** also thanked **Ms. Lupo** for her preparation and management of all the documents relating to an application which can be challenging at times. **Ms. Lupo** thanked Chairman Iorio and Mr. Carey for their kind comments.

ORDINANCES - None

PUBLIC HEARING

Alejandro & Andrea Frezza-Continuation
Block 3608, Lot 21; 24 Grant Street-Site Plan/Variance

Mr. Rutherford confirmed that he spoke to **Mr. Delia** who confirmed his appearance tonight on behalf of **Mr. Thomas Ashbahian**. **Mr. Rutherford** said he has some ideas on how the Board should proceed and referred the meeting over to **Mr. Delia** for his opening comments.

Mr. James Delia, Esq. of Wells Jaworski and Liebman appeared on behalf of **Mr. Thomas Ashbahian**. **Mr. Delia** gave his overview of his recently submitted correspondence. **Mr. Delia** said he does not believe that the application currently before the Board is a permitted use. **Mr. Delia** said that the application fails to provide any real information about the Applicant's use. **Mr. Delia** said that when the application was original submitted the home on the premises was to remain. **Mr. Delia** continued then the application was revised, but currently the house is still rented and occupied as a residential home while there is a commercial business being conducted on the premises. **Mr. Delia** said we don't know what that building will be used for. **Mr. Delia** said that if the use is found to be permitted the doctrine of Res Judicata therefore applies. **Mr. Delia** said the Board would need to analyze the prior Board's rulings on similar applications.

Mr. Rutherford said that this application has been pending for a long time and there was never an issue raised with respect to the use. **Mr. Rutherford** said that there were some concerns raised in regards to the combination of the residential and commercial use which is why the application was amended to eliminate the residential use and devote the building on the site to office use only. **Mr. Rutherford** said that he recommends that Mr. D'Agostaro make a zoning determination for the use. **Mr. Rutherford** said that he proposes to address a letter to Mr. D'Agostaro.

Mr. Delia agreed with Mr. Rutherford's recommendation.

Mr. Whitaker said that the Planning Board does not have jurisdiction under Municipal Land Use Law to define the zoning ordinance. **Mr. Whitaker** said that is the job of the Zoning Officer. **Mr. Whitaker** said that we do not have the determination of the Zoning Officer in this instance and agrees that Mr. Rutherford's recommendation is appropriate.

Mr. Whitaker said that the meeting will be carried to September 15, 2020. No new notices will be required.

Committee Reports:

Subdivision Committee: Nothing to report

Application Review Committee: **TBD**

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

Motion was made by **Mr. Carey**, seconded by **Mayor Dillon** and was carried to approve the 08/18/20 **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

OUTDOOR DINING IN ACCORDANCE WITH EXECUTIVE ORDER #150

A motion to waive the reading of the Houlihan's Resolution was made by **Mr. Carey** seconded by **Mayor Dillon**. All in favor. **Carried.**

A motion to approve the resolution as drawn was made by **Mayor Dillon**, seconded by **Ms. Cusick**.

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

Carried.

A motion to waive the reading of the Majestic Diner Resolution was made by **Mayor Dillon** seconded by **Councilman Verdone**. All in favor. **Carried.**

A motion to approve the resolution as drawn was made by **Mr. Carey**, seconded by **Ms. Cusick**.

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

Carried.

OLD BUSINESS

Ms. Cusick inquired about the IHOP and Varka installation of the required water barriers that was raised at the last meeting. **Chairman Iorio** said that IHOP has installed the appropriate water barriers. **Mr. Hals** said as per a recent inspection Varka needed to add at least one (maybe 2) more barrels filled with water at the Spruce Street driveway and that the barrels should be 6 feet apart evenly spaced across the driveway. **Ms. Lupo** will follow-up with Varka regarding Mr. Hals' recommendation.

NEW BUSINESS

Konica Minolta's request for extension of the Developer's Agreement to December 15, 2020.

A motion to approve the extension was made by **Mr. Carey**, seconded by **Councilman Verdone**.

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

Carried.

ADJOURNMENT

A motion was made by **Ms. Cusick**, seconded by **Mayor Dillon** to adjourn the regular meeting at 8:10 P.M.