



ABSTAIN: Mr. Crimmins, Mr. Raspantini  
ABSENT: Mr. Molinari

Carried.

506 Route 17 Ramsey LLC, Block 5102, Lot 5; 506 Route 17 North  
Amended Site Plan/Variances

A motion to waive the reading of the Resolution was made by Mr. FitzPatrick, seconded by Mr. Scuderi. Carried.

A motion to approve the Resolution was made by Mr. FitzPatrick, seconded by Mr. Scuderi.

Roll Call: AYES: Ms. Boone, Mr. FitzPatrick, Ms. Jarvis, Mr. Scuderi  
Chairwoman Strollo

NAYES:  
ABSTAIN: Mr. Crimmins, Mr. Raspantini  
ABSENT: Mr. Molinari

Carried.

**BOARD COMMENTS** - None

**PUBLIC COMMENTS** - None

**PUBLIC HEARING**

V-02-22-ZBA-3-Victor & Mara Todisco, Block 4502, Lot 11; 17 Birch Street.

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

Robert Zisgen, Esq. of 79 North Franklin Turnpike, appeared on behalf of the applicant. Mr. Zisgen presented the following exhibits:

Exhibit A-1 Architectural Plan last revised March 30, 2022

Exhibit A-2 Photo

Exhibit A-3 Survey last revised March 30, 2022

Mr. Zisgen said that the applicant seeks to construct an enclosed front porch on the residence measuring 37' x 7' deep which creates a further invasion into the front yard setback to 32.6' where 40' is required.

Mara Todisco was sworn in. Ms. Todisco said that her husband always wanted a porch. Ms. Todisco said that would be a charming addition to the house and for the neighborhood. Ms. Todisco said it would be nice to interact with neighbors.

**BOARD QUESTIONS** - None

**PUBLIC QUESTIONS** - None

**TESTIMONY OF JOHN MUSINSKI**

John Musinski of 215 Mahwah Road, Mahwah, N.J. was sworn in and deemed an expert in architecture. Mr. Musinski described the proposed porch.

**BOARD QUESTIONS**

Mr. Scuderi asked Mr. Musinski if going smaller would be a better option. Mr. Musinski said that it is not worth doing to go smaller. Mr. Molinari asked Mr. Musinski if the roof of the porch is going to have a small overhang. Mr. Musinski said yes. It would be approximately one foot.

**PUBLIC QUESTIONS** - None**TESTIMONY OF THOMAS ASHBAHIAN**

Thomas Ashbahian was sworn in and deemed an expert in professional planning. Mr. Ashbahian said that the properties along Birch Street were developed prior to formal zoning. Mr. Ashbahian said that he does not think that the variance requested will impact the zone plan and scheme of Ramsey. Mr. Ashbahian said that the application meets three of the criteria of the Municipal Land Use Act 40:55D-2-Purpose of the act. Mr. Ashbahian said that it provides adequate light, air, and open space. In this case, there is a property across the street that is undeveloped and largely grown, whereby the adequate light and air is provided, there are no other homes that face this property. Another purpose is to promote desirable visual environment through creative development techniques and good civic design and arrangement. Mr. Ashbahian said that the architect has created a more acceptable visual house. Mr. Ashbahian said that the design is to produce a metal roof, stone facing, gable roof lines and stone fireplace. The third purpose is to contribute to the well being of persons and neighborhoods. Mr. Ashbahian said that the porch encourages neighborhood atmosphere and the ability for people to interact and create the proper environments.

**BOARD QUESTIONS**

Mr. Scuderi had a concern about the grade. Mr. Ashbahian said that the porch can easily meld into the existing grade for approximately 20 or 30 feet in front of the proposed porch. Chairwoman Strollo asked Mr. Ashbahian if the location of the house falls under the C-1 hardship criteria. Mr. Ashbahian said yes. Perhaps there was no zoning or zoning was less restrictive when the house was originally built. The property across the street is a unique feature under the C-1 criteria as well.

**PUBLIC QUESTIONS** - None**PUBLIC COMMENTS** - None



in line with the current bump out of the master bedroom. Mr. Buccino said that this will allow them to add a mudroom and powder room behind the garage, giving them access from the garage into their home. Mr. Buccino said that this proposal is to expand the garage as well. Mr. Buccino said that they are requesting a side yard variance of 5.6' where 9.1' is existing and 10' is required. Mr. Buccino said that the garage would be expanded for more ability to put one of their SUVs in the garage. Ms. Buccino said that it's for safety and security to have access from the garage into the home.

#### **TESTIMONY OF GARY INDYK**

Gary Indyk of 134 Emerson Court, Mahwah, N.J. was sworn in and deemed a professional in architecture and professional planning. Mr. Indyk said that lot is smaller than the average lot in the immediate vicinity. Mr. Indyk described the existing home. Mr. Indyk said that the front, rear, and right side of the property are conforming. The left side was previously nonconforming at 9.1' and it will be reduced to 5.6' because the garage is going to be expanded to that side. Mr. Indyk said that the primary purpose to expanding the garage is to make it usable. In its present configuration it is not suitable for a vehicle.

#### **BOARD QUESTIONS**

Mr. Scuderi asked Mr. Indyk the width size of the proposed and existing garage. Mr. Indyk replied that existing width is 10.5' and the proposed is 14'. Mr. Scuderi asked Mr. Indyk if he were designing a new home what would be the size of a typical garage. Mr. Indyk said that it would be a two car garage and about 22'-25' wide. Chairwoman Strollo asked Mr. Indyk to explain how the proposed garage addition will be impacted by the grading of the existing driveway as per Mr. Hals' report. Mr. Indyk said as part of rebuilding the garage the floor will be raised approximately six to seven inches to meet up with the higher driveway grade. Mr. Indyk said that they will be putting in a trench drain across front of the garage and leading out to a seepage pit. Mr. Hals commented that the driveway is pitched from the street towards the house. Mr. Hals said that water pools in front of the garage. Mr. Hals said that they have to raise the elevation of proposed garage and the improvement will eliminate the flooding of their garage that currently exists.

#### **PUBLIC QUESTIONS** - None

Mr. Indyk continued as a professional planner. Mr. Indyk described the property, project, existing conditions, and zoning codes. Mr. Indyk said in conclusion having a garage that is not functional or utile for vehicle storage defeats the purpose of the ordinance and provides no perceptible benefit. To make this space usable required adding width to the existing garage. The concern here is a reduction in the side yard setback to 5.62'. This trade off is a reduced side yard setback distance for a usable garage. In summary, Mr. Indyk said that removing from sight an outdoor parked car is clearly beneficial to the overall neighborhood and community. A positive attribute in

terms of the Land Use Law. Mr. Indyk said reducing an arbitrary setback dimension without creating any physical hazard or visual conflict creates no detriment to the public good. Mr. Indyk said that the expansion of the undersize garage is to make it usable. This adds conformance to and reinforces the intents of the Ramsey Zoning Ordinance that requires garages be part of a residential neighborhood. Mr. Indyk recommends that The Ramsey Board of Adjustment considers this application favorably.

**BOARD QUESTIONS** - None

**PUBLIC QUESTIONS** - None

**PUBLIC COMMENTS** - None

**BOARD COMMENTS**

Mr. Crimmins said that the garage is barely servable. Mr. Crimmins said a garage is a necessity and is a requirement of the Ramsey code. Mr. Crimmins said that to create a garage that’s usable and as per the Ramsey code, they need to expand, and the only option is to the side. Mr. Crimmins said that it’s for safety to have access to house inside the garage. Mr. Crimmins said that it’s a tight squeeze as proposed. It fits with the neighborhood, and he would be in favor of the application. Mr. Scuderi said that the application has met their burden by the undersized lot and placement of the house. Mr. Scuderi said that the garage is undersized at the time it was constructed and currently is unusable. Mr. Scuderi said that the addition is modest in general for the neighborhood and lot. Mr. Scuderi said that there are no other alternatives. Mr. Scuderi said that there’s no detriment to the neighbors and he would be in favor of the application. Chairwoman Strollo said that the applicant does have a hardship with the undersized lot and the garage is not adequate to fit a vehicle. Chairwoman Strollo said that they presented good testimony for the positive criteria for a C-1, and a C-2 for a better planning alternative for a functioning garage. Chairwoman Strollo said that there’s no detriment to the adjoining properties and to the intent and purpose of the code and she would be in favor of the application.

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

Roll Call:	AYES:	Mr. Crimmins, Mr. FitzPatrick, Ms. Jarvis, Mr. Raspantini, Mr. Scuderi, Chairwoman Strollo
	NAYES:	
	ABSTAIN:	Ms. Boone
	ABSENT:	Mr. Molinari

Carried.

**NEW BUSINESS** - None

**OLD BUSINESS** - None

**ADJOURNMENT**

A motion was made by Mr. FitzPatrick, seconded by Mr. Scuderi, to adjourn the regular meeting at 9:30 pm. All voted in favor. Carried.