

REVISED RESOLUTION

SEP - 5 1989

WHEREAS, Roy Polizzi of 23 Fox Hill Road, Upper Saddle River, New Jersey, hereinafter referred to as the Applicant has made application to the Planning Board of the Borough of Ramsey for site plan approval of Lot 17 in Block 3608 as shown on the tax map of the Borough of Ramsey, having a street address of 47 Spring Street, Ramsey, New Jersey; and

WHEREAS, the Applicant has in conjunction with said site plan application, applied for variances from the provisions of the Ramsey Zoning Ordinance; and

WHEREAS, the Planning Board after carefully reviewing the evidence of the Applicant and of other interested parties desiring to be heard at its public meeting, public notice having been properly given by the Applicant, and after having reviewed various reports of experts engaged by both the Applicant as well as by the Planning Board, made the following findings:

1. The Applicant is the owner of the property.
2. The property in question is located in the B-3 Zone.
3. The property presently has a single family dwelling unit on the site with a detached garage. The Applicant proposes to convert this single family home for office space use for a company the Applicant owns which sells and installs alarm and security systems. The Applicant has testified that no sales will be made from this proposed office and that no storage of alarm equipment will be maintained on site except that which might be received by mail or delivery and which is then taken off site for installation.

4. The site is abutted on all sides by the B-3 Zone.

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5. The Applicant has applied for the following variances.

A. The Zoning Ordinance requires a lot area of 30,000 sq. ft. and the Applicant property consists of 7,882.6 sq. ft.

B. The Ramsey Zoning Ordinance requires lot frontage of 100 ft.; the Applicant proposes 59.99 ft.

C. The Ramsey Zone and Code requires a front yard set back of 40 ft.; the Applicant proposes to continue frontage at 20.13 ft.

D. The Ramsey Zoning Code requires a side line for parking of 5 ft.; the Applicant proposes a 2.04 ft. side line.

E. The Ramsey Zoning Code requires a rear yard for the garage of 40 ft.; the Applicant proposes to continue the garage rear yard at 30 ft.

F. The Ramsey Zoning Ordinance requires a side yard for the garage of 20 ft.; and the Applicant proposes to continue the present side yard for the garage of 2.04 ft.

6. The Applicant also proposes 7 parking spaces. The Ramsey Zoning Code requires 7 parking spaces for the building square footage of 1,340 sq. feet. In response to the Planning Board's request the Applicant has also agreed to remove the existing garage and has prepared a revision to the plans dated July 13, 1989 which reflects the garage removal. The Applicant proposes to pave 5 spaces and reserve 2 spaces for future parking. Based upon the removal of the garage the variances that are required are the variances listed under paragraph 5A, B, C, and D. The variances for the rear yard and side yard as more particularly set forth in paragraphs 5E and F are hereby eliminated.

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7. The Applicant proposes the minimum open landscaped area of 58.4% which exceeds the 25 % criteria. If the future parking were paved, the landscaped area would decrease to 41.6 % which again exceeds the 25 % minimum standard.

8. The Planning Board finds that the Applicant is unable to acquire additional land in order to eliminate any or all of the variances requested.

9. The Planning Board finds that the continuation of residential use at this particular site is not the best use for said site and based upon testimony submitted, this low intense use of the site as an office for Applicant's company which sells and installs alarm and security systems is a use that can exist on the site with no adverse impact to the surrounding area. Furthermore, the variances as requested can be granted without any detriment to the Zoning Plan or Zoning Ordinances. The Planning Board basis its reasoning on the following:

A. The Applicants proposed office use will not generate traffic to the site since the public does not come to the site nor does the Applicant intend to have more than 3 (three) employees at any given time at the site. For this reason, this single family unit can be converted to the office use, since this office use will not be any more intense than for residential use.

B. The variances that are being requested under paragraph 5A, B, C, and D of this Resolution, except for lot area are variances for conditions that presently exist. The Applicant is not intensifying the development of the site by any addition to the building and the only on site improvement is the paving of 4 parking spaces which will have no impact on the surrounding area. Furthermore, although the Zoning Code requires a lot area

of 30,000 sq. ft., this particular site for this particular use does not require such a large size lot. The Planning Board further states that it is the intention to create larger lots for the B-3 Retail/Office Use, but this particular use of the Applicant can be accommodated on the present lot and in view of the fact that no additional property can be acquired, this use should be permitted.

NOW THEREFORE BE IT RESOLVED, on this 1st day of August 1989, that the site plan for Lot 17 in Block 3608 entitled "Site Plan and Survey, Lot 17 Block 3608 in the Borough of Ramsey, Bergen County, New Jersey, for Roy Polizzi" prepared by Conklin Associates, Engineers and Surveys, Ramsey, New Jersey, dated August 2^o, 1988, and revised through July 13, 1989, is hereby approved subject to the following conditions:

1. The Applicant shall comply with all of the recommendations and requirements of reports submitted by the Borough Drainage Consultant, Borough Engineer, Borough Sewer Consultant, and all municipal agencies.
2. The Applicant shall develop this site in accordance with the plan submitted and in accordance with all of the pertinent exhibits that have been entered into evidence during the public hearings.
3. Approval from the Bergen County Soil Conservation District if required.
4. Approval of the Ramsey Board of Health.
5. Approval of the Ramsey Shade Tree Commission.
6. Compliance with any and all conditions set forth by the Ramsey Fire Official.

7. Approval by the Ramsey Construction Code Official and compliance with the requirements set forth by the Ramsey Construction Code Official.
8. Approval of the Bergen County Planning Board if so required; providing however, that if any changes are required to the site plan as approved by this Resolution of the Ramsey Planning Board, said changes are to be brought by the Applicant on a forthwith basis back before the Ramsey Planning Board which retains jurisdiction over this application and reserves its right to amend or withdraw its approval of this application.
9. Execution of a Developer's Agreement as prepared by the Planning Board Attorney and posting of all performance guarantees and fees as required under the Ramsey Zoning Ordinance.
10. The Applicant is granted a waiver for the paving of 5 of the proposed 7 parking spaces as shown on the aforementioned site plan. However, the Applicant and all future owners of said property shall be required to pave the additional parking spaces if the Borough of Ramsey in its sole discretion determines that the additional parking spaces are needed. For this reason this Resolution shall be recorded in the Bergen County Clerks Office.
11. No trucks shall be parked on the site overnight.
12. Belgium Block Curbing shall be installed.

BE IT FURTHER RESOLVED, that the Planning Board further grants the variances listed in paragraphs 5A, B, C and D of page 2 of this Resolution as requested by the applicant, said approval being granted under the following conditions:

These specific variances have been granted for this specific office use, namely the sale and installation of alarm and fire detection equipment. It is understood that the variances have been granted because this particular office use has no impact on the surrounding area and furthermore, such use is not a use that attracts or invites the public to the site, nor does it require more than three employees at the site. It is understood as per the Applicants presentation, that these variances are only for the Applicants use and not for any other office use. Before any other office use would be permitted the Applicant would require permission to continue with these variances, it being recognized that the variances have been granted only for this specific office use and not for all uses as contemplated in the B-3 Zone. Also the Borough of Ramsey and or the Planning Board of the Borough of Ramsey shall have the right in its sole discretion to require the paving of the 2 additional parking spaces should the Borough of Ramsey and/or the Planning Board determine that such parking is necessary for the Applicant's use and the Applicant shall pave said parking pursuant to Borough's standards in a time period set forth by the Planning Board. The Planning Board and/or the Borough of Ramsey shall have the right to require this parking at any future date.

BE IT FURTHER RESOLVED, that the prior Resolution of Approval passed by the Planning Board is rescinded and this revised Resolution shall be deemed to be the effective Resolution of Approval.