

Minutes for the Zoning Board of Adjustment

October 24, 2012 8:00 pm

Chair McLaughlin opened the meeting at 8:02 pm with the following announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk, and copies have been mailed to individuals requesting the same.

ROLL CALL

Richard McLaughlin-present	Stephen Martinez-present
Michael Roth-present	Councilman Napolitano-present
Marilyn Simpson-absent	Reverend Marilyn Peoples-present
Mark Antonucci-absent	Jin Cho-present
Karen Brady-absent	Lynnae Psaras-present (Planning Board member)
Arnie Seymour-Jones-present (Planning Board member)	

Also Present: Marti Francis, Board Clerk
John Schettino, Board Attorney

Minutes Approval: September 19, 2012 Mr. Roth moved to approve, second Mr. Martinez. All in favor.

Old Business:

Dean Borghi, 77 Bogerts Mill Road, Harrington Park, New Jersey, seeks a variance for an accessory building that has been installed. The location violates HP Code 350-10 (1)(b). The height violates Borough Ordinance 337 by 2 feet. The building violates the NJ Uniform Construction Code as it does not have a foundation. Mr. McLaughlin remains recused. Mr. Borghi remains under oath. Mr. Borghi confirmed that the large tree in the corner will not be moved. The shed will be in from the tree (5' from rear; 5' from side). Only a height variance is sought. The side of the shed facing neighbors has 1 or 2 windows, or perhaps none. The home was purchased in 1991. Applicant put up fence. The shed will have snow blowers, etc., on the first floor and frames, etc., for business on the second floor. Mr. Roth (acting chair) asked applicant to agree to 1) landscaping and an arbor vitae or something similar if there are windows facing the neighbor and 2) a deed restriction stating that there would be no sink or toilet installed. The applicant agreed to both. Mrs. Card voiced concern about windows facing her property. Applicant stated there are no windows in that direction. Mr. Cho moved to approve the application with the stated restrictions, second Mr. Martinez.

Roll Call Vote:

Mike Roth-yes
Stephen Martinez-yes

Reverend Peoples-no
Jin Cho-yes

Mr. Roth explained that there is the possibility of appeal until 45 days after the publication of the resolution, which will be brought to the November 28 meeting.

New Business

Our Lady of Victories Church, 81 Lynn Street, Harrington Park, NJ, Block 1304, Lot 1, seeks a variance to build an addition. Proposed addition would violate the maximum allowed lot coverage, the maximum allowed improved lot coverage, and the maximum height allowance of 35 feet. Mr. McLaughlin rejoined the meeting. Mr. Dean Stamos represents the applicant. Mr. McLaughlin and Mr. Martine are members of the OLV parish. Two members of the Planning Board have come to the meeting and will vote on the application. However, the use variance requires 5 yes votes, so Mr. McLaughlin and Mr. Martinez will vote. NJ Statute 40:55D-69.1 allows a board with a conflict to allow members of another board to sit on the board in question. As this application requires a super majority it is not fair to the applicant to have less than a full board. Mr. Stamos has no objection. A D-6 height variance is sought. The height of the addition will match that of the existing structure. As it is more than 10% above the allowed height a variance is required. Parking and bulk variances are required based on the other uses of the structure (such as the school). The church itself is compliant. Father Bryan was sworn in. OLV is 100 years old. He has been there since 2006. The church has 1160 families, and masses are very crowded. The expansion is planned to address overcrowding, a separation in the Rectory between residency and office, storage, and ADA compliance. Father Bryan is not aware of complaints about blocked driveways. Mr. Seymour-jones confirmed that the addition is to serve current usage. It is. Mrs. Card asked why the school isn't converted to a church. Mr. Stamos presented a color rendering (marked A-1) and explained that the school building is used and that holiday masses are held in the gym. Robin Kyle from the Community Church voiced concern about the parking overflow and asked about the plans. Father Bryan stated that the HP School parents use the OLV parking lot and that signs have been put up and emails sent from HP School asking them not to. Mr. Stamos stated that OLV could put notices in the bulletin asking parishioners not to park at the Community Church. The applicant will be required to show the number of spots presently and those required with the addition. Phyllis Terranova (neighbor) asked where the new spots would go. Mr. Stamos stated that there are no spaces planned as the renovation is meant to accommodate existing parishioners. A parking variance is required. Mr. Cho asked if there were projections for growth. No, Father Bryan is adding masses. John Terranova (neighbor) asked if there were any plans for traffic control. Mr. Stamos acknowledged that as a good question but stated that the application was specifically for the church and rectory. Mr. Stamos will bring concern to the school and bring a response to the

11/28 meeting. Ms. Psaras would like to know the number of students and buses. John Card seconded traffic concern. Mr. Stamos stated that the church itself is compliant and that noncompliance only exists when school is in session. Mr. Michael Elkin was sworn in and accepted. Mr. Stamos confirmed that Mr. Elkin (19 Park Avenue, Rutherford) or someone in his office prepared the drawings. Mr. Elkin stated that the addition will add 85 seats, a ramp into the lobby, and ADA bathrooms. The lobby will be ADA accessible and usable. There will be 2 good means of ingress and egress. The addition will be where the current exit is. Mr. Stamos confirmed that Fellowship Hall and the kitchen will stay as is. Photographic rendering or proposed building marked A-2. The character of the church will be kept in the addition. Mr. Roth asked whether it would be good for the Fire Department to review plan. Mr. Stamos will inquire. The proposed garage will be lower than existing and well within required setback. Mr. Hubschmann will be at the November meeting. Mr. McLaughlin confirmed that the location of the addition was the most reasonable and asked the applicant to waive and time constraints on the meetings without decision. Mr. Seymour-Jones and Ms. Psaras left the meeting.

Ron and Helen Kim, 30 Bluefield Avenue, Harrington Park, NJ, Block 205, Lot 5, seek a variance to build a covering over the front steps. Proposed structure will violate the 35 foot setback. Mr. Kim sworn in. a variance of 4 feet is requested to build a portico. A 7-foot wide portico is desired to cover mailbox. The sides will be open with columns for support. The peak would be 12 feet. Mr. McLaughlin explained that the board will visit individually. He asked Mr. Kim to give the peak (the drawings show 11 ½ feet) and how much space is between with windows and peak).

Doug and Anne Henschen, 15 Florence Road, Harrington Park, NJ, Block 1314, Lot 12, seek a variance to build an addition. The house is non-conforming, and the proposed addition would expand the nonconformity. The architect was sworn in and accepted. The lot is small, and the house is a Cape Cod. The applicant wishes to add a 324 square foot family room at rear of house. The kitchen will be doubled and a new landing is to be added. This is a one-story addition. The nearest neighbor is 75 feet away. The lot area is a pre-existing nonconformity. Mr. McLaughlin explained that the board would visit individually and asked the applicant to outline and differentiate between the living area and the patio.

Charles W. Mulloy, 167 Hackensack Avenue, Harrington Park, NJ, Block 802, Lot 6, seeks a variance to remove the existing structures and construct a new home. The proposed structure would violate the requirements for setback and Lot area. Thomas Barrett is the attorney for the applicant. Mr. Mulloy also present. The plan is to demolish existing building and rebuild. The front yard on Hackensack will increase to the required 35 foot setback. The Lynn setback is increasing but still requires variance. Bob Frank sworn in and stated that the buyer wants to build a barrier-free one-story residence for his mother. The proposed building is a Cape Cod.

The garage will be about 18 feet off side yard. The entrance to the garage will be off Lynn Street. Mr. Cho asked about the setback to the next neighbor. The engineer will respond. Mr. McLaughlin asked whether the applicant would consider moving the house closer to Hackensack. Mr. Mulloy was sworn in. He lives at 32 Bleeker Street, NYC. He is now the owner and would consider moving closer to Hackensack. The Engineer, Chris Lantelme of Hillsdale was sworn in and accepted. He stated that moving the house would require another variance but that there was no reason not to move. The soil from the foundation would go into the lot (pool, basement, etc.). He would like to cut down 3 trees—1 too close and 2 on Hackensack that are very big and gangly due to cutting for wires. The replacement number for the trees is 17. They will pay into the fund if not all of the trees fit. There will be a small curb/catch basin at the corner. He proposes Belgian block curbs on the corner and 2 seepage pits. AC pads will go alongside the house. If the house is moved 4 feet closer to Lynn that will eliminate a variance. A new set of drawings and zoning schedule will be needed if house is to be moved. The applicant will build shrubs to mask AC and its noise. Robert Waldron accepted as architect and stated that the applicant wants a 1st-floor home for his mother and a live-in care suite. A second floor will be built into the roof line where Mr. Mulloy will stay when he visits. Mr. McLaughlin noted that the roof will be 6 feet lower than the existing and asked whether this was the best design for the lot. Mr. Waldron stated that there were no extras on the design. John Powers (211 Lynn Street) asked for the existing square footage (1318) and new (first floor livable 1800). Mr. Waldron will calculate total. Anthony Pinto (neighbor) asked for the plan for the back corner. Mr. Mulloy is planning big windows and a garden as well as pavers out the back door and shrubs on the property line. Mr. Mulloy grew up in HP. His parents built on Peat Street; his mom is excited to move to HP and can't do stairs anymore. He will be upstairs and care for her. The applicant was asked to outline the footprint as well as he could and advised that the board would visit separately.

Resolution for Approval

John Powers, 211 Lynn Street, Harrington Park, New Jersey, seeks a variance to install a hot tub on his property. The hot tub location would violate HP Zoning Code 350-47 H (2) and encroach the side yard setback by 11 feet. Mr. Roth moved to adopt the resolution, second Reverend Peoples.

Roll Call vote:

Rich McLaughlin-yes

Jin Cho-yes

Mike Roth-yes

Reverend Marilyn Peoples-yes

Stephen Martinez-yes

Adjournment: Mr. Martinez moved to adjourn, second Reverend Peoples. Meeting adjourned at 10:32 pm. The next Board of Adjustment meeting is scheduled for November 28, 2012.

