

## Minutes for the Harrington Park Zoning Board of Adjustment

September 19, 2012, 8:00 pm

At 8:05 pm Chair McLaughlin opened the meeting 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-absent
Marilyn Simpson-present	Reverend Marilyn Peoples-present
Mark Antonucci-absent	Jin Cho-present
Karen Brady-absent	

Also Present: Marti Francis, Board Clerk

John Schettino, Board Attorney

**Minutes Approval:** August 22, 2012. Marilyn Simpson moved to approve, second Reverend Peoples. All in Favor.

### **Old Business**

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. Powers remained sworn in. Mr. Schettino asked for clarification that the tub would be actually 7 feet from the property line. Mr. Powers stated that he and his sons moved it as far as possible from the property line. Marilyn Simpson moved to approve, second Mike Roth.

### **ROLL CALL**

Richard McLaughlin-yes	Stephen Martinez-yes
Michael Roth-yes	Jin Cho-yes
Marilyn Simpson-yes	Reverend Marilyn Peoples-yes

## New 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. Richard McLaughlin stepped aside as his company does a lot of work with United Water who, he believed, would have a position on this application. Mike Roth ran this portion of the meeting. Mr. Borghi approached and was sworn in. He testified that he received zoning approval for a 14 x 28 accessory building. He further stated that he had an old lease agreement with United Water that allowed him to place sheds, etc., on the property, as long as there was no foundation. Today the United Water attorney advised him that the agreement was revoked in 2009. Mr. Borghi has agreed to move the shed and will install pier footings when it is in final location, provided he receives a variance for the height (which is 17'6" instead of the allowed 16'0. He takes full responsibility for the error in height. He did not obtain a building permit; he did not think it necessary as the building was constructed off site. He is seeking a variance for the height only. He put it on the United Water property to make it less offensive looking and will obtain a survey to determine where it can go without necessitating the removal of too many trees. He will remove the other structures he has erected and plant shrubs. The foundation shown in the plans was discussed. The Cards live to his left; the Mullaney's to the right; the Water Company is to the rear. There is a wooden/chain link fence at the rear of the property. Mr. Borghi will remove the other buildings but wants to put the shed in its final spot before emptying the others into it.

Tom Harten, attorney for United Water, was sworn in and stated that Mr. Borghi now understands that as of 2009 Watershed properties are now subject to reconsevation easement and no structures other than United Water structures are allowed to be on this land. Besides the structure in question there are 2 other buildings and fencing that need to be removed. United Water will formally notice Mr. Borghi, but he has already agreed. Mr. Harten asked that an as-built survey be a condition of approval and that it include (at Mr. Ray Cywinski of United Water's request) the other structures to be removed. United Water has to look after the property but will allow a reasonable time for this to be performed.

Enid Card of 85 Bogerts Mill Road was sworn in and presented a picture of the building. She stated that she understood Mr. Borghi's thinking this would be a solution as there are pre-war houses that have large accessory buildings in lieu of garages but that his property already had garages. She said there seemed to be 2 variances needed. Mr. Schettino clarified that the only question before the board was that of the height. She voiced concern that the building was large enough to live in. Mr. Schettino advised that this would require additional visits to the board and reliefs.

Mike Roth asked for the reason behind the second floor—Mr. Borghi is an art dealer and wants to protect his art and frames from the water that damages them in his basement.

Ms. Card stated that if the height is allowed they will have to put in screening.

Mr. Schettino advised the applicant that the Board cannot vote on the application until the site is certain.

Mike Roth confirmed that there would be access to the building in case of fire, and yes there would be according to the applicant.

John Card, also of 85 Bogerts Mill, was sworn in and stated that the only trees that could be in question were on United Water property and that some clearing had been done. He showed pictures (marked O1, O2, O3) showing contents of Mr. Borghi's tent. Mr. Borghi clarified that the first story of the building would contain leaf blowers, motorcycles, etc., and that the second floor would contain art, etc.

Mike Roth advised that the board would visit individually before the October 24<sup>th</sup> meeting and that they would give him a little time to have a survey done and the site marked.

Richard McLaughlin rejoined the meeting. Marti Francis will ascertain from the building department whether there is a size limit for accessory buildings.

Marti Francis advised the board that Ms. Bistriz learned at a recent class that boards are advised to remove interior floor plans from public copies of application plans. Mr. Schettino fears this will violate OPRA guidelines and would like to know the authority recommending this. Marti Francis will find out.

Marilyn Simpson moved to change the November meeting from the 14<sup>th</sup> to the 28<sup>th</sup>, second Steve Martinez. All in favor.

Mike Roth moved to adjourn the meeting, second Marilyn Simpson. All in favor. Meeting adjourned at 8:55 pm.

The next Board of Adjustment meeting is scheduled for October 24, 2012.