

## Minutes for the Zoning Board of Adjustment

April 24, 2013 8:00 pm

Mr. McLaughlin opened the meeting at 8:05 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	Mark Antonucci-absent
Marilyn Simpson-present	Reverend Marilyn Peoples-present
Jin Cho-present	John Powers-present
Karen Brady-present	

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

**Minutes Approval:** April 4, 2013. Ms. Simpson moved to approve, second Mr. Martinez.

Richard McLaughlin-yes	Stephen Martinez-yes
Michael Roth-yes	Karen Brady-yes
Marilyn Simpson-yes	Reverend Marilyn Peoples-unable to vote
Jin Cho-yes	John Powers-yes

### **Old Business:**

**Mr. and Mrs. DeSantis**, 241 LaRoche Avenue, Harrington Park, NJ, Block 1402, Lot 10, seek a variance to install a standby electric generator. The installation of the generator will encroach upon the required side yard setback by at least 1 foot, 5 inches. Still under oath, Mr. DeSantis presented spec sheets (marked A-2). He testified that there would be about 52 feet from the generator to the nearest neighbor's dwelling. The applicant is willing to plant boxwoods to screen the generator. Mr. Martinez moved to approve the application, second Ms. Simpson.

Richard McLaughlin-yes  
Michael Roth-yes  
Marilyn Simpson-yes  
Jin Cho-yes

Stephen Martinez-yes  
Karen Brady-yes  
Reverend Marilyn Peoples-unable to vote  
John Powers-yes

**Mr. and Mrs. Passante**, 11 Eastbrook Road, Harrington Park, NJ, Block 806, Lot 6, seek a variance due to the fact that the improved lot coverage of 46.6% is higher than approved in the 7/25/11 Zoning Board resolution. Mr. Passante, still under oath, stated that he is requesting to keep the status quo. Mr. Roth asked what is in the building. Mr. Passante stated that there is a bathroom (no shower) in the cabana section and a garage in the other section. He also stated that the building met building code; the problem was the basketball court area, which was omitted from the plans. Mr. Zavarino has seen the building: 10 x 20: cabana bathroom, couch, closet, cathedral ceiling, sliding glass doors, gazebo, and heat to prevent pipes from freezing. Ms. Simpson moved to approve, second Mr. Martinez.

Richard McLaughlin-yes  
Michael Roth-yes  
Marilyn Simpson-yes  
Jin Cho-yes

Stephen Martinez-yes  
Karen Brady-yes  
Reverend Marilyn Peoples-unable to vote  
John Powers-yes

**New Business:**

David Musante, 71 Highland Avenue, Harrington Park, NJ, Block 1014, Lot 1, seeks a variance for a generator that has been installed and violates HP Codes 350-39.C and 350-10 by encroaching upon the side yard setback. Mr. Musante was sworn in and testified that he purchased a, 18w generator from Reiner, which was approved for a site on the west wall. He then realized that the chosen site would require destroying a Japanese Maple. Consequently the generator was installed in a spot 7 feet to the north. The property is 120 x 125. Joseph Thiel from Reiner approximated the distance to the next dwelling to be about 50 – 75 feet and the area to be open. He said that there are many trees and condensing units in the back. The present location is the only practical one. The Japanese Maple shields

the unit. The noise is equivalent to that of a condenser (20 RESA). The applicant was advised that the board would visit individually.

Chris Rago seeks a change of use for 111 Old Hook Road, Harrington Park, NJ, Block 1406, Lots 25 and 26, which is prohibited per HP Code 350-9.A.(2). Also the fence proposed exceeds the allowed height per HP Code 350-42.B. The applicant seeks to run a dog day camp on the property. Mr. McLaughlin recused himself. Eliot Urdang, attorney for the applicant, Michael Hubschmann, Engineer, Mr. Sunden, owner of the property, and Chris Rago, applicant sworn in and accepted. Mr. Hubschmann described a colorized site plan, marked A-1. The property is zoned R-1 and is 62,567 square feet. It is surrounded by wooded area and a reservoir. The Water Company parking lot is directly across the street. The property has a large commercial building (about 5200 square feet), which has an office and an apartment, and other, smaller buildings. A photo, marked A-2, was presented. Three minor changes are proposed: lantern-style lights, restriping for the parking lot to meet ADA requirements, and a fence in the rear area. 13 spots are required. 11 are provided. The applicant will pave 2 more if needed but if not needed no use in creating more impervious surface. In that case a parking variance will be sought. The lights will create some spillage into the woods but not to any houses. For the fence variance (c2), 5 feet is allowed, 6 feet sought for safety reasons. It would be chain link. There are 110 feet to the property line and then 30 to 40 feet to the next house. Mr. Hubschmann confirmed this would fall within the D-1 State 4055 D2 subsection G use variance. This is now a mixed use area. 6 employees would pick dogs up and bring dogs home every day. There would be no visiting traffic during the day. The waste would be removed. Disruptive dogs would not be allowed. Mr. Hubschmann felt the use was well fitted to the property.

Luis Leon, Parkside Road resident, asked where the reservoir was in relation. Location pointed out on aerial photo (marked A-3). Mary Crain, 252 Schraalenburg, stated that she would rather a solid fence; the applicant is open to that suggestion. She would also rather the fence be in the front. She stated that Demaree bought the property because it was isolated and that the caretaker lived in the house. Mr. Hubschmann was excused to attend another meeting. Mr.

Sunden testified that his family has owned the property since 1899. The house was built in 1899 and added onto until 1999, expanding every decade. The masonry building was built in 1928 and was a print shop and apartment since that time. Harrington Press was housed there until 5 years ago. There were 12 presses and 10 employees; it was run by Mr. Sunden's father and grandfather. Mr. Sunden occupies about 800 square feet of the building for his graphic design business. There are no employees. Press employees parked on site. There was employee and customer traffic. He uses his detached garage and parking spaces and has ample room for visitor parking. The Lewis family lived in the house to the east until the foundation purchased it. He has not observed a caretaker in the house. There is a tenant in the apartment; she is flexible as to where she parks. Mr. and Mrs. Sunden also live on the property. Ms. Brady and Mr. Leon confirmed number of people living on property.

Chris Rago testified that he proposes to be the operator of a dog daycare facility. There will be no overnight boarding. People can send their dogs weekly, monthly, 100 days, or daily. Weekends will have very limited hours and fewer dogs. Concerning noise, the owners will be interviewed and dogs observed before they are accepted. Behavior problems will be addressed before dogs are brought to the facility. Barking will not be allowed. He has been in business since 2007. He has trained with the Dog Whisperer and participates in ongoing training. Monday to Friday an employee will arrive at 6:30 am; dogs will be picked up in vans and trucks, which will generally leave the site after dropoff. 2 girls will be in the office 8-5. 2 or 3 employees will manage the dogs. Small dogs will be separated from large dogs. 15-25 of each are expected each day. Dogs will be off the property by 5:30 at the latest. In the evenings training will be held for a maximum of 10 dogs and will end by 8:30. 10-15 dogs could be on site during the weekend between 8:00 and 5:30. For the exercise area, barking would be handled. Dogs with continuing behavior would not be allowed to return. Small dogs would be exercised separately from large dogs. No dogs would be allowed outside the fence. There is no need for public to visit during the day. Cameras allow owners to view dogs. He has an office in Woodcliff Lake and has a good reputation. He would be willing to plant arbor vitae to block sound. There would be no adverse

effect on neighbors. Karen Brady asked if owners could drop off. Mr. Rago said yes but there was no need. He is looking for a larger space and could close the Woodcliff Lake office. He has arrangements with a dumpster company that would remove waste. John Powers commented that it is right next to the reservoir. Chris Rago is willing not to have a dumpster. Jin Cho asked how numbers were arrived at. Karen Brady wondered about any statutes concerning numbers. Chris Rago stated he currently has a staff of 17. Dogs would arrive between 8:00 and 10:00 and go home between 3:30 and 4:30. He and his staff have access to customers' homes. Mike Roth raised concerns about cleanliness and waste removal. Chris Rago stated that there is a similar business on Route 303 and in Midland Park. He will submit names/addresses.

Mr. Seymour-Jones, Parkside resident, stated that he feels the health department and/or water company should set procedure for dealing with feces. Mr. Urdang was asked to contact both. United Water was contacted as a neighbor. Mr. Luis Leon, resident, stated that he is a small business owner and needs the board to understand that the property is very special and tranquil and a home to wildlife. He voiced concerns about noise and safety. Mary Crain stated that Demaree bought because it was on a reservoir and that there are only 2 properties around the reservoir with houses. Discussion followed as to whether this might be a nonconforming use. It has had a commercial use. Mike Roth stated that it is an unusual business with unique concerns and wondered whether an environmental study would be done. The Town Planner will review for the next meeting. Perhaps Johnsons Soils will review as well. Mr. Seymour-Jones commented on how the sound will travel. Mr. Leon invited the board to view from his property. The applicant was asked to mark where the fence is proposed.

Adjournment Ms. Brady moved to adjourn, second Reverend Peoples. All in favor. Meeting adjourned at 10:05.

The next Board of Adjustment meeting is scheduled for May 22, 2013.

