

## Minutes for the Zoning Board of Adjustment

May 28, 2014 8:00 pm

Mr. McLaughlin opened the meeting at 8:05pm 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-absent
Michael Roth-present	Mark Antonucci-absent
Marilyn Simpson-present	Reverend Marilyn Peoples-present
Jin Cho-present	John Powers-present
Karen Brady-absent	Allan Napolitano, Liaison to the Board -absent

Also Present: Marti Francis, Board Clerk  
John Schettino, Board Attorney  
Michael Hakim, Borough Planner  
Anthony Kurus, Neglia Engineering

Mr. McLaughlin certified that he listened to the April 23, 2014 meeting tapes.

**Minutes Approval:** April 23, 2014. Ms. Simpson moved to approve, second Reverend Peoples.

Roll Call Vote:

Richard McLaughlin-yes                      Jin Cho-yes

Michael Roth-yes  
Marilyn Simpson-yes

John Powers-yes  
Reverend Marilyn Peoples-yes

**Invoices:** John Schettino: General (\$150.00) Hunter (\$250.00) Kennedy (\$250.00). Ms. Simpson moved to approve, second Reverend Peoples.

Roll Call Vote:

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

Jin Cho-yes  
John Powers-yes  
Reverend Marilyn Peoples-yes

**Old Business:**

**Joanne Schryver** seeks a variance for an addition and a deck at 89 Highland Avenue (Block 1014, Lot 3), Harrington Park, NJ, 07640. Proposed addition would violate HP Zoning Code 350-10D as it would exceed allowed lot coverage. Ms. Schryver, still under oath, presented a new copy of the plans and a letter from the architect. Two AC units will be located at the front right of the house. Currently there is 1. Mr. McLaughlin stressed that were the board to approve it should not be taken as approval for a 2-family. The applicant clarified that there would be a door at the walkway and between the old house and addition. Mr. Schettino stressed that no cooking appliances would be permitted in the addition. Mr. Roth stated that he would only vote for the application if there was no second entrance. Reverend Peoples concurred. Discussion about trees. The applicant stated that she did not want to plant as many trees as listed on plans. There were no public questions. Ms. Simpson moved to approve the application with the stipulations of no cooking appliance, a deed restriction stating the same, and two evergreen trees to be planted for every tree removed, as well as shrub screening for the AC units. No one made a second. Mr. Roth moved to approve with the same conditions as stated by Ms.

Simpson with the addition of no entrance at the new walkway at the new addition. Mr. Schettino stated that without the second entrance the deed restriction could be eliminated. Mr. Roth agreed. No one made a second. The applicant withdrew her application. Ms. Simpson moved to allow the withdrawal of the application, second Mr. Powers.

Roll Call Vote:

Roll Call Vote:

Richard McLaughlin-yes

Jin Cho-yes

Michael Roth-yes

John Powers-yes

Marilyn Simpson-yes

Reverend Marilyn Peoples-yes

**Elvin Fernandez and Mariana Nunez**, seek a variance for an addition at 144 Spring Street (Block 711, lot 7), Harrington Park, NJ, 07640.

Proposed addition would violate HP Zoning Code 350-9D as it would exceed allowed lot coverage and Codes 350-9E. (1) and (2) as it would encroach upon required front and side-yard setbacks. Bruce Rosenberg and Alexis Lugo, still under oath, discussed the new plans, which had minor modifications. A 1.3 was explained by Mr. Lugo. Windows were removed from the upper storage room; a faux frame was added for aesthetics. A skylight was added. Any landscaping that is damaged will be replaced. The applicant will add 6 foot arbor vitae if desired. Mr. Roth stated that he does not want to encourage building large homes, but this seems different. He feels this would not bother neighbors. The AC units will go toward the back. The property is irregularly shaped. There were no public questions. Mr. Roth moved to accept, with the addition of the arbor vitae, second Reverend Peoples.

Roll Call Vote:

Richard McLaughlin-yes

Jin Cho-yes

Michael Roth-yes  
Marilyn Simpson-yes

John Powers-yes  
Reverend Marilyn Peoples-yes

**Carried to June 12 meeting** due to advertising issue: Bob Howard seeks a variance for an addition at 27 Hackensack Avenue (Block 705, Lot 8), Harrington Park, NJ, 07640. Proposed addition would violate HP Zoning Code 350-3 because it would create a third story due to the basement and Code 350-9E as it would violate the front-yard setback. Mr. Howard is represented by Stephen Dayson. Ms. Simpson moved to allow the application to be carried to the June 12 meeting, notice and advertising required, second Reverend Peoples,

Roll Call Vote:

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

Jin Cho-yes  
John Powers-yes  
Reverend Marilyn Peoples-yes

Form letter included in the Board of Adjustment application revision. (Discussed at the end of the meeting. The board likes the look of the letter submitted by Joe Buono, architect).

**Resolution for Approval (Matter taken before 106 Schraalenburgh)**

Mr. and Mrs. Hunter seek a variance to add to the driveway at 108 Kline Street (Block 709, Lot 5). Mr. Hunter approached and stated that he wished to have an actual, 9-foot driveway rather than runners. Mr. Schettino stated that the board should decide whether this was a significant difference. The board did not feel it was. There were no public questions. Mr. Schettino will change the resolution. Ms. Simpson moved to approve the modified application and memorialize the resolution, second Reverend Peoples.

## Roll Call Vote:

Richard McLaughlin-yes

Jin Cho-yes

Michael Roth-yes

John Powers-yes

Marilyn Simpson-yes

Reverend Marilyn Peoples-yes

## **New Business:**

A change of use variance is sought for **106 Schraalenburgh**. Gary Bennett, legal representative for the applicants, approached the bench and explained that the gas station has been empty due to disuse and the contamination issue. The applicants own other car wash/lube facilities. They want to create an upscale, executive car wash. The property is in a B1 zone. They are requesting a use variance and several bulk variances. There will be a floating floor conveyor belt. The property has 2 front yards because it is a corner lot. The soil contamination has been removed as a show of commitment to the property. Present tonight are JR Frank, architect; Gary Dean, Traffic Engineer; Robert Costa, Engineer; David Carlback, Planner; and Robert Dooney, Licensed Site Remediation Professional.

Mr. Frank was sworn in and accepted. He stated that he has designed car washes for 20 years. He is elevating the idea of the car wash to that of a spa. B1 elevations and B2 floor plans were submitted. The plan is to make the building seem that it was always there. It will be a Dutch Colonial with a gambrel roof. The applicant has given him a free hand to utilize materials that will last. A2, a photo of a car wash built in Lodi, was submitted. They are seeking a variance for signage. Mr. Frank stated that they want a sign with an old-time look—painted and with gooseneck lights. Upstairs will be offices. There will be no visible mechanical equipment on the grounds. The basement will house the service level for the lube and the equipment for the car wash. The waiting room will feel like a hotel lobby. The lube entrance will be off

Schraalenburgh. Mr. Roth stated that he was concerned about the traffic flow. Christopher Coleman, one of principals, was sworn in. Robert Costa (Costa Engineering) was sworn in and accepted. He stated that the plan was to knock down and rebuild. The County has agreed in concept to the entrance on Schraalenburgh and has asked for revisions. There will be emergency-only access from Elm Street. 99% of the water will be reclaimed. The tanks on site plan are for this purpose.

Chris Coleman stated that the company would emphasize quality over quantity. A car wash would take 10-12 minutes, an oil change 5-7. 75-80% of their customers are repeat. The Police Departments in the other towns have not made any complaints. Mr. Cho asked for the maximum cue and was told 15 on line and 3 inside.

Mr. Costa stated that more striping would be done to make the direction more obvious.

Mr. Coleman stated that pavers would be used for a natural filtration system. They would be seeking a variance for a 4-foot fence to act as a buffer but would go to 3 foot if necessary. Mr. Roth asked about a living fence. Mr. Costa agreed that could be done. Mr. Costa stated that the soil/erosion approval has been obtained.

Anthony Kurus of Neglia Engineering stated that he understands that the stones under pavers provide storage volume, but he voiced concern about the water quality. Mr. Coleman stated that the soaps to be used will be biodegradable and the tire dressing water based and applied by hand. Discussion.

Mr. Hakim, town planner, stated that the water quality is a very serious concern and asked about accidents. He reminded that the town is situated on clay and that any contaminants that hit the soil will move laterally to the reservoir. He asked whether the pavers have been

analyzed for severe storms. Mr. Costa stated that the gravel under the pavers would collect for a 100-year storm and that he would not recommend this for a service station. He stated that he received permission to use this at United Rentals.

Mr. McLaughlin asked how these hold up to freeze and thaw. Mr. Costa stated that they were installed at Sinzari Restaurant before this hard winter and that they did not move.

Ronald Dooney, Licensed Site Remediation Professional, was sworn in. He stated that he is authorized in many instances to act on behalf of the DEP. He testified that he analyzed and designed the remediation plan. The soils are all now below level. 1 well is still above and will be pumped out. Concentrations were triple digits now single digits. He stated that no contaminants are likely to hit the gravel. Mr. McLaughlin asked if he was familiar with biodegradable cleaners and felt they were appropriate. He stated that he is and does. Discussion about the fact that he does the work and then says it is good. Mr. Coleman stated that the DEP has changed the way it works.

The meeting was open to the public. Geri Gibney, 154 LaRoche, asked what the break even number of cars would be. Mr. Coleman said that he could put something together. Mr. Schettino suggested volume from other towns might be helpful. Mr. Coleman stated that the requested operating hours would be Monday through Sunday 8:00am-6:00pm. Mr. Bennett pointed out that cars cannot be washed in rain or snow.

Geri Gibney asked how controlling the line would work. Mr. Coleman stated that the Police would not allow cars to spill out onto the street. Mr. Bennett stated that a police officer will testify next time. The applicant will waive the 120 day turnaround and will adjourn the application to July 23<sup>rd</sup> with no further notice required. Ms. Simpson moved to adjourn, second Reverend Peoples.

Roll Call Vote:

Richard McLaughlin-yes

Jin Cho-yes

Michael Roth-yes

John Powers-yes

Marilyn Simpson-yes

Reverend Marilyn Peoples-yes

Marti Francis brought the question of whether an application moves with the property. It does.

Adjournment: The next Board of Adjustment meeting is scheduled for June 12, 2014. Reverend Peoples moved to adjourn, second Ms. Simpson. All in favor. Meeting adjourned at 10:45.