

## Minutes for the Zoning Board of Adjustment

July 23, 2014 8:00 pm

Mr. McLaughlin opened the meeting at 8:04 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-absent	Reverend Marilyn Peoples-absent
Jin Cho-present	John Powers-present at 8:06
Karen Brady-present	Allan Napolitano, Liaison to the Board -not present

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

**Minutes Approval:** June 12, 2014 Michael Roth moved to approve, Karen Brady second.

### **ROLL CALL**

Richard McLaughlin-yes	Michael Roth-yes
Jin Cho-yes	John Powers-yes
Karen Brady-unable to vote	

Karen Brady listened to the May 28, 2014, tapes.

**Invoice Approval:** John Schettino invoices in the amount of \$1650.00.  
Karen Brady moved to approve, second Jin Cho.

**ROLL CALL**

Richard McLaughlin-yes

Michael Roth-yes

Jin Cho-yes

John Powers-yes

Karen Brady-yes

**Old Business**

106 Realty Associates seeks use variance, as well as other variances, in order to install a car wash and oil change facility at 106 Schraalenburgh. Mr. McLaughlin stated that as 5 positive votes are required for this type of variance and that only 5 Board members are present, the applicant will recap the previous meeting, and then half an hour will be allowed for public questions. The application will be carried to the 8/27 meeting. Mr. Bennett, counsel for the applicant, recapped that applicants are professionals, and that revised plans (including the removal of pavers) have been submitted. 106 Realty owns and has cleaned up the property. The applicant proposes to eliminate tanks, extensive hours, potential for contamination. There will be no outside pumps, no storage tanks. They are licensed to recycle oil. The soil is clean and the water dramatically better.

The meeting was opened to the public:

Todd Kushner stated that the proposed building is beautiful. He disputed notice given. He wanted to know about the traffic study and thanked the applicant for the cleanup. Mr. McLaughlin explained that property owners within 200 feet were noticed by certified return receipt and that notice was published.

Sue Difalco, 295 Parkside Road, asked for addresses of the carwash/lube sites and asked whether a licensed professional would be on site and whether a C1 buffer would be required.

Mr. Bennett stated that the HP engineer had explained that a C1 buffer does not apply in this case. The addresses are listed on NJcarwash.com; the other sites are a bit larger. One of the owners would be on site most days. Chris Coleman, co-owner, stated that a licensed company would remove the oil.

Peter Ardito, Environmental Commission Chair, stated that he had heard about the application at the June EC meeting and felt it would have been good for the applicant to approach the EC. Mr. Bennett stated that it was not meant as a slight and that there is no environmental impact. Mr. Coleman stated that he would be happy to come to a meeting. Mr. Ardito asked questions about idling, parking, traffic, oil, soil, water, landscaping, and lot coverage. Mr. Bennett stated that this would be geared to the nicer automobiles and not like Northvale or Closter.

A resident asked about the price of a carwash. Mr. Liebhof, owner, stated that it would be above \$20 and that the business would be very open to fundraising for community organizations.

A resident who resides at 5 LaRoche asked what variances were being sought. Mr. Schettino stated that a D1 variance was needed and that the planner is brought in on sensitive cases. Mr. Hakim, planner, stated that a D1 variance and several C variances (setback, coverage, etc.) were required. Two new variances were identified in the latest review. Mr. Schettino reminded the public that the traffic testimony and the planner's testimony have not yet been presented.

A resident voiced concern that precedents might be set and asked whether noise was a consideration. Mr. Schettino stated that in land use there are no precedents and that noise is a concern.

Mark Madaio stated that in order to change the use of a property said property had to be proven to be exceptionally suited for the proposed use. Also, he voiced concern that the gateway of Harrington Park would be a carwash. He stated that the shape the property was in now or could be in the future is not a reason for a variance.

Geri Gibney stated that the applicants say they want to be good neighbors but the macadam and grass piles have been there since July 2013.

Mr. Medina asked whether the applicant would provide a summary of testimony and application. Mr. Bennett stated that the plans were in the office and the testimony was verbal. Mr. Medina asked whether cross examination was allowed when testimony was given. Mr. Schettino said it was. Mr. Medina asked whether an expert would opine as to possible contamination. Mr. Bennett said if so it would be from the HP Board.

Mr. Hakim stated that based on LSRP testimony and that time ran out at the last meeting Mr. Hakim submitted a letter to the attorney and board and that no answer was received. Mr. Bennett stated that the revised plans and engineering report should answer the questions.

Mr. Medina asked whether there was a possibility of contamination. Mr. Bennett stated that there was not. Mr. Bennett stated that the permitted use for this zone was service station and public garage.

A break was taken at 9:04pm.

## **New Business**

**Pamela Gossard**, 77 Martha Road (Block 1313, Lot 10) Harrington Park, NJ, seeks a variance to build a deck. Said addition would violate HP Code 350-9 E as it would encroach upon the rear yard setback. Pamela Gossard is represented by Robert Frank. Bob Frank was sworn in. Plans were distributed. He explained that it was a corner lot and current patio is disintegrating and unsafe. A deck is proposed to go across the back of the house—not increased beyond the garage. The main deck would be 6’ x 30’ the walkway 13’ x 3’. A small patio shown on the plans is for the future and not part of this application. Mr. McLaughlin pointed out that a resolution was granted in 2004. Mr. Frank stated that at that time Mrs. Gossard’s husband passed away and she decided not to proceed with the plans. He also pointed out that there are no windows on that side of the house and that the neighbor’s deck is higher.

Sue Difolco asked whether building was more acceptable when there are no windows. Mr. Frank stated that it is always a consideration, and Mr. Roth stated that it is a concern when one can see into a neighbor’s house.

Mr. Powers moved to approve the variance application, second Mr. Roth.

## **ROLL CALL**

Richard McLaughlin-yes  
Jin Cho-yes  
Karen Brady-yes

Michael Roth-yes  
John Powers-yes

The process was explained to the applicant.

**Robert Caravella**, 76 Herring Street (Block 713, Lot 2) Harrington Park, NJ, seeks to install air conditioning equipment. Such an installation would violate HP Code 350-49, as it would encroach upon the required setback. Mr. Caravella was sworn in. He explained that he is on a corner lot. The house behind him faces him. If he installed the air conditioner in his rear yard it would be in his neighbor's front yard and closer to his neighbor's house. As planned the AC unit would be behind bushes, and is about the size of a chair. The chimney juts out farther than the unit.

Mr. Caravella was asked to mark the site for when the board visited.

**Jeungsu Na**, 192 Tappan Road (Block 610, Lot 7) seeks to utilize and accessory structure as an accessory dwelling unit. Such use would violate HP Codes 350-11 (a) and (b), as the R-3 District permits only one principle use as a single family. Jason Argenti, carpenter, and Mr. Na were sworn in. Mr. Argenti explained that there is a detached 2-car garage. Mr. Conroy, the previous owner, received a variance for the detached garage and put in a kitchenette and sleeping quarters. It is now an office/gym. Mr. Na wishes to create a spot for guests. The plan is 1 bedroom and a living area. Kitchen appliances would be added. Mr. Schettino explained that the variance runs with the land and that Mr. Na was trying to create a second dwelling. Mr. Argenti expressed his wish to make it safe and stated that the kitchen could be removed if need be. Mr. Schettino stated that at very least the kitchen would have to be eliminated. Mr. Argenti was asked to look into the property file and research what variance would be needed, assuming the kitchen was eliminated. It was suggested he seek guidance from Joe Zavarino,

who did advise the elimination of the kitchen. All windows are designed for egress. The application will continue 8/27.

**Resolutions for Approval**

Derick and Anita Rausch, 46 Glen Avenue East (Block 721, Lot 20) Harrington Park, NJ, seek a variance to build an addition and deck. The proposed project on the non-conforming structure would violate HP the property setbacks. Mr. Roth moved to adopt the resolution, second Mr. Cho.

**ROLL CALL**

Richard McLaughlin-yes	Michael Roth-yes
Jin Cho-yes	John Powers-unable to vote
Karen Brady-unable to vote	

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 as it would create a third story due to the basement and Code 350-9E as it would violate the front-yard setback. Mr. Roth moved to adopt the resolution, second Mr. Cho.

**ROLL CALL**

Richard McLaughlin-yes	Michael Roth-yes
Jin Cho-yes	John Powers-unable to vote
Karen Brady-unable to vote	

Kevin Song, 122 Spring Street (Block 711, Lot 20.01) Harrington Park, NJ seeks a variance to install a generator. Proposed generator would violate HP Code 350-39.C. Mr. Roth moved to adopt the resolution, second Mr. Cho.

**ROLL CALL**

Richard McLaughlin-yes

Michael Roth-yes

Jin Cho-yes

John Powers-unable to vote

Karen Brady-unable to vote

Adjournment: The next Board of Adjustment meeting is scheduled for August 27, 2014. Ms. Brady moved to adjourn, second Mr. Cho. All in favor. Meeting adjourned at 9:48pm.