

## Minutes for the Zoning Board of Adjustment

August 27, 2014 8:00 pm

At 8:04pm, Richard 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-absent
Michael Roth-present	Mark Antonucci-absent
Marilyn Simpson-present	Reverend Marilyn Peoples-absent
Jin Cho-present	John Powers-present
Karen Brady-present	Allan Napolitano, Liaison to the Board -absent

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

**Minutes Approval:** July 23, 2014. Ms. Brady moved to approve the minutes, second Mr. Powers.

Richard McLaughlin-yes	Karen Brady-yes
Michael Roth-yes	John Powers-yes
Marilyn Simpson-yes	Jin Cho-yes

### **Old Business**

**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. The applicant was not present. Mr. McLaughlin recommended that shrubs not higher than the air conditioner should be added. Ms. Brady moved that the application be approved with Mr. McLaughlin's addition, second Mr. Roth.

Richard McLaughlin-yes	Karen Brady-yes
Michael Roth-yes	John Powers-yes
Marilyn Simpson-abstain	Jin Cho-yes

Mr. Caravella arrived at 8:08 and was told of the added condition.

**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. **APPLICANT HAS REQUESTED PERMISSION TO WITHDRAW APPLICATION. LETTER AVAILABLE.** Ms. Simpson moved to allow the adjournment, second Ms. Brady.

Richard McLaughlin-yes	Karen Brady-yes
Michael Roth-yes	John Powers-yes
Marilyn Simpson-yes	Jin Cho-yes

### **New Business**

**Jesse Barragato**, 148 Schraalenburgh Road (Block 1203, Lot 12), Harrington Park, NJ, seeks relief regarding the height of an accessory building; the height is contrary to Harrington Park Code 350-33.1.

Mr. Barragato was sworn in. He explained that he wanted to build a 26 x 44 foot detached garage with secondary storage. Gas and electricity will be included. Mr. Powers asked for placement clarification. There will be a vinyl fence. He is willing to plant trees if his neighbor wishes. The proposed height is 25 feet high (permitted is 16). He has three vehicles and can't go wider than that to include storage, which is why he needs a second story. Mr. Roth asked about the height of the garage doors. Ms. Brady asked about the windows. There will be 3 dormers on the house side. There will be one over-head window on the neighbor side, to allow for light. Mr. Schettino asked about the cupolas. Mr. Barragato said that the architect did not believe they counted. Mr. McLaughlin said the actual roof is 23+ feet; the cupola makes up the difference. Mr. Roth asked why the window faces the neighbor. The applicant was advised of the process.

**Edward Colletti**, 34 Lohs Place (Block 107, Lot 3), Harrington Park, NJ, seeks to alter a porch. Such action would be contrary to Harrington Park Code 350-11 E (1). Mr. Colletti was sworn in. Plans were submitted. He plans to build a 30 x 7 ½ foot porch. The house already encroaches into the front yard. The porch is designed to even the house out. The porch would make the whole house have a 25.8' setback rather than the current 31 '. The roof and steps would be closer to the street (16'). Mr. Schettino explained that the Board needs exact measurements. Mr. Colletti explained that most houses on the street encroach upon the setback. There were no public questions. The applicant was advised of the process.

**Wendy Nanus**, 42 Council Place (Block 727, Lot 2), Harrington Park, NJ, seeks to install a generator. Such action would be contrary to Harrington Park Code 350-3a, c. Mr. and Mrs. Nanus were sworn in. Mrs. Nanus explained that he needs a generator because he is frail. They plan to put it on the right side of the house as you face it. They plan on a Generac. There is landscaping, but it would not conceal the

generator from the neighbor. Mr. Nanus explained that the generator would be 12 feet from the property line, and the neighbor's house is set back 20 feet. The generator would be near the neighbor's back yard. 2 or 3 shrubs would cover it, which applicant would plant if necessary. The utilities are on the right, and this location would impact the neighbor less. The electrician recommended this spot. The applicant was advised of the process.

### **Resolution for Approval**

**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. Ms. Brady moved to adopt the resolution, second Mr. Cho.

Richard McLaughlin-yes

Karen Brady-yes

Michael Roth-yes

John Powers-yes

Marilyn Simpson-yes

Jin Cho-yes

Ms. Simpson moved to recess the meeting and reconvene at 9:00pm at the Harrington Park School, second Mr. Cho. All in favor.

**Meeting to be continued at**

**9:00pm at Harrington Park School, 191 Harriott Avenue**

### **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 made the opening announcement. Roll call was called. All members who were at the Borough Hall were still present. Mr. McLaughlin announced that late in the afternoon the Board learned that the owner was unable to attend; the owner requested an adjournment in writing until the 9/24 meeting. The applicant must send a letter by regular mail to alert the neighbors. Ms. Simpson moved to allow the adjournment, second Ms. Brady.

Eric Medina asked how many adjournments were made to date. Mr. McLaughlin explained. A resident asked if there were a limit on adjournments. Mr. McLaughlin stated that there was not by statute but that eventually they might seem unreasonable.

Gerri Gibney asked what counsel had to say. Mr. Schettino explained that cases could go on for years and that he has never seen adjournments denied when they were requested due to experts being unavailable. He said that they worked both ways and were liberally given.

Nick Cucci asked for counsel's opinion and whether the Board would retain witnesses. Mr. Schettino stated that as the attorney he was not able to offer an opinion and that the Board had retained the engineer and planner at the applicant's expense. Mr. Cucci asked about the environmental impact. Mr. Schettino explained that it was a DEP issue, not a zoning issue.

Gerri Gibney asked whether the site cleanup expert was an environmental expert. Discussion. Mr. Schettino explained that the applicant would have to get DEP approval after he was through with the Board. He explained that the Board was concerned with C and D

variances, the impact on the neighborhood, consistency with the master plan, and impact on zoning ordinances.

Gerri Gibney asked whether the Board would bring in a traffic expert. Mr. McLaughlin explained that the Board would decide after the applicant's testimony.

Mr. Schettino explained that NJ is known to be strict on environmental issues. Mr. McLaughlin explained that the expert was an LSRP and has to report back to the DEP.

Cheri Maltin remembered the contamination scandal of 8 or 9 years ago and didn't remember remediation. Mr. McLaughlin believed there was. Remediation can be researched online.

Anne Lander asked what the Board needed for a decision. Mr. Schettino explained that any applicant has the right to present the entire case, no matter what, and that if the Board does not allow it, the applicant can go to a higher court.

A resident asked why the Board wouldn't bring experts and how much personal opinion would sway a decision. Mr. McLaughlin said that the Board might bring in experts and that personal opinion is not supposed to enter into decisions and would be reversed.

A resident stated that Closter and Westwood have carwashes that are not in residential areas and wonders why a carwash would be put on a major street in a unique borough.

Sue Difulco said that there are 14 carwashes and oil lube stations between Northvale and Dumont and wondered if this carwash would alter the master plan. Mr. Schettino stated that only the governing

body had the power to change the master plan. This applicant is seeking relief. He then stated that the public asking questions when the applicant was not present was actually helping the applicant. Sue Difulco asked whether it was acceptable that no one from the applicant's team was here and was told it was up to the applicant.

Roll call to allow the adjournment:

Richard McLaughlin-yes

Karen Brady-yes

Michael Roth-yes

John Powers-yes

Marilyn Simpson-yes

Jin Cho-yes

Ms. Simpson moved to adjourn the meeting, second Ms. Brady. All in favor. Meeting adjourned at 9:37pm.

Adjournment: The next Board of Adjustment meeting is scheduled for September 24, 2014.