

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, October 24, 2018 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:07PM.

Open Public Meeting Act 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

Roll Call	PRESENT	ABSENT
Chairman Richard McLAUGHLIN	X	
Vice Chair Michael ROTH	X	
John POWERS	X	
Jin CHO		X
Steve LOTT	X	
Stephen MARTINEZ		X
Todd CANNAO		X
Robert BUDINICH (alternate a)	X	
Gail ZACCARO (alternate b)	X	

Also present: John Schettino, Board Attorney
Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

September 26, 2018 minutes

Approval of September 26, 2018 Minutes	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN					X	
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)		X	X			

INVOICES FOR APPROVAL-TBA

Law Office of John L. Schettino – Escrow	47 Highland Ave	\$ 250.00
Law Office of John L. Schettino – September 2018	Attendance (Sept. meeting)	\$ 150.00
North Jersey Media Group – September 2018	Notice of resolutions	\$ 36.75
	99 Kline, 112 Hackensack	
	TOTAL	\$ 436.75

Approval of invoices listed	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			

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John POWERS			X			
Jin CHO						X
Steve LOTT	X		X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)		X	X			

HEARINGS

1) 159 Martha Road (Block 1306, Lot 1) – Fence, Steven Jenson

Steven Jenson, 159 Martha Road, Harrington Park, New Jersey was sworn in. Mr. Jenson replaced a fence that was built in 1996. The fence is more visible along the main road because he took down the sap maples and shrubs around the chain-link fence that was hard to see. The wood fence is 4ft high with a 1ft square lattice. It is in the same location as the previous fence. Joe Zavarino suggested it would be best to get a variance for it. The fence is new and people notice it. The property has 2 front yards.

Mr. McLaughlin asked if it served as security or protection for the pool. Mr. Jenson said that the pool fence must be 4ft. The pool was installed in 2000 and the fence was already there. It is a corner lot. Mr. Lott asked how long does the fence run. Mr. Jenson said it was about 75-80ft. It aligns with the front of the house not including the front porch. Along Harriot the fence is 5ft. The shrubs in front of the fence are deer resistant. The shrubs should fill in nicely over time.

Mr. McLaughlin asked if there were any questions from the Board. There were no questions from the Board.

The meeting was opened to the public for questions or comments regarding the application. Dana Ware, 131 Martha Road, Harrington Park, New Jersey. She wanted to compliment the work that he did. He removed a lot of the overgrown shrubbery, the fence is beautiful and the sidewalk is more walkable.

Mr. Roth referred to the map. Mr. Jenson said that there is a hill and it is about 6ft up from the rise. The board reviewed the diagram/map. Mr. McLaughlin clarified that the variance relates to the fence adjacent to Harriot. The plantings are between the sidewalk and the fence.

Mr. Jenson said the fence runs along the back of property line to the east and connects to old chain link fence. It gives a little privacy because of the pool.

There was discussion about the map and the line color codes for the fences. Mr. Jenson said that the fence is about 8ft back from the property line and about 16-20ft back from the road. The sidewalk is right of way.

Mr. McLaughlin asked if there were any other questions. There were none.
 Mr. Roth would like to see the fence and differ the decision until the November meeting.

Resolution to carry matter to the November meeting without any further notice to neighbors or publication	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			

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John POWERS		X	X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)	X		X			

The application will be heard again on November 28, 2018 at 7PM. Mr. Schettino noted that the public will not receive any further notice and stated the next meeting is November 28, 2018 at 7pm.

2) 131 Martha Road (Block 1306, Lot 13) – Half-pipe structure – Jaime Affoumado

Jaimie Affoumado, 131A Martha Road, Harrington Park, New Jersey was sworn in.

Mr. Schettino asked Mr. Affoumado if he provided notice to the neighbors. Mr. Affoumado’s notice indicated 8pm. Mr. Schettino asked if Mr. Affoumado was asking for a variance or interpretation. He noted that the letter is deficient for a variance. Definition of described the structure. Mr. Affoumado wanted to speak his peace. Mr. Schettino asked the public how people knew to attend at 7pm and not 8pm as indicated by the notice. One person said that a neighbor looked at the structure. She asked what time the meeting was. The neighbor said 7pm. The board will determine if the application requires a variance, then the applicant will need to come back. The notice is deficient because it doesn’t identify that he is seeking a variance. A variance you are looking to deviate from what is permitted or acceptable in the zone. If he is seeking a variance, the notice must identify the variance in the notices and newspapers. If he does not need a variance, he would not need to send a notice.

Mr. Affoumado has been a professional skateboarder for 35 years and would like to continue. Mr. Affoumado noted that Hal Sokoff is the owner of the property. He asked Mr. Sokoff for permission to complete the Board of Adjustment application and provided an email from Mr. Sokoff. Mr. Affoumado has \$1 million liability insurance. The insurance does not cover commercial use. Before the half pipe was built, he had asked the neighbors. The half pipe is not for public or commercial use. It is private for personal use. The people using it would be the two people who helped him build it and himself. The structure is 24ft wide x 11ft high x 30ft length. It is located in the rear of the property. It is 8-10ft from the property line and 20-25ft from each side. Photographs were provided. It is behind the garage. Mr. Affoumado said that the structure can’t be seen from the street.

Mr. Roth and Mr. Budinich noted that they could see it from the street.

Mr. Power asked if it was 180ft from the street. What is behind the structure? Mr. Affoumado said there were houses behind the structure. Rear yards on both sides. Trees around house are not evergreens.

Mr. Schettino asked if there was any intention of adding lighting. Mr. Affoumado replied no. Mr. Schettino asked how often would it be utilized. Mr. Affoumado said that he would use it in the mornings or before lunch for about 1 hour during the weekday. He would not use it on Sunday when people are peacefully relaxing.

Mr. Lott read a comment “professional half-pipe practice for the Olympics 2020 and 2024 - Non-profit and willing to help community become fun. Willing to teach 1hr a week to help the kids”. Mr. Affoumado said that if the half-pipe were approved, he would offer his services for free to help the community. There are school programs. Mr. Affoumado said that there are people who want to learn and he would like to teach them the proper way to skateboard.

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Ms. Zaccaro asked if he would take children in the house. Mr. Affoumado would only bring the kids over if the application were approved. If he were asked by a teacher to bring an 8th grade class to see the half-pipe, he would welcome it. It is not a business. The renters insurance he received is not commercial.

Mr. McLaughlin asked how many people would be using the structure. Mr. Affoumado said 2-4 people at the most at one session. It would be in the middle of the day when people are working out of the house. He does not want to disturb anyone. He noted that he asked everyone if it was ok, before he built it. The half pipe is built to specs and is a work of art. It is a \$25,000 investment. He went to the landlord and to the surrounding neighbors. There are 11,000 screws. He provided a picture of himself skateboarding.

Ms. Lee noted that the owner of the property provided an email the provided permission to apply for the request. Mr. Schettino said that it is in the interest of the applicant to receive the property owner's permission.

Mr. Lott asked if it was movable. Mr. Affoumado said it was.

Mr. Roth has experience with building skateboarding structures. There was discussion about the distance from the street and property line. He would like to see the structure. He said that it was not a silent sport. Mr. Affoumado said that there is noise with the blower, garbage trucks and trains.

Ms. Zaccaro asked if he would use it at night and in the summer. Mr. Affoumado said it would not be used at night and not passed 6-7 pm in the summer. In the winter it gets dark early.

Mr. Lott asked if skateboarding was his living. Mr. Affoumado said that it is a living. He is a professional skateboarder.

Mr. Budinich went to the property. He asked if the structure was 11ft high. Mr. Affoumado said there is a safety railing that is 3ft high bringing the height to 14ft and 32ft long. Mr. Budinich asked if the structure is closer than 10ft. Mr. Affoumado said that the inspector came and walked it. It is 8ft or more to the back yard property line. Mr. Budinich could not see from sketch of the structure on the map where it is relative to the neighbors. Mr. Budinich said that it seems huge and is visible from the street. Mr. Budinich said that you could look into the neighbor's homes if he is standing 13-15 feet off the ground. Mr. Affoumado said that the platforms are not for standing; it is escape routes. The structure is not complete yet.

Mr. Budinich said that it is a large structure that is larger than the garage and it must be loud. Mr. Affoumado said that it would not be used 8 hour/day and it is less decibels than blowers.

A member suggested to have landlord put in special conditions such as no lighting.

Mr. Schettino said he is asking for an interpretation. Mr. Affoumado does not plan to stay there, but his daughter is in the school in Harrington Park now. He is a tenant and will remove the structure when he leaves.

Mr. Roth said that the new owner might want to keep it. Mr. Affoumado said he will not leave the half pipe and will remove it when he moves.

Sean Shouldis, 55 East Park, Patterson, New Jersey, builder and contractor was sworn in. Mr. Shouldis' testimony is supporting Mr. Affoumado. He builds these structures. He said that the structure was built to industry standards. He agreed with the dimensions of the structure with the height as 14ft with the railings. There will be inconspicuous netting around the entire structure to help prevent boards from flying out; it would be less visible. The netting will conceal it because it would go to the top of the platform from the garage to the platform, the side of the ramp, and across the back along the neighbors. The only way to enter is through a locked gate. It is 8ft at the closest corner to the property line and increases to about 15-20ft on the sides when they measured with the zoning inspector. Mr. Shouldis is an advocate for anything that is healthy.

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Open to the Public (7:55PM)

Mr. McLaughlin opened the meeting for questions or comments from the public to the applicant.

Carmine Giacomini, 54 Elliot Road, Harrington Park, New Jersey. Mr. Giacomini said the applicant came to his house and indicated that it was for his daughter. Now, he hears that the half pipe is for him and his friends.

Louis Apa, 220 Harriot Avenue, Harrington Park, New Jersey. He said that he lived in Harrington Park for 40 years in the same location. In 2006 he rebuilt his home. He has never considered leaving his house. He didn't think that he would have to protect his privacy and noise control. The structure is large and close to his property and less than 50ft from his back door. The applicant can't see it because it is behind a garage. He has not heard the sound because it is not completed. They can see in the bedroom and the 2nd floor bathroom. This is the first time he has seen a half-pipe except in a skate park. It is a hardship to his family. Mr. Apa lives directly behind the property. He submitted pictures. Mr. Apa described the pictures. There were pictures of the stairs to get to the platform, pictures behind the shed.

Stephanie Herington, 139 Martha Road, Harrington Park, NJ. She doesn't mean any malice. She and her husband strongly objects to the half pipe. She bought the house last year to move to the suburbs for peace and quiet. She doesn't want to deal with the noise and never expected a half-pipe to be built. Her husband works from home everyday. She works from home one day a week. They expect to have a family and don't want the noise. She welcomed the board to go to her property to see what it looks like. She didn't have notice before it was built and saw it being built.

Marianne Apa, 220 Harriot Avenue, HP, NJ. She and her husband raised 3 kids who were active in sports. She said the idea is great for a park that would not interfere with privacy or noise factor, but not in a backyard. It was misrepresented when they were told it was for his daughter at that time. She would like the members to see the structure from her backyard.

Dana Ware 131B Martha Road, HP, NJ. She has been renting since 2010 and in town since 1998 and raised her kids in Harrington Park. Mr. Affoumado is a good friend and great skateboarder and she is in support. She believed that everyone was OK with it and was surprised to hear the opposition. She believes he would keep his word when he said he would use the half-pipe for only an hour when the neighbors were not home. She believes that if there was another time of day the neighbors prefer that Jamie would agree to it. Nadine, his daughter, is an exceptional athlete and intends for her to use the structure. She believes that everyone could make it work.

Mr. Affoumado said that he asked the landlord before any thing was purchased. He spoke to Lou about trying to have his daughter to be in the Olympics. He is not having a party or skate 8 hours a day and not dinnertime and said that Mr. Apa wouldn't mind. Mr. Apa is opposing the structure now that he sees how big it is. Mr. Affoumado said he should have been clear about the dimensions of a professional half-pipe. He said that he did not explain the size. Mr. Affoumado wasn't aware that Mr. Apa was opposed. He would like his daughter to train on the half-pipe. It was built with Mr. Shouldis. Mr. Affoumado said that there would not be a lot of people in the yard. He would like a way to work out the schedule.

Mr. Schettino said that the board considers objections of the neighbors and takes into account impact it will have on the neighborhood. That is not the determining factor. The decision is not made tonight. The next meeting is November 28th and Mr. Affoumado has a month to reach out to the neighbors to alleviate any objections or concerns. In the next meeting, Mr. Affoumado can say what he would agree to do so that the neighbors would not have any objections. This hearing is not for working it out. Mr. Schettino suggested that he could show the neighbors what it would look like with netting then report back to the board.

Mr. Affoumado stated that he knocked on the door at 139 Martha every morning for a week, but no one answered.

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William Ware, 131B Martha Road, HP, NJ. He and Mr. Affoumado owned a club together. They are business partners in the music industry. When the adjoining house was available, he told Mr. Affoumado about it. Mr. Ware thought the half-pipe was a great idea. He said it is a beautiful structure and unusual to have one in a backyard. He knows the property is 180ft and has measured it for a wiffle ball field. The wiffle ball target is metal and is loud. Wiffle ball is physical therapy for Mr. Ware. The wiffle ball target is outside of Mr. Affoumado's bedroom. They work it out for time. Mr. Ware plays wiffle ball for 2.5 hours not more than 20 mins at a time. He believes Mr. Affoumado would be on the half-pipe about the same amount of time. Mr. Ware believes that wiffle ball is a normal backyard activity and imagines that it doesn't bother anyone. If the neighbors would ask him not to play at 10 because he is sleeping, it wouldn't be a problem. Neighbors should speak face to face if there are issues. He is surprised with the lack of co-operation and civility from the neighbors.

Mr. Apa said that he has not complained for three years when Mr. Ware pitches and has spoken to Mr. Ware many times. Mr. and Mrs. Apa said are worried about the noise and the people.

Mr. Shouldis said that the netting keeps board from flying out and helps keep privacy.

Mr. Apa said that the home owner pays taxes. He would like peace and quiet.

Mr. Roth said that the community is not against the sport. One of Old Tappan's parks has something for skateboards. To put a large professional piece of equipment, the question is it appropriate for the space? Living next to something that the neighbors would have a view of it. And people crowd or a different venue? Mr. Affoumado said that it is similar to pools.

Mr. Roth said there are variances, ie. Lighting on after a certain time. Mr. Powers said the structure would be compared to a professional diving board.

Ms. Ware referred back to if he was seeking an interpretation of the ordinance. If the Board determines he is not seeking a variance and requesting an interpretation and the board makes an interpretation that this is not a permanent structure and has the rights to do it. What will happen to the community and the objections? Will there be any grounds for further effort to restrict? . Mr. Schettino said if the board determines that it is within the definition of a permitted structure in the zone and no variances are required. The objectors or neighbors could appeal the decision to the superior court and have a judge either affirm or reverse the decision of the board. The board returns and the definition defined and they would have to renote. The landlord is not required to be present for an application. The landlord submitted his consent to the proceeding.

Lisa Power, 214 Harriot Avenue, HP, NJ. She said that Mr. Affoumado asked the neighbors. She said that he said it was not going to be a skateboard park. It would be used for professional during the day since there are no lights. She doesn't expect it there to be noise and activities because it is for his professional use. Maybe the board can say that Mr. Affoumado can use it only a certain parts of the day. There is an ordinance that states only in operation on certain hours, during the weekday, not on the weekend. Maybe he could compromise with the neighbors. Mr. Budinich asked Ms. Power said that it was for his professional use. She said it was for Mr. Affoumado's training as a professional skateboarder.

Mr. McLaughlin said that they will adjourn and will take up the question again at the November 28th meeting at 7pm. No new noticed need to be set out. The members of the board will look at the structure on the property. The practice over the years is that the member will ring the bell or knock on the door and look at the surroundings and not to discuss the application. Mr. Affoumado may not be at the house because he is working.

Mr. Affoumado thanked the board for listening. He meant no disrespect to the neighbors. He is willing to narrow down the time. He has spent a lot of money, time and effort. He would appreciate help with everybody. He apologized to Mr. Giacomini and Mr. Apa for any misunderstanding. He expects to train his daughter on it. The

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people who helped him build the structure would use the half-pipe, but they work full-time. He would like to comply with a schedule.

Mr. Powers asked if they are treating this as an interpretation or a variance. Mr. McLaughlin said that the board is treating it as an interpretation for now because the notice was not sufficient to justify a variance hearing. Mr. Roth would like the board to see the structure.

Mr. Schettino said that the ordinance describes different types of structures. The applicant put a fair question to the board to determine. If you consider this different than a swimming pool, tennis court, basketball court, jungle gym, trampoline or any other types, you have to be prepared to say how this is different than any type of recreational equipment. You may not be able to have a 30ft diving board, but you may be permitted to have a 15ft, which would have a platform. This is an unusual or unique application. When you are making the decision whether it falls within the definition of a insignificant structure, the member must explain why it is different. If you feel as a community you can recommend the MC to make the ordinance more specific. There are so many types of recreational apparatus in the market such as project adventure that you need to differentiate.

Mr. Affoumado said that pools are more dangerous than the half-pipe. Mr. Schettino said that the aesthetics and the size of the apparatus might be the concern from the residents. Mr. Affoumado will not be staying there for long because he expects to buy a house.

To carry matter until November 28, 2018 meeting without further notice	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Jin CHO						X
Steve LOTT		X	X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)	X		X			

Mr. McLaughlin noted that the next meeting is November 28th.

RESOLUTIONS

- 1) 47 Highland Avenue (Block 1013, Lot 2) – Addition, Joseph Pucciarelli (revised 9/7/2018)**

Mr. McLaughlin asked if the members reviewed the resolution. They replied yes.

Approval of written resolution for 47 Highland Ave. application	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN					X	
Vice Chair Michael ROTH			X			
John POWERS			X			
Jin CHO						X
Steve LOTT			X			

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Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)		X	X			
Gail ZACCARO (alternate b)	X		X			

ADJOURN

Motion: Mr. Lott Second: Ms. Zaccaro

All in favor said "Aye". None Opposed.

Meeting adjourned at 8:40PM.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
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