

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MIINUTES
Wednesday, September 25, 2019 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:00PM.

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
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH		X
(JP) John POWERS	X	
(JC) Jin CHO		X
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ		X
(TC) Todd CANNAO		X
(RB) Robert BUDINICH (alternate a)	X	
(GZ) Gail ZACCARO (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney

MINUTES FOR APPROVAL

August 26, 2019 minutes

Approval of August 26, 2019 minutes	Motion	Second	Yes	No	Abstain	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			

INVOICES FOR APPPROVAL

Law Office of John L. Schettino	Meeting attendance 7/24/2019	\$ 150.00
Law Office of John L. Schettino	Meeting attendance 8/26/2019	\$ 150.00
TOTAL		\$ 300.00

Approval of Invoices	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS			X			

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

HEARINGS

1. 17 Park Street – addition and accessory structure (garage) – Robert Stout, CRAM NJ LLC.

Frank Stamos of Ferro & Stamos introduced the application of CRAM NJ LLC for the application at 17 Park Street. The principle owner of the entity is Robert Stout who is a Harrington Park resident. The application is for an addition on the 2nd story of the existing home and an addition to the garage area for a small office space as part of the detached garage.

John Gilchrist, 210 Summit Ave, Montvale, Architect was sworn in. Mr. Gilchrist graduated from University of Virginia. He has been supporting himself as architect in New Jersey since in 1975. He started his own firm 20 years ago in Montvale. He has been accepted as an expert of architecture. The Board accepted Mr. Gilchrist as an expert.

Exhibit A-1 dated 9/25. This is the plan dated 5/2/19, but in color. It is a 2-story house in front of the property. The size of the property is 5,000sf in the B-1 Zone. 50x100 lot. Existing on the property is a 2-story residence and a 1-story detached garage. The proposal is to add a second floor over the first floor in the back of the house. The dimension of the addition on the back is 19x22. The purpose of the addition is to expand the house. There are 2 very small bedrooms that are compromised by the shape of the roof. There is no bathroom on the 2nd floor. There would be a new office added to the back of the house and bathroom.

Exhibit A-2. There is a new office, existing 2 bedrooms. B-1 Zone is a business. This is an expansion of a non-conforming use. The house is being used as a house and will continue to be used as a residence. The house is currently vacant. JS asked would the office be a separate rental? SL asked why not have 3 bedrooms and not an office? Mr. Stout said that he will change the office to a bedroom. RM clarified the plan that he is looking at shows an existing bedroom on the 1st floor and 2 bedrooms on the 2nd floor. If the new office is going to be a bedroom, that would be 4 bedrooms on a 5,000sf lot. This would trigger a variance. The office has it's own entrance from the back of the house like a 2-family house. RB asked if the intent was to make it a 2 family house? The applicant said no. RB asked about the 2nd entrance. The applicant said in May, they were talking about an office and it would be nice to have an entrance to the office. Now, in September it seems more appropriate to have a bedroom. They would not do the stairwell. The applicant said the house would remain a residential rental.

Robert Stout, 21 Raymond Street, Harrington Park, was sworn in. The intent for the use of the property is a house to add a bedroom on the 2nd floor. The house is classified as a 3-bedroom with one of the bedrooms on the first floor. The room on the first floor is small. GZ asked if it qualifies as a bedroom with a window and closet. The applicant said no, it doesn't have a door and is considered an open space from the kitchen. SL noted that the new space does not have a closet. The applicant said they will add a closet. The house doesn't have a bathroom on the 2nd floor and would like to add a room and a bathroom and make it more desirable to people.

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The garage has storage at the top of the garage. The proposal is to expand the garage for office usage. Mr. Stout has a small contracting business and works out of his house. He uses the garage to park a couple of vehicles. He would like to use the top of the garage as an office. It is a big room with a powder room. The space does not have a shower and no gas for cooking facilities. It not intended as a separate residence. There is a gas line by the garage and it will be heated by gas. The size of the existing garage is 18x30, the new 2nd floor will be 18x30. It will have the same footprint. The height variance would go to 24ft. The height requirement for an accessory is 16ft. The height of the 2nd floor would be 8ft. The height of the proposed garage roof is about 1ft lower than the 2nd story addition.

The variances are:

1. Expansion of the non-conformity of the existing residential home in the business zone.
2. Pre-existing condition for front and side setback
3. Height of the accessory structure.

The surrounding areas are commercial properties. To the south there is a multifamily home, to the north is commercial and across the street is commercial. They are nicely renovated. JS asked if there would be impact on the surrounding property? The applicant said there wouldn't be. JS asked if there is any impact on the borough zoning ordinance? The applicant said there would not.

The special reason for the non-conforming use would make efficient use of the property and improve a non-conformity. The residential property is substandard in desirability. JS asked what purpose of municipal land use law does this addition satisfy? The applicant said that it would promote better use of the property. It's a permitted use, but not permitted in an accessory building. JS asked if it provides adequate light, air and space? The applicant said it does for the use and not impinging on the neighbors. JS asked if the applicant knows what the master plan for this zone. The applicant said that it is a business zoning and feels it is consistent with the neighborhood. The applicant agreed that the size of the current bedrooms is substandard so that the addition will provide better use of the room in the house. The applicant said that the first floor bedroom doesn't qualify as a bedroom in this day and age. The problem on the 2nd floor is the bedrooms are small and there is no bathroom.

JS noted that if the application is approved, the applicant must change the zoning schedule to 3 bedrooms and change the name for the other room; otherwise the applicant will need a variance. The applicant will call the room a dining room. It is appropriate because it is off the kitchen. JS asked if they will include a closet in the proposed bedroom on the 2nd floor and eliminate the stairwell leading to the 2nd floor.

No additional questions from the board.

No questions from the public. Meeting was closed to the public.

There were questions about the master plan. The applicant said that it is an existing non-conforming condition. It is being expanded by a bedroom and bathroom on the 2nd floor. There is no net gain of bedrooms. The garage is a variance, but is in line with what is permitted in a business zone. RB asked if there is adequate parking with the bedroom proposed and the office? There are currently 3 bedrooms. The owner who goes there for storage would use the use of the office above the garage. It is a 2-car garage. 6 cars can park in the driveway.

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This application requires 5 votes to approve because it requires a use variance. There is an enhanced vote as opposed to a simple majority.

SL asked if the applicant should provide new plans with the changes. RM said the nothing on the footprint changes. The applicant agreed that nothing on the footprint changes. The changes described will be on the record and in the resolution. Before the resolution is adopted in the next meeting if there is an approval will have a revised plan submitted reflecting what was described. The applicant said the change would be a reduction by the removal of the stairs to the 2nd story. There will be a compliance with the applicant with the resolution by the building department.

RB would like to see the revised plans with the correct names of the rooms, the elimination of the 1st floor bedroom, renamed, the removal of the stairs before voting. Members agreed.

Approval to carry without further notice or advertising in the newspaper of 17 Park Street Application – addition and garage	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			

The next meeting is October 23, 2019 at 7pm in the municipal building. There will not be any further notice in the mail nor will there be any notice posted in the newspaper. The notification is being provided by way of this announcement.

Confirmation of notices has been provided.

2. 111 Kline Street – front yard porch – Jesse Janson

Jesse Janson was sworn in. Mr. Janson is applying for a variance for a front porch. There is no porch there now. The proposed porch is 490sf.

Nick Cialdella, 10 Sunden Court, Old Tappan, NJ was sworn in.

The dimensions are 6ft deep and roughly 52ft in width. There is an octagon area that is about 8ft at the greatest depth. The porch is 2ft off of the setback. The porch is along the entire front of the home. The house is not a corner lot. The setback of the adjacent homes is 25ft. The purpose of adding a porch is to enjoy the street and improve the ascetics. The homes next to the applicant, across the street and at the end of the street have porches. It will match the homes in the neighborhood. This house was renovated 2 years ago. The neighbor next door has porch, but is not raised. The applicant’s house would be a little in front of them. All the neighbors seem to be on board with it.

RM asked if the proposed porch is not coming closer than the existing side of the house along Hackensack Ave. The applicant said it was flush with that.

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JP asked if they were planning a new garage. The applicant would like to, but not now. Mr. Ciadella said that the garage is conforming, but not they are not requesting it at this time.

There were no additional questions from the board.

RM opened the meeting to the public for questions or comments. No questions or comments. The public portion of the meeting was closed.

Approval of 111 Kline Street Application – front yard porch be accepted as presented	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		X			
Gail ZACCARO (alternate b)			X			

The application is approved. A written resolution will be adopted in the next meeting in October 23, 2019. The applicant does not have to attend the meeting. Once that resolution is published, anybody objecting has 45 days after the publication to file suit to overturn the board’s decision.

RESOLUTIONS

1. 43 Tappan Road – expand driveway for a turnaround – HJ Han

Members review the survey. The survey shows the dimensions of the turnaround as 18.6ft x 15ft that is less than the 20ft x15ft listed in the resolution.

Approval of Resolution for 43 Tappan Road - Turnaround	Motion	Second	Yes	No	Abstain	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		X			
Gail ZACCARO (alternate b)		X	X			

OLD BUSINESS/NEW BUSINESS

No other business before the board this evening.

ADJOURN

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Motion: GZ Second: SL
In favor, all said "aye".
Meeting adjourned at 7:30PM

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, October 23, 2019 at 7pm