

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 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
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

April 24, 2019 minutes

Approval of April 24, 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	X			
Gail ZACCARO (alternate b)	X		X			

INVOICES FOR APPROVAL

Law Office of John L. Schettino	Attendance at meeting	\$ 150.00
	TOTAL	\$ 150.00

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

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

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. 99 Kline Street – modification of approved application– Melissa and Irfan Buddha

Ms. Buddha is requesting an extra level with the same footprint that was approved last year. She asked if the approval could be done during this hearing. Last year, Ms. Buddha applied for a variance that was approved. The footprint is the same. The coverage area is 211sf (1st floor) and 211sf (2nd floor). 3 bedrooms exist and they are proposing adding a 4th bedroom and bathroom on the second floor. Discussion continued. JS asked about the public notice. CL said that the public notice indicated that other variances may be discussed.

Questions were opened to the public. No members of the public attending for this application.

RM noted that extended approval for the initial application is good for 9 months. There are no members of the public for the application attended. The applicant amended the application for the 4th bedroom and requires a variance. The public notice made reference to any and other variances necessary. The individual notices made notice providing more living space for owners.

RM asked if anyone in the public had any questions for this application. There was none. Questions from the public were closed.

Questions or comments from the Board:

MR said that there are procedures that are in place that he prefers to follow. He would like to see the property again and determine how the change would affect people. If there were a vote during this meeting, he would abstain.

GZ asked if the house would be higher than the neighbor’s house. Ms. Buddha said no. The 2nd floor addition is the same height as the applicant’s existing house.

RB asked if the Board is expediting the procedures or are they looking at the property. JS said that this is a new application. It is the Board’s decision if the application is expedited. Ms. Buddha has a letter from neighbor who would be most impacted agreeing with the addition. TC agrees with MR. Ms. Buddha asked if this was the 1st hearing or the second hearing. The last meeting was the extension of the previous approval. RM said that the application was filed after the last meeting.

There was a consensus not to vote until the June 26, 2019 at 8pm meeting. The decision will be deferred until the Board takes a look at the property. The notice should reference the 4th bedroom.

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

JS noted that the diagram is misleading where the zoning chart indicates there is no change for the number of bedrooms when there is an additional bedroom. Ms. Buddha said that she thought the variance was for lot coverage. RM said that it is better to get everything right. Ms. Buddha will stake out the addition. The Board will envision 2 stories. The height is conforming to the ordinance. Any and other variances should be recorded. JS said that the variance for the additional bedroom and any variances listed and include a reference to any and all variances that may be deemed necessary. The next meeting is June 26, 2019 at 8pm.

Ms. Buddha asked if it is possible to have everything approved next month. RM said that a written resolution will be prepared in order for the application to be expedited if approved.

2. 43 Tappan Road – expand driveway for a turnaround – HJ Han

TC was recused from the application.

Mr. Han was sworn in the last meeting and is still under oath. Mr. Han distributed the revised sealed plan dated May 2, 2019. The revision indicates that impervious coverage is 33.3%. A maximum of 42% coverage is permitted. Mr. Han will reduce the driveway to 20ft x 20ft reducing by 7ft as shown in the highlighted area (originally 20ft x 27ft). The Board reviewed the plans.

RM opened the meeting for questions from the Board.

Mr. Han would put in Belgium blocks from going past the paved area.

SL asked how many cars typically park in the driveway. Mr. Han said he has 2 cars.

JS noted that SL can vote because this is a revised application.

GZ noted that there are 2 people in the house, but has 4 garages. Mr. Han said he had testified before that is it difficult to turn around. GZ asked if there was a guest, there would be space to turn into the garage. Mr. Han stated that the guest would need to turn around. GZ asked why there is always a car in the front of the house. Mr. Han said that guests don't know and park there. He has asked friends not to park there. 15ft is needed to turn around and there is 5ft extra space. SL said that 20ft wide is wide for a turnaround. If it is smaller, a car cannot park there.

MR understands that it is difficult to turnaround. The concern is the number of cars parked. There should be something in as a deed restriction for the future.

RB pulled into the spot and agreed that it is difficult to exit the driveway.

RM discussed the 20ft along driveway is seems unreasonable. Curving toward the driveway is additional lawn area. Take 5ft from the walkway toward street, continue toward the driveway curve toward walkway there would have an approximately 20ft entrance, but not 20ft from the driveway. Mr. Han agreed to 20ft x 15ft and provide a radius (curve) to take the turn. RB noted that this would reduce the area to 375sf from 500sf. It is a reduction, but the curve will allow for a car turning.

Meeting was open to the Public.

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

Todd Cannao, 31 Demarest Place. Mr. Cannao believes Mr. Han does not live in the house. He has videos since the last meeting of cars parked there. Many houses have the same situation. If this is allowed, then will all the houses have a turnaround? The previous owner lived there for many years, was 90 years old and backed out of the driveway or turned around. He suggested pulling into the garage to turnaround.

Marty Wymbs, 49 Tappan Road, 34 year resident of Harrington Park. John Vigna did a k-turn and did it with no problem. He said the current house is nice, but the 2 car garage is not supposed to be there. The garage was supposed to be removed. His family k-turns. Mr. Wymbs understands the dangers of backing into Tappan Road. He discussed the impervious coverage and rain tax. There was a red oak that was removed during construction. The driveway was widened. The appearance of a 20ft front lawn doesn't make sense. The previous owner drove on dirt. There is plenty of room in the back for the turnaround. There is always a car in the front. Mr. Han said that he could turn when he comes out of the driveway, but it is difficult for a guest if there is a car parked in front of the garage. It has nothing to do with the previous owner. If anything happens there will be a problem.

MR said that the problem was that the garage was not supposed to be there. Mr. Han changed his mind and wanted to use it for storage. The permits would indicate that the garage would be removed.

SL said that it looks like it can be changed into a multi-family home because of multiple garages. If asphalt didn't go all the way down, it would be a shed.

JP reviewed the old plans and asked if there was a discrepancy with the yard (13,000sf), garage (400sf), house (1,800sf). JS said that it was fair to raise that point that it doesn't look right. RM noted that the survey was updated May 2, 2019 and was sealed.

Mr. Cannao suggested knocking the garage down and putting the grass in the front.

No more questions from the public. Meeting was closed to the public for questions and comments.

JS said to change the plans as suggested. Reduce width by 5ft with curve. Revise application to reflect the suggestion of adding Belgium block edge at the area being shortened and reduce the width of the existing turnaround with a curve.

Mr. Cannao said that 3 trees 10ft apart and blocks would not stop a hummer. Mr. Han said there is over 30ft to the edge of the property. RB opinion is that the size of vehicle has no merit. RM asked if there is something more substantial than Belgium blocks to prevent a car from continuing beyond the paved area to the neighbor's house. JS said that a commercial parking lot curb is similar to Belgium block. There have been various suggestions. SL said that landscaping or trees would prevent cars from continuing to the neighbor's house. The Board is not comfortable making a safety decision.

Mr. Wymbs suggested open block where the grass can grow through for the turn around area. RM asked if he was willing to remove the turnaround and replace with open block and make it

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

20ft x 20ft. Mr. Han said that he would not need a permit if it were open block according to Mr. Zavardino. Mr. Han is not in favor of the open block.

RB was not in favor of any restriction as to parking, however would consider adding a restriction as to overnight parking. This seems reasonable and could be enforced by the police. JS noted that Mr. Han said he would not park there.

MR asked what would be the penalty? JS said that he would be in violation of the approval and should be issued a summons. MR said that the Board is there to try and help the residents. What impacted this application is that the turnaround was built without discussion of the options and has made it difficult.

RB made a motion in favor of the application with :

- modified to 20ft x 15ft with radius
- reduce the turnaround by 7 ft
- Belgium blocks as a curb or barrier around it
- no overnight parking

Approval of the modified 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			
Stephen MARTINEZ						X
Todd CANNAO					recused	
Robert BUDINICH (alternate a)	X		X			
Gail ZACCARO (alternate b)		X	X			

Mr. Han was asked to submit the modified plan with exactly what was discussed to the Board. The resolution will be approved next meeting.

3. 401 Lynn Street – new portico – Stephen and Emily Sherry

TC left the meeting.

JP was recused from the hearing.

Stephen Sherry 401 Lynn Street, Harrington Park and Bob Nelson, 93 Columbus Avenue were sworn in. Mr. Sherry would like to construct a portico. It is 5 steps. The portico top platform is 7ft x 5ft and 10ft high. It has 2 columns and railings. The purpose is an entranceway for ascetics and keep packages dry. RM asked if the portico is beyond the existing top landing. Mr. Sherry said that it doesn't. RB asked if it was 1.5ft encroachment. The farthest part of the portico would be the encroachment.

Meeting was opened to the public for questions. Mr. John Powers, 385 Lynn Street, said he is for the portico, does not see a problem and it looks nice. Mr. Sherry clarified that he landing is existing and the encroachment is the top.

Approval of the 401 Lynn Street Application for a portico	Motion	Second	Yes	No	Abstain	Absent

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

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

RM noted that the approval is good for 9 months. There will be a written resolution next month. A summary of the resolution placed in the newspaper. Anyone who wants to challenge the decision has 45 days after the publication of the notice. RM suggested that the portico construction to the last part of the construction.

4. 51 Hackensack Avenue – semi in-ground pool – George Tsaglos

George Tsaglos and Carly Ann Tsaglos, 51 Hackensack Avenue, Harrington Park were sworn in. They would like to put in a kidney shaped semi-inground pool, that is 13ft x 22ft (4.5ft high), 2.5ft inground and 2.5ft above ground. The location of the pool is shown on the survey in blue. The back of the pool will be higher. The outside will be 300ft of pavers. JS noted that denial letter is for the pool and the pavers will trigger a new variance. If they expect to put in 300sf pavers, they would have to come back to the Board. This application is for only the pool. Mr. Tsaglos did not want to commit to the pavers until the pool was in place. JP asked if there was a fence. Mr. Tsaglos said the entire yard is fenced. Zoning will determine the fencing. JS said that the application is for coverage.

The meeting was open to the public for questions or comments.

Christine Lee, 54 Riker Avenue. She was concerned that the backyard is sloping and if anything happens a semi-inground her house would be flooded. She can see the pool from the bedroom or kitchen and would like to know if there is anything that can eliminate the noise. The houses are 75ft apart from the closest edge of the pool. The pool is 2.5ft above ground and only that quantity of water would run 75ft.

Dep Lee, 54 Riker Avenue, said there are 2 levels in the backyard. They do not want to stop projects or stop people from having fun. They are seniors who moved from New York City to Harrington Park for peace and quiet. There is a pool 2 houses a way and there were parties every weekend and noise before when the kids were younger. This is closer to his backyard. His mother is suffering from water related arthritis and is afraid of water leaking to the backyard. The previous owner of the Lee’s property had a pool and filled it with dirt, but the structure still there. He would like to be a friendly neighbor.

JS said that a pool rarely loses all the water. Mr. Lee was concerned if an earthquake would make the pool leak. Mr. Lee said that clay was used to fill the pool and clay does not absorb the water. Mr. Tsaglos will have a professional pool company to install and there will be landscaping to make it look nice. They plan to have parties but will be respectful. There will be lights in the pool and around. JP said that 8 month of the year, the pool will not be used.

MR asked if the lights are on a timer. RM believes that the borough has a noise ordinance.

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

Joan Nelson, 21 North Middletown Road, Nanuet, NY. Westrock Pool & Spa was sworn in and provided testimony. The walls are the same as an inground pool. The building department was given the specifications. There is a likelihood of a flood of 0.001%. There is a liner warranty are typically from 10-25 years depending on the use of the pool and chemical treatment. If you misuse the chemicals, it will decrease the life of the pool.

Mr. Tsaglos said that they had a pop-up pool last year. MR said that they are putting something nicer in place. JP said that a pop-up pool is more likely that it will pop. Ms. Nelson said that it is safer because it has a structurally sound support.

Ms. Lee said that 45% is maximum coverage for the variance and asked how it affects her property. JS said that it doesn't affect her property. JS said that the rain water will be captured in the pool and there will be less run off. There is no need for an overflow pipe. The water is circulated in the pool and not removed. SL asked where is the water drained if there is access water or at the end of the season. Ms. Nelson said at the end of the season, usually, there is little that has to come out. Most gets pumped out into the property and if there is an issue, they will have an engineer to take a look at that. JS said that they would need to determine a way that water will not seep out to the neighboring properties. Ms. Nelson said if you were to do a liner change, but that is not something in the near future. Water does not need to change every year.

There were no other questions from the public. Meeting was closed to the public.

Approval of the semi-inground pool with an increase in coverage	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 approval is good for 9 months. The written resolution will be approved next month. After the decision is published, there is 45 days for anyone to appeal the decision.

OLD BUSINESS

No old business.

NEW BUSINESS

June 26 meeting will start at 8pm.

ADJOURN

Motion: JP

Second: GZ

All in favor said "Aye". None opposed.

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, May 22, 2019 @ 7:00PM

Meeting adjourned at 9:07pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
****Wednesday, June 26, 2019 at 8pm****