

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, August 22, 2018 @ 7:00PM

Mr. 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

INVOICES FOR APPROVAL

John L. Schettino, ESQ General Legal Services – June 2018 \$150.00

Approval of invoices listed	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			

HEARINGS

1) 47 Highland Avenue (Block 1013, Lot 2) – Addition, Joseph Pucciarelli

Mr. McLaughlin reminded Mr. Pucciarelli that he is still under oath. The architect and Mr. Pucciarelli reviewed the suggestions from the Board. Mr. Pucciarelli brought samples of pavers and grass listed on the plot plans. The members looked at the samples and literature of the samples.

The pavers were described as Gucci grass with a grass pattern. Techno earth is placed on top of stone, topsoil and sod. It is very strong and does not sink. Techno earth is highly rated on reviews. It looks like grass. Mr. McLaughlin asked about the effect of constant travel. Mr. Powers said it would look like a carpet with just the top of the grass. Mr. Budinich asked how would snow be handled and if it can be plowed to access the garage? A board member said that it might not be plowed. Mr. Pucciarelli said that he would leave a couple of inches. It is rated the

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highest. His preference is the Gucci grass. Each plan has different amounts of pavers. The grass block pavers are reflected on Plan E. Mr. Pucciarelli said that some towns put it in. Mr. Power noted that though grass is not impervious. Mr. Schettino said that it needs to be checked with the ordinance. Mr. Pucciarelli reviewed the plans. There are different levels of techno blocks for each of the plans.

The Board asked about proposed material for the walkway. Mr. Pucciarelli said that the proposed walkway is concrete that is probably 3' wide or less. The driveway could be about 22ft wide.

Mr. Pucciarelli's preference in order is Plan E, Plan C, Plan A, then Plan B. Plan E has the most grass block pavers.

Assumptions are that many towns do not consider the blocks as coverage. It would be at the maximum allowed percentage without a variance.

- Exhibit A1 – Plans
- Exhibit A2 – Photographs paver configurations
- Exhibit A3 – Techno Earth Brochure

Mr. Budinich asked if the existing driveway is asphalt. Mr. Pucciarelli said it is. Mr. Budinich said that it is shown as 2 parts. Is it an apron? Mr. Pucciarelli said that it is concrete and was existing when he purchased the property. Mr. Budinich said that he has concerns. It is the same issue with grass. He has seen it in other parts of the country and it does not stay attractive. He is concerned how it would be maintained during the winter months and it may get muddy. He asked if Mr. Pucciarelli would consider one driveway. Mr. Pucciarelli would like to have 2 garages and prefers to park the car in a garage. He doesn't think that the grass would have much traffic. Mr. Budinich says it could look like the car is parked on the lawn. Mr. Schettino said there is an ordinance prohibiting parking a car on the lawn. Mr. Budinich proposed downsizing the driveway. Mr. Pucciarelli said that existing driveway can't park a car in the lane and would be juggling cars if a car was in the garage. Mr. Budinich is still opposed to 2 driveways. Mr. Pucciarelli said that the driveway is 2-cars wide and there is no section that can fit 3 cars wide. It is a decorative look that is wider at the beginning.

Mr. McLaughlin opened the meeting to the public for questions or comments concerning the application. There was no public. Meeting was closed for the public portion.

Mr. McLaughlin asked if there is a motion for a resolution concerning a plan. The order of preference is E, C, A and B.

Grant application as modified by plot plan E among the four plans, exhibit A1 as shown in pictures of design in A2 based on concrete blocks that were presented by the applicant this evening.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN	X		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		X		

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The application as amended be rejected	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			

Mr. McLaughlin announced that the Board denies the application.

Mr. Pucciarelli asked if there would be something that the Board would approve. Mr. Schettino suggested that the Board would like to see one driveway.

Mr. Pucciarelli said that the addition is important to his family and presented another plan without a garage and without a driveway.

Exhibit A4 - Plot Plan D (garage removed)

The members reviewed the plan. There was discussion if the Board would rescind the denial or if this plan is a new application. Mr. Pucciarelli said that everything is the same except there is no driveway. There was discussion about variances.

The attorney pointed out that the plan should have a zoning schedule which is a separate block that lists all the zoning requirements applicable to the lot and whether if there is compliance or non-compliance and if so, which ones it needs. Mr. Pucciarelli said that his architect, who is a building inspector, did this. He listed it on the plan and has a box on the upper left which listed all the requirements from the letter. Mr. McLaughlin explained that what is on the left box should be expanded with more details. Mr. Pucciarelli replied that the building department provided that information in the letter. Mr. McLaughlin explained that it is a technical requirement of the plan. This is not holding up the decision tonight. If you could get the zoning schedule for the next meeting a written resolution assuming an approval is adopted, the board would ask the architect submit the zoning schedule with rear yard, front yard, side yard in addition. The schedule lists down what should be and what is proposed. Mr. Pucciarelli noted that the letter lists the requirements. Mr. McLaughlin explained that the letter is not attached to the plan. The construction office may have talked about coverage. It is listed in the letter and should be included in the plan.

Mr. McLaughlin said that the building department would reference it in the denial letter and should be listed on the plan. Mr. Schettino said the building department is not a witness. It is the same guidelines for all communities in New Jersey that all plans would have a zoning schedule. Discussion continued about a zoning schedule and the contents. Mr. Pucciarelli said that the surveyor updated the survey for the original proposal.

Mr. McLaughlin said to defer any decision until the architect reviews the plans. Mr. Schettino suggested bringing the architect in the meeting.

The board reviewed what was initially presented. This is not a typical application.

The zoning schedule would include bulk variances, side yard and total side yard, front yard setback. Mr. Pucciarelli indicated that he provided a Schmidt Survey with the application and asked if that was sufficient. Mr. McLaughlin

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explained that a survey would provide the dimensions of the existing lot. There was more discussion about the changing the focus of the building.

Mr. Pucciarelli said that the dimensions are on the schedule. Mr. Schettino said that the information is in the ordinance book. He asked if the architect worked in other towns. Mr. Pucciarelli said that the architect works in New York. Mr. McLaughlin said that it would help if the architect has familiarity with New Jersey requirements.

Mr. Schettino said if you need 2 additional variances, the plan is different than initially proposed; the architect needs to review ordinances. Mr. Pucciarelli was not sure of the variances and may need to go back to 15ft. Mr. Schettino said the total side yard changed which may trigger a variance. He suggested calling the building department and asking about front yard, total side yard for this zone. They may not provide this information.

Mr. Pucciarelli proposed an extension that did not come out 2ft. Mr. Schettino said that it might not trigger a variance.

Mr. Budinich suggested tabling this to next meeting to get the correct documents in place. There seems to be a lot of open ends to try to vote on. Mr. Pucciarelli said that he provided what the building department told him he needed. All is identified on the plan.

Mr. McLaughlin said it would be better to defer the decision after the architect has a chance to consider what was explained what happened this evening. The architect may want to send a letter or call construction official. Mr. Pucciarelli said that this is getting costly. Mr. Schettino explained that an architect is not needed for a proposed fence or a shed because it is something minor. This is addition and sometimes it is better to bring in the architect to answer questions. The architect could answer these questions getting asked tonight. Mr. Pucciarelli referred back to dimensions for the variance. Mr. Schettino asked where does the plan indicate this. Mr. Pucciarelli said that it was based on the denial letter. There was more discussion about the Schmidt survey and variances. All the tasks of the structure is considered in the application even if it is not changing. Mr. Pucciarelli asked even if it is from 1959. Mr. McLaughlin said yes. The zoning schedule would provide the information.

Mr. Pucciarelli cut and pasted the information on the letter and put it in the notice. Ms. Lee provided the notice that was published. The published notice was reviewed. Mr. Pucciarelli said he gave all he had to Ms. Lee. No letter was found in the files. He indicated that the paragraph from the building department was in the notice he sent out. Mr. Pucciarelli said that the complied with everything the town told him. Discussion continued about variances, requirements and expenses.

Mr. Schettino indicated the residents of this community are very fortunate because they waive a lot of the requirement for smaller projects. Typically, they would require sealed architectural plans showing existing conditions with the zoning schedule. This is an application that is not typical. It probably should have had sealed plans with a zoning schedule. The Board is trying to accommodate that deficiency. Now, no one here knows for certain what that side yard is and what the requirements are. Mr. Pucciarelli offered to go home and get the survey. Mr. Pucciarelli said that he had given the survey to the construction official. Discussion continued about side yard variance and front yard variance and the Schmidt survey. Mr. Pucciarelli explained his process. The plans need to be sealed especially if the architect will not be at the meeting, that the board can know it can rely upon based upon they read it or you testify to because you are not the expert. The Schmidt survey is sealed, but it does not have the proposal. The survey does not have the zoning schedule. The ordinance book has the zoning code. Mr. Schettino asked if the architect has done work in this town. Any architect who does this work in New Jersey would know the answers to all the questions that have been asked. Mr. Pucciarelli said that he works in New York. The Board said that familiarity with New Jersey requirement would've moved things along.

The point is that the neighbors would need to know all the variances if it was not noticed. They would need to know 10 days in advance of the meeting. Discussion continued that Mr. Pucciarelli and the Board do not know what the variances are for the revised plan. The architectural plan with a zoning schedule should be sealed. Mr. Pucciarelli

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could ask the building department what is the front yard or side yard requirement for this zone. They may not provide the information or they may suggest contacting the architect. Mr. Pucciarelli asked questions regarding dimensions for side yard

Mr. Budnich asked if the next set of plans would be expected to show what the construction looks like. Mr. Budinich appreciated the plot plan. Mr. Schettino said he should submit a side architectural plan with the zoning schedule and what the rooms will be. This is what the testimony is based on and what Board is voting on. This is what the building department should be issuing from this point. If you submit an addition that shows two bathrooms and that is what the Board approves. You can't submit a plan with the same dimensions to the building department for a kitchen, a bathroom and a bedroom. Your plans have to reflect what those additional rooms will be utilized for.

If Mr. Pucciarelli wants the town engineer to review the plans for completeness there is a fee. Mr. Pucciarelli asked he could use his retainer to ask Mr. Schettino for completeness. Mr. Schettino would prefer he asked the town engineer. Mr. McLaughlin suggested starting with the architect.

Mr. Pucciarelli asked if pre-existing dimensions do not fall in line, the entire notice needs to go back out? The Board said yes. Mr. Pucciarelli said that this is a long process that is costing over \$3,000. He is disappointed with the denials and would've liked to have known about the requirements earlier.

Rescind denial for 47 Highland Ave. application	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			

Mr. Schettino pointed out that the Board has rescinded the denial twice, which is very unusual. Mr. Pucciarelli thought he had everything that was needed.

*8:20pm

2) 142 Schraalenburgh Road (Block 1203, Lot 13) – Addition, Joanna Meakin

Mr. Schettino said if SUEZ water doesn't state in the response that they are waiving the notice requirement it may not be sufficient. They say they have no objection or has not impact. It is not worded the way that you would want for us to notice the deficiency. Ms. Meakin has emailed SUEZ contact with the wording, but he has been away and is coming back today. She intends to get the letter. She has spoken to him twice and he seems like he will do this.

Mr. Schettino recommends to the Board, approves subject to receipt of the notification by SUEZ water so that if he sends it in, you are done.

Ms. Meakin asked if an email is sufficient. Mr. Schettino said it should be fine because they received a typed notice. The board will vote based on the contingency. Once Ms. Meakin receives the letter, she will send it to Ms. Lee who will forward it to Mr. Schettino. The next meeting will be the resolution and in the mean time, the letter will be received.

Mr. McLaughlin noted that we have heard her testimony from before and asked if there was anything to add. Ms. Meakin had nothing to add.

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There are no members from the public. There were no questions or comments.

Approval 142 Schraalenburgh Road application	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			

Mr. McLaughlin explained that next meeting there will be a written resolution for approval. After that is signed, it is published in the newspaper. Anyone with an objection can file suit within 45 days after the publication. The approval is for 9 months to start construction. If you can't start within 9 months you will need to ask for an extension. The start has to relate to the construction. The explanation could be "I couldn't start because...". She thanked the Board.

RESOLUTIONS

1) 99 Kline Street (Block 708, Lot 9) – Addition, Melissa and Irfan Buddha

Approval of the 99 Kline St. written Resolution	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			

2) 112 Hackensack Avenue (Block 716, Lot 4) – Shed, Anthony Venezia

Approval of the 112 Hackensack Ave. written Resolution	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			

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Gail ZACCARO (alternate b)		X	X			
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MINUTES FOR APPROVAL

June 27, 2018 minutes.

Mr. Powers name was spelled incorrectly.

Approve the minutes of June 27, 2018	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 majority of the members that are present can approve.

ADJOURN

Mr. McLaughlin is asking for a renewal to motion to adjourn the meeting.

Motion: Mr. Powers

Second: Ms. Zaccaro

All in Favor said "Aye".

Meeting adjourned at 8:31PM.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, September 26, 2018 at 7pm