

Harrington Park
PLANNING BOARD
RESCHEDULED MEETING MINUTES
Wednesday, November 8, 2017 @ 8:00PM

Chairman Capazzi called meeting to order at 8:02PM.

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	PRESENT	ABSENT
Chairman John CAPAZZI	X	
Vice-Chair Peter ARDITO	X	
Mayor Paul HOELSCHER	X	
Councilman Allan NAPOLITANO	X	
Member Richard McLAUGHLIN	X	
Member Philip LEE	X	
Member Robert WALDRON	X	
Alt. #1 BARRAGATO	X	
Alt. #2 SEYMOUR-JONES	X	

Also present: Gail Price, Legal Counsel
 Anthony Kurus, Neglia Engineer
 Liz Leheny, Planner
 Carolyn Lee, Secretary

INVOICES FOR APPROVAL

Neglia Engineering Associates	PSE&G Mileage (7/1/17 – 7/28/17) - Escrow	\$5,420.00
Neglia Engineering Associates	Allegro Mileage (9/2/17 – 9/29/17) - Escrow	\$5,400.00
Neglia Engineering Associates	Allegro Mileage (7/29/17 – 9/1/17) - Escrow	\$1,050.00
Neglia Engineering Associates	223 Lynn Street (9/2/17 – 9/29/17) - Escrow	\$1,472.50
Neglia Engineering Associates	223 Lynn Street (7/29/19 - 9/1/17) - Escrow	\$ 397.50
Neglia Engineering Associates	PSE&G (7/29/17 – 9/1/17) - Escrow	\$1,850.00
Neglia Engineering Associates	PSE&G (9/2/17 – 9/29/17) - Escrow	\$ 170.00
Phillips Preiss Grygiel	Allegro (8/17) - Escrow	\$ 271.00
Phillips Preiss Grygiel	223 Lynn Street (8/17) – Escrow	\$ 80.00
Phillips Preiss Grygiel	Affordable Housing (9/17)	\$1,894.00
Phillips Preiss Grygiel	Allegro (9/17) - Escrow	\$2,190.00
Phillips Preiss Grygiel	223 Lynn Street (9/17) - Escrow	\$1,857.00
Price, Meese, Schulman & D’Armino	Meeting - 9/19/17	\$ 450.00
Price, Meese, Schulman & D’Armino	General (9/17)	\$ 508.13
Price, Meese, Schulman & D’Armino	COAH (9/17)	\$1,095.00
Price, Meese, Schulman & D’Armino	Allegro (9/17) – Escrow	\$1,836.90
Price, Meese, Schulman & D’Armino	223 Lynn Street (9/17) - Escrow	\$1,170.00
Banisch Associates	9/17	\$ 125.00
Total		\$ 27,237.03

Vote to Approve Invoices	MOTION	SECOND	YES	NO	ABSTAIN
Chairman John CAPAZZI (JC)			X		
Vice-Chair Peter ARDITO (PA)		X	X		
Mayor Paul HOELSCHER (PAH)			X		

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Councilman Allan NAPOLITANO (AN)			X		
Member Richard McLAUGHLIN (RM)	X		X		
Member Philip LEE (PL)			X		
Member Robert WALDRON (RW)			X		
Alt. #1 Jesse BARRAGATO (JB)			X		
Alt. #2 Arnold SEYMOUR-JONES (ASJ)			X		

MINUTES FOR APPROVAL

September 19, 2017

Vote to Approve Sept. 19, 2017 Minutes	MOTION	SECOND	YES	NO	ABSTAIN
Chairman John CAPAZZI (JC)			X		
Vice-Chair Peter ARDITO (PA)	X		X		
Mayor Paul HOELSCHER (PAH)			X		
Councilman Allan NAPOLITANO (AN)			X		
Member Richard McLAUGHLIN (RM)			X		
Member Philip LEE (PL)					X
Member Robert WALDRON (RW)					X
Alt. #1 Jesse BARRAGATO (JB)		X	X		
Alt. #2 Arnold SEYMOUR-JONES (ASJ)			X		

October 3, 2017

Vote to Approve Oct.3, 2017 Minutes	MOTION	SECOND	YES	NO	ABSTAIN
Chairman John CAPAZZI (JC)			X		
Vice-Chair Peter ARDITO (PA)			X		
Mayor Paul HOELSCHER (PAH)			X		
Councilman Allan NAPOLITANO (AN)			X		
Member Richard McLAUGHLIN (RM)			X		
Member Philip LEE (PL)					X
Member Robert WALDRON (RW)					X
Alt. #1 Jesse BARRAGATO (JB)			X		
Alt. #2 Arnold SEYMOUR-JONES (ASJ)			X		

RESOLUTIONS FOR APPROVAL

In the Matter of the Application of Allegro Development Company, LLC for Final Major Site Plan and Subdivision Approval and Amended Site Plan Approval

The Resolution was circulated to the Board. Mr. Podvey, Board Planner and Board Engineer were provided with copies. The board planner replied with one change with language regard to affordable housing. Mr. McLaughlin listed 2 changes for the word “treat” should be changed to “treatment” and correction with the zero balance. Mr. Podvey comments:

- pg.3 there was #5 was numbered twice on different items. The copy that Ms. Price had did not have the same issue.

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- SIC – deed should reflect current owner, United Water now known as SUEZ. There was an inconsistency. This does not need to be corrected tonight.
- Pg.9 Mr. Podvey noted the planner’s comment indicates that Allegro would need to find another location if the location is not available. Ms. Price asked what happens if they can’t find another spot in the borough? Mr. Podvey commented that the construction would not be built in Harrington Park. Ms. Price suggested that Allegro might want to find another spot in the borough as another option. Mr. Podvey had not thought of that option.

No questions from the Board.

Mr. Waldron recused himself.

Vote to Approve Allegro Final Resolution	MOTION	SECOND	YES	NO	ABSTAIN
Chairman John CAPAZZI (JC)			X		
Vice-Chair Peter ARDITO (PA)		X	X		
Mayor Paul HOELSCHER (PAH)			X		
Councilman Allan NAPOLITANO (AN)			X		
Member Richard McLAUGHLIN (RM)	X		X		
Member Philip LEE (PL)			X		
Member Robert WALDRON (RW)					recused
Alt. #1 Jesse BARRAGATO (JB)			X		
Alt. #2 Arnold SEYMOUR-JONES (ASJ)					

APPLICATION HEARING

223 Lynn Street (Block 711; Lot 20) – Subdivision

Matthew Capizzi, 11 Hillsdale Avenue, Tenafly, NJ

The application was presented to the board on Sept. 19th. The application requires 2 variances, one for lot area and one for the number of bedrooms. They filed the application for major soil movement that the board has reviewed. Plan has changed from 5 bedrooms to 4 bedrooms. The basement bedroom has been removed. The architectural plans have been refilled to the board and have been reviewed by the board professionals.

Mr. Price noted that Counsel has indicated that notice would be carried. Counsel advised that this matter has been noticed this evening and supplied Ms. Price with copies of the notices that were provided and the newspaper notice. Mr. Waldron and Mr. Napolitano were absent for the Sept. meeting and provided certification that they have listened to the tapes of the past meeting. Mr. Lee continues his recusal from the prior hearing.

Landscaping – Mr. Hubschman was under oath and previously qualified.

Updates to the site plans.

A-13 – 217 Lynn St. dated July 26, 2017 and revision 2 dated Sept 22, 2017. Removing a total of 8 trees (5 evergreens, 3 deciduous) and replacing with a total of 40 trees (27 evergreens, 13 deciduous) and some decorative and hedges.

A-14 – 223 Lynn St. dated July 26, 2017 and revision 2 dated Sept.22, 2017. Removing a total of 7 trees (5 evergreen, 2 deciduous). Replacing with a total of 25 trees (19 evergreens, 6 deciduous).

They will address the grading and swelling concerns the engineer had.

Questions from the Board

Mr. Hoelscher asked if there is room for all the trees. Mr. Hubschman indicated that there is room because many of the trees are along the perimeter. Ms. Price asked him to testify about the soil movement. Mr. Hubschman listed that

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217 Lynn St. would export 405 cubic yards for the basement; 223 Lynn St would export 107 cubic yards where there is an existing house.

Mr. Kurus reviewed the updated site plans, updated landscape plans, updated architectural plans and storm drainage plans and provided a revised report on Oct.23, 2017.

Pg.3 223 Lynn St – deed was provided.

#6 was outstanding previously. The engineer had requested grading and lawn drainage. This has been addressed in the latest iteration of the plan.

10 Landscape Plan was previously a sketch and the updated plans are to scale on lot. Mr. Capazzi asked if it complies with tree ordinance. Mr. Kurus said it did and has no problem with the layout.

#11 The architectural plans addresses were previously flip-flopped. The addresses were changed to be consistent with the engineering plans.

#17 Lawn swells and lawn drains were added to the plan and addressed

#21 was also addressed.

B-2 – Neglia Engineering report dated October 23, 2017.

A-12 is a 3 page plan demonstrating the size of the lots

B-3 – Phillips, Preiss, Grygiel Planning review updated November 1, 2017

Ms. Leheny reviewed planning report.

#2 Building footprint on the site plan not matching the elevation and floor plans provided. This has been addressed with the revised architectural plans.

#3 The planner requested testimony whether the house will be constructed in accordance with the submitted plans. In the last hearing, testimony was provided.

#4 floor plan indicated 5 bedrooms. The updated plans indicate 4 bedrooms.

#5 plant list on site plans were not consistent with the landscape plans. The revised landscape plans provided this information and addressed this comment.

#6 The tree replacement schedule. The planner requested that the applicant confirm the number of trees removed and replacement trees. They have provided this information in today's testimony. She asked how many trees are required? Mr. Hubscman said 223 Lynn St. would require to have 13 trees planted and 217 Lynn St. would have 22 trees planted.

#7 the proofs required for C-Variance under the municipal land use law. The expert planner in the last hearing provided testimony.

Meeting Open to Public - Questions

Motion: RM

Second: RW

Vote: All in favor - "Aye"

John Ramsthaler, 211 Lynn St., Harrington Park. How big are the evergreens that will be taken down? Mr. Hubscman said they were about 30-40ft tall. They are proposing to keep an 18-inch hemlock, spruce and maple. The garage is on that side and will have little excavation.

Joanne Ramsthaler, 211 Lynn St., Harrington Park. Was a survey done? Mr. Hubscman said that a survey was done in April 2017. Joanne Ramsthaler asked about the projected time. The estimated time is 3 months based on approval.

Philip Lee, 214 Lynn St., Harrington Park. 217 Lynn St. is close o the school with many kids starting around 8:10am. What timing will there be for trucks? Mr. Hubscman indicated that it would probably not be early when there is school traffic. Mr. Capizzi indicated that they would be sensitive to the school schedule and try to do it when school is in session and before school is let out. Mr. Ardito asked if the client could stake the property line so that the neighbor would have a clear reference. Mr. Capizzi agreed.

Meeting Closed to the Public- Questions

Motion: RM

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Second: PA
Vote: All in favor - "Aye"

Mr. Capizzi had no questions.
Questions from the Board

Mr. Ardito mentioned that asking for 4 bedrooms required a variance. He suggested 7 bedrooms between both houses (one house with 3 bedrooms and the other with 4 bedrooms). Mr. Capizzi provided a copy of the tax card (A-15) to show that the existing house has 4 bedrooms and they are keeping it consistent with what is there. Mr. Capizzi indicated that new homes in today's market place have at least a 4-bedroom layout.

Meeting Open to Public - Comments

Motion: PA
Second: RM
Vote: All in favor - "Aye"

Ms. Price Swears in John Ramsthaler, 211 Lynn St., Harrington Park. He commented that 4 bedrooms is not a good thing. 3 bedrooms is the answer for the area and for the town. There is a school across the street where they can walk with crossing guards and the town's finest. He is a strong believer in 3 bedrooms particularly since the garage is part of the house.

Meeting Closed to Public - Comments

Motion: RM
Second: PH
Vote: All in favor - "Aye"

Summary - Mr. Capizzi reviewed that there were 2 lots, one larger than the other. He believes if that were the situation today, they would be able to build 4 bedroom houses on the lots through the building department without a variance. The reason for the variance request is that a subdivision application is required. The bedroom count limitation is a bulk limitation to control the overall mass of the proposed rooms. What is the effect of having an additional 1/2 bedroom in the neighborhood? If you look at the proposed development what visual impact is there from having an additional 1/2 bedroom? Mr. Capizzi doesn't believe there is one. All compliances are made. He doesn't see a harm with an extra 1/2 bedroom. They have the required width, depth (1250sf less has been addressed). It is a larger lot and a larger house could be built, but this would not benefit the neighborhood. The proposal is to build 2 homes keeping with the size and scale of the neighborhood, they are creating additional building stock for the area, and replacing a home that is in disrepair.

Mr. Ardito indicated that there is a visual impact. A family of 5 with a 2-car garage could have 3 cars in the driveway every night. There could be jockeying of cars. It is a busy intersection by the school. Mr. Capizzi replied that the separation between 2 buildings is better visually than one larger house length.

Mr. Hoelscher indicated that the average family in Harrington Park is fewer than 4. There have been a number of applications previously and has a 1/2 bedroom been challenged? Ms. Price replied that it is better to decide if the applicant has met the burden of proof of the c-variance. The property is unique in shape of topography or any special characteristic. Flexible C-2 variance where the benefits should substantially outweigh the detriments. The benefits have to be for the community and the detriments is weighed analyzing the negative detriments to the surrounding properties and neighborhood. You need to determine if they can be granted without negative impact on zoning. Shrinking size of house and reduce number of bedrooms is their attempt to keep detriments down.

Ms. Leheny agreed that visually that 2 houses would be better than one larger house based on the surrounding homes in the area.

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Mr. Arditto asked to consider a compromise of a 3-bedroom house and a 4-bedroom house and would serve the community equally well. Ms. Price said that the Board is charged with the ability to impose reasonable conditions and modifications. The Board is to consider the plan that is presented, but it doesn't mean that you can't propose a modification. Judge would not consider this unreasonable. This is a gray area. Board is charged with the knowledge of the neighborhood. Motion is made on the application revised per the requests of the Board.

Vote to Approve 223 Lynn St. Subdivision, Soil Movement Application with the Landscaping Plan Tree Removal and Replacement	MOTION	SECOND	YES	NO	ABSTAIN
Chairman John CAPAZZI (JC)			X		
Vice-Chair Peter ARDITO (PA)				X	
Mayor Paul HOELSCHER (PAH)	X		X		
Councilman Allan NAPOLITANO (AN)				X	
Member Richard McLAUGHLIN (RM)		X	X		
Member Philip LEE (PL)					recused
Member Robert WALDRON (RW)			X		
Alt. #1 Jesse BARRAGATO (JB)				X	
Alt. #2 Arnold SEYMOUR-JONES (ASJ)					

ADJOURN

Motion: RM

Second: PA

Vote: All in favor - "Aye"

Adjourned at 8:55PM.

NEXT SCHEDULED PLANNING BOARD
REGULAR MEETING
Tuesday, December 12, 2017