

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
August 14, 2014
Regular Session**

Meeting Called to Order at: 7:35 PM

Open Public Meetings Statement: Read into the record by the Board Secretary.

Roll Call: Messrs. Berardo (absent), Corriston (absent), Pierson, Reade, Cirulli, Newman (absent), Iannelli (absent), Councilman Rorty, Chairman Hanlon, Mayor Randall

Also in Attendance: Mr. Gary Cucchiara, Board Attorney; Mr. David Hals, Borough/Board Engineer; Mr. David Novak (associate of Mr. Snieckus, Borough Planner); Ms. JoAnn Carroll, Board Secretary.

Chairman Hanlon: briefly discussed the beauty service business application which appeared before the Board at the last meeting; the business will open at 31 Sheridan Avenue, Block 1007, Lot 3; the Board did have a conversation with the applicant; no issues.

Mr. Cirulli: asked about signage.

Chairman Hanlon: stated that the signs were preset in this particular building.

Motion to Approve Application: Cirulli, Councilman Rorty

Ayes: Pierson, Reade, Cirulli, Councilman Rorty, Chairman Hanlon, Mayor Randall

Chairman Hanlon: introduced the Hollows at Ho-Ho-Kus application; application is for a subdivision only; no relief is sought; briefly discussed the meeting procedures; there is no stenographer this evening; Mr. Inglima had indicated he had two more witnesses; questioning procedures discussed; public will have the right to ask questions regarding the new testimony; at the conclusion of Mr. Inglima's client's testimony, the Board and the applicant's attorney may ask additional questions of his witnesses; the public will also be permitted to ask questions; after the comment process is ended the public hearing process will start on the soil moving application; this process was agreed upon a few weeks ago; applicant's attorney will present the soil moving application; he may introduce additional experts for the presentation; after the applicant completes the presentation, a reasonable cross

examination will be permitted for the other attorney; the Board may also ask questions of the soil moving expert; the public will then be permitted to ask questions regarding the testimony of this particular portion of the soil moving application; the Board may introduce its own experts; further discussed the Board's procedures.

Please Note: Mayor Randall and Mr. Pierson have signed their certifications that they have listened to the discs of the meetings they have missed.

Mr. Inglima: asked Mr. Matthew Westfall to come forward; **Mr. Matthew Westfall, 789 WSRR sworn in by Mr. Cucchiara.**

Mr. Inglima and Mr. Westfall discussed the following: Mr. Westfall lives at his current address with his wife; it is his principal residence; located property on exhibit O42; Block 809, Lot 4; location and shape of property; moved to Ho-Ho-Kus in 2013; very familiar with the area; single family home; driveway extends to WSRR; present for the majority of the hearings; heard most of Mr. Emerson's testimony; heard all of Mr. Steck's testimony except for the cross examination; concerned about soil movement, design and drainage; opposed to application; rainfall on WSRR; observed rainfall accumulating around his home; catch basin in front of his property; catch basin does an efficient job; water running south bound does not make it to his street but goes onto the Costanza property; west side of WSRR crowns and does not go into the catch basin; observed ponding on applicant's side of the street; no flooding occurs on the west side of WSRR; water comes down opposite Lot 7 on O42, along that side of the street into the catch basin; water generally finds its way into the catch basin; concerned about the impact of additional run off from the site; mentioned traffic on Elmwood Avenue; discussed traffic and car movements; volume of cars; speeding of cars; concern of altering the flow of traffic; discussed elevation and looking up at the development; started to discuss an article published regarding Ho-Ho-Kus years earlier.

Mr. Whitaker: objected twice; line of testimony is totally irrelevant with the subdivision before the Board.

Mr. Cucchiara: asked for the witness to be more responsive to the questions; instead of a narrative to the Board, better to ask and answer.

Mr. Whitaker: asked Mr. Westfall what his educational background was.

Mr. Westfall: stated he had a degree in finance from Villanova.

Mr. Whitaker: asked if Mr. Westfall had any expertise in engineering or in the field of traffic.

Mr. Westfall: stated no.

Mr. Whitaker: asked if Mr. Westfall's concerns were as a lay person.

Mr. Westfall: stated that was correct.

Mr. Whitaker: asked in the past 9 months, how many times did Mr. Westfall observe the rainfalls discussed.

Mr. Westfall: stated several; over 10 times.

Mr. Whitaker: asked for the dates of some of the storms.

Mr. Westfall: stated he couldn't provide the dates.

Chairman Hanlon: confirmed with Mayor Randall that the Elmwood Avenue situation was not an issue discussed previously before the Planning Board, but it was discussed at a Council meeting.

No questions from the Board or public at this time.

Mr. Inglima: asked Ms. Randi Debruyne to come forward; **Ms. Randi Debruyne, 801 WSRR sworn in by Mr. Cucchiara.**

Mr. Inglima and Ms. Debruyne discussed the following: owns the property with her husband; indicated property location on O42; Block 809, Lot 3; Ms. Debruyne heard previous testimony from experts and residents; familiar with all the issues; understands the issues; shares the same concerns that have already been raised; summarized her perspective and concerns; spoke regarding the run off on the roadway and the new intersection of the new cul-de-sac; purchased property in July 2006; lived continuously at this location; Ms. Debruyne stated there is a lot of water that comes from the east and west side of the road at the same time; her side of the road is eroded; as of now, the water goes into the Costanza driveway; it goes into the soft shoulder beyond the driveway; there is land there that is often muddy; puddling there; once the curbing is placed and the street widened, there will be no where for the water to go; it will keep running downhill; concerned about the aesthetics of the above ground pipes; safety concern; heavily traveled area; dangerous intersection; three incidences of having trouble turning into her driveway; no obstructions on her side; elevations discussed; headlights shining onto her property; her property is directly across from where the new cul-de-sac roadway would be; location of her driveway

indicated on sheet 5 of 11 on the applicant's plans; lower elevation on her property than the proposed cul-de-sac; no curbs on her side of the street; concerned about traffic; new intersection would be dangerous; intersection already dangerous; concerns would be addressed if the applicant eliminated the cul-de-sac; no backyards should face Hollywood Avenue; they should be consistent with the rest of the town.

Mr. Whitaker: asked if Ms. Debruyne has any problems currently exiting her property.

Ms. Debruyne: stated it is difficult during days when there is a lot of traffic; the line of sight is not good.

Councilman Rorty: asked if Ms. Debruyne has a circular driveway.

Ms. Debruyne: stated she does not but her neighbors on either side of her do.

No questions from the public.

Mr. Inglis: stated he had no further witnesses at this time; asked for all exhibits marked to be moved into evidence.

Mr. Whitaker: had no objection to this request.

Mr. Inglis: stated the exhibits to be moved into evidence are marked O1-O42.

Mr. Whitaker: stated these are listed on the most current exhibit list; marked and entered.

Mr. Inglis: stated, in respect to additional witnesses, Mr. Inglis reserves the right to supplement in any event that new issues are presented; plan revisions are made that affect the layout of the applicant's site; the design of the roadway improvements; not discussing minor items; the roadway geometry, elevations, design of lots, the layout, improvements for drainage, proposed conceptual homes, etc.; he would respectfully request an opportunity to respond if need be by witnesses; this could include calling back Mr. Steck and/or Mr. Emerson who testified, if certain aspects of the application change; is aware the application is still going to be open until the whole process is concluded; secondly he has previously indicated on the record that he would like an opportunity to ask questions of the Board's professionals at the time they testify with respect to this matter; understands this will be at a later date after the soil movement application has been heard and near the completion of the whole process.

Chairman Hanlon: stated this was acceptable; at this point of the meeting asked Mr. Inglema to step down; it was previously stated at the last two meetings that the meeting would be opened up for public comment; the citizens to be heard first will be those within the 200' list; they will be sworn in to testify; asked for testimony to be concise so others will have time to make their presentations; presentation should be around 10 minutes; if someone has made a presentation on a subject that you plan to discuss, please do not repeat, but acknowledge that a previous speaker has covered the concern; please stay within the subject matter; the discussion is regarding the subdivision plan application.

No residents within the 200' list identified themselves. The meeting was then opened up to residents outside of the 200' range.

Mr. Stanley Kober, 919 Washington Avenue: sworn in by Mr. Cucchiara; stated the reasons he objects to this application; started to discuss economic issues.

Mr. Whitaker: objected; economic considerations in regards to subdivisions are irrelevant.

Mr. Kober: continued his statement; started to discuss the school population and budget.

Mr. Whitaker: objected; comments pertaining to school population and budget in regards to a subdivision is irrelevant.

No questions from the Board, Mr. Whitaker, Mr. Inglema or public.

Chairman Hanlon: stated, for the record, 3 residents within 200' of the applicant's property approached him at the last meeting stating they would not be able to attend this evening's meeting; Chairman Hanlon assured them they could be heard at a later date.

Mr. Dan Fallon, 724 West Saddle River Road: sworn in by Mr. Cucchiara; stated the reasons he objects to this application.

No questions from the Board, Mr. Whitaker, Mr. Inglema or public.

Mr. Jim Albes, 31 Valley Forge Way: sworn in by Mr. Cucchiara; stated the reasons he objects to this application; submitted a photo of flooding by his home; marked **Exhibit Albes-1**.

No questions from Mr. Whitaker or Mr. Inglema.

Councilman Rorty: asked what direction the water is flowing in the picture.

Mr. Albes: stated the water is coming down Sleepy Hollow and Valley Forge Way and Washington Avenue.

Councilman Rorty: asked if this water was then exiting onto Brandywine.

Mr. Albes: stated it cuts across the back of Mr. Solinski's house.

Councilman Rorty: asked if there was a more efficient storm drain catch basin; asked if anyone knew how much rain fell during the date of the photo.

Chairman Hanlon: stated it was reported that 3.5 inches of rain fell.

Councilman Rorty: stated that the rainfall that occurred the day the picture was taken was an exceptional amount of water in a small window of time; asked if the streets are fairly clear during a normal amount of rain.

Mr. Albes: stated yes.

Councilman Rorty: asked if any water goes onto Brandywine from Sleepy Hollow.

Mr. Albes: stated no, nothing of note.

Mr. Cirulli: asked, regarding the area in the photo, how long it took for the water to recede once it had reached its maximum height.

Mr. Albes: stated he did not know.

Chairman Hanlon: asked what time the photo was taken.

Mr. Albes: stated 2PM.

Chairman Hanlon: asked if the water was still there at 4PM.

Mr. Albes: stated yes.

Mr. Whitaker, Mr. Inglima and the public had no questions at this time.

Mr. Paul Engel, 742 West Saddle River Road: sworn in by Mr. Cucchiara; stated the reasons he objects to this application; quoted Mr. Whitaker from an earlier meeting.

Mr. Whitaker: objected; stated he is being quoted and what is being quoted is a misstatement.

Mr. Engel: continued speaking regarding his objections to this application.

Mr. Whitaker: asked if Mr. Engel knew what zone the applicant's property was in.

Mr. Engel: stated no.

Mr. Whitaker: asked if Mr. Engel knew what the minimum lot size was for the zone the applicant's property is in.

Mr. Engel: stated he could only guess; 10,000 sq. ft.

Mr. Whitaker: stated that was a good guess and had no further questions.

Mr. Albes: asked if Mr. Engel's opinion in regards to the application would change if the zone was different for the applicant's property.

Mr. Whitaker: objected to the form of the question.

No questions from Mr. Inglima, the Board and no further questions from the public.

Mr. Steve Bulkl, 29 Hollis Drive: sworn in by Mr. Cucchiara; stated the reasons he objects to this application.

No questions from Mr. Whitaker, Mr. Inglima, the Board or the public.

Mr. Steve Reilly, 26 Sleepy Hollow Drive: sworn in by Mr. Cucchiara; stated the reasons he objects to this application; submitted a photo of flooding by his home; marked **Exhibit Reilly-1**; picture taken on August 1, 2014.

No questions from Mr. Whitaker, Mr. Inglima, the Board or the public.

Mr. Stanley Kober, 919 Washington Avenue: still under oath; spoke regarding correspondence he sent to the Board and MLUL procedures.

No questions from Mr. Whitaker, Mr. Inglima, the Board or the public.

Public portion of the meeting was closed at this time.

Chairman Hanlon: asked Mr. Whitaker if he would be able to start his soil movement application on September 4, 2014.

Mr. Whitaker: stated he is hopeful of it; he received a call this same day that his primary witness may have a problem attending a meeting on 9/4/14; he will know for certain next week; further stated he has extended the time frame through September 5, 2014 on the record and reconfirms this fact this evening.

Chairman Hanlon: stated meetings have been planned for 9/4/14, 9/11/14 and 9/18/14.

Mr. Whitaker: stated he will confirm at this evening's meeting that he will carry the application through September 12, 2014.

Mr. Cucchiara: acknowledged this statement

Chairman Hanlon: stated that at this time the soil movement application will be working its way forward; the public has commented; will be moving on to the soil movement application with the idea that it will tentatively start on September 4, 2014; if that fails, for whatever reason, then that hearing will be moved to September 11, 2014; the Board will not know for approximately one week.

Mr. Whitaker: stated, so the record is clear, he has the ability to do a rebuttal; there will be a rebuttal before he moves on to the soil movement application; will know within a week.

Mr. Stefan Deppisch, 730 Hollywood Avenue: sworn in by Mr. Cucchiara, stated the reasons he objects to this application; started to state what other residents have said to him.

Mr. Whitaker: objected; Mr. Deppisch cannot make comments for other people.

Mr. Cucchiara: explained to Mr. Deppisch that he can only speak for himself; he cannot relay what others have told him; he can give his own comments and observations.

No questions from Mr. Whitaker, Mr. Inglima, the Board or the public.

Chairman Hanlon: stated the next meeting will be held on September 4, 2014 at 7:30PM; will continue on to September 11, 2014 if needed.

Mr. Whitaker: stated the meeting will start with his rebuttal, then the soil movement application.

Motion to Adjourn Meeting: Mayor Randall, Pierson
All Board Members present Approve Motion to Adjourn.

Meeting adjourned at: 10:00PM

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
August 19, 2014