

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
April 3, 2014**

Meeting Called to Order at 8:00PM

Call to Order: Read aloud by Board Secretary.

Roll Call: Messrs. Tarantino (absent), Cox (absent), Forst, Deegan, Ms. Metzger, Messrs. Pappas, Rodger, Chairman Barto

Also in attendance: Mr. David Rutherford, Board Attorney; Ms. JoAnn Carroll, Board Secretary

Chairman Barto: asked Mr. Rutherford to discuss the jurisdictional issue that has come to the Board's attention; this issue will be resolved this evening.

Mr. Rutherford: stated since the last meeting it was brought to his attention that there was a procedural issue with respect to the Notice of Annual meetings; the OPMA has very specific requirements with respect to form and content of the Annual Notice as well as the form and content of notice of regular meetings; there were two alleged deficiencies in the Annual Meetings notice; in an exercise of caution, the OPMA does permit a Board to ratify and affirm actions taken during meetings where the notice may have been deficient; a notice of this evening's meeting was prepared and published in two newspapers with circulation in the Borough that the Board, in addition to its regular business, would also ratify and affirm actions taken by the Board during its February 6, 2014 and March 6, 2014; the Board did not meet in January; this would include affirmation of actions taken in respect to the applications of Henderson, Doherty, St. Luke's Church and Fox; the Fox matter was heard last fall but the resolution was not adopted until February, 2014; the Board conducted a public hearing on the St. Luke's matter in February and March and adopted a resolution in March and conducted public hearings on the Henderson and Doherty matters in March and the Board will be adopting, in its normal course, the resolutions for both this evening; other actions taken by the Board at the February and March meetings included adoption of minutes of 9/5/13, 11/7/13, 10/3/13, 7/11/13, 6/6/13 and 2/6/14; the Board reorganized appointing a Chairman and Vice Chairman, Secretary, Attorney; Board adopted an Annual Report and By Laws; the Board administered the Oath of Office to Mr. John Deegan for an expired term ending on December 31, 2015; the Land Use Law calls for a de novo ratification; cited a 1992 case

relating to this issue; the meeting is not opened anew; the OPMA has certain requirements; OPMA states the notice only be submitted to the newspaper while the MLUL states it must be published; the action taken this evening properly corrects the defect with the OPMA.

No Board or Public comments.

Motion to Ratify and Affirm the actions taken by the Board on February 6, 2014 and March 6, 2014 as outlined: Chairman Barto, Metzger

Ayes: Chairman Barto, Forst, Metzger, Deegan, Pappas, Rodger

Chairman Barto: thanked Mr. Rutherford for taking care of this issue.

Mr. Rutherford: explained the Doherty application; seeking a variance to place a generator in the front yard; corner lot; setback requirements met; the Board saw fit to grant the variance.

Motion to Approve: Pappas, Metzger

Ayes: Chairman Barto, Metzger, Deegan, Pappas, Rodger

Mr. Rutherford: explained the Henderson application; seeking a front yard setback variance; applicants renovating and expanding their home.

Motion to Approve: Metzger, Rodger

Ayes: Chairman Barto, Metzger, Deegan, Pappas, Rodger

March 6, 2014 minutes will be voted on at the April meeting per Chairman Barto.

Sean and Winifred O’Keefe, 660 Sherwood Road, Block 1108, Lot 7: applicants seek both a side yard setback variance and a front yard setback variance for a proposed addition.

Mr. Rutherford: stated for the record, Mr. Irwin has been before the Board before; no testimony to be taken this evening; public notice has not been given; if the Board determines the application to be complete, the application would be heard at a public hearing to be held on May 1, 2014; Mr. Rutherford spoke with the Zoning Officer; Ms. Phillips has issued a denial; changes made; revised denial to come; no additional variances to be created; changes relate to coverage figures and some other relatively minor details; will get a revised denial to us within the next week.

Chairman Barto: asked if there will be additional variances.

Mr. Rutherford: stated there will be no further variances; the Board will have a revised denial; Mr. Irwin is familiar with the procedure.

Chairman Barto: asked for confirmation that the only changes made are in the southeast corner of the building.

Mr. Irwin: stated “yes.”

Chairman Barto: asked if there were any questions from the Board.

No comments from the Board.

Motion to Adjourn: Chairman Barto, Metzger

Ayes: Chairman Barto, Forst, Metzger, Deegan, Pappas, Rodger

Meeting Adjourned at 8:15PM

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
April 14, 2014