

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
February 13, 2020
Combined Session**

Meeting Called to Order at 7:30PM by Chairman Hanlon

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

Roll Call: Messrs. Reade, Newman, Jones, Ms. Ioannidis, Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. Thomas Behrens, Burgis Associates/Borough Planner (attended for Mr. E. Snieckus); Mr. Richard Wostbrock, Alaimo Group/Conflict Engineer (attended for Mr. Thomas Lemanowicz); Ms. JoAnn Carroll, Board Secretary

Chairman Hanlon: stated this evening's meeting of the Board was a Combined Session and a meeting would not be held on Thursday, February 20, 2020.

Mr. Cucchiara administered the Oath of Office to the following:
Ms. Cathryn Ioannidis, Class IV Member, Term Expiration, 12/31/2023

Nomination of Chairman for 2020:

Member Newman nominated John Hanlon as Chairman; Member Reade seconded the nomination.

Member Hanlon accepted the nomination.

Ayes: Reade, Newman, Jones, Ioannidis, Councilman Policastro

Nays: None

Nomination of Vice Chairman for 2020:

Member Newman nominated Michael Reade as Vice Chairman; Member Jones seconded the nomination.

Member Reade accepted the nomination.

Ayes: Newman, Jones, Ioannidis, Councilman Policastro, Chairman Hanlon

Nays: None

New Business:

Ms. Andrea Nyerges, Mindfully Alive, LLC, 18 Sycamore Avenue, Block 1010, Lot 13: new business application; psychotherapy practice

Ms. Nyerges was not in attendance. The application was tabled to the next meeting of the Board.

Old Business:

Mr. Vincent LaBarbiera, Christie's International Real Estate, 19 Sheridan Avenue, Block 1007, Lot 5: re-submittal of sign application approved on 2/21/19; original Docket #: 003-19

Mr. LaBarbiera: stated the original sign application to the Board stated the former name of the business, "Special Properties" and was approved; the sign was green and was to be made of cedar; this information was relayed to his associate; in the interim, Mr. LaBarbiera was instructed not to apply for a building permit until the legalities with the name change were finalized; without his knowledge, Mr. LaBarbiera's associate installed the new sign.

Councilman Policastro: stated he reviewed the revised sign application and it conforms expect for the construction material; the sign needs to be made of wood or wood composite; he would entertain a motion to approve the sign under the condition, as originally stated in the prior application, that it would be conforming to Borough Code.

Mr. LaBarbiera: stated it was a possibility the business would apply for an awning instead of installing a new sign and would remove the current sign.

Councilman Policastro: stated an application would need to be submitted to the Planning Board Office for an awning.

Chairman Hanlon: instructed Mr. LaBarbiera to contact the Board Secretary with any questions.

Motion to approve the sign application, with the condition the sign would be made of wood or wood composite: Councilman Policastro

Seconded by: Jones

Ayes: Reade, Newman, Jones, Ioannidis, Councilman Policastro, Chairman Hanlon

Nays: None

Discussion:

Authorization for Mr. E. Snieckus, Borough Planner, to conduct a study of Block 1016, Lots 3 & 5 to determine if this area is a redevelopment area per N.J.S.A. 40A:12A-5

Mr. Jones: stated the Ho-Ho-Kus Crossing application was approved by the Board of Adjustment and is going to include 10 affordable housing units; which is part of the Borough's affordable housing settlement; the area is in need of redevelopment; if this is deemed the case, it would open up the potential for a PILOT (payment in lieu of taxes) to be entered into between the developer and

the Borough to make it a more feasible project from a financial standpoint; payment in lieu of taxes; the Mayor & Council have asked the Planning Board to engage Mr. Snieckus to ask if this is a practical approach before the project moves forward; a negotiation would take place between the Borough and the contractor to determine the percentage.

Motion to authorize Mr. E. Snieckus, Borough Planner, to conduct a study of Block 1016, Lot 3 & 5 to determine if this is a redevelopment area:

Councilman Policastro

Seconded by: Reade

Ayes: Reade, Newman, Jones, Ioannidis, Councilman Policastro, Chairman Hanlon

Nays: None

Approval of January 9, 2020 Reorganization Minutes: Jones

Seconded by: Councilman Policastro

Ayes: Reade, Jones, Councilman Policastro, Chairman Hanlon

Nays: None

Approval of January 9, 2020, Regular/Combined Meeting Minutes:

Councilman Policastro

Seconded by: Jones

Ayes: Reade, Jones, Councilman Policastro, Chairman Hanlon

Nays: None

Completeness Review/Public Hearing:

Mr. Richard Rizzo, 614 Maple LLC, 614 N. Maple Avenue, Block 1015, Lot 9: Minor Site Plan application/GB-IR Zone; proposed 2-story addition to rear of building; parking variance identified

Chairman Hanlon: reviewed the hearing procedures; reviewed the application; the Completeness Review and public hearing would both be held this evening; the application is part of the settlement agreement with the Borough; confirmed with the Board Secretary that the exhibits were available to the public, the notice was in order, the agenda was posted on the Borough's website and the taxes are current.

The following exhibits were marked on February 13, 2020:

Exhibit #	Document
A1	Site Plan Application
A2	Copy of Settlement Agreement dated 12/29/16
A3	Architectural Plans, prepared by Ashbahian, dated 9/17/19

Exhibit #	Document
A4	Site Plan prepared by MAP Engineering, dated 8/20/2019
A5	Copy of 10' Easement Agreement granted May 1, 1915
B1	Alaimo Group Completeness and Technical Review; Richard Wostbrock, Alaimo Group, dated 1/27/2020
B2	Edward Snieckus, Burgis Associates Review letter, dated 2/5/2020
B3	Chief Minchin, HHK PD, review dated 2/5/2020
B4	Keith Rosazza Chief HHK FD, review, dated 2/6/2020
B5	Dan McEldowney Fire Prevention Official, review, dated 2/10/2020
B6	Jeff Pattman DPW Superintendent, review, dated 2/11/2020
B7	Mark Berninger Construction Code Official, review, dated 2/12/2020

Mr. Richard Wostbrock, Conflict Engineer, sworn in by Mr. Cucchiara: stated there are Completeness Review items in his letter; one being the owner of the property needs to be confirmed.

Bruce Whitaker, Esq., applicant's attorney: stated the owner of the property is 614 Maple LLC; took title from Mr. Frasco; name will be correctly identified on plans going forward, which is item #3; item #4 has been submitted; a copy of the easement will be submitted this evening, item #5; items #1 and 2 are waivers.

Motion to deem the application complete: Councilman Policastro
Seconded by: Jones
All in Favor
None Opposed

Mr. Whitaker: stated the subject property is located in the GB/IR zone; gave property description; the building on the property has some vintage to it; 2 stories in height; proposing to construct an addition to the rear of the building; coverages given; application is part of settlement agreement from 12/29/16; Frasco was the original principal; he has sold the property to the applicant; the applicant wants to proceed under the terms of the settlement agreement; per the settlement agreement, the Maple Avenue lot shall permit a 3-story mixed use building; 4 units; 3 market rate, 1 affordable, which is a studio unit; commercial/retail use on the first floor; Mr. Ashbahian was engaged to prepare the concept plan; Mr. Ashbahian was retained by the new owner to complete the plans; hearing tonight is to conform to section 3.4 of the agreement; one of

the issues raised is regarding the ingress/egress of the site; a full title search was performed; in 1915 an easement was granted for 10 ft.; has since existed; reviewed easement; right of way for ingress and egress through and over the driveway; insured easement.

Chairman Hanlon: asked who maintains the driveway.

Mr. Whitaker: stated the agreement is silent as to maintenance; unless a grantor that owns the property objects, a grantee has the right to reasonably make repairs; his client maintains the easement; obligation of the easement is to his client.

Mr. Cucchiara: asked if there were any restrictions to the maintenance aspect or which party would take care of it.

Mr. Whitaker: stated it runs to the benefit of the applicant; the applicant has the right to maintain it.

Mr. Cucchiara: stated the applicant can't do anything to damage or interfere with the owner's right to the property.

Mr. Thomas Ashbahian, applicant's architect: sworn in by Mr. Cucchiara; Mr. Ashbahian gave his educational and professional background and was accepted as an expert in the field of architecture.

Mr. Ashbahian: stated he was involved with the plan at the time of the litigation in 2016; drew up the conceptual plan as part of the settlement agreement; visited property many times; looked at surveys and related documents; familiar with the building and structure and uses; prepared a conceptual plan and the plan before the Board this evening; the owner indicated on the plan will be changed to reflect the correct owner; the plan has been modified to reflect the review letter from Mr. Wostbrock; the basement is unfinished; utility and minor amount of storage; accessed by a Bilco door in the rear of the property; first floor tenants are as they exist today; unequal in size; currently a second floor compromised of an apartment unit; proposing to add to the second level to complete the footprint of the second level; inside of the second level will be significantly demolished for the configuring of the apartments; there is currently a third level which is located under a very large roof; does contain habitable living space; the roof line is being removed and an entire floor with full height will be created; there is a flat roof line on the upper floor; the building will contain a studio, 2-2 bedroom units and a 1-1 bedroom unit; the second floor will contain a 2 bedroom unit and the studio; the third level will contain a 2 and 1 bedroom unit; layouts of the units are contemporary; exterior is what is proposed in the settlement documents; comprised of a 3-story façade with 2 front elements for the new store fronts; windows across the second and third level; decorative cornice; described

materials; elevations provided with the application; mimicked the same design on the entire building; the development will make the building look entirely new; more intense plan than the conceptual but it mimics the intent of the conceptual; more complete design; showed entrances to the retail and residential spaces.

Chairman Hanlon: asked Mr. Ashbahian to review the first floor entrance area.

Mr. Ashbahian: stated there will be two recessed doors, which are currently recessed; HVAC units will be on the roof of the building and will be hidden from view with parapet like screening; they will be virtually invisible from the front of the building; overall building will be sprinklered; reviewed Fire Department's review dated 2/6/2020; a Knox box will be installed; most of the issues raised in the Fire Department's review are construction department issues; they will need to be addressed in order to obtain a construction permit; a great deal of fire safety will be updated with the development that is not present today; the development significantly upgrades the building in respect to fire and life safety; streetscape and aesthetics upgrade.

Mr. Jones: asked where the entrance to the 2nd floor was located.

Mr. Ashbahian: stated on the left side; it looks like an addition when you face the building.

Mr. Joseph Hogan, MAP Engineering, applicant's engineer: sworn in by Mr. Cucchiara; Mr. Hogan gave his educational and professional background; accepted as an expert in the field of engineering.

Mr. Hogan: stated he is very familiar with the site and what is being modified; 2 story building; mixed use with residential on the top floors and commercial on the bottom; access for the residents is in the rear of the property where the cars are parked; rough graded gravel area; proposing to add on to the building; pushing further into the rear yard and higher; will pave the rear yard to have more of a designed parking lot with designated parking spaces; providing some storage for stormwater runoff; no drainage facilities currently exist; the parking lot is not paved at this time; parking lot itself is in a state of disrepair; will pave it and add drainage improvements; 6 parking spaces proposed where 14 are required; 100% of the property is currently developed; no ADA required spots are proposed at this time; any landscaping would take up more room and take away a parking spot and less maneuvering area; the utility pole that currently exists sits roughly 7 ft. before the rear property line; proposing to wrap it in high visibility reflective tape; identifying markings on the pole; has not been an issue in the past; pole has always been in the parking lot; site lighting will comply with the Borough's ordinance.

Mr. Wostbrock: gave his technical review; clerical discrepancies; circulation and ADA parking go hand in hand; settlement agreement and ordinance require ADA parking; not sure if the ADA spot can be eliminated due to loss of space; doesn't believe ADA parking can be eliminated; the circulation of the parking stalls closest to the utility poles are going to be a challenge to get out of; parking oriented in an east to west direction; the pole will be in jeopardy with the redevelopment of the site, more units, more cars and the frequency of use; it would be of great concern if the pole was damaged; not sure if highlighting it is enough; it needs to be protected or moved over closer to the property line; handicapped parking is supposed to be closer to the building entrance and all stalls are close to the building entrance; you want more parking but it must be safe; asked that the driveway out to the street be paved to make it more suitable since the rear access to the building is via the driveway; the underlying goal is to make the driveway safe for vehicles and for pedestrians; there is a retaining wall that is higher than the car parked below it with no protection; there must be fall protection for pedestrians and vehicles; applicant should be asked to investigate the wall and provide a safety measure for their tenants and the cars below; there is leaning on the wall which is a concern; the structural stability of the wall should be looked at with the intended increase of use and the driveway; protection should be provided on the north side of the parking area; design waivers are appropriate; site lighting needs to be added to the current set of plans.

Mr. Whitaker: stated all lighting will be code compliant.

Mr. Wostbrock: stated one seepage pit is proposed; design calculations should be submitted for sizing; no overflow availability in the area; need soil information that it can accept water put into it; should be located further away from the wall; asked if the utilities were being upgraded.

Mr. Whitaker: stating they are upgrading for gas, water and electric; capacity for sewer water will stay as it is currently.

Mr. Ashbahian: stated they will likely add a water system for fire suppression; there will be road opening activity to achieve this.

Mr. Wostbrock: stated he is concerned about the access for pedestrians to the second floor; his opinion is it is advantageous to be able to walk out of the apartment and go to N. Maple directly; as designed, a resident will have to walk out of the back of the building and out to the street and walk towards the train station and back around the block; asked if access could be provided internally or externally with stairs coming down to N. Maple; asked where refuse and recycling was handled today and where would it be proposed to be handled.

Mr. Whitaker: stated on the left hand side brought out to the front; will be done with cans and not dumpsters.

Mr. Wostbrock: stated there were improvements on the site which differed from the survey; there is an outdoor shed with storage in the NW corner of the lower level; directly to the rear underneath the proposed addition there is another storage unit relating to the commercial space; asked what the unit was and if it is an accessory structure, it needs to be shown on the plans.

Mr. Whitaker: stated he was not familiar with the item underneath the stairs; it will be eliminated.

Councilman Policastro: asked if the fence on either side of the building would be remaining.

Mr. Ashbahian: stated the fence would be updated with gates.

Councilman Policastro: asked if there would be access from Maple Avenue to the rear of the building.

Mr. Ashbahian: stated yes.

Councilman Policastro: stated emergency access to and from the front of the building is critical to ensure quick and direct response for first responders; from a firefighting standpoint, access from the street side of the building is critical for the protection of life and property, not only to the subject property, but to the exposure buildings as well; reminded the Board of its responsibility to fast track this application, however, would like to ensure the safety of life and preservation of property; therefore, recommended the applicant accepts the recommendation of the Borough professionals and officials to revise the plan to include second and third floor egress from the Maple Avenue side of the building to access the second and third floor occupants.

Mr. Newman: asked if the first floor tenants would be displaced during the construction.

Mr. Whitaker: stated they will stay; they will not be displaced.

Mr. Newman: asked if the existing commercial kitchen fan would be located on the side of the building.

Mr. Whitaker: stated all building code requirements will be taken care of.

Mr. Newman: asked if the apartments would have upgraded electric.

Mr. Whitaker: stated the electric will be code complaint.

Mr. Reade: asked if the second and third floors which are cantilevered off of the concrete wall will be reinforced to carry the load.

Mr. Ashbahian: stated yes.

Mr. Reade: asked if he was enhancing it or building onto it.

Mr. Ashbahian: stated it would be cut down so a car can't drive into the backyard.

Mr. Reade: asked if the basement is shared by the first floor tenants.

Mr. Ashbahian: stated it is an open space; it is used by only one of the tenants.

Mr. Reade: asked if the restaurant will be in business during the construction.

Mr. Ashbahian: stated yes.

Mr. Reade: asked about the flue for the kitchen venting.

Mr. Ashbahian: stated it will either have to be built into part of the plan or put it on the side of the wall; the fan will be there in some capacity; welded duct; the furnace system will be deleted and a new system installed.

Mr. Reade: asked if there were any utilities under the driveway towards the back of the building.

Mr. Ashbahian: stated not to his knowledge; maybe a valve box; there is no utility easement; would believe all utilities come from N. Maple.

Mr. Reade: asked if the areas alongside the driveway would be embellished or enhanced; new concrete or pavers.

Mr. Ashbahian: stated the building will be renovated but nothing on the site; anything up against the building will be removed and rebuilt or taken away permanently.

Mr. Reade: asked if the waste bins would remain on the left hand side of the alleyway in the rear and if the tenants would have to take the cans out front via the driveway.

Mr. Whitaker: stated a modification will be made; there will be a staircase on the left hand side of the alleyway; accessibility for tenants directly to N. Maple.

Mr. Jones: questioned the information in the engineer's report regarding the off street parking which referenced the Chamberlain settlement agreement; 5 spaces with 1 handicapped space with 3-1 bedrooms and 1-2 bedrooms.

Mr. Whitaker: stated that was not written into the agreement; it was just part of the concept plan.

Mr. Jones: asked if it was at all practical for Mr. Ashbahian to address the concerns of the Fire Department regarding having access from the front of the building for life safety or is the sprinkler system that is required in the building overriding this concern.

Mr. Whitaker: stated the conceptual plan in the settlement agreement showed the stairway going to the rear; the building will be sprinklered as required; there will be accessibility from the front to the rear from the alleyway; no reversal of stairwells to the front.

Councilman Policastro: asked for clarification that first responders would go down the alleyway and up the staircase.

Mr. Whitaker: stated, yes.

Chairman Hanlon: asked who owned the wall that drops down approximately 20 ft.

Mr. Whitaker: stated the fee owner of the property, not the applicant; adjoining property owner.

Chairman Hanlon: stated the wall has a horizontal crack from end to end and a crack down the center; applicant should have this wall investigated.

Mr. Whitaker: stated it will be looked into.

Mr. Cucchiara: asked if the wall was part of the access.

Mr. Whitaker: stated no.

Councilman Policastro: asked if a guardrail would be considered due to the increase in car and pedestrian traffic.

Mr. Whitaker: stated it will be addressed; the parking lot is being repaved and the driveway to First Street will be repaved; the integrity of the wall will be investigated; as long as there is no objection from the wall owner, the applicant would want to install a guardrail; there will be access from N. Maple Avenue up the left side alleyway with a set of stairs to the parking lot; not intending to move the pole; there will be signage on the easement which states "Resident Parking Only"; assigned parking spaces for residential tenants; not a typical parking lot; visitors will have to park somewhere else; the drainage calculations will be provided to the engineer for review and approval; the lighting will be code compliant; will comply with all building codes.

Chairman Hanlon: stated an ADA parking space should be added; realizing a space would be eliminated; confirmed there were no spaces designated for the employees of the first floor businesses.

Mr. Whitaker: stated that was correct.

Chairman Hanlon: suggested tenants obtain parking permits from the Borough for the lot located around the corner.

Mr. Whitaker: stated that would be a private matter referenced in the lease.

Chairman Hanlon: asked, in regards to the 1,000 gallon seepage pit, where the water would go; suggested placing 2-500 gallon seepage pits and put one underneath the patio for the existing restaurant; enough soil in the area for the water to dissipate.

Mr. Whitaker: stated he will leave that decision to the engineers.

Chairman Hanlon: asked if there would be lighting along the driveway.

Mr. Whitaker: stated if a guardrail is permitted to be installed there would be a lighting aspect for safety.

Chairman Hanlon: stated he disagreed with the decision on the utility poles; the pole in the NW corner is still in the parking area; someone will hit the pole because it is in the parking lot; it is a hazard; there is another pole on the right hand side coming into the property; the wiring is low; the pole may need to be moved or the lines need to be addressed; the lines are hanging across the applicant's property; asked if the size of the retail properties would remain the same.

Mr. Ashbahian: stated yes.

Mr. Wostbrock: disagreed; there is a slight change; the stair tower on the left side is going to be encompassed into the tenant space; slight increase for that tenant space; no addition on the rear of the first floor; should have a condition of approval for the use of the basement for utilities and storage only.

Mr. Ashbahian: stated on the floor plan the stair that is there currently is being deleted and that portion of the stairwell will be part of tenant one.

Chairman Hanlon: asked if tenants would be able to access their apartments from the walkway from N. Maple to the back parking lot.

Mr. Whitaker: stated that was the intent and the purpose for creating gates on each side.

Chairman Hanlon: asked for a description of the affordable housing unit.

Mr. Ashbahian: stated it will be a studio apartment; it is required to be a minimum of 400 sq. ft.; it will be 464 sq. ft. with a full bath, kitchen, two closets and a large open area.

Mr. Whitaker: stated the unit will remain as affordable housing for 30 years; deed restriction.

Chairman Hanlon: asked about drainage for the driveway due to the fact it pitches towards First Street.

Mr. Whitaker: stated it is not permitted to put in drainage; will put pavement in to fix what is there now; the engineers will review; there will be no curbs in the driveway.

Chairman Hanlon: asked if each unit would have its own heating system.

Mr. Ashbahian: stated yes, including the tenants on the first floor/commercial space.

Chairman Hanlon: asked how the roof would be accessed.

Mr. Ashbahian: stated by an access at the top of the stairs; either a ladder or split ladder; there will be a key available on it for emergencies.

Chairman Hanlon: asked if the garbage would be taken out to N. Maple Avenue.

Mr. Ashbahian: stated, yes.

Mr. Wostbrock: asked if the kitchen exhaust would be rerouted internally or externally to the roof.

Mr. Ashbahian: stated it could be done either way.

Mr. Wostbrock: stated he had no objection as long as it is concealed if outside; the duct work should not be exposed.

Chairman Hanlon: stated there should be easy access to the duct for cleaning.

Mr. Wostbrock: stated if there will be a change to the patio it needs to be shown; the DEP limits are shown; the applicant will have to work out if seepage pits can be placed in that area; in addition, the installation of a guardrail along the northerly portion of the parking lot should be a condition of approval; a rail device is needed for protection.

Mr. Hogan: stated a guardrail would be installed.

Mr. Thomas Behrens, Board Planner, sworn in by Mr. Cucchiara: stated most of the comments in the Burgis review letter had been addressed; few points of clarification; the parking standard for a restaurant is different than other types of retail space.

Mr. Whitaker: stated the tenant received approval for the current space; the approval would have specified the amount of seating.

Chairman Hanlon: stated the restaurant was in front of the Board before the current owner took ownership of the building.

Mr. Behrens: stated he wanted to bring this to the Board's attention.

Chairman Hanlon: stated the applicant made no parking provisions for employees of the retail facilities.

Mr. Behrens: asked if there is fencing around the parking area.

Mr. Whitaker: stated there is no fencing; a guardrail will be installed.

Mr. Behrens: asked if there was a need for fencing for screening, or otherwise.

Mr. Whitaker: stated, no.

Mr. Cucchiara: asked if the parking lot will have a guardrail completely around it.

Mr. Whitaker: stated, no; the guardrail will be placed along the driveway which accesses the property.

Mr. Behrens: asked if a parapet was adequate to screen the HVAC units.

Mr. Ashbahian: stated what is proposed will adequately screen the equipment.

Chairman Hanlon: strongly urged the pole located in the NW corner be moved.

Mr. Whitaker: stated if moving the pole is going to be a condition of approval, it will be subject to the utility company's consent.

Mr. Jones: asked if the ADA space could be waived if a handicapped person would not be one of the tenants, and the parking spaces would be for tenants only.

Mr. Whitaker: stated the ADA space was reviewed with the affordable housing review.

Mr. Jones: asked if a railing could be placed around the utility pole if it could not be moved.

Chairman Hanlon: stated the parking area would be reduced if this was done.

Mr. Cucchiara: stated a condition could be a barrier would be installed if it did not interfere with the parking design and didn't reduce the space, and if practical.

Councilman Policastro: stated if either of the commercial tenants was going to introduce new signage, they would need to submit a sign application to the Planning Board.

Mr. Whitaker: stated this was understood; presentation concluded; the application met the spirit and intent of the settlement agreement; gave closing remarks.

Motion to approve application subject to all stipulations and conditions discussed: Jones

Seconded by: Councilman Policastro

Ayes: Reade, Newman, Jones, Ioannidis, Councilman Policastro, Chairman Hanlon

Nays: None

Motion to Adjourn: Jones

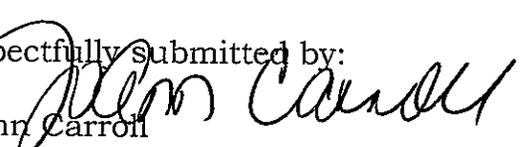
Seconded by: Reade

All in Favor

None Opposed

Meeting adjourned at 9:40PM.

Respectfully submitted by:


JoAnn Carron
Planning Board Secretary
February 26, 2020