

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
June 14, 2018  
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. Pierson, Reade, Newman, Carrick (absent), Policastro, Jones (absent at time of roll call; arrived at 7:40PM), Councilman Rorty (absent), Chairman Hanlon, Mayor Randall (absent)

**Also in Attendance:** Gary J. Cucchiara, Esq., Board Attorney; David Hals, Borough/Board Engineer; JoAnn Carroll, Board Secretary

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**Chairman Hanlon:** stated, for the record, this evening's meeting was a Combined Session of the Board for the month of June, 2018.

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**Approval of Minutes**

May 10, 2018

**Motion to approve minutes:** Pierson

**Seconded by:** Policastro

**Ayes:** Pierson, Reade, Newman, Policastro, Chairman Hanlon

**Nays:** None

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**Chairman Hanlon:** stated, in regards to the Master Plan, assignments will be decided upon next month; the Zoning Board has added a discussion of the Master Plan to their July agenda; a letter from the Bergen County Freeholder's was received by the Board office; changes have been made to the site plan subdivision standards; does not know how this will impact the Borough; may have an impact on one of our applicants going forward; Mr. Snieckus, Borough Planner, will be reviewing.

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**Completeness Review:**

**Mr. Pat Pianelli, Ardmore Road LLC, 319 Ardmore Road, Block 202, Lot 2:** minor subdivision application, 2 lots, with one identified variance for second story setback; 85-10 K

**Chairman Hanlon:** stated Mr. Hals' review of the application found it to be incomplete.

**Mr. David Hals, Borough/Board Engineer:** stated he reviewed the subdivision plat; the main issue is Mr. Hals does not agree with the outbound survey prepared; there are errors on the map itself; it is correctable; would classify them as minor drafting errors which can be simply resolved; all items in his

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review letter are minor in nature; would not recommend the Board deem the application complete at this evening's meeting, but schedule a meeting date at which a completeness review and public hearing could be scheduled the same night.

**Chairman Hanlon:** suggested the applicant start their approval process with Waldwick; due to a major subdivision application before the Board currently, asked the applicant to work with the Board Secretary on scheduling their next appearance before the Board.

**Ms. Natalie Capano, applicant's attorney:** stated she would have their engineer address the issues in Mr. Hals' review letter and work with the Board Secretary regarding scheduling; in addition, the application process has already begun in Waldwick.

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**Public Hearing/New Business:**

**Mr. Richard Radici, Wearimus Properties, LLC, 262 Wearimus Road, Block 905, Lot 5:** major subdivision application; 3 lots

**Chairman Hanlon:** reviewed meeting procedures.

**Allen Bell, Esq., applicant's attorney:** summarized the application; believes there are no variances required; 3 lot conforming subdivision; property frontage on Wearimus; proposed new road and all three lots will front on this road; all properties conform to all bulk requirements; two witnesses to appear this evening; engineer and traffic engineer; applicant in attendance as well.

**Exhibit A1: Major subdivision application dated 10/23/17; marked 6/14/18**

**Exhibit A2: E&LP updated plans dated 1/25/18; marked 6/14/18**

**Mr. John Hansen, E&LP, sworn in by Mr. Cucchiara:** gave his educational and professional background; accepted as an expert in the field of engineering; described property; referred to sheet 2 of A2; survey dated 2/16/17; single family home on property with a looped driveway, pool and tennis court; property is overgrown and in disrepair; R1 zone; easterly property line is the Township of Washington boundary; served by public utilities; general drains from a NE to SW direction; grades on the property are mild; State regulated area in the SW corner; piece of freshwater wetlands; LOI pending; feels a delineation will be accepted with a 50 ft. transition area; there is an off-site ditch; feature not regulated by the NJDEP; no flood plains; no steep slopes; fairly unregulated property from a State environmental standpoint; surrounding areas contain single family homes; referred to sheet 4 of A2; drainage and grading plan; shows existing and proposed topography; application designed to be compliant with the RSIS and R1 zoning ordinance; public road off of NE corner of the property is a rural street per the RSIS; black top pavement; would be owned and maintained by the Borough; would serve

access to the 3 proposed lots; lots are designed on the west side of the property and fully conforming to bulk standards; there was a question regarding proposed lot 5.01 being conforming to lot area requirements; east lot area is compliant; typical boxes shown on plan for each property; proposed lot 5.01 will have a gravity sewer connection; 2 lots in the back would have a pumping system; pump to main on Wearimus; lopped water main to provide water; gas will serve homes as well; small driveways and garages shown; 2-car garages anticipated; plan to modify driveways slightly to demonstrate cars can back up and maneuver and not back up onto the road; project meets the definition of a major stormwater development; dry wells and bio retention basin proposed; sandy soil layer on property; stormwater running off the property will be reduced; proposing to have two levels of landscaping; evergreen buffer along easterly side of the road; proposing shade trees spaced at 50 ft. on center and will coordinate with the Borough's professionals regarding trees; lots will be individually developed by the ultimate owner of the property; proposed road is essentially where the driveway comes out; 40 ft. cul-de-sac radius; 8 ft. between the curb and the right of way of the road; consistent with the RSIS; felt the calculation of the frontage was not applicable due to the street having a defined width; in his opinion, proposed lot 5.03 has conforming frontage as do all the lots.

**Exhibit B1: report of David Hals, Borough/Board Engineer, dated 3/7/18; marked 6/14/18**

**Exhibit B2: report of E. Snieckus, Borough Planner, dated 4/27/18; marked 6/14/18**

**Exhibit B3: report of Jeff Pattman, DPW Superintendent, dated 6/11/18, marked 6/14/18**

**Exhibit B4: report of Chief C. Minchin, Ho-Ho-Kus Police Department, dated 4/9/18; marked 6/14/18**

**Mr. Hansen:** stated street is a rural street under the RSIS; there is a small subdivision to the west on Copper Beech which is similar to this project; configuration and the fact it was constructed without sidewalks, it is basically the same as this application.

**Exhibit A3: Copper Beech plan/map, last revised 11/10/1999; marked 6/14/18**

**Exhibit A4: Copper Beech resolution, dated 10/21/1999; marked 6/14/18**

**Mr. Hansen:** stated Copper Beech is located a couple of yards down Wearimus, to the west, on the opposite side; short road ending in a cul-de-sac; services 3 homes; width of right-of-way is 40 ft.; cartway width is 26 ft.

**Mr. Bell:** offered exhibits A3 and A4 to the Board as evidence.

**Mr. Hansen:** stated the cartway and right-of way widths conform to the RSIS for a special purpose rural street on Copper Beech, the same as this application.

**Mr. Cucchiara:** asked if the Mr. Bell wanted to point out any particular statement in the Copper Beech resolution.

**Mr. Bell:** referred to page 7 of the resolution indicating the cartway width of 26 ft. and the right-of-way width of 40 ft. and no curbs or sidewalks; page 8, paragraph 10 regarding on street parking being limited to one side of the street and appropriate traffic signage shall be installed per Borough standards.

**Mr. Hansen:** stated no sidewalk was proposed; de minimis exception for a sidewalk; no sidewalks in the area; waiver sought for lot lines being straight and perpendicular to the road; if this was done there would be a kink in the lot line; what is proposed is a better design; Copper Beech had the same waiver; lot lines required due to the configuration of the lot being long and narrow.

**Mr. Reade:** asked if the rural street was a public street.

**Mr. Hansen:** stated yes.

**Mr. Reade:** stated he was concerned with the turnaround width for emergency vehicles.

**Mr. Hansen:** stated there is no parking provided on the street; complying with enough parking for each home; the 20 ft. curb to curb is sufficient for the biggest emergency vehicle; a k-turn can be made to exit safely.

**Mr. Bell:** stated the traffic engineer would also be able to address Mr. Reade's concern.

**Mr. Reade:** asked if the bio retention basin would be receiving water from the 3 proposed lots only.

**Mr. Hansen:** stated yes.

**Mr. Reade:** asked if the runoff from Wearimus would be included.

**Mr. Hansen:** stated there will be a bump in the road so the water traveling down Wearimus will continue to travel down Wearimus.

**Mr. Pierson:** asked how the bio retention basin would work.

**Mr. Hansen:** stated in NJ, stormwater basins have to be designed a certain way; attenuate and treat the run off and be maintainable; would be maintained by the HOA; not a lot of maintenance that has to be done.

**Mr. Pierson:** asked about the plantings and if the buffer was for retention or for aesthetics.

**Mr. Hansen:** stated red oak shade trees will be planted; will work with the Borough Planner to select the right species; the buffer is for aesthetics.

**Chairman Hanlon:** stated the road is 26 ft. wide on Copper Beech due to Police and Fire Department concerns about turning around of emergency vehicles; if a homeowner has a party, asked where are the guests would park; this is one reason why Copper Beech allows parking on one side; there is no interest in having sidewalks installed for this application.

**Mr. Bell:** stated the applicant would expand the road to 26 ft.

**Chairman Hanlon:** stated retention for Copper Beech had to be in the roadway to collect runoff from Wearimus; there is a special dedicated area; asked if a HOA would be established for the three proposed homes.

**Mr. Hansen:** stated yes; the Borough could assume the responsibility of the stormwater management system, but normally they do not want the responsibility, this is why an HOA would be set up.

**Chairman Hanlon:** asked if an HOA is established when a home is purchased.

**Mr. Hansen:** stated yes.

**Chairman Hanlon:** asked how it is enforced.

**Mr. Hansen:** the Borough is regulated by the State to regulate the system; the stormwater management system has to be inspected 4x a year and reports are given to the Borough Engineer.

**Chairman Hanlon:** confirmed with Mr. Hansen that he had been on the property two times and that soil testing had been done; asked if Mr. Hansen had looked at the storm line from the Township of Washington into Ho-Ho-Kus.

**Mr. Hansen:** stated he had not inspected it.

**Chairman Hanlon:** informed Mr. Hansen that, to his knowledge, there is a manhole halfway down this storm line; there are manholes at the top and bottom of the line.

**Mr. Hansen:** stated he would check.

**Chairman Hanlon:** asked who owned the property and the pipe.

**Mr. Hansen:** stated the pipe is owned by the property owner, unless the municipality owns it.

**Mr. Bell:** stated he had a copy of the easement; it was part of the purchase of the property; 15 ft. wide easement.

**Exhibit A5: recording of easement, Book 5711, Page 250, Bergen County Clerk's office; dated 10/30/72; marked 6/14/18**

**Chairman Hanlon:** stated the pipe is covered with mud and trees; strongly suggested Mr. Hansen inspect the pipe; it needs to be replaced; it is cracked, split and pushed out of the ground; it is basically useless; should find out what water is flowing from the Township of Washington into that pipe which then discharges into the unnamed street; does not believe it can be widened; might need NJDEP involved; the stream continues to other properties and goes into the Saddle Brook and then into the Saddle River; the property to the west of the applicant's property has been subject to flooding.

**Mr. Hansen:** stated the applicant is complying with the stormwater regulations but can't fix flooding in the surrounding area; the situation will not be made worse; the infrastructure can be fixed.

**Chairman Hanlon:** stated the ditch is a continuation of a stream from further up on Wearimus Road; it is a small lake which feeds into the ditch; the ditch becomes a major flood problem; the ditch is also filled with debris from the previous owner; needs to be addressed.

**Mr. Hansen:** stated he will review the ditch further.

**Chairman Hanlon:** stated there is clay which was brought into the site illegally on the left side of the house; this needs to be removed; there was a 550 gallon diesel dispensing unit used on the property which was located to the right of the front door of the home; it was above ground the entire time it was on the site; by the garage, there is approximately 20 plus 5 gallon pails of different types of hazardous chemicals which were spilled onto the property; the same materials were dumped along the soil by the ditch; need to know the level of contamination; that was part of the previous hearing's record; hydraulic fluids were spilled on the property as well; cement mixers were located on the property; paint and other types of debris were dumped on the property; piping materials were dumped by the driveway; some were removed; large pile of grass, sod, etc. were dumped along the ditch; approximately 3 truckloads at the least; many pallets on the property; that is how items were delivered and set along the ditch.

**Mr. Bell:** stated all items will be investigated; if the pipe located in the easement needs to be replaced it will be.

**Chairman Hanlon:** asked if any testing had been done regarding the water table.

**Mr. Hansen:** stated soil testing was done; found a hanging water table; mottling of some of the soils in the second soil horizon; none in the third; indicative of water that is perched above and percolates through the soil then to the more permeable soil underneath it; nothing untypical or a problem with

the stormwater system; water table is underdetermined; perches water table to 40-50 inch range; did tests in December, 2017; did not have a regional water table.

**Chairman Hanlon:** confirmed with Mr. Hansen there are wetlands on the property; asked if the homes would have basements.

**Mr. Hansen:** stated the homes would have basements because there is enough grade difference between the front and the back yards.

**Chairman Hanlon:** stated Mr. Hansen needed to go to the site during a rainstorm; there is a water problem on the site; believes there will be a problem building basements; asked if pools could be installed.

**Mr. Hansen:** stated yes; topsoil could be brought in or redistributed on the site.

**Chairman Hanlon:** referred to page 4 of the plans; asked if the runoff from the house proposed on Lot 5.01 would go into the detention system.

**Mr. Hansen:** stated underground drywell systems are proposed.

**Chairman Hanlon:** stated taking water from a property and putting it into the Borough system is not allowed.

**Mr. Hansen:** stated it can be reconfigured.

**Chairman Hanlon:** stated there is a storm line from the Township of Washington to the ditch; asked if the system can handle that water.

**Mr. Hansen:** stated piping was sometimes put in to solve problems; it is a large pipe; supposed to handle a 25 year storm; goal is to not create any drainage problems downstream; calculations will be provided; the system can be designed without a problem to the neighbors.

**Chairman Hanlon:** stated the pipe is practically maxed out during good sized storms; asked how the pipe could be tapped into with the current volume of water running through it.

**Mr. Hansen:** stated the piping is only supposed to take a certain amount of water for a storm event; pipes are sized so they are reasonable to carry smaller storm events; with bigger storms, the water flows over the land and gets to where it is supposed to go.

**Chairman Hanlon:** asked how the water from the homes up on the cliff on the Township of Washington side would be handled.

**Mr. Hansen:** stated there would be a swale and some drainage on the east side of the proposed road to carry the water around and get it to where it discharges now; it will be routed but will end up in the same drainage area where it goes currently; when the property is developed and an engineered system in place, it will take the water away from the property.

**Chairman Hanlon:** stated there are an enormous amount of trees down on the property; the holes left by the downed trees contain a lot of water; the trees have been rotted out; this has only happened over the last 3-4 years; indicates the water table is high; dramatic change to the property.

**Mr. Hansen:** stated quick, heavy storm events could be the cause; not necessarily indicative of a high water table; will speak with his client regarding additional testing on the site.

**Chairman Hanlon:** stated the water coming from the Township of Washington down the cliff is not going to stop; it will be on the road; mud and debris comes down with the water; major collection system; has to be inspected and maintained; Borough Engineer will be involved.

**Mr. Hansen:** stated there is a 12 inch diameter pipe in the road; if there is a concern with clogging, he will discuss the size of the pipe with the Borough Engineer.

**Chairman Hanlon:** stated page 2 of the Borough Engineer's report identifies a variance for lot frontage for proposed Lot 5.01 at the end of the cul-de-sac.

**Mr. Hansen:** stated he disagreed due to the definition of lot frontage; the street proposed has a defined width.

**Chairman Hanlon:** stated the applicant is suggesting the first house would not have a problem connecting to the sewer system; the other two houses proposed would require a pumping system because they would be too low; asked if generators for these homes be suggested.

**Mr. Hansen:** stated it is anticipated that these homes have generators; will speak to the applicant regarding generators.

**Chairman Hanlon:** asked if Mr. Hansen had any comments in response to the Borough Planner's report.

**Mr. Hansen:** stated he reviewed the report; disagrees the lot is irregularly shaped; dashed line shown on plans will be the future right-of-way; lot area conforms to the R1 standards; did do an autoCAD.

**Exhibit A6: autoCAD screen shot of plans; area verified digitally; marked 6/14/18**

**Mr. Hansen:** stated waiver relief was required due to lot lines; feels this is a better alternative for homeowners maintaining their properties; otherwise there would be a kink in the property; agrees with the proposed right of way along the easterly property line; roads or alleys are not contained in the zoning ordinance or specifically mentioned in the RSIS; does find the RSIS directs to design a street based on average daily traffic.

**Chairman Hanlon:** stated Copper Beech was designed with a 26 ft. road for parking and permitting emergency vehicles to turn around; a fire truck could not turn around if an ambulance was parked on the road; Copper Beech is the example the applicant has been using.

**Mr. Bell:** stated his applicant is not opposed to making the street 26 ft. wide.

**Mr. Hansen:** (continued his response to Mr. Snieckus' report) the RSIS governs the cul-de-sac turn around; proposed roadway will not conflict with the existing traffic patterns; traffic engineer will discuss; have 2 stop controlled roads; small bump out areas shown that would accommodate for maneuvering; will show a bigger bump out on revised plans; easement shown in dashed lines around stormwater management feature; easement will run with the land; 15 ft. offset should be considered during construction for wetlands transition areas; agrees the wetlands transition areas should be documented on each lot; does not anticipate the wetlands transition area will be applicable on the western boundary; does not expect the ditch to have the same transition area buffer as wetlands; agrees to modify the transition area through NJDEP permits as necessary; final layout of modified transition area seems fine to put in a conservation easement and put on plat; result of application, Block 905 Lot 6 would become a corner lot; report states applicant should testify as to whether this lot would be conforming; had no right to access property; used NJDEP website instead; measured from lot line to structure shown on property; has 80 ft. setback; doesn't feel there is any non-conforming conditions created for this property.

**Mr. Hals:** stated both the planner and the applicant's engineer are incorrect; a corner lot is not being created; the lot is already a corner lot and the lot is in Ho-Ho-Kus, not the Township of Washington; with the placement of the proposed road, the lot would have 3 road frontages.

**Mr. Hansen:** stated this is not a typical situation but through lots do exist; offers that to the extent that road is an imposition to the neighbor; can be addressed with evergreen plantings; (continued his response to Mr. Snieckus' report) retention of natural features will be maintained; will identify any trees that can be saved; trees will be shown on the plans; will finalize the tree plan; will seek input from the Borough's Shade Tree Commission; all trees will be planted at least 6 ft. from the curb line if there are no sidewalks; no variances identified; waiver requested for lot lines.

**Chairman Hanlon:** stated a document from the Bergen County Freeholder's was received regarding the adoption of resolutions concerning subdivision and site plan standards; not sure if this will affect this application; (Chairman Hanlon gave his copy of the Freeholder's letter to Mr. Bell)

**Mr. David Hals, Schwanewede/Hals Engineering, Borough/Board Engineer, sworn in by Mr. Cucchiara**

**Mr. Hals:** stated the frontage of the property, specifically Lot 5.03, is being measured along the edge of the cul-de-sac and bulb; then it runs along the edge of the curb line, a long line in a triangular wedge, an additional 91 ft.; a portion of the property frontage is 91 ft. long that varies from 0 ft. to 3 ft. wide; the shoulder area is going from 8 ft. wide to 10 ft. wide; would like an explanation as to how that meets the frontage of the property.

**Mr. Bell:** stated it is the definition of lot frontage in the Borough's ordinance.

**Mr. Hals:** stated what has been done with the design of the roadway is it has been varied to be inconsistent with the curb line or to the center line of the roadway itself; then the other section of the code needs to be referred to; the applicant is varying the right-of-way width to meet the goal of the road frontage itself, but the center line of the road is not being followed.

**Mr. Hansen:** stated when there is a cul-de-sac, the right-of-way at the cul-de-sac can't be consistently the same width as it is in the straight portion; doesn't believe the ordinance was created to challenge this condition; it was more in affect to challenge a situation where there is a right-of-way that varies along a roadway from many years ago; this is a conventional right-of-way width; the width has to change at the cul-de-sac in order to make the loop around the cul-de-sac.

**Mr. Hals:** disagreed; looking at the PC on the opposite curve line, that is further up the street and closer to the cul-de-sac than where the applicant can tie into the right-of-way; in essence, a long finger has been created to create frontage to meet the frontage of the 200 ft., however the right-of-way there is less than 40 ft. wide until it is opposite the PC on the other side.

**Mr. Hansen:** asked if there was a stretch where the lines are less than 40 ft.

**Mr. Hals:** stated yes; it might be less than an inch, but it is the same as Mr. Hansen is doing with the frontage; to gain 200 ft. of frontage, there is a long area that might only be an inch wide; the 40 ft. wasn't met.

**Mr. Hansen:** stated, if that is the case, the line could be easily offset by 40 ft. and there would still be plenty of lot area to comply; still a conventional 40 ft. wide right-of-way.

**Mr. Hals:** stated he can see by observation that it is not; the frontage line is coming down to a long finger to achieve 200 ft.; item #10: regarding lot lines which are not perpendicular or radial to the roadway; irregular shaped lots are being created, which is what the planner mentioned in his review; the two lots at the end of the cul-de-sac are not regular shaped; the second lot looks like a parallelogram which has been tilted onto its side; at the cul-de-sac, a lot has been created that, in reality, only has frontage of 90 ft.

**Mr. Hansen:** disagreed that the lots at the end of the cul-de-sac are highly irregular; anytime there is a cul-de-sac from a property that is essentially rectangular, the lots will be the shapes proposed; will be more irregular is the lot lines are adjusted; will take another look at the right-of-way.

**Mr. Hals:** stated, in his opinion, the way the plan is drawn, Lot 5.03 needs a variance for lot frontage.

**Mr. Hansen:** stated he will get more information and will discuss at the next meeting; item #12: regarding RSIS road; the rural street must have lot to street access; this situation will be in place when each lot is developed; will have the correct back out areas.

**Mr. Hals:** stated, the way the road is being classified, the section in the RSIS states there is no parking on the street at all; the Borough allows parking on the streets during the day; if this was approved in this configuration; the applicant would have to appear before the Mayor and Council to obtain approval to limit parking on this street during the day; an ordinance would have to be passed; maybe homeowners will take care of their lawns themselves; generally that is not the case and landscaping services are hired; landscapers' vehicles could not come into these driveways, they would have to park on the street; once a landscaping vehicle is on the street, there would be on street parking; during those times, emergency vehicles would not be able to access the site itself; whether visitors to the home or not; the way the driveways are configured, a homeowner would utilize their driveway and maybe have one or two cars parked behind, they will be able to back out; when there are guests, no one is making a k-turn in any of the driveway layouts as currently designed; that would go against the RSIS.

**Mr. Bell:** asked Mr. Hals if the applicant should consider making the driveway entrance or the stems double wide.

**Mr. Hals:** stated there are sections of the code that limits the width of the driveways; if the applicant is pushing for a narrower street, circular driveways need to be considered for each lot; need to provide another way for cars to come in and come out.

**Mr. Bell:** stated the applicant's inclination is that they will widen the street to 26 ft. as is Copper Beech.

**Mr. Hals:** stated, wanted to discuss an item that was not in the letter; a landscaping buffer is proposed on the easterly side of the street; that evergreen buffer is fully within the right-of-way that is to be dedicated to the Borough; asked who would be maintain that buffer.

**Mr. Bell:** stated the HOA.

**Mr. Hals:** confirmed it would be in the Borough right-of-way maintained by the HOA.

**Mr. Bell:** stated many homeowners have landscaping in Borough right-of-ways that they maintain.

**Mr. Hals:** stated that is an issue.

**Mr. Bell:** stated the Board has to weigh the benefit of having the buffer to the adjoining owner vs. having a smaller right-of-way.

**Mr. Hals:** stated, but then, instead of a 40 ft. right-of-way that permits utilities in the right-of-way, now the right-of-way is being restricted to a 30 ft. right-of-way; 10 ft. for the landscaping and utilities in the right-of-way, specifically the way the plan is designed, there will end up being other types of utilities there; the utility layout will not work out at the present time because the water main is being placed in the opposite right-of-way; the electric and telephone underground would still have to go in; there are clearances between the Borough water system and the electric, etc.; ultimately the full 40 ft. will be needed; the water main is being looped, there are more utilities there than there normally would be; did not provide for the electric, telephone, etc.; encumbering the right-of-way even further by putting a landscaping buffer there; usable area of the right-of-way has been reduced to 30 ft.; not practical; the applicant also stated there will be a swale there as well; it will not work.

**Mr. Hansen:** stated trees and the swale may not be the best situation; can provide storm pipes and put trees in strategic locations, if necessary, to screen homeowners; there is currently substantial vegetation between the subject property and the neighboring properties; maybe a buffer is not necessary; will take another look; is comfortable that all the utilities can be placed in the right-of-way; may have to move the water line and create an easement; regarding the backing out of cars, a lot of discussion can be had about what could happen, not necessarily required to design for every situation that could happen; RSIS was developed to look at all developments in a comprehensive overview.

**Chairman Hanlon:** stated this problem was discussed with the Copper Beech application, which the applicant is using as an example.

**Mr. Hansen:** stated he will look at it again.

**Mr. Hals:** items #22-29: storm drain system: bio retention basin: information to still be supplied; can't determine if the design meets the stormwater management rules; the system was designed for exfiltration; the applicant has taken the soil permeability into effect into their calculations and that can't be done; that would affect the size of the basins; there are a substantial amount of streets the come down through the Township of Washington into the 24 inch pipe; that storm drain line is the discharge for all of Jacob; substantial area; the pipe does surcharge; used to have an issue with this storm drain line.

**Mr. Bell:** asked if it needed to be replaced.

**Mr. Hals:** stated not sure if it needs to be replaced, the issue is the affect it might have on the applicant's design; all other items are technical and will be addressed on future plan revisions; a soil moving application needs to be submitted; major soil moving; one of the contents of soil moving is tree locations have to be shown on the property.

**Mr. Hansen:** asked if a waiver for any of the items of a soil movement application could be requested.

**Mr. Hals:** stated any request could be made.

**Mr. Hansen:** stated he will review the site again and ask for the appropriate waivers.

**Chairman Hanlon:** stated the plans showed wetlands along the ditch and by the westerly property line; also a flood hazard area and riparian buffer; still restricted areas on those lots.

**Mr. Hansen:** stated he will look into if the drainage area meets the requirements.

**Mr. Hals:** stated there is a watercourse and it is not manmade; the applicant is taking up 25 acres of drainage that comes through; a lot of the flow has been cut off; it is a stream with FHA rules; would require a riparian buffer; the applicant has a 33 ft. right-of-way dedication with the County; the County standard is 35 ft. on a corner; the dedication with the new street would require 35 ft.; need to check with the County; that would affect the lot area; the minimum corner radius is 20 ft. not 10 ft.; the applicant needs to check with the County.

**Chairman Hanlon:** asked Mr. Hansen if the applicant had filed with the County.

**Mr. Hansen:** stated no, nor with Bergen County Soil Conservation.

**Mr. Policastro:** stated he is a lieutenant with the Ho-Ho-Kus Fire Department; 20 ft. is not a sufficient width to accommodate firefighting equipment; strongly suggests the road be widened to 28 ft., not 26 ft.

**Meeting opened to the public; no public came forward to ask questions of the applicant's engineer.**

**Robert Inglima, Jr. Esq.:** representing Thomas and Maryellen Nye, property owners of 40 Deerhill Drive; Block 905, Lot 3; abuts the applicant's site; for the record, their names do not appear on the 200' list on the plan; other names on plan which appear to be outside 200'; asks that the plan be corrected before any action was taken; confirmed with the Board Secretary that white receipts were received from the applicant for all the names on the 200' list; notices was given to the public that no variances were required; there may be variances required for this proposal; the applicant should be required under the law to submit statutory proofs in support of a variance application before action is taken.

**Mr. Bell:** stated the notice did reserve the right to amend in the event variances were required.

**Mr. Inglima:** stated in addition to the easement Mr. Bell introduced earlier, there was a separate document recorded on March 1, 1973; was an easement running from Armco Construction Company Inc. to the Borough of Ho-Ho-Kus; based on a review of the two documents, it contains a description of exactly the same property that was the subject of the prior easement.

**Mr. Bell:** asked if it ran consecutively.

**Mr. Inglima:** stated they were separated; reserved the right to introduce the second recorded easement at a later date; heard this evening there would be revisions made to the plan and some of the revisions would involve drainage design elements; would prefer not to cross examine the witness on elements that are going to be changed; briefly discussed the looped main which was the subject of Mr. Hals' letter, page 4, comment #20.

**Mr. Inglima (cross examination of Mr. Hansen):** referred to sheet 14; stop bar on new street; exact distance was not known; not developing a sight line through another property; Borough would discourage plantings in the area of Lot 6; will have a safe sight distance; road is a hill which is generally the same in the area; 30 ft. horizontal above grade; a driver can see up to 30 ft.; roadway classification of Wearimus Road is a collector road; Mr. Inglima stated the road was a *major regional* collector road; Mr. Hansen deferred to the applicant's traffic engineer; a rural street can connect to a major regional collector road per the RSIS.

**Mr. Bell:** stated the applicant's traffic engineer will address the issue of the road classification.

**Mr. Inglima:** reserved the right to cross examine the traffic engineer.

**Mr. Inglima (continued cross examination of Mr. Hansen):** familiar with the R1 zone; total of 5 lot frontages on the new street; there are separate requirements for a corner lot; Lot 6 located in Ho-Ho-Kus already developed; can be redeveloped; could seek a variance for the installation of a pool; altering the way the lot line is interpreted; normally when a subdivision is approved there would be limited access to the proposed lots; special instrument in chain of title to bar access to street; parking on street by overflow parking from Lot 6; transition width of the waterway that runs along the rear property line of the subject property; NJDEP has not approved the LOI; asked for changes; resubmitted to the NJDEP; water which leaves the applicant's property and enters the ditch goes 100% on the client's property; run off not being increased; did not look at prior applications made to the Board for this property.

**Mr. Hals:** stated the two previous applications before the Board were for 3 lots, which was withdrawn, and 2 lots, which was denied.

**Mr. Inglima:** reserved the right to ask questions due to plan revision; wants to have whatever studies and analyses for the pipe location in the easement available for public review and not just for Mr. Hals.

**Mr. Hals:** stated all information must be submitted to the Board office.

**Mr. Inglima:** stated the application has been characterized as both a preliminary and final subdivision; the notice given did not characterize it either way; before action is taken on a final subdivision, asked that all map filing requirements and checklists are confirmed.

**Meeting opened to the public; no public came forward to ask questions of the applicant's engineer.**

**Mr. Bell:** stated the Board could decide whether to have the traffic engineer testify this evening, or come back and testify and be cross examined at a future meeting.

**Chairman Hanlon:** stated some Board members are absent; those absent will certify they have listened to a tape of this hearing so they will be able to vote; believed the hearing should end at this time.

**Recess taken at 10:29PM**

**Meeting reconvened at 10:32PM**

**Roll Call:** Messrs. Pierson, Reade, Newman, Policastro, Jones, Chairman Hanlon

**Chairman Hanlon:** stated the next public hearing on this application will be held on Thursday, September 13, 2018 at 7:30PM in the Council Chambers of

the Ho-Ho-Kus Borough Hall; September 13<sup>th</sup> is available for all parties involved.

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**Ongoing Business:**

**Historical Race Track Sign, Ho-Ho-Kus Race Track Road Society:** proposed signage.

**Chairman Hanlon:** stated the sign is 95% done; Mr. Policastro is putting together the entire package with the QR code and the 3 figures which will be located at the top of the sign; will then submit to the Board so all members will know what the final version will look like.

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**Motion to adjourn:** Pierson

**Seconded by:** Reade

**All in Favor**

**None Opposed**

**Meeting adjourned at 10:35PM.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
June 29, 2018