

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
July 19, 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 (absent), Carrick (absent), Policastro, Jones, 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 July, 2018.

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**Chairman Hanlon:** stated Ms. Cathy Henderson, former Borough employee, recently passed away; Chairman Hanlon gave a history of Ms. Henderson's service to the Borough and emphasized how important she was to the town.

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**Chairman Hanlon:** stated a letter was received from Lapatka Associates regarding the Hollows at Ho-Ho-Kus application and the tree situation; Mr. Jones has worked on this issue this past week; a response letter needs to be sent to Lapatka Associates.

**Motion to authorize the Board Attorney to compose a letter to Lapatka Associates regarding the tree situation for the Hollows at Ho-Ho-Kus application:** Pierson

**Seconded by:** Policastro

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

**Nays:** None

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**Chairman Hanlon:** reviewed the Master Plan assignments.

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**Chairman Hanlon:** stated both the Planning Board and Board of Adjustment members need to review a stormwater training program; the program consists of 7 short videos which were sent to both Boards by the Board Secretary; once reviewed, please contact the Board Secretary to let her know.

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**Ms. Carroll, Board Secretary:** stated, in order for the Borough to receive additional insurance protection from lawsuits filed against the land use boards of the town, both Board Attorneys need to present a seminar to every Board Member; both Board Attorneys suggested a joint seminar on September 6<sup>th</sup> beginning at 7PM; Ms. Carroll asked the Members present to make a note on their calendars for this date and time; a follow-up email would be sent.

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

**Chairman Hanlon:** stated the sign committee has worked on this project for a long time; asked Mr. Policastro to review.

**Mr. Policastro:** stated he and Mr. Pianfetti have worked on the sign for the past year; the same sign company is being used that produced the First Street Cemetery sign; the proposed sign is compliant with the Borough's ordinances; a recommendation for sign approval should be sent to the Mayor and Council; the only change is the QR code should contain the Borough logo only, and not any wording.

**Motion to authorize the Board Attorney to compose a letter to the Mayor and Council recommending the Historic Race Track Sign be approved:**

Jones

**Seconded by:** Policastro

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

**Nays:** None

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**Completeness Review/Public Hearing:**

**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 the application was for a minor subdivision; a Completeness Review was scheduled for June 14, 2018; Mr. Hals required further information for the application to be deemed complete; Mr. Hals did feel the applicant could provide the necessary items before tonight's meeting, and if satisfactory, the application could be deemed complete this evening and a public hearing could also be scheduled; no Board Members indicated any conflicts; confirmed with the Board Secretary that the application has been on file in a timely manner for the public to view, the taxes are current, the proof of notice was in order, to both the 200' list and the newspaper, the agenda was placed on the bulletin board and was also posted on the website.

**Mr. Cucchiara:** stated the notice was in proper order.

**Chairman Hanlon:** reviewed the meeting procedures and guidelines.

**Natalie Capano, Esq., applicant's attorney and Mr. Pat Pianelli, applicant, were both in attendance.**

**Exhibit A1: Subdivision Application, marked 7/19/18**

**Exhibit A2: Proof of publication, marked 7/19/18**

**Exhibit A3: Revised plans; prepared by Kent Rigg; revision date 7/6/18; marked 7/19/18**

**Exhibit B1: Dave Hals 2<sup>nd</sup> Review Letter, dated July 3, 2018, marked 7/19/18**

**Exhibit B2: Chief Keith Rosazza, HHK FD, review of application, dated 7/12/18; marked 7/19/18**

**Exhibit B3: Jeff Pattman, DPW Superintendent, review of application, dated 7/16/18, marked 7/10/18**

**Exhibit B4: Chief C. Minchin, HHK PD, review of application, dated 7/9/18; marked 7/19/18**

**Mr. Kent Rigg, applicant's engineer:** gave his educational and professional background; accepted as an expert in the field of engineering; provided updated plans with the latest revision date of 7/6/18; placed plans on easel; made changes per Mr. Hals' review letter; application is for a 2 lot minor subdivision; half of the property is located in Waldwick and the other half in Ho-Ho-Kus; homes are accessed from Ardmore Road in Ho-Ho-Kus; located in the R2 zone; property is currently occupied by one single family home; it will be demolished and replaced with two dwellings with two conforming lots; lots will meet all dimensional requirements; oversized lots for the zone; lots generally grade from Waldwick towards Ardmore Road; there is a stone wall in the middle of the lot; it is a boundary line; it blocks the water that naturally drains across the lot into two spots; directs it towards the east end of the lot; the stone wall will be removed to allow the water to sheet flow; second floor setback variance sought for the purpose of having sufficient bedroom area on the second floor; similar in nature to the houses being constructed to the west; not oversized for the neighborhood; different architectural features which will distinguish each house from the other; would be a larger house without the variance; purpose is to build homes that conform to the area; other than the second floor setbacks, all other zoning requirements conform; building houses at 37 ft. from the property line; utilities will be underground; driveways will both be connected to Ardmore Road; seepage pits will be installed for roof drains.

**Mr. Pierson:** asked if architectural drawings were available to get a sense of what the homes would look like.

**Ms. Capano:** distributed photos to the Board of a comparable house built by her client.

**Exhibit A4: 3 photographs of homes the applicant has built in the past; marked 7/19/18**

**Mr. Pierson:** stated, per his observation, the homes do not look like they have distinctive architectural features; looks similar to the houses that were just built next door; has concerns regarding removing a home that is located in a very significant neighborhood of Ho-Ho-Kus; historical aspects; each home in the Cheel Croft neighborhood has a distinctive look; is concerned the row of houses being built will all look the same.

**Mr. Jones:** confirmed with Mr. Rigg that the homes could be built 33% larger if variance relief was not sought.

**Mr. Reade:** asked if Mr. Rigg was aware of any historical presence on the property.

**Mr. Kent:** stated no.

**Mr. Reade:** stated the stone wall on the property has historic significance; it is the original border; would want to see if preserved and not removed; the stone wall on the adjacent property is still standing.

**Chairman Hanlon:** asked if Mr. Rigg was interested in moving the water from the rear of the lot to flow to the front of the lot.

**Mr. Rigg:** stated there are openings in the wall where the water is channeled.

**Chairman Hanlon:** asked if the seepage pit would assist with catching this water.

**Mr. Rigg:** stated yes; there are 2-1,000 gallon seepage pits proposed for each lot; they are designed to mitigate an increase in stormwater runoff.

**Chairman Hanlon:** asked if the applicant had reviewed the trees to be planted.

**Mr. Rigg:** stated the proposed trees are not on the plan.

**Chairman Hanlon:** asked Mr. Hals if the property in the back of the lots could be protected from further development.

**Mr. David Hals,** sworn in by Mr. Cucchiara; stated the applicant requires approval from both the Ho-Ho-Kus and Waldwick Planning Boards; each lot conforms to Ho-Ho-Kus zoning requirements, but not the portion solely in Ho-Ho-Kus; the Waldwick area has to be added; there should be a mechanism for any homeowner who wants to subdivide the rear of their property, to be required to come back and achieve Ho-Ho-Kus approval, because it will make

the lots undersized in Ho-Ho-Kus; not sure if this can be achieved with a deed restriction.

**Mr. Cucchiara:** asked if Ms. Capano can represent the requirement Mr. Hals testified to.

**Mr. Capano:** stated yes.

**Mr. Hals:** stated, in regards to drainage, water flows from Waldwick to the stone wall; the stone wall directs runoff towards the east and it then runs down 2-3 properties before it gets to Ardmore Road; if the stone wall is removed, the stormwater will run out to Ardmore; there is not storm drainage on Ardmore in this location; there is no street drainage to pick up that runoff; it will have to be collected before it leaves the property; the inlet in the front of the property has no pipes.

**Chairman Hanlon:** confirmed with Mr. Rigg there are two holes in the stone wall.

**Mr. Rigg:** stated yes; one in the middle and one on the easterly side.

**Mr. Hals:** stated he disagreed; the run off was going towards the east and then going to the other properties; there may be problems to the east; if the wall is removed, it will benefit the homes to the east; other additional drainage improvements will have to be installed.

**Ms. Donna Schrivanich, 39 Pinecrest Road:** asked questions of the engineer.  
**Mr. Greg Durret, 45 Gilbert Road:** asked questions of the engineer.

**Public portion of the meeting closed for questions of the applicant's engineer.**

**Ms. Lisa Phillips, applicant's planner:** gave her educational and professional background; accepted as an expert in the field of professional planning; distributed to the Board 8 photographs contained on 2 pages.

**Exhibit A5: photo exhibit prepared by L. Phillips, applicant's planner; 2 pages containing 8 photographs; marked 7/19/18.**

**Ms. Phillips:** stated she took the photographs herself; the photos are of the existing and surrounding properties within the immediate area; some are on Pinecrest; pictures taken a few weeks ago; description of pictures given; the existing lot area is much larger than the properties in the immediate area; especially on the south side of Ardmore; it is nearly 4x larger; the area is developed with a mix use of architectural styles; ranging from cape cods to colonials; there is a varied range of lot sizes; the lots on the north side of

Ardmore are comparable in size; some lots within the Ho-Ho-Kus do not comply but with Waldwick they do; with the deed restriction, the Borough would ensure it would not be developed; the lots are much smaller in size when you cross Ardmore; the development pattern is not consistent; both in terms of architectural style and lot sizes; when the lots are subdivided, each lot will still be nearly double the required lot size; newer dwellings being built are consistent with the neighborhood and in the Borough generally; big, box homes are not being built; two variances being sought, one for each lot and each for Subsection K, second floor graduated setback; the lot could contain a house with a 7,500 sq. ft. footprint and 15,000 sq. ft.; the homes in this area are smaller in scale; the proposed size and style of the homes to be built will not be impactful in a negative way; not increasing density with the subdivision; C2 variance; positives of the application outweigh the negatives; case law stated; better look than the tiered effect; building height is 10 ft. less than what is permitted; no impact to light, air and open space; in the last few years, the Ho-Ho-Kus Board of Adjustment's Annual Reports have indicated that Subsection K should be reevaluated; there are concerns relating to aesthetic impact; understands that any change to a neighborhood is viewed negatively; statutory criteria states "substantial" detriment, not detriment; lots are conforming; architectural designs will be varied; the proposed homes are in keeping with the style and scale of the newer residential homes in the Borough; explained to the public what the Board of Adjustment's Annual Report was.

**Mr. Jones:** reiterated that the wedding cake feature of bringing the second floor in and going up another 10 ft. in height would be allowable, and no variance would be required for this design.

**Ms. Phillips:** stated a house is allowed to be, maximum, 35 ft. in height; a 7,500 sq. house would stand out in a negative way in this neighborhood.

**Chairman Hanlon:** stated most of Cheel Croft is unique; every house is different and had a different architect; this is the first Cheel Croft house to be torn down; others have been destroyed due to a fire or explosion; all other homes have been renovated.

**Ms. Phillips:** stated Ho-Ho-Kus is a well sought after town and is known for its architecture; the applicant lives in town and has done work in the town previously; modern or up-to-date architecture will never match what has already been built.

**Chairman Hanlon:** stated the first two homes look like they have been rubber stamped; Cheel Croft always made sure the homes were substantially different in layout and design; there is a history of Cheel Croft in the Master Plan.

**Ms. Phillips:** stated the area should have been designated long ago, but by law, architectural design cannot be imposed; in some situations, builders will be sensitive to the architectural style of the homes they build.

**Ms. Donna Schrivanich, 39 Pinecrest Road:** asked questions of the planner.

**Public portion of the meeting closed for questions of the applicant's planner.**

**Mr. Pat. Pianelli:** sworn in by Mr. Cucchiara; explained the other developments in town he was the builder for; explained his style of home; feels his homes are unique; has his own style; he designs every aspect of the building; works with his architect very closely; his homes are similar in style; disagrees that the two homes currently being built on Ardmore are similar; there are a lot of differences; rooflines, windows and entrances are different; has received good feedback on the homes he has built; coming in front of the Board with a site plan and house footprint is difficult; would work with the town in regards to the style of homes if the application was approved, without losing time in the process; cost prohibitive to have architectural renderings done; the homes are not boxes; has been in contact with the Shade Tree Commission; they are aware of the types of trees to be planted; with respect to runoff, is agreeable to Mr. Rigg and Mr. Hals having a discussion regarding the issue; doesn't know if the wall is historic; if it is, would be willing to leave 5 ft. of the wall on each side; it is better to have a flat piece of land for a future buyer; difficult to preserve wall during construction; knows the homes he will build will be a good addition to the Borough.

**Mr. Reade:** asked if the stone wall still existed at 303 and 311 Ardmore.

**Mr. Pianelli:** stated yes; not adequate for water runoff or the future buyer; it is better to have a flat piece of land.

**Mr. Pierson:** stated his observation is the picture of the house submitted is very attractive, but it looks the same as the house on Edgewood.

**Mr. Pianelli:** stated the home at 33 Edgewood is the same home being built at 311 Ardmore; the buyers of 311 Ardmore wanted the same house that was built at 33 Edgewood; a buyer wouldn't want a house that was exactly the same as the one next door.

**Chairman Hanlon:** stated 303 Ardmore looks the same at 311 Ardmore.

**Mr. Pianelli:** stated he disagreed; would be willing to work with the Board to show the differences in each house.

**Chairman Hanlon:** asked, if approved, would the applicant be willing to work with the Borough Engineer to make adjustments and take suggestions; asked what type of trees the Shade Tree Commission suggested for the lots.

**Mr. Pianelli:** stated he spoke with the Shade Tree Commission at the beginning of his project, it is up to their discretion on the types of trees to be planted.

**Chairman Hanlon:** stated the Board had not received a report from the Shade Tree Commission; per the ordinance, two trees need to be planted on each property; will need to comply with the report submitted to the Board.

**Mr. Policastro:** asked what trees were to be removed from the site due to construction.

**Mr. Rigg:** stated the plan indicates what is to be removed; some of the shrubbery is not in good shape.

**Mr. Pianelli:** stated a planting schedule is not required for site plan approval.

**Chairman Hanlon:** asked about the condition of the wall at 303 and 311 Ardmore and at the subject property.

**Mr. Pianelli:** stated the wall looks similar; not in good condition.

**Mr. Rigg:** stated the wall at 303 and 311 Ardmore is only a few inches high; in some places it grades up; other areas it is at grade level.

**Chairman Hanlon:** asked Mr. Rigg if there was any discussion about the wall during the Waldwick hearing on the previous application.

**Mr. Rigg:** stated no; Waldwick's only concern was the saving of trees; no construction proposed in Waldwick and no variances sought in Waldwick.

**Ms. Maura Deegan, 50 Pinecrest Road:** asked questions of the applicant.

**Mr. Thomas Finan, 419 Ardmore Road:** asked questions of the applicant.

**Mr. John Kennedy, 404 Ardmore Road:** asked questions of the applicant.

**Public portion of the meeting closed for questions of the applicant.**

**Please Note: a 3 minute recess was taken at this time, 9:30PM.**

**Meeting reconvened at 9:33PM**

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

**Ms. Capano:** stated her applicant would meet with members of the public in regards to different architectural features for the new homes; the applicant's position is the subdivision is conforming and expert testimony has been provided for the one variance requested.

**Mr. Hals:** stated he understood the Board's position; looking to make sure the homes are unique; suggested the applicant come back before the Board with elevation views of the two individual houses; this can be done prior to the building permit process so the Board can see front elevations; then the Board would be able to see the houses proposed are unique and how they are different from other houses on the street.

**Mr. Pierson:** stated that was an excellent suggestion.

**Mr. Pianelli:** agreed to the condition Mr. Hals proposed.

**Mr. Cucchiara:** stated a formal notice would not be needed for the applicant's return to the Board; Mr. Hals' suggestion can be made a condition of approval; the applicant would come back and show the elevations; the subdivision would be subject to the approval of the Board of the appearance of the two dwellings; adjustments could be made then; if the Board approves them, then the application would have satisfied that condition; the resolution would include this condition.

**Ms. Donna Schrivanich, 39 Pinecrest Road:** sworn in by Mr. Cucchiara; gave a statement.

**Public comment portion of the meeting closed.**

**Mr. Pierson:** stated harsh observations were made which come from a community spirit and a love of the neighborhood; the applicant builds beautiful houses; would appreciate the applicant speaking to the neighbors.

**Chairman Hanlon:** stated there is national recognition for many homes in the area; suggested the applicant consult the Master Plan; will then better understand why the neighbors want to preserve the neighborhood.

**Mr. Jones:** stated a larger home, with a tiered look, could be constructed without a variance.

**Motion to approve application subject to conditions of approval: installation of two shade trees on each lot subject to Shade Tree Commission approval; plans and procedures with regards to drainage subject to Mr. Rigg and Mr. Hals working together and subject to Mr. Hals' approval; stone wall would be partially removed, per applicant, and 5 ft. on each side to remain; subject to applicant coming before the Board prior**

**to construction permits issued to show the elevation views of two individual homes to satisfy concerns of uniqueness; applicant stipulated to fire department training exercises on existing house before demolition; the application in Waldwick would include deed restrictions that the requirements of Ho-Ho-Kus be satisfied with respect to dimensional requirements and the like and Waldwick Planning Board approval: Pierson**  
**Seconded by:** Jones  
**Ayes:** Pierson, Reade, Policastro, Jones, Chairman Hanlon  
**Nays:** None

**Chairman Hanlon:** stated the next meeting of the Board would be on August 16<sup>th</sup>.

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**Approval of Minutes:** Pierson  
June 14, 2018  
**Seconded by:** Jones  
**All in Favor**  
**None Opposed**

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**Motion to adjourn:** Reade  
**Seconded by:** Jones  
**All in Favor**  
**None Opposed**

**Meeting adjourned at 9:50PM.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
July 25, 2018