

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
March 10, 2016
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. Berardo (absent), Pierson, Reade, Newman, McVey (absent; arrived at 7:35PM), Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Ms. JoAnn Carroll, Board Secretary

Oath of Office:

Councilman Rorty was sworn in as a Member of the Planning Board by Mr. Cucchiara; term expires 12/31/16.

Please note: Mr. McVey has arrived at this point of the meeting; 7:35PM

Discussion:

Proposed revisions to the Sign Ordinance

Chairman Hanlon: asked for Mr. McVey's comments regarding the proposed revisions.

Mr. McVey: stated the revisions were acceptable as proposed.

Motion to approve the ordinance as amended; amended ordinance to be forwarded to the Mayor and Council: Pierson, McVey

Ayes: Pierson, Reade, Newman, McVey, Jones, Chairman Hanlon

Abstain: Councilman Rorty, Mayor Randall

Approval of Minutes: McVey, Reade

February 18, 2016

Ayes: Pierson, Reade, Newman, McVey, Jones, Chairman Hanlon

Closed Session:

Litigation: Chamberlain Developers, Inc. a New Jersey Corporation v. Borough of Ho-Ho-Kus, et al.; Docket No. BER-L 4253-15

Litigation: Chamberlain Developers, Inc. vs. Borough of Ho-Ho-Kus, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Planning Board of the Borough of Ho-Ho-Kus.

Motion to go into Closed Session: Mayor Randall, Councilman Rorty
Ayes: Pierson, Reade, Newman, McVey, Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

Meeting went into Closed Session at 7:37PM.
Meeting reconvened at 8:00PM.

Roll Call: Messrs. Berardo (absent), Pierson, Reade, Newman, McVey, Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

New Business:

Mr. Joseph Lupino, 303 Ardmore Road, Block 202, Lot 1: minor subdivision application.

No members of the Board have a conflict with this application.

Chairman Hanlon: stated the application before the Board is for a minor subdivision with no variances; the application was deemed complete on February 18, 2016; the application file has been available to the public; taxes are current; affidavit of service received; notice published in paper; identification in notice correct; Chairman Hanlon reviewed the meeting procedure; application is for a minor subdivision.

Mr. Cucchiara: stated before any testimony is heard, the exhibits would be marked into evidence; there are two reports from the Borough's Engineer, Mr. David Hals, dated 2/18/16 and 3/8/16; asked the applicant if he had any objection to these documents going into the record.

Mr. Lupino: stated no.

Mr. Cucchiara: stated reports from different Borough departments were received specifically the Department of Public Works, Police Department and the Fire Department; asked the applicant if he had seen these reports and if yes, did he have any objection to them going into the record.

Mr. Lupino: stated he had seen the reports and had no objection to them going into the record.

Exhibits Marked:

A1: HHK PB application dated 12/15/15

A2: Subdivision plan prepared by Kent Rigg, last revised 2/26/16

A3: Waldwick PB Application (part of the subject property lies in Waldwick)

B1: Fire Department report dated 2/23/16

B2: Police Department received by the Board on 2/25/16

B3: DPW report dated 3/7/16

B4: Mr. David Hals' engineering report dated 2/18/16

B5: Mr. David Hals' engineering report dated 3/8/16

Mr. Cucchiara: asked if the applicant had any other exhibits that he wanted marked at this time.

Mr. Lupino: stated no.

Mr. Cucchiara: stated the Board has the application for subdivision approval presented to the Bergen County Planning Board; **Exhibit B6: Bergen County Planning Board application dated 1/10/16; Exhibit B7: Letter from the Bergen County Planning Board application dated 1/20/16;** asked the applicant and Mr. Rigg, with respect to the reports, where there any issues that they may have or have an objection to, or will they comply with any requests; stated any issues can be dealt with during the hearing as they arise; asked if the applicant if he had anything to present to the Board before Mr. Rigg testifies.

Mr. Lupino: stated no.

Mr. Kent Rigg, Kent Rigg Engineering and Land Surveying, LLC, 24 Godwin Avenue, Midland Park, NJ sworn in by Mr. Cucchiara; Mr. Rigg gave his educational and professional background.

Mr. Rigg was deemed qualified by the Board.

Mr. Rigg: stated the application before the Board was for a minor subdivision with no variances; existing lot at the corner of Sheridan and Ardmore; gave area of the lot; 1/3 of the lot (rear portion) is located in Waldwick; the water drains from the site naturally; there is an existing single family dwelling on the site plus an accessory building which is located in Waldwick; lot is located in the R2 zone; complying lot except for the structure located in Waldwick; proposal line is in a north/south direction accessing Ardmore; area of corner lot and interior lot given; both lots have areas in excess of what is required; lot widths are conforming; determination needs to be made regarding setbacks as per Mr. Hals' letter; rear yards conforming with both municipal codes; architectural plans need to be prepared; more of an architectural interest would be designed; improved lot coverage is far less than what is permitted; what will be rebuilt will conform with all municipal codes, including building height and accessory coverage; both lots will access Ardmore; utilities will run from Ardmore; per Mr. Hals, they will be moved to the common lot line to

minimize the street disruption; curbing will be replaced; seepage pits shown in the rear yard; building permits will be submitted for all work; each lot will have a site plan; one tree is to be removed along the middle north portion of the westerly lot; the majority of the trees are in Waldwick; front yard setbacks discussed; not clearly specified in the ordinance if a house on an adjoining block would be included in the calculation; asking for the Board's ruling on this matter; applicant will comply with all requirements; only one item in Mr. Hals' letter dated March 8, 2016 that he believes requires additional information; the rest are observations; items have been addressed in the current revision; summarized the application; application is in conformance with all the requirements of Ho-Ho-Kus and Waldwick; consistent with the Master Plan in that it provides adequate light, open air and space; no variances requested; is an upgrade and improvement of the property.

Brief discussion had at this time regarding the front yard setback.

Mr. Pierson: asked if at any time it was determined if the existing house was structurally sound.

Mr. Rigg: stated no.

Mr. Pierson: asked if the two houses proposed were going to be more aesthetically pleasing than the house which is already on the site.

Mr. Rigg: stated yes; the conforming lots would be in character with the neighborhood.

Mr. Pierson: asked if Mr. Rigg had done any investigating as to the history of the existing structure.

Mr. Rigg: stated he had.

Councilman Rorty: stated, because the house is very architecturally unique, people enjoy looking at it; if it winds up getting knocked down, perhaps the applicant would be able to provide drawings of what they intend on putting up before approval of the application; may be overstepping Board's authority; concerned about the historic nature of the house; would be able to give the public a chance to look at the plans; it would take a lot of uncertainty away.

Mayor Randall: stated he understands what Mr. Rorty is saying; as far as the scope of what the applicant is actually seeking, the "boxes" on the plan are for illustrative purposes to show what could fit there from a footprint perspective; the application before the Board is strictly limited to a subdivision application and there is no associated site plan; it would be nice to have a site plan because there are some sensitivities; it would be helpful if there were some

ability to provide something that respects what is presently there in some fashion even though it is beyond the Board's purview.

Mr. Reade: asked if there was any consideration given to saving any part of the house.

Mr. Rigg: stated he could not answer that question; he has not been involved in any studies of the home and it is outside his area of expertise.

Chairman Hanlon: stated the Police Department, in their review of the application, suggested the proposed lots have entrances on Ardmore; the DPW has no issues with the application; the Fire Department has no issues with the application but they did ask if permission could be granted for the structure to be used for fire drills, if the application is approved by the Board; no response has been received from the Shade Tree Commission; asked if the proper trees would be placed on the site.

Mr. Rigg: stated yes, if shade trees were required.

Chairman Hanlon: asked approximately how many of the trees were going to be preserved.

Mr. Rigg: stated at this time the applicant is preserving them all; some trees may not be in good shape; there will be no development in Waldwick which is where the trees are located; silt fencing will be installed to block off trees and provide a path to demolish the structure in Waldwick.

Chairman Hanlon: stated the front yard setback is between 36 and 34 ft.; asked the Board what they would like to determine as the front yard setback.

Councilman Rorty: stated he would set the front yard setback at 35.8 ft. as the engineer had recommended.

Chairman Hanlon: asked if the house could be saved.

Mr. Rigg: stated he had not been in the house.

Chairman Hanlon: stated the applicant should make sure the homes conform to the Cheel Croft style; asked if Mr. Rigg had discussed style with the applicant.

Mr. Rigg: stated he believed a two story colonial would be in character with the neighborhood; he did not believe an architect had been retained at this time.

Chairman Hanlon: asked if the 2 story colonials would be similar to the Cheel Croft style of today; there have been a lot of renovations in Cheel Croft as the

marketplace changes; assuming these homes will represent today's market and not past markets.

Mr. Rigg: stated he believes so; he is not the owner but he believes the intent is for the homes to fit in with the neighborhood.

Chairman Hanlon: asked Mr. Rigg about the drainage system.

Mr. Rigg: stated the area is what determines the drainage system.

Chairman Hanlon: asked about the size of the seepage pit.

Mr. Rigg: stated there would be 2-1,000 gallon seepage pits in the ground.

Mr. Joe Evans, 3 Sheridan Avenue, Waldwick, NJ: asked questions of the engineer; stated there was a stream running under the property; stated he would provide information regarding the stream to the Board Secretary for distribution to the Board and to the Borough Engineer.

Ms. Suzanne Peiffer, 319 Ardmore Road: asked questions of the engineer; asked if the hedges which border her property would be removed.

Ms. June Montgomery, 407 Ardmore Road: asked questions of the engineer.

Ms. Diane Coleman, 304 Ardmore Road: asked questions of the engineer.

Mr. Rigg: stated the County sets the minimum sight line requirements; there are some trees and plantings on the corner that appear to need trimming or potential removal; there is a limitation on sight distance to the north; no problem to the south; County has said to remove vegetation that blocks sight distance.

Public portion of meeting closed at this point for asking questions of the applicant's engineer.

Mr. Joseph Lupino, Mahwah, NJ sworn in by Mr. Cucchiara.

Mr. Lupino: stated there are trees on the corner of the property that are obstructing the view; cars do drive fast along Sheridan; the County agrees that something has to be done with the trees to make the area safer; safety is a big concern of Mr. Lupinos.

Councilman Rorty: reiterated his earlier comment regarding the historic significance of the current home; asked what the applicant was planning to build at the site.

Mr. Lupino: stated he is following the process; needs to obtain the subdivision approval first; stated the proposed homes would not only conform but would fit the neighborhood; no contemporary homes would be built.

Councilman Rorty: asked if Mr. Lupino had done other subdivisions in the area.

Mr. Lupino: stated no; the only other project was a home built at 8 Spruce Street.

Mr. Pierson: asked if Mr. Lupino would be moving into one of the homes.

Mr. Lupino: stated he was not sure at this time; he wouldn't rule out the possibility of a family member living in one of the homes.

Mayor Randall: asked about the condition of the home and property.

Mr. Lupino: stated the home is quite run down; he purchased it "as is"; there was a lot of neglect; very difficult to do anything with the house than to slowly dismantle it; anything of historical value in the house can be given to the Borough.

Mr. McVey: asked if the home was currently occupied.

Mr. Lupino: stated yes.

Mr. McVey: asked if it was structurally safe to live in.

Mr. Lupino: stated yes.

Mr. McVey: asked if Mr. Lupino was planning on two similar homes or would they vary in design.

Mr. Lupino: stated he wants variation in the homes; doesn't want a cookie cutter look.

Mr. McVey: stated the home has historic significance in the Borough; asked if the Borough could retain historical items in the home before it is demolished.

Mr. Lupino: stated 150% yes; he understands the sensitivity.

Mr. Jones: stated it seems from comments made by neighbors that they would be more comfortable if they had a better understanding of knowing exactly what would be taking place on the property.

Mr. Lupino: stated he did not want to alienate any of the neighbors in any way.

Chairman Hanlon: stated the Fire Department has expressed interest in using the home for training.

Mr. Lupino: stated he had no objections to this request.

Chairman Hanlon: asked about the fence that is currently along Sheridan Avenue.

Mr. Lupino: stated the fence is in bad shape; pieces are starting to bend; the fence will be removed; trees will be trimmed for safety.

Chairman Hanlon: asked if there was a way the house could be saved.

Mr. Lupino: stated the house has not been properly taken care of; in addition, Mr. Lupino stated the houses will fit in with the Cheel Croft style; he has taken pictures of homes throughout the neighborhood; he has seen houses that have been remodeled; he will make sure the houses will fit in with the neighborhood the best he can; the architect is the expert but he will be under Mr. Lupino's direction.

Chairman Hanlon: asked about the preservation of the trees.

Mr. Lupino: stated there is one tree that is dead; all other trees would not be touched; the structure located on Waldwick property can be reached without affecting the trees.

Brief discussion took place at this time regarding the front yard setback; the Board agreed on a 36' front yard setback.

Ms. Suzanne Pieffer, 319 Ardmore Road: asked questions of the applicant.

Ms. Diane Coleman, 304 Ardmore Road: asked questions of the applicant.

Mr. Marc Loew, 430 Braeburn Road: asked questions of the applicant.

Public portion of meeting closed at this point for asking questions of the applicant.

Chairman Hanlon: stated in regards to the hedge, would like the applicant to meet with the neighbor to further discuss the hedge.

Mr. Lupino: stated he understood.

Mr. Marc Loew, 430 Braeburn Road: sworn in by Mr. Cucchiara; gave a statement.

Ms. Diane Coleman, 403 Ardmore Road: sworn in by Mr. Cucchiara; against application.

Mr. Joe Evans, 3 Sheridan Avenue, Waldwick, NJ: sworn in by Mr. Cucchiara; stated there was a stone wall in the back of 303 Ardmore which is the Borough border and is very old; began to discuss items which are not before the Board; misstated the MLUL.

Chairman Hanlon: stated the matter of the wall is not before the Board.

Mr. Cucchiara: stated the Board has powers which are set forth in the MLUL and the Borough's ordinances; the issues Mr. Evans raised can be discussed with the applicant privately, but the Board has no powers over those issues; the only issue before the Board is if the land can be subdivided into two lots; the issue of possibly moving the house is not before the Board.

Ms. June Montgomery, 407 Ardmore Road: sworn in by Mr. Cucchiara; gave a statement.

Mr. David Verhoff, 304 Ardmore Road: sworn in by Mr. Cucchiara; against application.

Public portion of the meeting is closed at this point.

Chairman Hanlon: stated he had some concern regarding the property to the east in regards to the hedge and property line; the applicant and engineer need to work it out and have a discussion with the homeowner; Mr. Evans brought to the Board's attention the possibility of a stream below the property; once information is received, it will be sent to the Borough Engineer, and if information is correct, then it will need to be addressed.

Councilman Rorty: stated he believes the water issue needs to be looked into; Mr. Rigg also needs to know if there is a stream underneath the property.

Mr. Cucchiara: asked if the Board wanted to make this a condition of approval; if so, instructed the Board that this is not relevant to what is before the Board; it might be relevant in the case of a major subdivision application but not for this type of application.

Mr. Rigg: stated there had not been testimony that the entire site was unsuitable for subsurface drainage.

Mr. Cucchiara: stated there are approvals needed from the County Planning Board, Soil Conservation District and the Waldwick Planning Board; stated the Board could possibly have a conditional approval on the Board Engineer's review and approval of any drainage system that would be installed and constructed at the site.

Mr. Rigg: stated whether or not that condition was placed in the resolution, the application would have to have it approved by the Borough Engineer anyway.

Chairman Hanlon: stated the issue of the property line and hedge needs to be addressed.

Mr. Cucchiara: stated he agrees but it would not be a condition of approval; communication is encouraged between the applicant and the neighbor.

Mayor Randall: stated he appreciates the public history of the town; there are lifelong residents who sit on the Board who appreciate it as well; the Board does have certain limitations; the Board is not all-powerful; the Board has to abide by rules; this is a private property; if it were public property it would be handled differently; this property is not under the Borough's control; additionally, it is not otherwise restricted either on the federal or state registry as an historical site; as a Land Use Board, we determine only if the lot can be subdivided legally into two lots; the applicant has stated that if the application were to be approved, he would be cooperative; the Board has certain jurisdictional issues that we can only go so far in imposing conditions; wishes it were possible to preserve property in the Borough.

Mr. McVey: stated that he would be willing to be a liaison between the Borough and Mr. Lupino in inspecting the home for any historical significance and retaining it on behalf of the Borough; he echoes the Mayor's sentiments; Mr. McVey's mother moved to Ho-Ho-Kus in 1927; at the time of her passing she was the longest concurrent resident in the Borough; hopes to preserve the charm of the town; Mr. McVey consulted with the Board Attorney since he is a relatively new member of the Board in regards to how he is supposed to deliberate what comes before the Board; Mr. McVey is supposed to base his vote on the merits of the application only, not on his conscience.

Motion to approve application: Pierson, Mayor Randall

Ayes: Pierson, Reade, Newman, McVey, Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

Motion to Adjourn: McVey, Reade

All in Favor

Meeting adjourned at 9:50PM.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
March 31, 2016