

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
September 12, 2019
Combined Session
7:30PM**

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 (absent), Reade, Newman, Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. David Hals, Schwanewede/Hals Engineering, Borough/Board Engineer; Mr. David Novak, Burgis Associates, Borough Planner; Ms. JoAnn Carroll, Board Secretary

New Business:

Dr. Timothy Santo, d/b/a Timothy Santo LLC, 10 Sycamore Avenue, Suite 3, Block 1010, Lot 12.03: change of business location.

Dr. Santo: stated he is changing his business location; chiropractor for 35 years; relocation due to new project in town; office will be located on the 2nd floor in the rear; has parking for himself and clients; no signage.

Motion to approve application: Jones

Seconded by: Councilman Policastro

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

Nays: None

New Business:

Ms. Ana Ruela, Hair Designers, 611 N. Maple Avenue, Block 1016, Lot 4: change of ownership

Ms. Ruela: stated she will run the business as it is today; 3 employees; no change in signage; parking is in the rear of the building.

Motion to approve application: Jones

Seconded by: Councilman Policastro

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

Nays: None

Chairman Hanlon: stated he met with the Board of Adjustment last week to update them on the Master Plan; will also be in front of the Mayor & Council this month to update them; contributions can be made and are welcome.

Chairman Hanlon: stated for the record, the meeting this evening was a Combined Session of the Board and the September 19, 2019 regularly scheduled meeting was cancelled.

Approval of Minutes:

July 9, 2019 Special Meeting Minutes

Motion to approve: Councilman Policastro

Seconded by: Jones

Ayes: Reade, Jones, Councilman Policastro, Chairman Hanlon

Nays: None

Authorization for Mr. E. Snieckus, Borough Planner, to reevaluate the zoning regulations in the R2 & R3 Zones/specifically oversized lots.

Mr. Jones: stated he met with Mr. Snieckus a few weeks earlier regarding resident's concerns of oversized lots in the R2 and the R3 zones; wants to ensure the Borough is maintaining the integrity of the zones.

Motion to authorize Mr. E. Snieckus, Burgis Associates, Borough Planner, to reevaluate the zoning regulations in the R2 & R3 Zones, specifically oversized lots: Councilman Policastro

Seconded by: Jones

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

Nays: None

Public Hearing/Ongoing Business:

Mr. Richard Radici, Wearimus Properties, LLC, 262 Wearimus Road, Block 905, Lot 5: major subdivision application; 2 lots

Chairman Hanlon: reviewed the application and meeting procedures; continuation of the applicant's presentation; no Board Member conflicts; exhibits have been on file for the public; taxes are current.

Member Newman has listened to the discs of March 14, 2019 and July 9, 2019 and has signed an absent member certification stating this and has submitted the certification to the Board Secretary.

Allen Bell, Esq., applicant's attorney: stated at the last hearing the applicant was asked to make a few changes; nothing substantial; the changes have been made and submitted to the Board; investigation of tanks on the property was done; 550 gallon UST was removed; Certificate of Approval was received from the Borough.

Exhibits Marked

A18 marked 9/12/19	E&LP Response Letter SW Mgmt. Maintenance Manual (revision date of 8/22/19) SW Mgmt. Report (revision date of 8/16/19) Subd Plans, 14 pages; latest revision date of 8/28/19 prepared by E&LP
B13 marked 9/12/19	David Hals, Borough Engineer 3rd review of amended application (2 lot subdivision); 6th review in total
A19 marked 9/12/19	GPR Underground Location Experts one page investigation report
A20 marked 9/12/19	UCC Certificate of Approval for 550g UST removal dated 9/12/19
A21 marked a 9/12/19	Cut/Fill Exhibit dated 8/13/19 prepared by E&LP

Mr. John Hansen, applicant's engineer: still under oath; referred to A18; no drastic changes; configuration the same; minor modifications made to address Mr. Hals' letter and concerns; private road/common driveway 16 ft. wide changed to 18 ft.; widened horseshoe which is part of the road for proposed lot 5.01; the horseshoe is for emergency vehicle turnaround; will be changed to 16 ft. per Mr. Hals; the dwelling at proposed lot 5.02 was too low; brought up to 6 ft. raised the stormwater management system 4 ft.; redesigned and given, with calculations, to Mr. Hals to review; the retaining wall shown along the property line with Block 905, Lot 6 will be removed and area graded; plans amended to address Mr. Timsak's concerns; curbing along the frontage will be concrete; changed species of plantings along property line where wall will be removed; provided a new soil moving permit to Mr. Hals; submitted new calculations; will take approximately 1-2 months to import and grade; computerized grid system; referred to A17.

Chairman Hanlon: asked Mr. Hansen to indicate the general area of the soil on A17.

Mr. Hansen: stated the majority of the site will be filled; there will be a walk out basement for the lot in the back; bring the roadway up to create a drainage swale between the property line and the roadway.

Chairman Hanlon: asked if the applicant would be clearing the entire lot and planting trees in the future; there are a majority of trees on the site which will not be able to withstand any disturbance; the trees pose a safety hazard to workers.

Mr. Hansen: stated he agreed the quality of the trees were not great; invasive species on site; raising the site up to get proper drainage; will also get a better quality of maintained lawn with new soil; new soil compaction regulation requires soil placed and not compacted.

Chairman Hanlon: stated he was concerned about the house on proposed lot 5.02 due to it bordering wetlands and totally surrounded by trees.

Mr. Hansen: stated reasonable backyards were designed; they will be safe and the hedgerows will be maintained around the perimeter; buffers will be maintained.

Chairman Hanlon: stated trees along the front and along the roadway are shown to be planted but nothing on other parts of the site; visited the site on 8/31/19 at 10:45AM; the pipeline was dry; there was some dampness along the area where the tennis court had been torn up; can't see how trees can be saved in other areas.

Mr. Hansen: stated trees will not be able to be saved that are in the limit of disturbance; importing 10, 384 cy of soil; excavation amount is 920 cy; 700 trucks +/- to import; depends on how much each truck can hold; pre-construction meeting will be held.

Chairman Hanlon: stated the trucks will have to stay off municipal roads, especially those by the school.

Mr. Cucchiara: stated Mr. Hals had submitted a revised report dated 9/11/19; on behalf of the Board, asked the applicant to address the items in the letter, if he had not done so already.

Mr. Hansen: stated the remaining comments in Mr. Hals' letter can be satisfied.

Chairman Hanlon: asked if the applicant would be replacing or lining the pipe.

Mr. Hansen: stated the applicant has agreed to replace sections of the pipe, if and when it is required; it will be a condition of approval.

Mr. Bell: stated the applicant has agreed to replace the broken portions of the pipe.

Mr. Reade: asked where the imported soil would be placed.

Mr. Hansen: stated it would be distributed throughout the entire site.

Mr. Reade: confirmed the property from the back of proposed lot 5.01 to the back of proposed lot 5.02 was being elevated and would include a retention basin.

Mr. Hansen: stated yes.

Mr. Reade: asked if all trees were being removed.

Mr. Hansen: stated yes; chipped and top soil stripped; clean fill and then pavement and then other construction to follow.

Mr. Reade: asked if there would be a drainage issue when the property is raised.

Mr. Hansen: stated no; it will improve the drainage.

Mr. Reade: stated the grid shown in pink was not correct.

Mr. Hansen: stated the quad map would be corrected.

Mr. Newman: asked what the approximate period of time it would take for 700 trucks to transport soil to the site.

Mr. Hansen: stated about 1-2 months between bringing in fill and construction materials for the road.

Mr. Newman: stated it will be difficult to get in and out of the site without traffic control.

Mr. Hansen: stated the pre-construction meeting will iron out all issues; the Police Department, DPW, County will all be a part of the meeting; will discuss truck routes, hours; will be done in a safe way; anticipating hiring police officers to help with traffic; will be a very detailed traffic control plan; the client pays for the traffic detail.

Chairman Hanlon: asked what would happen if one of the homeowners was not able to take care of the stormwater system due to an economic hardship.

Mr. Bell: stated he has dealt with this issue before; will put a provision in the association documents that if the town had to come in and conduct any maintenance on the stormwater system, the cost of doing so would become a lien on the property to the extent of the expenditure; the association documents will obligate each owner to contribute; a startup payment will be received at each closing; the amount has yet to be determined; not a lot of maintenance involved with the system designed; can add language to protect the town.

Chairman Hanlon: stated the wetlands area must be protected.

Mr. Hansen: stated there will be a conservation easement in the rear; can also put up a physical barrier if the Board required.

Chairman Hanlon: confirmed proposed lot 5.02 will have the ejector pump buried in the ground.

Mr. Hansen: stated yes.

Chairman Hanlon: asked how it would be accessed if it needed to be fixed.

Mr. Hansen: stated it is a common system and it is designed to easily pull the pump out.

Chairman Hanlon: asked why the trees were not extended to the property line and stopped at the edge of proposed lot 5.02.

Mr. Hansen: stated the trees can be extended if that was a request of the Board.

Chairman Hanlon: asked if the trees would also act as a barrier for the water coming down from the Township of Washington.

Mr. Hansen: stated no; the trees are meant as a visual barrier; they will not direct the stormwater.

Mr. Hals: reviewed his letter; a note needs to be added to the plan that a backup generator will be installed for the house on lot 5.02; the driveway width at 16' and is a better alternative to provide a turnaround for emergency vehicles; traffic flaggers to be provided for the movement of trucks at the construction entrance to the site; applicant has agreed; stormwater management manual is required to be filed with the deed; this is a condition of approval; agrees with Mr. Bell regarding how to handle the maintenance of the stormwater system if the town had to become involved.

Mr. Jones: asked if the Borough would receive proof that the conditions mentioned would be done.

Mr. Hals: stated the Tax Assessor receives copies of the deeds; will have in writing.

Mr. Cucchiara: stated the subdivision deeds will be given to Mr. Hals for his review.

Mr. Hals: stated the NJDEP started inspecting every municipality to get yearly inspection reports from major developments; list of locations that are inspected annually.

Chairman Hanlon: asked how to protect the wetlands area so the homeowners don't build there.

Mr. Hals: stated the wetlands and the wetlands transition areas will show up on the final subdivision map which will be recorded with the County; it will show up on the plans submitted to the Building Department; it will show up on surveys and plans; a marker can be placed or a split rail fence, but there is only so much that can be done; inspections are not conducted by his office; the HOA has to file with the Borough a report stating they made the inspections

and work was done to the basin; wetlands are not part of this report; working in the wetlands area is usefully discovered via a neighbor complaint; there will be some trees along the perimeter of limited disturbance that the applicant will be able to save; in the areas of the house and driveways, the trees will be removed; if trees are hanging by a threat in the wetlands area, they are not considered a danger, per the State.

No Board questions at this point of the meeting.

Meeting opened to the public to ask questions of the applicant's engineer.

Robert Inglima, Esq., objector's attorney: representing M/M Nye, 40 Deerhill Drive; the Nye's property abuts the SW corner of the applicant's site; his client feels the issues have not been addressed satisfactorily; Mr. Inglima sent a letter earlier in the day to Mr. Cucchiara and Mr. Bell; Mr. Bell objected to the letter being distributed to the Board before the hearing; would read the letter into the record during the comment period.

Mr. Bell: stated he had no further witnesses.

Mr. David Novak, Burgis Associates: sworn in by Mr. Cucchiara; stated Mr. Snieckus apologized for not being able to attend the meeting; Mr. Snieckus had prepared a memo dated July 9, 2019; no subsequent memo had been prepared; most issues have been addressed; street trees along the private drive were to be added.

Mr. Hansen: stated they would be added.

Mr. Novak: stated, as a condition of approval, the trees to be added are subject to review of the Board Engineer; native trees preferred; in regards to tree preservation, once the individual plot plans are submitted for inspection, any trees worth preserving on the site should be identified.

Mr. Hansen/Mr. Bell: agreed.

Mr. Novak: stated waivers were identified on sheet 1 of the plans; the driveway width should be added to the plan.

Mr. Hansen: agreed.

Mr. Novak: stated a variance for lot width and lot frontage would not be required as previously discussed, but just for the width of the driveway.

No Board question at this point of the meeting.

Chairman Hanlon: asked Mr. Hals if small grass plantings should be placed by the detention basin for a better chance to start up.

Mr. Hals: stated Mr. Hansen did not get into detail in regards to this area of the site; the applicant is providing specific forested wetlands plantings in the basin; river birch in the bottom of the basin; all spelled out in the State regulations and the applicant is following those regulations.

Chairman Hanlon: asked Mr. Hals regarding the sight distance at the ingress/egress of the site; in addition, during bad weather, the road is sometimes closed.

Mr. Hals: stated the only good thing is traffic is coming down on the far side of the roadway; there is adequate sight distance; the County is requiring curbing, a small widening of the roadway and clearing of some vegetation.

Meeting opened to the public at this time.

Mr. Inglima: read his letter into the record; stated the comments in Mr. Hal's report and his findings don't affect the comments in his letter; the letter was written before hearing testimony from Mr. Hansen; the testimony does not change his client's view; his clients do not want to stand in the way of progress; wants to be protected from any flooding.

Chairman Hanlon: to Mr. Hals: asked if the pipe was located in the Borough right of way.

Mr. Hals: stated the deed shows the pipe is the Borough's responsibility.

Chairman Hanlon: to Mr. Inglima: there is a segment on his client's property where the water starts heading due west in the pipe; then there is an area that is wide pen and then another pipe under the roadway; depressed area full of debris; it would be the responsibility of his client to clear this area.

Mr. Inglima: stated the swale runs along the rear of Lot 1 and 3; Deerhill Drive and Stratford; that lot has an inlet at the southerly terminus of the existing swale which runs along the back of lots 1 and 2; swale described as running south from Wearimus Road in an open swale condition (referred to A18); accepts run off from the street and stream along the north side of Wearimus; the swale ends at the SW corner of the applicant's site; there is an inlet structure that runs from that point to an existing series of catch basins in Deerhill Drive; connects to a pipe on the opposite sides of the road; the pipe crosses under another property on Deerhill Drive.

Chairman Hanlon: stated the stream comes down off of Wearimus and meets the pipe out of the Township of Washington and makes a right hand turn to the applicant's property to a pipe heading west; it is a big opening; Mr. Inglima's client has a pipe there; it goes through the property heading west towards Deerhill; part of it is not totally piped; there is an opening as it makes a bend towards Deerhill; water collects from this pipe; there is a depression and an area that collects debris on the corner.

Mr. Inglima: stated there is a manhole or clean out that crosses his client's property; was not aware of any breaks or an open swale or ditch; piped from southern end from existing swale all the way to Deerhill Drive.

Chairman Hanlon: stated lines on Deerhill connect to that pipe as well and down towards the Saddle Brook; the right of way is the Borough's property and Borough responsibility.

Mr. Hals: stated the Borough's responsibility for the pipe stops at the line between Ho-Ho-Kus and the Township of Washington; there is no work being done to the section of pipe that is located in the Township of Washington.

Mr. Bell: stated the applicant has agreed to repair the portion of the broken pipe that is on the applicant's property.

Mr. Hals: stated the applicant is adding no water to the 24 inch pipe; several sections are broken and the applicant will repair them; Mr. Hals can contact the Borough Engineer for the Township of Washington and show him the video; the Township of Washington's section is a lot worse than Ho-Ho-Kus'.

Mr. Bell: stated the applicant has complied with all of the Board's requests; seeking a decision in favor of the application this evening; there were statements in Mr. Inglima's letter that weren't true; the applicant is only obligated to control water that runs across the subject property and this has been done; there have been numerous revisions to the plan and drainage system to accommodate the concerns and recommendations of the Borough Engineer; the last report indicated the applicant had complied with all stormwater management regulations; reducing the rate of flow from the subject property; existing off tract issue the applicant cannot correct; have a system that fully complies with the regulations that they are obligated to comply with; subdivision cut back from 3 lots to 2 lots; less improved lot coverage; will be a real addition to the Borough.

Chairman Hanlon: asked for Mr. Hansen's comments on Mr. Inglima's letter.

Mr. Hansen: stated he did not agree with the comments in the letter; no engineering data; all questions have been answered regarding drainage; the pipe has been discussed.

Councilman Policastro: asked if the pipe drained into the inlet of Mr. Nye's pipe.

Mr. Bell: stated it ends at a point on Mr. Nye's property and then there is a gap between the end of the pipe and Mr. Nye's pipe.

Mr. Inglima: stated the pipe never enters his client's property; forceful discharge causes erosion.

Councilman Policastro: asked if more water would empty onto Mr. Nye's property once the pipe was fixed.

Mr. Hansen: stated water flows in and around the pipe and follows the pipe all the way down; the proposed swale is designed correctly; it will take water coming down the hill from the Township of Washington and divert it away; the water goes there now; no change; no adverse effects to neighboring properties; does not accelerate the flow; the water flows east to west across the property; when it reaches the applicant's property it is no longer a sheet flow; open channel flow; goes to ditch and all ends up on Mr. Nye's property which is what it does now; water that is on the subject property is going to be treated and then go to the same place it goes now; not putting water on any other property; maintaining the drainage pattern; swale will not accelerate the flow; drainage in Wearimus Road was redone approximately 20 years ago; no negative impacts; not a steep slope; mowable slopes; bio-retention basin is sized properly; controls the rate of run off compared to existing conditions for the 2 10 and 100 year storms; over designed; 100% confident it is properly designed; technical compliance has been done; decreasing flows; not in flood plain; extensive drainage system; no downstream impact.

Mr. Jones: asked if it made sense for the Borough to have either a right of way or easement to reach the pipe to maintain it.

Mr. Bell: stated the applicant had no objection to creating an easement for the Borough to access the pipe.

Mr. Hals: stated there is another way to access the property through the Township of Washington; instead of an easement, give the Borough the right to enter property and access the pipe instead of a formal restriction.

Mr. Bell: stated the applicant will agree to the Borough's access.

Mr. Hals: stated the swale stops at lot 5.02; asked for it to be continued around the limit of disturbance and point in a due westerly direction; will not be pointed towards lot 3 and 4.

Mr. Hansen: agreed.

Mr. Hals: stated there is a swale in the back of lot 5.01; increasing slope; defined swale in the back of that; taking all of the run off coming from the house and driveway; all being directed toward the detention basin; should be labeled as a swale and has to be directed towards the detention system.

Mr. Hansen: agreed.

Mr. Hals: stated the amount of run off has been reduced; 50 Deerhill built a retaining wall along the brook; that seemed to help the water which used to

come down off of Wearimus; all of the water from Wearimus flows there; extended the drainage system up Wearimus about 20 years ago; flow intercepted and reduced; no runoff of all small storms from Wearimus into the ditch; has to be a substantial storm event before any water comes across that area; developing the houses will improve Mr. Nye's situation; he receives a lot of debris which is carried over the land and goes there; if the properties are developed, the debris will be reduced significantly; proposed drainage does meet the stormwater management rules.

Chairman Hanlon: asked how the Borough would access the pipe which is in the wetlands.

Mr. Hals: stated by walking across the property; didn't recall having a machine on site; once the repair is made, it will be 40-50 years before it will need to be repaired again; the Borough has the right to maintain the Borough's pipe and file the necessary notice to the NJDEP to make the repair.

Councilman Policastro: asked what the repairs were for and if the repairs would accelerate the water flow.

Mr. Hals: stated the pipe is not in bad shape and there is nothing indicating there is water leaving or entering the pipe; if the pipe is not repaired, it will collapse on itself; once the cracks start, it will eventually collapse; may not happen for another 20-30 years.

Chairman Hanlon: asked if the soil was found to be contaminated when the 550 gallon UST was removed.

Mr. Bell: stated no; the whole property had been swept.

Chairman Hanlon: stated, early on in the application, it was mentioned there were chemicals on the property where the former driveway was; the previous owner had a 550 gallon AST with diesel fuel; soil brought in that should have been tested; diesel remnants of some of the devices previously on the property; need to be addressed as the applicant moves forward.

Meeting opened to the public at this time.

Mr. Inglima: stated he disagreed with Mr. Hansen's termination of the pipe; the pipe ends just north of the boundary line on lot 3 and the rear of lot 2; there has never been an easement or a right of entry onto his client's property; the pipe does not enter his client's property; his client feels the fix would be to connect the 24 inch pipe to his pipe.

**Meeting closed to the public at this time.
No further questions from the Board.**

Motion to approve application, conditioned upon the following:

Variance: driveway width is 16 ft. where 12 ft. max is permitted for a circular driveway; Design Waivers: lot lines at right angles of the street; cartway width from 28 ft. to 18 ft.; sidewalks not proposed; Conditions of Approval: add generator to lot 5.02; HOA to maintain the drainage system; file the Stormwater Maintenance Manual as part of the deed; add shade trees to the street, which will be subject of the approval of the Borough Planner and Engineer; grant the Borough the right to access to lot 5.02 to access the drainage pipe; grant the Borough power to enforce and maintain the detention system; replace sections of the pipe where required; swale to be continued around the limit of disturbance and point due west/not to be directed towards lot 3 and 4; the swale at the back of lot 5.01 needs to be labeled as such and directed towards the detention system; the retaining wall shown along the property line with Block 905, Lot 6 will be removed and area graded: Jones

Seconded by: Reade

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

Nays: None

Motion to adjourn: Jones

Seconded by: Councilman Policastro

All in Favor

None Opposed

Meeting adjourned at 9:40PM.

Respectfully submitted by:



JoAnn Carroll

Planning Board Secretary