

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
January 10, 2018  
Special Meeting**

**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, Carrick, Policastro, Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

**Also in Attendance:** Gary J. Cucchiara, Esq., Board Attorney; Mr. E. Snieckus, Burgis Associates, Borough Planner; Mr. T. Lemanowicz, CP Professional Services, Board Conflict Engineer; JoAnn Carroll, Board Secretary

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**Chamberlain Developers, W. Saddle River Road/Van Dyke Drive, Block 802, Lots 1, 2, 3, 4 & 10:** major subdivision application; 12 lots.

**Chairman Hanlon:** introduced the application; no variances required or sought; previously deemed complete; hearings must be completed by January 28, 2018, per the Court; no members of the Board indicated any conflicts; gave the guidelines for the meeting; public portion of meeting will be opened to those residents within 200' of the subject property first.

**Mr. Cucchiara:** stated the notice was correct for the meeting this evening; Board Secretary read the dates of the notices, affidavits and receipts into the record.

**Bruce Whitaker, Esq., applicant's attorney:** stated the applicant is the contract purchaser of the property; application is for preliminary and final major subdivision approval; 12 building lots to accommodate single family homes; R2A zone created; each lot conforms or exceeds the zone standards; exhibit list distributed to the Board; Borough Planner's report of 12/29/17 states that all lots conform or exceed the bulk requirements of the zone; no waivers or variances are sought; have met the requirements of the soil movement ordinance; soil movement was part of the public notice; legal action instituted against the Borough and the Planning Board; as a result of the litigation there is a settlement agreement; ordinance adopted for new zone; reviewed time frame of application; if there is a 3<sup>rd</sup> party appeal, and if the appeal ends up not being an approval, multi-family housing shall be permitted; one witness to be called.

**Andrew H. Missey, Laptaka Associates, applicant's engineer: sworn in by the court reporter;** gave his educational and professional background; accepted as an expert in the field of engineering; prepared the plans submitted with the application;

fully familiar with all the requirements and provisions of the R2A zone; drainage report prepared; reviewed plans in conjunction with the RSIS and stormwater management provisions; Borough professional's reports were reviewed; reviewed plan; explained what is being proposed; final locations of dwellings will be determined when plot plans are submitted to the building department; property to be developed with single family homes; reviewed bulk requirements of the R2A zone; discussed proposed lots 10.05 and 10.06 in regards to the driveway; driveway diagram prepared; reviewed the drainage on the site; drainage design is straight forward; in accordance with the RSIS and the stormwater management regulations of the NJDEP; plans indicated curbing and sidewalks on the right of way; met with the County who indicated they would like a 5 ft. road widening easement across the frontage and taper at Van Dyke Drive and at WSRR to allow some future improvements; also indicated they would like a sidewalk of 7 ft. in width along Hollywood Avenue; a 4 ft. sidewalk is proposed along Van Dyke Drive and WSRR; proposing to install curbing from Hollywood Avenue to the southerly limit of the project; proposing 26 shade trees along 3 public right of way frontages; will conform with the Shade Tree Ordinance; some misunderstanding with the Shade Tree Commission's review of the plans; the Shade Tree Commission eluded to the private driveway, which they perceived as a public roadway; they have no jurisdiction over the driveway; retaining walls proposed; locations of retaining walls may change with submission of plot plans; they are terraced and separated by 4 ft.; 6 ft. height limit; made application for soil movement; quantities of soil discussed; agrees with Mr. Snieckus' report that the applicant is in compliance with the ordinance; Borough agency reports reviewed; no objection with Police Department report; client willing to install a fire hydrant at proposed lot 10.06 where it meets WSRR per the Fire Department's report; Shade Tree Commission report already discussed.

**Mr. Snieckus:** stated there is no ordinance in regards to plantings on individual lots.

**Mr. Whitaker:** stated growth guarantees would not occur because they are not under the developer's purview.

**Mr. Missey:** stated Mr. Lemanowicz's letter raises a lot of questions; there will be adjustments after the hearing; significant portion of the engineer's letter sets forth how the plans should be amended if they are approved; some items have to be touched-up to comply with the RSIS requirements; will specify pre-test construction for inlets; traffic control signage will be stated by note to conform with the MUTCD which is the Manual on Uniform Traffic Control Devices; planting detail will be removed from the plan; tree protection detail will be shown; maintenance manuals to be submitted for the stormwater facilities; amended zoning table submitted; stormwater spreadsheets submitted; property is not identified as an historic site; in regards to the DPW report, items 1, 2 and 3, there are no issues with these requests; requests 4 and 5 are not acceptable; item 4 requests a 6 inch water main from WSRR to Van Dyke Drive; item 5 requests a fire hydrant in front of proposed lot 10.05 be attached to the new water main; in regards to the sewer report, the

applicant does not agree to a sewer main from WSRR to the front of the home on proposed lot 10.05 and widening the pavement of Van Dyke Drive; the roadway pavement section of WSRR and Van Dyke Drive will conform to the RSIS; the utility lines along the property lines for the homes on Van Dyke Drive and WSRR is not acceptable; consideration to extend the storm water drainage to the site is not acceptable to the applicant.

**Mr. Whitaker:** stated testimony has concluded.

**Mr. Newman:** asked if cars for the three lots on Hollywood would have to back out onto the road.

**Mr. Whitaker:** stated the cars will not back out; it is a County requirement.

**Mr. Reade:** asked if the lots would be developed at the same time and if the infrastructure for the corner property, utility lines, driveway, etc., would be done before the houses are built.

**Mr. Missey:** stated the timeframe for construction has not been determined.

**Mr. Whitaker:** stated the construction sequence is not required as part of this application.

**Mr. Jones:** asked if the County asked for a 5 ft. right of way on Hollywood Avenue.

**Mr. Missey:** stated there will be a 5 ft. easement on the property; the language of the assessment is for road widening purposes; in this instance it is occupied by a sidewalk and curbing; some widening to be done on Hollywood; depicted on sheet 4 of Exhibit A6; the sidewalk will be within the easement; joint discussion had with County; have a 7 ft. width instead of having an unattended 2 ft. strip.

**Mayor Randall:** asked where the water would go without the additional sewer connection after it gets to the southerly limits of Van Dyke Drive.

**Mr. Missey:** stated it will go where it now goes; along the pavement edge of Van Dyke Drive down to the storm drains in Brandywine; there are pending improvements in that area.

**Councilman Rorty:** asked if the sewer line for proposed lot 10.05 is going to be an easement on someone else's property.

**Mr. Missey:** stated it will be a private easement along proposed lot 10.01; it will be along the southerly line of the lot.

**Councilman Rorty:** asked why a common trench wasn't proposed.

**Mr. Missey:** stated a common trench is not preferred.

**Mr. Pierson:** asked which lots were proposed to have retaining walls.

**Mr. Missey:** stated proposed lots 10.02, 10.06 and 10.07; possibly 10.03; the retaining walls would be located in the rear, the southerly portion or along the sidelines of the properties with frontages on Hollywood.

**Chairman Hanlon:** asked if a fire hydrant would be placed on the sidewalk along WSRR to the driveway.

**Mr. Missey:** stated yes.

**Chairman Hanlon:** asked for the width of the sidewalk.

**Mr. Missey:** stated the width of the sidewalk will be 4 ft.

**Chairman Hanlon:** asked if the driveway would be paved.

**Mr. Missey:** stated yes.

**Mayor Randall:** confirmed that when Mr. Missey refers to pollutants, he is not indicating toxicity.

**Mr. Missey:** stated no; he is referencing suspended solids.

**Chairman Hanlon:** asked for the height of the retaining walls and how they would be maintained.

**Mr. Missey:** stated they would not exceed 6' in height; maintenance is the responsibility of the homeowner.

**Chairman Hanlon:** stated in regards to the trucks transporting soil, they should avoid the Hollywood overpass; this is a major school crossing.

**Mr. Whitaker:** stated the route of travel will be confirmed with the Police Department.

**Chairman Hanlon:** asked if any thought was given in regards to protection of the home from a wayward car for the house on the corner of Hollywood and West Road.

**Mr. Whitaker:** stated the building plans are conceptual; that would be considered when the lots are developed.

**Chairman Hanlon:** stated there will be seven major cuts in Hollywood Avenue for water and sewer; the road would have to be closed for several days; will require

police cars and coordination with the County; fire trucks would not be able to access the other side of town; this is a major roadway; from a cost standpoint, it would be less expensive to run the line as proposed by the DPW; the County road would then not have to be dug up; extra money would not need to be spent on police and other services; the road would also have to be repaved, which would be another expense.

**Mr. Whitaker:** stated the applicant is not looking to inhibit the lots themselves with additional easements; the applicant can install the lines as they are proposing; will work out the logistics with the Police and Fire Departments.

**Chairman Hanlon:** asked if a curb and sidewalk were proposed on Van Dyke Drive.

**Mr. Missey:** stated yes.

**Chairman Hanlon:** stated the uniqueness of that area should be maintained; requested sidewalks and curbing not be installed on Van Dyke Drive.

**Mr. Whitaker:** stated this was a recommendation of the conflict engineer.

**Mr. Thomas Lemanowicz, CP Professional Services, Board's conflict engineer: sworn in by the court reporter:** discussed hydrants, stormwater management, roadway pavement and the suggestion of a driveway easement for proposed lots 10.05 and 10.06 with Mr. Missey; good planning and engineering is to have an easement to eliminate the potential of neighbor spats.

**Mr. Whitaker:** stated at this time each property is shown as separate; apart and individually owned; not showing an easement on either driveway; each owner can do what they want with the driveway; not for the reasonable approval process to review it now.

**Mr. Lemanowicz:** stated this is an issue for fire protection, etc.; there is no negative to an easement; the positive is there is better access to interior properties in case of an emergency; garbage trucks would not have to reverse out to WSRR; this paved access way through the property is part of a concept that was agreed to.

**Mr. Cucchiara:** stated the application before the Board is for a major subdivision; a presentation of proposed lots; it is beyond the Board's jurisdiction to make a ruling or determination on this issue; it would be a nice accommodation for the applicant to effectuate, but it is not required.

**Mr. Lemanowicz:** stated he needs more time to review the drainage report; first impression is that it is fine; needs to review deeper.

**Mr. Whitaker:** stated he has no objection to that being a condition of approval as a post condition.

**Chairman Hanlon:** asked for Mr. Lemanowicz' thoughts about the water main through to Van Dyke Drive.

**Mr. Lemanowicz:** stated it is arguably a better design; if the Board is not interested in curbing along Van Dyke Drive it is a waiver that is available; eliminating that cost could go to the water main; the preferred way for the Borough is the water main would go through the property.

**Chairman Hanlon:** asked Mr. Whitaker to discuss the alternative with his client; the cost to dig up Hollywood is somewhat excessive.

**Mr. Whitaker:** stated that decision would fall within the parameters of a developer; will entertain it and look at it but not jurisdictionally required under this settlement agreement.

**Mr. Snieckus:** asked for the K-turn movements to be identified on the plat so they show up on the final lot descriptions or lot plot plans in the future.

**Mr. Whitaker:** stated the Bergen County Planning Board will require it in the notation; must be a K-turn if it is an entry on a County road; not shown on the plan because it may be done in reverse.

**Mr. Snieckus:** asked if the applicant was willing to dedicate a 10' easement for the maintenance and planting of trees.

**Mr. Whitaker:** stated the properties will not be burdened with an easement.

**Mr. Snieckus:** stated for the Shade Tree Commission to plant the trees approval will be needed to access the property.

**Mr. Whitaker:** stated the Shade Tree Commission will have to obtain the approval.

**Mr. Snieckus:** stated he believed the applicant agreed to provide a tree preservation detail that may involve a retaining wall in order to maintain the trees.

**Mr. Missey:** stated, yes, a tree well.

**Mr. Snieckus:** stated, for public understanding, there may be more than just structural walls; there might be a retaining wall but it is in actuality a tree well.

**Mr. Missey:** stated this permits adjustments of grade; it prevents filling immediately adjoining the trunk and the roots of the tree.

**Mr. Whitaker:** stated the developer will save trees were possible.

**Mr. Whitaker:** stated, in connection to the request for an easement, the easement burdens the lot with a deed restriction for the entire 10 ft. strip; the owner can provide license to the Shade Tree Commission to do maintenance on the trees; not in the Borough's Shade Tree ordinance.

**Mr. Snieckus:** asked the County's comments in regards to providing sidewalks along WSRR.

**Mr. Missey:** stated he spoke to the principal planner at the County the day before; they have minor comments as to the plan details and will be sending a letter in the next ten days for certain plan adjustments.

**Mr. Snieckus:** stated when a sidewalk is behind the curb there is a need for a flare for the ADA accessibility.

**Mr. Missey:** stated the County made this point as well; it will be covered.

**Chairman Hanlon:** stated, for the record, a report from the County had not been received.

**Meeting opened to the public for questions of the testimony given.**

**Mr. Steve Shell, 885 Hollywood Avenue:** stated he was appearing before the Board as a resident of the Borough and not as a member of the Borough Council; asked questions of the engineer.

**Chairman Hanlon:** stated a discussion had previously taken place regarding the area coming off Route 17 onto Hollywood Avenue and cars shooting straight down, towards the Hollows property; people want to go over the overpass at the interchange there; they come to a stop sign and make a left and come over the Hollywood Avenue overpass; others go straight down Hollywood Avenue towards WSRR; they are supposed to stop for a yield sign there; asked if the applicant would support the Borough in asking the County to close the one segment passed the proposed driveway and Van Dyke Drive so that all the cars would swing out to the stop sign and can go either right or left; right now if someone comes out of the driveway that is proposed that person has to look three ways; 90 degrees to the left, 45 degrees to the left and then 90 degrees to the right and then try to shoot across the roadway; believes the applicant previously gave their support regarding this issue.

**Mr. Whitaker:** stated the applicant would support the Borough regarding this issue.

**Ms. Sharon Gomez, 37 Van Dyke Drive:** asked questions of the engineer.

**Mr. Stanley Kober, 919 Washington Avenue:** asked questions of the engineer.

**Mr. Jim Albes, 31 Valley Forge Way:** asked questions of the engineer.

**No further members of the public came forward to ask questions.  
Public portion of the meeting closed.**

**Mr. Snieckus:** stated the applicant had addressed all the items in his review.

**Mr. Whitaker:** stated his presentation was concluded.

**Meeting opened for public comment.**

**Mr. Steve Shell, 885 Hollywood Avenue, sworn in by court reporter:** stated he was appearing before the Board as a resident of the Borough and not as a member of the Borough Council; commented on the application.

**Mr. Jim Albes, 31 Valley Forge Way, sworn in by the court reporter:** commented on the application.

**No further members of the public came forward to comment on the application.**

**Public portion of the meeting closed.**

**Mr. Whitaker:** asked for preliminary and final subdivision approval with certain conditions previously identified.

**Mr. Carrick:** no comment.

**Mr. Newman:** no comment.

**Mr. Reade:** no comment.

**Mr. Jones:** no comment

**Mayor Randall:** stated this has been a long process; has taken a long time to get to this point; not the way he wanted to reach this point; project is better in some ways than the original concept; the subdivision approval is within the parameters of the Board; would not want to see sidewalks placed on Van Dyke Drive.

**Councilman Rorty:** no comment.

**Mr. Pierson:** no comment.

**Mr. Policastro:** no comment.

**Chairman Hanlon:** stated he agreed with Mayor Randall; hopefully the applicant and the Borough can work together on some of the items discussed this evening.

**Mr. Cucchiara:** stated he wanted to review the stipulations to make sure they are clear in the resolution:

1. Applicant will provide a license for tree maintenance.
2. Driveway will be installed as per Exhibit A9.
3. Fire hydrant will be shown on the plan.

4. Review of the drainage calculations as submitted and approved by the Board Engineer.
5. Modifications to the plan to make revisions as testified to by Mr. Missey in response to the DPW report.
6. Modifications to the plan to comply with the response letter of Mr. Missey to Mr. Lemanowicz' report; Exhibit A10.

**Mr. Cucchiara:** stated it is not necessarily a stipulation, but wanted to make mention of the fact that the applicant is not opposed to the stop sign on Hollywood Avenue.

7. In regards to the soil movement permit, the applicant will agree not to use Hollywood Avenue as part of their truck route.
8. Applicant will consider traffic protection for proposed lot 10.01 at the corner.
9. Notation of the K-turns for the lots fronting Hollywood Avenue will be shown on the plat.

**No further questions or comments from Board Members.**

**Motion for preliminary and final approval of the application pursuant to the stipulations that have been placed on the record between counsel for the applicant and counsel for the Board:** Carrick

**Seconded by:** Councilman Rorty

**Ayes:** Pierson, Reade, Newman, Carrick, Policastro Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

**Nays:** None

**Chairman Hanlon:** stated the resolution of approval will be prepared by the Board Attorney and the Board will then vote on the resolution at the Board's next meeting in February, 2018.

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**Motion to adjourn:** Carrick

**Seconded by:** Reade

**All in Favor**

**None Opposed**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
January 26, 2018