

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Zoning Board Minutes  
March 3, 2016  
Regular Meeting**

**Meeting Called to Order at 8:00PM by Chairman Barto**

**Open Public Meetings Statement: Read into the record by the Board Secretary.**

**Roll Call:** Messrs. Tarantino (absent), Cox (absent), Forst, Ms. Metzger (absent), Messrs. Deegan, Pappas, Rodger, Chairman Barto

**Also in attendance:** David L. Rutherford, Esq., Board Attorney; Mr. Mark Berninger, Zoning Official; JoAnn Carroll, Board Secretary.

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**Sean and Agnieszka Tynan, 52 Fairlawn Street, Block 218, Lot, 1:** applicants seek variances to construct three additions to their house which is located on a corner lot; non-compliance with Section 85-11 (F)1 front street yard depth and Section 85-11 (J) projections into front yard.

**Please note: Mr. Pappas has recused himself from this application due to the fact he lives within 200' of the subject property; Mr. Pappas has left the dais.**

**Mr. Joseph Bruno, applicant's architect, sworn in by Mr. Rutherford.  
Mr. Sean Tynan sworn in by Mr. Rutherford.**

**Mr. Bruno:** (handed out a packet containing photographs to the Board)

**Exhibit A1, marked March 3, 2016, packet consisting of 4 photographs taken by Mr. Bruno on Monday, February 29, 2016.**

**Mr. Bruno:** confirmed the pictures accurately portray what they purport to depict; stated the house is an existing late 1950s, early 1960s era split level home; unusual style in this neighborhood and in Ho-Ho-Kus as well; colonial style homes in area depicted in A1; described upper level of home; owner proposes to square off the NE and NW corners of the home; depicted on revised drawing at the request of the Board from the Completeness Hearing; hatched area indicates the squaring off; a front yard setback variance is needed because the existing home to the front yard lot line is 21.61 ft.; proposing to square off corners and not come any closer to the street as the house is presently; the master suite addition on the second floor does not require a variance; the master suite addition fully conforms with the setbacks; the front porch

encroaches into the front yard setback; requirement is 30 ft. and the applicant has 23.11 ft. to the porch itself and 20.11 ft. to the bottom riser of the staircase; the ordinance does allow for an encroachment up to 8 ft. and no larger than 35 sq. ft. in area; a wider porch was proposed because the entrance is proposed to be moved to the northerly end of the house which would bring the staircase in the same area as the present location of the front door and there would then be an elongated front porch; a wider porch was also proposed to create a more traditionally styled home; traditional architecture which would be in line with the rest of the neighborhood; (distributed another handout to the Board)

**Exhibit A2, marked March 3, 2016; rendering of what the house would look like if just a portico was created that is conforming at the NE side of the house.**

**Mr. Bruno:** stated, if the plans are put side by side, the proposal that is subject to a variance is far superior aesthetically; respectfully suggested the porch as proposed creates a nice scale for the home so it doesn't seem so big; the home is quite a bit wider than the other homes in the neighborhood; the home would be more compatible with older style homes in the neighborhood; there is a pre-existing non-conforming setback with the kitchen; suggesting that is a hardship; there is already a deficiency along the northerly lot line; the porch requires a front yard setback variance; the porch is a much needed aesthetic benefit to the split level home; would be a c2 variance; the kitchen expansion is minimal; no proposed expansion beyond the existing building limits; not expanding into the side yard; open space is preserved as much as possible.

**Chairman Barto:** stated he believes a nice job has been done; the porch seemed to be something that wasn't needed, but the explanation and the picture makes sense; views as an aesthetic and safety issue; will save the homeowner from walking uphill to get to the home; filling in the corners of the home are de minimus; nice set of plans and a nice addition to the neighborhood.

**Mr. Forst:** agreed; likes the porch aesthetic.

**Mr. Deegan:** agreed

**Mr. Rodger:** agreed

**No public in attendance for comment.**

**Motion to approve application:** Rodger, Forst

**Ayes:** Forst, Deegan, Rodger, Chairman Barto

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**Completeness Review: Paul & Suzanne Ferraioli, 25 Lloyd Road, Block 704, Lot 20:** applicants seek variances to construct a two story addition to the

right side of their home; non-compliance with Section 85-11 (F)3 side yard setback and Section 85-11 (K) 2<sup>nd</sup> story setback.

**Mr. Rutherford:** stated no testimony would be given on this application; the applicant was before the Board solely for the Board to determine if the matter is complete; notice has not been given yet; a form of notice was not included in the application so Mr. Rutherford took the liberty of preparing one; the Board Secretary will obtain the list of property owners the applicant has to notice; this notice needs to be sent via certified mail; the notice also needs to be sent to any and all utilities listed on the 200' list; the Board Secretary will handle the notice in the paper; if deemed complete, the public hearing would be held on April 7, 2016; Mr. Rutherford handed a copy of the notice to the applicant.

**Chairman Barto:** stated he was satisfied with the items submitted for this application; application deemed complete.

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**David and Lisa Massaro, 146 Ardmore, Block 206, Lot 16 (application bifurcated):** applicants seek a variance for light stanchions which have been erected in the Borough right-of way to be removed and erected on the applicant's property; the zoning ordinance does not permit light stanchions as accessory structures.

**Mr. James Delia, applicant's attorney:** stated supplemental information had been submitted to the Board since last month's meeting; confirmed existing calculations; surveyor went back to the property to measure; the calculation was off by one square foot which changes the proposal to 37.32% instead of 37.31%; this represents the only change; Mr. Massaro put together a package which gave the dimensions of the light stanchions.

**Mr. Massaro:** (still under oath) confirmed he submitted an 8 page set of plans and that he provided the dimensions of the stanchions.

**Mr. Delia:** stated the stanchions are now proposed to be 6 ft. back from where they are currently located; on the grounds of a c2 variance, the stanchions provide some level of safety; they are well buffered with bushes to the left; the stanchions look fine aesthetically.

**Mr. Massaro:** confirmed the stanchions are 1 ft. behind his property line and 6 ft. back from where they are currently located.

**Mr. Forst:** asked if the dimensions of the posts would be the same.

**Mr. Delia:** stated yes.

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**Mr. Rutherford:** confirmed that the stanchions would be built according to the dimensions on the plan and 6 ft. back onto Mr. Massaro's property.

**Chairman Barto:** asked for confirmation that the stanchions would no longer be located in the right-of-way.

**Mr. Delia:** stated that was correct.

**No public in attendance for comment.**

**Chairman Barto:** stated he was still not comfortable with this application but it is a very dark corner; it is a troubling application.

**Mr. Rutherford:** stated the Board may want to consider this issue as a supplement to the Annual Report; this may be a matter better served by an ordinance than on an ad hoc basis.

**Mr. Deegan:** stated there wasn't much thought by the applicant when he first installed the stanchions; troubled that they have to come out and then be put back in; they never should have been erected in the first place; the stanchions cannot stay where they are currently located; they either have to be removed and stay removed or they have to be relocated.

**Mr. Delia:** stated his applicant is seeking a variance for an accessory structure in the front yard.

**Mr. Rutherford:** stated the Mayor and Council sent this application to the Board; at the last meeting the Board indicated their disapproval of the stanchions being built in the right-of-way.

**Motion to approve application:** Chairman Barto, Rodger

**Ayes:** Forst, Deegan, Pappas, Rodger, Chairman Barto

**Absent:** Tarantino, Cox

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### **Resolution**

**Approved: Addition (application bifurcated): David and Lisa Massaro, 146 Ardmore, Block 206, Lot 16:** applicants seek variances for rear yard setback, building coverage and improved lot coverage for a proposed addition connecting the principal structure and the detached garage.

**Mr. Rutherford:** reviewed the application and resolution; confirmation of lot coverage calculations received.

**Motion to approve resolution:** Forst, Rodger

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**Ayes:** Forst, Deegan, Pappas, Rodger, Chairman Barto  
**Absent:** Tarantino, Cox

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**Approval of Minutes:** Carried to the next meeting.  
February 4, 2016

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**Motion to Adjourn:** Rodger, Forst  
**All in Favor**

**Meeting adjourned at 8:30PM.**

Respectfully submitted by:

JoAnn Carroll  
Zoning Board Secretary  
March 16, 2016