

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
March 14, 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, Reade, Newman (absent), Carrick (absent), Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. David Hals, Borough/Board Engineer; Mr. Edward Snieckus, Borough/Board Planner; Ms. JoAnn Carroll, Board Secretary

Ms. Corinne Davis, Four 7 Construction LLC, 215A Brookside Avenue, Block 1013, Lot 6: new business application.

Ms. Davis: stated her business is a residential home and modular company; will have 2 employees; administrative office; 2 parking spots in the rear of the building; office is located on the ground level; does not require signage.

Chairman Hanlon: stated, due to the location of the building, she would be notified if any flooding was expected due to an upcoming storm.

Motion to approve application: Pierson

Seconded by: Councilman Policastro

Ayes: Pierson, Reade, 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 application; applicant has been deemed complete; public hearing this evening to continue the applicant's presentation; revisions made to original plans; all Board members present have attended all hearings on this application except for Mr. Pierson who was not present for the September 13, 2018 hearing.

Member Pierson has listened to the disc of September 13, 2018 and has signed an absent member certification stating this and has submitted the certification to the Board Secretary.

Chairman Hanlon: reviewed the meeting procedures; confirmed with the Board Secretary that the applicant's file has been available to the public to review, the taxes are up to date on the property and the notice was in order; Mr. Cucchiara also confirmed the notice was acceptable.

The following exhibits were marked during the hearing:

A14 new preliminary major subdivision plat, dated 1/23/19, last revised 2/1/19, prepared by E&LP

A15 sketch of subject property with a proposed narrower road with a hammerhead turnaround area; prepared by E&LP

B9 Mr. David Hals, Borough/Board Engineer, letter dated 3/12/19; review of amended application

B10 Chief C. Minchin, Ho-Ho-Kus Police Department, memo dated 2/20/19; review of amended application

Allen Bell, Esq., applicant's attorney: stated the proposal has been modified to eliminate one lot and propose two fully conforming lots on a road that completely meets the RSIS; no variances required; engineer to explain the changes made.

Mr. John Hansen, E&LP, applicant's engineer: previously sworn in by Mr. Cucchiara; still under oath; Exhibit A14 is essentially the revised subdivision to 2 lots; still a major subdivision; right of way is 50 ft. and cartway is 28 ft. curb to curb; residential access road; parking allowed on one side of street; public road; shortened the cul-de-sac to 40 ft.; providing 35 ft. dedication to the County from the center line of Wearimus Road; less intense; 2,500 sf less coverage; two fully conforming lots; connection to intersection same as originally proposed; pavement reduced per Mr. Hals' report.

Mr. David Hals, Borough/Board Engineer: previously sworn in by Mr. Cucchiara; still under oath; stated he issued a letter dated 3/12/19; basically reviewed the plans that were submitted to show two lots; length of cul-de-sac reduced by 40 ft.; width of right of way increased; pavement increased; subdivision is fully conforming to the R1 residential zone district requirements; roadway is fully conforming to the RSIS; the applicant has demonstrated that the lot can be subdivided and conform to the ordinance and the RSIS; the plans still have to be revised to provide the detailed design for the stormwater management, the potential roadway design, both profile and cross-sections, soil moving, sewer design, specifically the lot in the back will still require a pump for the individual house; the water main design; all those components, which were previously provided with the three lot subdivision, would have to be redone; items 9 & 10 of his letter will have to be discussed by the Board; specifically the applicant is proposing a road that is servicing two lots; there is only one other road in the Borough that has that, which is Conifer Lane; there are smaller cul-de-sacs in the Borough but they generally service 3 or 4 lots;

the application before the Board will end up being a public roadway servicing two houses; in his opinion, a lot of impervious area is being produced; specifically it goes to the size of the road, which is going to be nothing more than a glorified driveway leading to one house; the first lot is closer to Wearimus Road; the width of the roadway can be reduced in that section to service the house; cul-de-sacs are not designed for turning fire trucks around; they are designed for turning school buses and single unit vehicles; fire trucks have to do multiple k-turns or back out; there are other alternatives for a cul-de-sac; the pavement width can be reduced; this would reduce the impervious lot coverage to a point where it is lessening the impact on surrounding properties; there is an affected neighbor downstream that has stormwater issues; items need to be considered; his recommendation is to reduce the pavement in some fashion; the applicant is demonstrating with the 50 ft. right of way that the zoning requirement is met; #10 of his letter takes it one step further; asked if this needs to be a public road; asked if this could be dedicated to a private road; the burden is then on the property owners themselves to maintain it; the roadway itself doesn't need to be 28 ft. wide; 28 ft. wide provides for a parking lane and vehicles that turn around; you are basically getting 2 driveways that are coming out to Wearimus Road; there will not be a lot of traffic to the 2 new homes; could be designed in a fashion where the road is paved to a very narrow lane, 12 or 14 ft. wide; strengthen the side shoulders to provide for either a turning area or an area in case parking was needed; this would allow stormwater to percolate in the ground instead of running off the site itself; if that was the case, then this might be an opportunity for a private road that is maintained by the property owners themselves; the burden of maintaining the road would be taken off the municipality.

Chairman Hanlon: stated, under #8 of Mr. Hals' letter, would like to add "environmental"; environmental concerns have been discussed at previous meetings with the applicant; the applicant's property was used for fueling diesel trucks; numerous chemicals on the property; environmental problem on the western side of the property; lot 5.01 is where most of the issues are; by the stream; doesn't know what damage has been done, if any; there was a 550 gallon diesel fuel tank above ground on the site; should be an item the applicant addresses.

Mr. Hals: stated this can be handled through the soil moving aspect of the ordinance itself; the Board can put this as a condition of approval; proper soil testing will need to be done to make sure there is no soil contamination.

Chairman Hanlon: stated there are some properties in town that have private roads; dirt roadways; one in particular has always been a problem; the two potential neighbors of the applicant's property will have to get along.

Mr. Hals: stated there are several locations in town with common driveways; the town has assisted in paving the streets and the homeowners are then back charged.

Chairman Hanlon: asked if the road, if narrowed, could still be a public road.

Mr. Hals: stated yes, it was a possibility.

Chairman Hanlon: stated it would be expensive for a homeowner to correct a problem with the sewer and/or water line; the road would need to be torn up.

Mr. Hals: stated the width of the road is irrelevant; the single family home at the end of the cul-de-sac will pump their sewage all the way to Wearimus Road; in essence, that would be their responsibility already; no public improvement with that portion of the sewer; the first house can put gravity to Wearimus Road; previous plan had the house as gravity fed; in regards to firefighting, if the cul-de-sac is shortened and the house is moved toward the right-of-way, there is no reason to extend an 8 inch water main; basically a lateral serving the house itself; firefighting would be done by a hydrant on Wearimus; fire hydrants have to be placed every 500 ft.; if the fire hydrant at the Wearimus intersection and the distance to the house meets the standard, the hydrant can be hooked up there.

Chairman Hanlon: stated he was asking about the water line into the house for drinking, etc.

Mr. Hals: stated the supply would be for one house; that house would maintain that line the whole way; can be done with a 1 inch line instead of an 8 inch line; the homeowner would be responsible from Wearimus all the way to their house.

Councilman Policastro: no questions.

Mr. Pierson: asked how narrow a public road could be.

Mr. Hals: stated as narrow as the Board chooses; the minimum would be 12 ft. wide; this would be a curbed road on the plan; no reason to put curbing in at all; allow the stormwater to flow off the edge of the road and go across pervious areas; allow it to percolate into the soil; reduces the amount of stormwater; a lot of benefits; could ask the applicant to provide a 12 ft. wide paved area and then widen further in case someone is coming in and they can pull across and pass; it would strengthen the shoulder area.

Mr. Pierson: asked if it would be more aesthetically appealing to narrow the road and strengthen the curb.

Mr. Hals: stated what is proposed is going to be a large paved area; if the road was small, it would look like a driveway and fit in with the other houses on Wearimus; there is another benefit; the Ho-Ho-Kus resident on the corner will not have a street on three sides and the next people in the Township of Washington won't have a street behind them; it will also reduce the number of trees cut down.

Mr. Jones: stated anything less of a burden on the Borough is beneficial; the private road could be listed as a deed restriction; if the homeowners choose not to maintain it, it is only to their detriment, not to the community as a whole.

Chairman Hanlon: stated, if the road was a private road, both homeowners would be responsible for the private road/driveway.

Mr. Hals: stated a private road would be for the sole benefit of the lot in the back; they would grant a cross easement to the lot in the front; if there is an issue with the road, both homeowners would contribute to fix it; that is how it is usually done.

Mr. Reade: stated he would like to see the topography and drainage detail; asked if the house in the back would be responsible for any repairs to pumps or backflow preventers if they fail under the roadway.

Mr. Hals: stated yes but a large unit would not be required; the line can be as small as a 2 inch line; pipeline would not be very big.

Mr. Reade: asked if it would be located under the road.

Mr. Hals: stated yes, in the right of way or across the other residential lot; hasn't seen the sewer design yet; different ways it can be done.

Chairman Hanlon: stated, due to a scheduling conflict, Mr. Snieckus will give his report at this time, and then the meeting will be opened to the public for questions.

Mr. Edward Snieckus, Borough/Board Planner: stated he did not prepare a formal review for the revised design; he does concur with Mr. Hals' assessment of the lots; one of the items to be careful of in the MLUL is a building lot which abuts a street; will research if it is a private drive or a right of way; a right of way would be the street but not up to street standards; wants to make sure there is no technicality; waiver may be needed; if the amount of impervious surface is reduced, the amount of run off will be reduced as well as the amount of tree removal; if there is to be tree removal, plantings will be needed; in earlier memos he had identified the wetlands transition areas; they need to be described to the property owners so they know where the buffer areas are and that they are not to be disturbed; should be captured on future lots; the right of way being located along its common property line with adjacent lot on Wearimus, Block 905, Lot 6, makes this lot a corner lot; asked for the applicant to confirm if there were any structures within the 50 ft. setback.

Mr. Bell: stated no.

Mr. Snieckus: asked if there would be a bio retention basin; did look at the landscaping previously to see if there were any settlement basins or things of that nature; item which still applies from his prior memo is whether or not

there is a waiver of sidewalks required from the RSIS; sidewalks are to be provided to a minimum lot size of less than 2 acres and a development located within 2 miles of a Ho-Ho-Kus school.

Chairman Hanlon: stated it doesn't make any sense to have sidewalks.

Mr. Snieckus: stated it would be an action of the Board.

Councilman Policastro: no questions.

Mr. Pierson: no questions.

Mr. Jones: no questions.

Mr. Reade: no questions.

Meeting opened to the public at this time; no member of the public came forward.

Mr. Bell: stated when the Borough Engineer's report was reviewed a discussion was had regarding narrowing the road; a sketch was prepared with a proposed narrower road with a hammer head turnaround area; Mr. Hansen could present the sketch to the Board this evening; the cul-de-sac area has been retained; might be useful for discussion purposes.

Mr. Hansen: stated the orange part of A15 shows a common driveway, 16 ft. in width with a hammerhead at the end so emergency vehicles could turn around; still have a 50 ft. right of way with the cul-de-sac; potentially a paper street; de minimis exception to the width of the street and the ownership would be to the owner of the lot in the back.

Chairman Hanlon: asked if the owner of lot 5.01 would also be a partial owner of the paper street because he is going to be using it.

Mr. Hansen: stated the ownership could be split or have it owned by lot 5.02, with cross access easement rights to lot 5.01; the intent is to decrease the coverage and stormwater runoff which is beneficial.

Chairman Hanlon: asked what would happen if the two homeowners did not get along.

Mr. Hansen: stated if the common driveway, maintenance agreement and easement are written correctly, there shouldn't be a problem.

Mr. Snieckus: stated he had no concerns regarding this issue only going back to whether or not it qualifies as a street; will check into it.

Mr. Hals: stated it goes along with what he has been stressing; 12 ft. would be the minimum; 16 ft. would clearly be adequate; two vehicles could pass; in some areas a bump out area could be made; could also require the front house to have a circular driveway.

Robert J. Inglima, Esq., objector's attorney: representing Mr. & Mrs. Nye; the owners of the property that abut this site to the south; has no questions because it appears clear that there will be changes to the design; subdivision as well as the roadway, drainage, all items will have to be finalized at a further date; if the Board is not going to be asked to act upon the plan in its present state, any questions he would have would go to what the final design will be.

Meeting opened to the public at this time; no member of the public came forward.

Chairman Hanlon: asked Mr. Hals to work with the applicant's engineer; would like to have Mr. Jeff Pattman, Ho-Ho-Kus DPW Superintendent, involved; it is his team which may or may not be involved with the road, the sewer and the water situation.

Mr. Hals: agreed.

Mr. Bell: stated the applicant's engineer is happy to participate in that meeting; it would be helpful to have some indication from the Board if the Board is inclined to a narrower road as opposed to what was proposed this evening so that Mr. Hansen can start working on a design.

Councilman Policastro: stated he accepted the recommendation of Mr. Hals and Mr. Snieckus of a narrower road.

Mr. Pierson: stated the way it was described and then seeing it on paper, there is an opportunity to narrow the roadway to absorb more of the water; narrower roadway also has more appeal.

Mr. Jones: stated it makes a lot of sense for all the reasons stated.

Mr. Reade: stated he is inclined to go with the recommendations of Mr. Snieckus and Mr. Hals.

Brief discussion held at this time regarding meeting schedule; the date of May 9, 2019 was agreed upon for the applicant to appear before the Board.

Mr. Bell: for the record, agreed to an extension of time through the May meeting date.

Meeting opened to the public at this time; no member of the public came forward.

Discussion:

**2019-21, Amendment to Chapter 85, Zoning, Business Awning Signs
2019-22, Amendment to Chapter 85, Certain Provisions Relating to
Driveways**

Mr. Cucchiara: stated before the Board are two zoning ordinances which require a review from the Board or a recommendation from the Board; the Board can take the position it does not agree with the ordinance and advise the Mayor & Council of that fact; the business awning and driveway ordinance amendments were prepared by the Board with the assistance of Mr. Hals, so it is unlikely the Board would not recommend them for adoption; the Board should give its position with respect to each ordinance.

Motion to recommend the approval of Ordinance 2019-21 by the Mayor & Council: Pierson

Seconded by: Councilman Policastro

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

Nays: None

Motion to recommend the approval of Ordinance 2019-22 by the Mayor & Council: Reade

Seconded by: Jones

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

Nays: None

Approval of Minutes:

February 21, 2019

Motion to approve: Pierson

Seconded by: Jones

Ayes: Pierson, Jones, Councilman Policastro, Chairman Hanlon

Nays: None

Motion to adjourn: Pierson

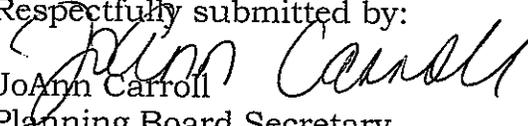
Seconded by: Jones

All in Favor

None Opposed

Meeting adjourned at 8:30PM

Respectfully submitted by:



JoAnn Carroll
Planning Board Secretary

March 20, 2019