

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
April 9, 2015
Work Session**

**Meeting Called to Order at: 7:35 PM
(Meeting held in Ambulance Room)**

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

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

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Ms. Laura Borchers, Acting Board Secretary

Oath of Office administered to Mr. McVey by Mr. Cucchiara; Term Expiration: 12/31/18

Oath of Office administered to Mr. Corriston by Mr. Cucchiara, Term Expiration: 12/31/15

Mr. Justin Ross, Beautiful Bodies Boot Camp, 217 First Street; Block 1016, Lot 5: sign application; applicant seeks approval to place two free standing signs on property.

Chairman Hanlon: asked Mr. Ross for an explanation of his application.

Mr. Ross: stated his business is trying to establish curb signs at both ends of their entrances; they have a common driveway with Granny's Attic; they want to have a curb sign at that location and also on the First Street side; they are tucked behind the strip of stores.

Chairman Hanlon: stated the applicant had not come before the Board for signage previously; there is currently a large cloth sign on the building at this time which is not acceptable and it was not approved by the Board; asked Mr. Reade, Sign Committee member, to speak with Mr. Ross at this point of the meeting.

Mr. Reade: confirmed the address and that there is currently a sign on the front of the building; there is also a back door access; the request in regards to the portable signage/ground signs for the entryway on First Street and on the exit road by Granny's Attic; the sign attached to the building at this time, the banner sign, is not acceptable; need to meet and discuss what would be

acceptable; stated the sign from the previous business needs to be removed as well; this sign is on the “lane” side of the building.

Chairman Hanlon: stated it would be best to have Mr. Ross and one or two members of the Sign Committee meet to discuss the signage issue; stated only one portable sign has been approved by the Board which was many years earlier and under special conditions.

Mr. Ross gave his contact information to Mr. Reade, who would be contacting Mr. Ross in the near future to discuss signage.

Mr. Nicholas DiGenova, Craft & Theory Hair Studio, 22 Sheridan Avenue: applicant seeks approval to open a hair salon; new business application; sign application.

Mrs. DiGenova: stated she and her husband want to open up a high end hair studio at 22 Sheridan; just hair services would be provided; there will be no nail or waxing services; requesting signage approval; described the sign in detail.

Chairman Hanlon: asked how many employees would be on site.

Mrs. DiGenova: stated 7-10; depending on weekday or weekend.

Chairman Hanlon: stated he is very familiar with the location of the business; did not believe the parking lot would be able to accommodate that many employees.

Mrs. DiGenova: stated the employees would park on the street.

Chairman Hanlon: stated this issue needs to be worked out.

Mr. Pierson: asked how many chairs there would be on site.

Mrs. DiGenova: stated 7 chairs, but there may not be 7 stylists present at one time.

Mr. Pierson: asked if the applicants currently owned a business.

Mrs. DiGenova: stated her husband has been in the industry for 15 years and has been with the same studio for that time; Mr. DiGenova would like to open up his own business at this time; Mrs. DiGenova is the interior designer for the business.

Mr. Reade: stated the size of the sign would be appropriate, but asked if the sign would be lit.

Mrs. DiGenova: stated “no”, there is already lighting on the premises; the pre-existing spotlight in the courtyard is facing where their sign would be placed.

Mr. Reade: asked where the current studio is located which Mr. DiGenova works.

Mrs. DiGenova: stated one of the studios is in Park Ridge and the other one is in Montvale.

Chairman Hanlon: asked how many parking spaces the landlord has dedicated to this business.

Mrs. DiGenova: stated there is one spot for the tenant.

Mr. Andrew Goetting, property owner of 22 Sheridan Avenue; there are approximately 8-10 spots on the property; 2 spots are being dedicated to the tenant; will work with the tenant on the weekends during their peak hours for the use of more spaces; working with tenants at this time to allocate more spaces.

Chairman Hanlon: stated part of the problem is there will be many days between 11AM and 2PM parking becomes virtually impossible; when the applicant states she may have between 7 and 10 employees, you don't want them to park on the street because you don't want them to get ticketed; what has been done is arrangements have been made for the employees to park at the lower level of the train station; only suggestion he has; will have to make arrangements for them to be there; there is a cost involved; informed the applicant to contact the Borough Clerk regarding parking.

Mrs. DiGenova: asked about the parking on the street.

Chairman Hanlon: stated the Chamber of Commerce is working on this issue; at this time it is agreed that the lower section of the train station can be used for parking.

Motion to approve the application: Reade, Pierson

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

Absent: Berardo, Councilman Rorty, Mayor Randall

Chairman Hanlon: asked the applicant to review the sign application submitted.

Mrs. DiGenova: gave the details of the sign; equivalent sign as is located to the right of their location.

Chairman Hanlon: asked if the sign next to their location was metal.

Mrs. DiGenova: stated it was wood with a metal backing.

Chairman Hanlon: stated most of the signs in town are of a wood nature.

Mrs. DiGenova: stated it would not be a problem to change the sign material as long as the lettering and other features are okay.

Mr. Reade: stated the lighting is fine as long as it is provided by the spotlight on the ground.

Chairman Hanlon: asked if the lighting is on a timer.

Mr. Goetting: stated the lighting is on a timer during business hours.

Mrs. DiGenova: stated the lights would be on during business hours.

Motion to approve sign application with wood material: Pierson, Reade

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

Absent: Berardo, Councilman Rorty, Mayor Randall

Chairman Hanlon: stated he had a discussion with Counsel regarding the public hearing for the Hollows application; since the engineer has not completed his review and there is one meeting which still has to be transcribed, the Board cannot go forward with a hearing on the Hollows; looking at the possibility of meeting at the end of this month; the Board will no longer be able to hold a special meeting on the first Thursday of the month due to the Board of Adjustment's current applications; will have the Board Secretary contact the Board asking for their availability for a few dates in April; the Board's regular meeting dates in May are the 14th and the 21st.

Chairman Hanlon: spoke regarding the MPM resolution draft; need to update one part regarding the paving of the road; page 4, section 10 item "c"; the road would be widened and a new curb is to be installed; the street needs to match the rest of the block; there are to be no sidewalks; resident discussed the sidewalks and we suggested he speak to the builder; they had to our permission to remove the sidewalk; asked the Board to send any additions or corrections to the Board Secretary.

Rumford Holdings LLC, 863 and 873 East Saddle River Road; Block 810, Lots 1.01 & 2: applicant seeks minor subdivision approval between two adjoining properties under common ownership.

Mr. Joseph Mariniello, Mariniello & Mariniello, applicant's attorney.

Chairman Hanlon: stated the application has been read; asked the Board if any member had a conflict with this application; the application was deemed complete in February 2015; Mr. Hals' letter must be corrected to reflect the year 2015, not 2014; public hearing is scheduled for this evening; exhibits have been on file for the public to see.

Mr. Cucchiara: discussed the preliminary matters; taxes are current; notice of publication appeared on March 30, 2015 and is satisfactory; the notice to the 200' list and to the utilities is satisfactory; the application can proceed.

Chairman Hanlon: stated the meeting is being held in the ambulance room; different recording system; asking for the audience to turn off cell phones.

Mr. Mariniello: stated this application concerns 863 & 873 ESRR; Block 810, Lots 1.01 & 2; gave a very brief synopsis of the application; referred to tax map; flag lot described; Lots 1.02 and 2 share a piece of a driveway that accesses both driveways; want to redraw the lot line so Lot 2 becomes its own rectangular lot with its own driveway which would exit onto Powderhorn Road; Lot 1.01 continues and gets the use of the driveway that currently exists; easement exists; wants to get rid of this complication so both lots aren't sharing the same driveway; essentially under common ownership, except Lot 2 is owned by a corporate entity; the corporate entity is owned by the owners of Lot 1.01.

Exhibits Marked:

A1 Subdivision Plan prepared by Conklin & Associates

A2 Subdivision Application dated 7/16/14

A3 Deed dated July 31, 1998

A4 Metes & Bounds for Lot 1.01 Block 801

A5 Metes & Bounds for Lot 2.01 Block 8012

A6 Metes & Bounds for a portion of Lot 1.01 Block 802

A7 Metes & Bounds for a portion of Lot 2 Block 801

B1 Schwanewede/Hals Engineering report dated 9/11/14

B2 Schwanewede/Hals Engineering report dated 1/6/15

Mr. Tibor Latincsics, Conklin Associates, applicant's engineer: sworn in by Mr. Cucchiara; offered as an expert in civil engineering and planning; gave a detailed description of the property; referred to Exhibit A1; original planned 6/19/14; last revised 12/18/14; exhibit details both properties; 863 functions as a flag pole; shared driveways; direct frontage on Powderhorn Road; both properties predate the development around it; remnant of another era; Lot 1.01 is 4.24 acres; irregularly shaped; a simple land swap is proposed; brings both properties closer to conformance with the zoning code; redistribution of the land mass for better utility and more conforming; asking for some waivers; a

new driveway to service Lot 2.01 would be constructed out to Powderhorn Road; eliminating any need for an easement or shared access egress with 873; waiver not to show topography or contours; waiver not to show the front yard of houses within 600' of the property; the zoning code states front yard setback is a minimum 50 ft.; it should be the average of homes within 600' but not less than 80'; existing home on proposed Lot 2.01; 26.9 ft. from Powderhorn Road; asking for existing variance condition to be continued; however there is a notation on the plat, that if that home were to ever be replaced, the minimal front yard of 80' would be a requirement; another peculiarity with the property is that Lot 2.01 has a frontage of 147.76 ft. on Powderhorn Road; currently it has 812 ft. of frontage due to the flagpole; asking for a variance from having 200 ft. of frontage; another waiver requested was the requirement that a lot front on a road with a 50 ft. driveway; Powderhorn Road has a 50 ft. driveway for Lot 2.01; ESRR is a County road; the right of way is 41 ½ ft.; 16 ½ ft. from the center line to the right of way along the frontage of the two lots; proposing an easement of 25 ft. from the center line of ESRR affectively providing for a 50 ft. right of way; meaningful easement because it is very clear this property pre-dated Saddle Brook Drive and Powderhorn; the County pavement encroaches upon Lot 1.01; solving this problem by providing an easement in favor of the County road; future construction on proposed Lot 2.01 would conform to the setback requirements; becomes easier to do once the lot lines of Lot 2.01 are redrawn allowing for a deeper backyard; referenced January 6, 2015 letter from Mr. Hals; in this letter Mr. Hals addresses a couple of items; switching the driveway and frontage of Lot 2.01 from Powderhorn Road would then need to have a Powderhorn address; stated the need for a minor soil movement permit and road opening permit for the relocation of that driveway; three trees to be removed; de minimus amount of soil to be disturbed; curb cut needed; benefits summarized.

Chairman Hanlon: stated, if this application were to be approved, the Board would not want an easement granted to the County.

Mr. Marieniello: stated it was at the request of the Borough Engineer that the applicant make some allocation for that piece.

Chairman Hanlon: stated he is trying to protect the “mother” house.

Mr. Marieniello: stated he is more than happy to withdraw that part of the application and have the County deal with them in the future if they request it.

Chairman Hanlon: stated he will confer with Mr. Hals; Mr. Hals is aware of the Board's position regarding easements.

Mr. Latincsics: stated the application will be amended for requesting a variance for a lot not fronting on a roadway with a 50 ft. right of way even though it is a County road and it has been there since the 1700s.

Mr. Marieniello: stated the applicant is already pre-existing violation of the Borough's ordinance by not having a driveway which fronts on a street that is 50' wide.

Chairman Hanlon: stated the Shade Tree Commission will be involved with this application going forward.

Mr. Marieniello: stated the applicant will be happy to work with the STC.

Mr. Pierson: stated it is rare to have an application which has two aspects of non-conformity and one variance; intuitively it makes the two pieces of property make more sense; seems to make the property flow better; makes sense from a cosmetic aspect as well.

Chairman Hanlon: stated the lot is quite narrow; asked if the applicant had asked the owners of the "mother" house about acquiring property which would make this property conforming.

Mr. Marieniello: stated part of the problem is there are amenities associated with the "mother" house which are pretty close to the lot line; understands that it doesn't meet the 200' by 200' requirement; difference is it already doesn't conform unless you factor in the bizarre flag lot; the "pole" portion; it creates a much more typical, conforming lot in other ways.

Chairman Hanlon: stated he was looking at moving the lot line over 20 ft. which would give the narrow lot a little bit more substantial width on both sides to put a home there.

Mr. Latincsics: stated the plan does not show it, but there is a physical feature that the Board needs to be aware of; along with the original lot line there is a substantial row of Norway spruces; affectively establish a physical property line; moving the lot line over 20 ft. does nothing for Lot 2.01.

Chairman Hanlon: stated this would be the only application approved over the last 30 years with this proposal; there is land next to it that can be brought into the lot to make it more conforming.

Mr. Marieniello: stated he appreciates the Chairman's concern.

Mr. Corrison: asked where the pool was located in comparison to the spruces; asked if the Chairman was stating to move the lot line 20 ft. and then grant a variance for the pool.

Chairman Hanlon: stated "yes;" at some point and time if you are looking at the current house on the property being discussed, it doesn't look like it will

stand up very much longer anyway; unless the owner would do a major renovation to the house; the house certainly does need a great deal of work.

Mr. Marieniello: stated the “mother” house is the home of the applicant; the applicant wants the home with the pool and the spruces; she does not want to deed away that barrier for herself.

Chairman Hanlon: stated he understands the applicant’s concern, but it does create a problem.

Mr. Corriston: asked if the restrictions were going to be a deed notice in terms of someone rebuilding the house.

Mr. Latincsics: stated “yes.”

Mr. Corriston: asked for clarification regarding the lot lines which are proposed, there is already a lot 2; with the exception being the back of it is part of Lot 1; and then the only way Lot 2 has sufficient frontage is through this pole.

Mr. Latincsics: stated it has access to the pole; it has frontage.

Mr. Corriston: stated “compliant” frontage.

Mr. Latincsics: stated the “pole” could be cut and it would be better than what is there today but it would be peculiar.

Mr. Corriston: asked if there was a history of the way the house was built the way it was.

Chairman Hanlon: stated it was back in the 30s; gave a history of the home.

Ms. Jeanne Dube, applicant, sworn in by Mr. Cucchiara: gave a history of the home which was built in 1910.

Mr. Corriston: stated it makes sense to fix this lot; it meets all the requirements except for the frontage; in favor of the application as proposed; from a planning perspective, he would love to get rid of the 1000 ft. of pavement; makes sense to separate the properties; do want to preserve the “mother” house; is very unusual with the environmental aspect with the trees; believes it makes a lot of sense.

Mr. McVey: asked if there is any conflict with the installation of the driveway and the speed bumps on Powderhorn.

Ms. Dube: stated she didn’t believe so.

Chairman Hanlon: stated they are not within 147 ft.

Chairman Hanlon: stated, for the record, there are no members of the public in attendance; no public portion held.

Motion to approve plans as submitted/grant the variance with the understanding that the record reflect that it is very unusual for the Board to grant a variance of this type; however, historically the property has been used in the manner consistent with the lot lines, and in fact, this application will improve the lot to make it more in conformity in terms of shape and depth; basically having the same width that lot 2 has now; basically subdividing it; very unusual circumstances: Corriston, Newman

Mr. Pierson: asked how the deed restriction for the future dwelling affects the application; asked if it needed to be a part of the motion.

Mr. Corriston: stated he would suggest, once the house is knocked down, they will; have to conform anyway; probably not necessary under the circumstances.

Mr. Cucchiara: stated a variance would be needed anyway.

Ayes: Pierson, Reade, Corriston, Newman, McVey

Abstain: Chairman Hanlon

Absent: Berardo, Councilman Rorty, Mayor Randall

Motion to Adjourn: Corriston, Pierson
All in Favor

Meeting adjourned at 8:55PM.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
May 11, 2015