

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
March 6, 2014**

Meeting Called to Order: 8:00PM

Call to Order: Open Public Meetings Act Statement – In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been sent to the Ridgewood News, our official newspaper in the Borough of Ho-Ho-Kus and notice has been posted on the bulletin board at Town Hall. **Read aloud by Board Secretary.**

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

Also in attendance: Mr. David Rutherford, Board Attorney; Mr. David Hals, Borough Engineer, Ms. JoAnn Carroll, Board Secretary

Swearing in of Mr. John Deegan, Member, unexpired term ending: 12/31/15

Mr. Deegan was sworn in by Mr. Rutherford.

Approval of Minutes:

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| September 5, 2013 | October 3, 2013 | June 6, 2013 |
| November 7, 2013 | July 11, 2013 | February 6, 2014 |

Motion to Approve Minutes En Bloc: Cox, Tarantino

Roll Call Taken

Ayes: Tarantino, Cox, Pappas, Rodger, Barto

Abstain: Deegan

Approval of Annual Report: Cox, Rodger

Ayes: Tarantino, Cox, Pappas, Rodger, Deegan, Barto

Approval of By-Laws: Motion to Adopt as Revised: Tarantino, Cox

Ayes: Tarantino, Cox, Pappas, Rodger, Deegan, Barto

***Please Note: Ms. Metzger has arrived at the meeting at this time: 8:05PM**

Please Note: Chairman Barto and Mr. Rodger have left the dais for this application; they are both recused.

St. Luke's Church: 260-302 North Franklin Turnpike, Block 103, Lots 7 & 8: proposed cemetery with headstones and car turn around; interior lot landscaping and fence extension to be discussed.

Landscaping only issue remaining; reviewed Shade Tree Commission report; perimeter tree issue already settled; arborvitae snap with too much snow; swap out trees along county road because of the salt; substitution they can handle; required street planning provision; Shade Tree Commission obtained a grant; no one paid for trees; the Board has the ability to waive requirements; waive the requirement of escrow and also the planting of the trees along Franklin Turnpike; shade trees would not grow because they are in the full canopy of the other trees; no irrigation plan; comments concerning grade and fill where dealt with and covered in the resolution; will swap out arborvitaes with Leyland cypress ten on center; staggered row on a horizontal plan; Mr. L. Dan Muller; Blue Meadow Farms, Landscape Architect sworn in by Mr. Rutherford; **Exhibit A-6: Landscaping Plan from Mr. Muller, revised 2/27/14;** one or two changes in the NE corner; supplemented; this is what this plan shows; details of fence shown on new plans; Mr. Muller gave his credentials; accepted as an expert; substitution arborvitaes; discussed Exhibit A-6; will be planted as shown on the plan except species of plant will change; provision for tree protection detail for the plan; none on the plan; can add; amendment to be added; when construction takes place, the houses come down, the Shade Tree Commission brought up a valid issue in making sure the trees are protected; neighbors concerned about some larger trees added; selected 4 white oaks at the center of the circle; added benches and flowers; 3 trees in the cemetery proper; **Exhibit A-7: Color pictures of trees proposed;** discussion of flowers; color; center of site; different types of trees; multiple seasons of interest; lost 5 graves because of this; trees to provide adequate shade; aesthetic improvement; add to the landscape buffer in terms of camouflaging what people can see through; 2.5-3 inches caliber when planted; 10-2 ft.; white oak will eventually grow 50-80 ft.; discussed trees in NE corner; continued along back which was agreed to at the last meeting; 4 oaks in the circle; dense in circle.

Mr. Martin Costello, 261 N. Franklin Turnpike: asked how far apart the 4 white oak trees would be; would they cause a problem when larger; how much currently exists and how much is being taken down; will there be a full view when complete; no white oaks toward the front; open space

Mr. Muller: stated 18-20 ft. on center; typically 20 is standard practice; there is a lot of deadwood that will have to come out; once trees come out the space will be more open.

Ms. Metzger: stated it was her understanding that the trees would not be removed; any provisions that when they are taken out they would be replaced to provide the same screening; privacy on both ends.

Mr. Muller: stated that was correct unless they were dead; balance of the cemetery is open; property adjacent is the parking lot; all along Franklin Turnpike is open; the plans have always shown the graves direction.

Mr. Max Stokes, 152 Ackerman Avenue: asked if any of the trees at the back of the property were being removed toward the easterly line; life span of trees; soil condition; root structure lift pavement over the years.

Mr. Muller: stated the life span of the trees is approximately 50 years; discussed the soil conditions for the trees; should not lift the pavement; set in far enough; 6-7 ft. away from the pavement; more space for the trees to grow in this area.

Vice Chairman Tarantino: stated maple was considered but they were not a good choice because of the root structure; oaks that are designed to be planted would limit the damage due to the root structure.

Mr. Muller: stated, yes, in the center; the maple is a very surface rooted tree; geared toward less surface rooted trees; not to cause problems; 15 shade trees.

Mr. Stokes: stated shade trees could be added to the interior of the cemetery.

Vice Chairman Tarantino: stated the reason for the applicant to come back, as a courtesy, was to break up the clear space that one would see; doesn't think the applicant had an obligation to do that; can't dictate what goes on their property; courtesy well received by the Vice Chairman.

Mr. Stokes: stated he was shocked they are not removing any trees in the back; there are about 75 large trees by his property.

Ms. McGovern: stated they are staying; no plan to put graves in the area where those trees are; trees to stay as shown on plans; fill up cemetery up to the front.

Mr. Muller: many of these trees are on the existing cemetery property; buffer trees.

Mr. Stokes: asked about maintenance and also asked what is the ratio of trees that live past the first year.

Mr. Muller: approximately 80% if they receive enough water.

Ms. McGovern: stated there is a full time property manager that takes care of the grounds.

Mr. Rutherford: stated the resolution will contain provisions for a maintenance bond for landscaping.

Ms. McGovern: stated that the landscaped proposed is beautiful; improve the way the area looks currently; all of the engineer's requirements have been met.

Close of Testimony; Public Statements

Mr. Costello, 261 N. Franklin Turnpike: sworn in by Mr. Rutherford; described view of old cemetery; concerned that 1.8 acres of Ho-Ho-Kus will be barren.

Mr. Stokes, 152 Ackerman Avenue: sworn in by Mr. Rutherford; very concerned about the project; definitely decreases the property value; would want it scaled back; steamrolled through; Board is rubber stamping this project.

Vice Chairman Tarantino: stated, that as a point of record, this matter was heard in detail with all neighbors over a year ago.

Ms. Metzger: stated she takes offense to the terms "steamrolled" and "rubber stamp"; not what happened; application was heard and discussed; inappropriate words to use; building cemetery which they have been given permission to do.

Ms. McGovern: stated the notices that were sent were in compliance with the list of persons provided to her by the Tax Assessor; double checked; no problem with the notice.

Mr. Rutherford: stated the MLUL requires that property owners within 200 ft. get noticed; old file was pulled; reviewed 200 ft. list and map; made his own judgment about where the 200 ft. fell and it was clear that Mr. Stokes was not on the list and was not within 200 ft.; jurisdictional requirements were met the first time around.

End of Public Comment; Hearing Closed; Opened up to the Board for Debate

Mr. Cox: stated in his opinion he is inclined to approve this application; well thought out plan; feels moving forward some of the concerns of the public in regards to trees being taken down, etc., St. Luke's keeps their property beautiful; has confidence they will keep the property in the same condition; approves application.

Ms. Metzger: stated she definitely feels the applicant has gone above and beyond what they had to do; met some of the concerns of the neighbors; concerns were legitimate and understandable; only statement is to make sure in the front there are some kind of bushes, etc. on Franklin Turnpike; St. Luke's is great at maintaining their property.

Mr. Pappas: agrees with the statements made by the other Board members; the enhanced landscaping plan is reasonable; a lot of work went into it; shares the same view of the front of the property; something in the front is the only issue.

Mr. Rutherford: stated there are bushes along the front already.

Ms. Metzger: stated that if the bushes were taken down they should be replaced.

Vice Chairman Tarantino: asked Ms. McGovern if she wanted to confer with her client regarding the front part of the property.

Ms. McGovern: stated that removing any trees in the front is slim; for the most part, those silver maples will remain for many years to come; they are not coming down right away; no immediate plan to remove them; it will stay quite dense for many years.

Mr. Muller: stated that once they are cleaned up and the deadwood removed they will be okay.

Vice Chairman Tarantino: stated he finds the application to be reasonable; the applicant went above and beyond what they had to do; took into consideration the neighbor's concerns regarding the view; trees presented are excellent; changes offered to be made in conjunction with the Shade Tree Commission on the arborvitae issue and other trees; in conjunction with the lack of objections from Mr. Hals, Vice Chairman Tarantino is inclined to make a motion to the Board to approve the application; specifically presented tonight to also include the first paragraph of the Shade Tree Commission report regarding the change of the arborvitae and the Anthony water spirea and the inclusion of a tree protection detail; with that being said; would like to know if any member of the Board would like to second the motion.

Motion to Approve the St. Luke's Church site plan application:
Tarantino, Metzger

Mr. Rutherford: stated the Board does have in front of them a resolution of approval; has been revised; consider the draft resolution to be amended; make changes to adopt this evening; only three changes; changes stated; referred to the 5th page of the resolution, #1 which stated that only dead or diseased trees would be removed; healthy trees would remain; will add that trees may be trimmed.

Ms. Metzger: asked if the wording could be "must" instead of "may"; clarified with Mr. Rutherford.

Vice Chairman Tarantino: in regards to the estimated loss, and upon the inspection of the expert, are we stating they will be replaced.

Mr. Hals: stated the performance bond covers everything installed; once installed, they will post a 2 year maintenance bond on top of it.

Mr. Rutherford: stated the agreement was revised earlier to incorporate Mr. Hals' comments.

Roll Call Taken:

Ayes: Tarantino, Cox, Metzger, Pappas

Please Note: Chairman Barto and Mr. Rodger have returned to the dais.

Mr. & Mrs. Garnet Henderson, 309 Racetrack Road, Block 1109, Lot 14: applicants seek a variance to construct a 1.5 story addition and covered porch; front yard setback.

Both Mr. Gary Irwin, applicant's architect and Mr. Henderson, applicant, were sworn in by Mr. Rutherford; description of the application was given; bungalow style house; converting to gables; adding more roof structure; reasonable request; referred to plans; Mr. Irwin approached the dais to show the survey directly to Chairman Barto; entire Board showed the proposed plan; not expanding; no public comment; de minimus.

Motion to Approve Application: Tarantino, Cox

Ayes: Tarantino, Cox, Metzger, Pappas, Rodger, Deegan, Chairman Barto

Mr. Paul Doherty, 81 Gilbert Road, Block 601, Lot 8: applicant seeks a variance to place a generator in front yard (corner lot).

Chairman Barto: stated there was no member of the public in the room at this point.

Mr. Paul Doherty put his appearance on the record; his father and mother are the owner's of 81 Gilbert Road; apologize could not be in attendance; basic application; corner lot; place a generator on one side of the property; generator would be facing, in effect, the side yard; significant hedgerow; generator would not be able to be seen from Blauvelt or Gilbert because when you look at the survey, it shows there is a 6 ft. high wall adjacent to the driveway; blocked view from the street; fairly minor application; Chairman Barto stated the location was the best place to install the generator; good application.

Mr. Rutherford: stated that a generator is not permitted in the front yard and that is why the applicant is before the Board; not a setback issue; the annual report could suggest there be some provisions for generators; asked Mr. Doherty if the generator would be tested once a week or once a month; asked if the generator complied with all State noise standards.

Mr. Doherty: stated he did not know when the generator would be tested, but believed it would be once a month and the noise standards will be complied with.

Motion to Approve: Metzger, Pappas

Ayes: Tarantino, Cox, Metzger, Pappas, Rodger, Deegan, Chairman Barto

Motion to Adjourn: Barto, Tarantino

All Board Members present approve motion to adjourn.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
March 28, 2014