

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Zoning Board Minutes  
June 2, 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, Cox (absent), Forst, Ms. Metzger (absent), Messrs. Deegan, Pappas (absent at time of roll call; arrived at 8:05PM), Rodger, Chairman Barto

**Also in attendance:** David L. Rutherford, Esq., Board Attorney; JoAnn Carroll, Board Secretary.

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**Mr. Adam Sasso, 35 Academy Road, Block 502, Lot 21:** applicant seeks a variance for his driveway which has been constructed and exceeds the maximum permitted width of 35ft. (Chapter 85-32.3 B)

**Bruce Whitaker, Esq., McDonnell & Whitaker:** attorney for the applicant; Mr. Sasso is in attendance this evening as is Mr. Doolittle, the applicant's engineer; the property is located in the R1 zone; the application is for a driveway width exemption; statement of facts attached to the application.

**Please note: Mr. Pappas has arrived at this point of the meeting, 8:05PM**

**Mr. Whitaker:** stated an overlay of the driveway has been provided to the Board with the landscape plan; the landscape plan is for what is being proposed along the driveway to soften the look; landscaping not yet installed; application purpose is for permission for the driveway width to remain; the house and property when purchased was in a state of disrepair; interior and exterior improvements have been made; pole barn located in rear of property also needed repair; the property had some very serious drainage issues; based on the renovations made, they have put together a drainage plan that has been installed; Mr. Hals, Borough Engineer, approved the drainage plan; there is a two stall garage located in the main structure; pole barn in the rear also has garages; an area at the top of the driveway that services the bay into the pole barn and the two bays in the existing structure are beyond the 35 ft. permitted width; the driveway is not 35 ft. by the throat or by the roadway; the contractor found a better way to access the garages so a modification was made; the contractor knew he would not have an issue with coverage; he did not realize it would have been prudent to request permission for the Borough before

proceeding; the fact the driveway exists is not part of the review process of the Board; it was an honest mistake; when the as built survey was submitted, the driveway was found to be too wide; the area for the “k” turn from the pole barn became wider.

**Chairman Barto:** asked for confirmation that the garages in the house are on the right side.

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

**Chairman Barto:** asked for the location of the pole barn.

**Mr. Whitaker:** stated the pole barn is located straight on from the street up the driveway as originally proposed.

**Chairman Barto:** asked why the area that is there now that is non-compliant be removed and make the driveway straight as it was originally intended.

**Mr. Whitaker:** stated the issue is with the pad at the top of the driveway and not the curvature.

**Chairman Barto:** stated it doesn't change the question; asked why the applicant could not construct the driveway as originally planned.

**Mr. Whitaker:** stated the applicant's engineer would be better suited to answer this question.

**Mr. Whitaker:** stated the curving of the driveway is not something readily discernable from the street; there is a different topographic condition from the street to the top of the driveway; with the curvature, you are not able to see the 50 ft. wide area; you will not see that area with the landscaping proposed; the 50 ft. width does not create a drainage problem; from a planning perspective you can compare a lots' width and depth vs. the width of the driveway; testimony will be heard that the lot width is quite exceptional; the driveway and house go back much further than what is required; the pole barn goes back even further; the overall lot area is larger than what is required; far below what is required from a lot coverage standpoint; positive reasons to remain as is; no adverse impact as it pertains to the drainage aspect; this is a driveway you do not want to back out of; the pad that has been constructed works; other adverse impact is how it looks to the neighboring properties; landscaping will soften and eliminate the look of the driveway.

**Mr. Rodger:** asked if there was additional parking on the side of the pole barn and if yes, was the applicant proposing to keep that area intact.

**Mr. Whitaker:** stated yes it is two cars deep but it doesn't require a variance; not part of the 50 ft. width; if the Board felt it was beyond what was required, it could be removed.

**Mr. Douglas Doolittle, McNally Engineering:** sworn in by Mr. Rutherford; gave his licensing background and professional credentials; accepted as a professional in the field of engineering and planning.

**Mr. Doolittle:** stated he was engaged for the purpose of engineering work for this site; did part of the survey work and the site plan work for various improvements; the structure was a renovation; the previous dwelling was unoccupied; the garages faced the street; patios were added; basement stairway entrance; walks added; portico added on the front; there was originally no driveway leading to the pole barn; roof drains were not functional on the home; upgraded it along with site amenities; pole barn existed at purchase; it drained off to the rear of the property; Mr. Hals wanted gutters and leaders tied into the municipal system which was done; his firm completed the application; there are no deviations from the bulk standards except for the driveway; the width of the lot itself exceeds the minimal width requirements by 60 ft.; A4 marked; showed what was originally permitted.

**BAP1: original survey for construction**

**AB1: final as built which was denied**

**LA1: landscaped plan with evergreen screening**

**Mr. Whitaker:** stated the final as built survey prompted Mr. Hals to provide a letter regarding the width of the driveway; letter was not marked as an exhibit but was part of the application submitted.

**Mr. Rutherford:** stated Mr. Hals' letter is part of the application which is dated March 4, 2016.

**Mr. Doolittle:** showed the overlay of the driveway on the as built survey; the approved driveway was shown as well; protrusion shown which is not compliant; direct entrance has been changed; you no longer look up the driveway to the pole barn; with the turnaround there is room to back out and do a "k" turn; safety aspect; better to drive out onto Academy Road than to back out into it; the throat of the driveway on Academy is 20 ft.; proposal on original permitted driveway was 20 ft.; the areas that exceed the allowed 35 ft. width are not along the entire driveway; topographically described the lot; cannot see the pad when looking up the driveway from the street; adding a landscaped element; 18 Norway spruce to be added on the north side of the driveway which will screen the pad, garage and the pole barn in the back and screens the cars that would be parked there; height at planting would be between 4-6 ft.

**Mr. Whitaker:** stated the applicant would stipulate to 6 ft. at planting.

**Mr. Doolittle:** stated there would be 30 boxwoods along the lining of the driveway; described how the “k” turn operates from the garage and the pole barn; hard to make a 3 pt. “k” turn out of the pole barn on the original plan.

**Chairman Barto:** stated that was the plan Mr. Doolittle prepared and that Mr. Doolittle knew when it was submitted that it was virtually impossible to turn around; stated if he knew there was a problem he should have come to the Board first and not proceeded as he did.

**Mr. Whitaker:** asked if Mr. Doolittle had anything to do with the relocation of the driveway.

**Mr. Doolittle:** stated no; it was done on site by the contractor.

**Mr. Whitaker:** stated right or wrong it was done without engineering plans; asked if Mr. Doolittle prepared the as built.

**Mr. Doolittle:** stated yes.

**Mr. Whitaker:** asked Mr. Doolittle if there were any other aspects of the as built that creates problems with the code in Ho-Ho-Kus.

**Mr. Doolittle:** stated no.

**Mr. Whitaker:** asked if a Temporary Certificate of Approval was issued.

**Mr. Doolittle:** stated yes.

**Mr. Whitaker:** stated the location of the pole barn is skewed off the corner of the house; the turnaround at the top requires more of a turn than the driveway out of the house; this design would properly permit a “k” turn whether you were pulling out of the pole barn or the house; the distance from Academy Road to the pole barn is 128 ft.; the distance to the dwelling is 75 ft.; the driveway installed as built shows Belgian block curb; it is graded and ready for landscaping; stipulation of the application that the landscaped plan would be part and parcel; includes the spruces and the boxwoods; those are not shown on the original plan approved; if needed to be a deed restriction there is no objection.

**Mr. Tarantino:** asked the distance from south to north; from the house to the far end of the driveway, where the garage attached to the house is heading north to the driveway.

**Mr. Doolittle:** stated 65 ft.; it is 51 ft. off the back of the garage corner; 45 ft. off the front; it skews; distance is approximately 22 ft. from one to the other.

**Chairman Barto:** stated he is curious about the pad that runs parallel to the pole barn; seems to be the genesis of the whole problem; if you follow down from there, that is how you get the widened driveway; asked what, if anything, is going to be done with that in terms of usage; parked cars, etc.

**Mr. Whitaker:** stated Mr. Sasso can testify to this issue.

**Chairman Barto:** asked how far off the property line is the pad.

**Mr. Doolittle:** stated 12 ft.

**Mr. Pappas:** asked if the wide turn area is because of the curved driveway; do you need a curved driveway because of the turnaround.

**Mr. Doolittle:** stated it is wider so you can back out of the pole barn and make a “k” turn in that area.

**Mr. Whitaker:** stated the driveway to the right of the pole barn can be removed; his client’s major concern is to have the ability to have a “k” turn onto the pad when exiting the pole barn and the house.

**Mr. Tarantino:** asked, if that was removed, would the line of the driveway go from the edge of the pole barn to the street.

**Mr. Doolittle:** stated he could either pull it straight out at right angles to the front of the pole barn, with a 5 ft. return curve or 5 ft. out in front; he wouldn’t go any further.

**There were no members of the public who had questions of Mr. Doolittle.**

**Mr. Rodger:** asked if you could trim the driveway so that it continues the straight line of the side of the pole barn; east to west, straight down.

**Mr. Doolittle:** stated it would tighten up the “k” turn.

**Chairman Barto:** asked if it was Mr. Doolittle’s testimony, if he took Mr. Rodger’s direction and shaved off a direct line from the corner of the pole barn to the driveway, this would restrict the ability of the owners to make a “k” turn; difficult or impossible?

**Mr. Doolittle:** stated it can be done but not a 3 point turn.

**Mr. Tarantino:** stated, hypothetically, you want to make something for coming out of the pole barn and back out into the pad and circle out that way.

**Mr. Doolittle:** stated you would only gain 5 ft.

**Mr. Tarantino:** asked if a “k” turn could be accomplished coming out toward the two bay garage, go in there to the left and then go forward out to the right.

**Mr. Doolittle:** stated it can be done; doesn’t suggest it; the applicant would be backing out more than 35 ft. before turning into the existing dwelling.

**Chairman Barto:** asked about adding some driveway to the south side of what exists now but behind the house; asked if that would make a “k” turn much easier and not be as wide.

**Mr. Doolittle:** stated it can be done; aesthetically it would not be as good.

**Chairman Barto:** asked, if you cut off the pad that is parallel to the pole barn to the north and continued that, shaving down the driveway, you would solve a lot of the problems and then adding to the south a bit of driveway you preserve the “k” turn.

**Mr. Doolittle:** stated it could be done, but a variance would still be needed.

**Mr. Adam Sasso, 35 Academy Road:** sworn in by Mr. Rutherford; has been at the meeting for the entire presentation; reviewed the application before it was submitted; familiar with the documents submitted; this is his first home; first time renovating a home; it wasn’t until the day the contractor was cutting the ground to shape the driveway that he received a call from his contractor that the driveway looked like a runway; his contractor stated curving the driveway would be more aesthetically pleasing for the neighborhood; Mr. Sasso gave him the go ahead to change the driveway; he used Nikos Construction; they have been in business a long time; his contractor nor he knew about the ordinance; he thought it was the best thing to do; when it was cut it wasn’t much wider than the original plan; he would not have been able to pull out of the house and go down the driveway; pulling out and making a right to make a “k” turn; that was part of widening that area; there is an elevation change to the left side of the driveway to the pole barn; looking to place a retaining wall there so the yard is elevated; McNally has been engaged to provide a landscaping plan; would permit a deed restriction for them to remain.

**Mr. Louis Giliberti, 40 Academy Road:** sworn in by Mr. Rutherford; is located directly across the street from the applicant; moved to his current location in 2002; met Mr. Sasso when he was renovating the house; is in favor of the application.

**No further members of the public had any questions or comments regarding this application.**

**Mr. Tarantino:** asked if Mr. Sasso was planning on having any boats or RVs.

**Mr. Sasso:** stated no; the previous owners had two large RVs that they stored in the pole barn; the pole barn has 12 ft. high doors.

**Mr. Forst:** asked Mr. Sasso if he had any plans for the area along the side of the pole barn.

**Mr. Sasso:** stated no.

**Mr. Tarantino:** stated he likes the argument; the macadam on the side of the pole barn does not bother him; stated it is the bays going north; that is the issue; 45-51 ft. rectangular area there; in favor of the landscaping plan; agrees with the runway effect; thinks a sweeping driveway is in keeping with the Master Plan and the beauty of the area; can't wrap his head around going to the backyard to possibly do a "k" turn.

**Chairman Barto:** stated he was ready to hate the plan, but has been talked into liking it; landscaping will hide a lot from the street; the neighbor has no objection; from a driveway perspective it is better to have a three point turn than a six point turn; convinced the variance should be granted.

**Brief discussion took place at this point regarding the possible removal of the parking spaces next to the pole barn.**

**Motion to approve the application as presented with the conditions being that the landscaping shown on the plan would be installed and there would be a deed restriction (the recordation of the resolution):** Forst, Chairman Barto

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

**Nays:** Rodger

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**Mr. Rutherford:** stated, in regard to both Completeness Reviews before the Board this evening; no testimony will be taken or witnesses heard or any exhibits received this evening; the matters will not be discussed on their merits in anyway; the sole purpose of the applicant's appearance this evening is for the Board to determine if the applications are complete, and if so, to schedule public hearings which would be held on July 7, 2016.

**John Esterbook & Pamela Donnelly, 27 Sleepy Hollow Drive, Block 807, Lot 2:** applicant seeks a variance to construct an addition to the existing home; non-compliance with Sections 85-10 G (1).

**Application deemed complete.**

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**Gerardo & Julia Pignatelli, 3 Stouts Lane, Block 102, Lot 32:** applicant seeks a variance to install an in ground pool; non-compliance with Section 85-10 G (3) improved lot coverage.

**Application deemed complete.**

**Chairman Barto:** asked the Board Secretary to pull the file of the last Pignatelli application before the Board.

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**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. Greig Andersen, applicant's architect and Mr. Ferraioli both sworn in by Mr. Rutherford.**

**Mr. Rutherford:** stated the applicant's architect will be testifying from a two page plan entitled Addition/Alteration of the Ferraioli residence, 25 Lloyd Road, set dated 1/19/16; sheet 1 of 2 has a plot plan, rear view section and a first floor plan; 2 of 2 has various elevations and second floor plan.

**Mr. Andersen:** gave his educational and professional background; his license is still in good standing.

**Mr. Andersen was qualified as a professional in the field of architecture.**

**Mr. Andersen:** stated his client has a great house; has a growing family; they have three bedrooms; one is only 7x7 in size; very small; part of the area that encompasses the addition is on the second floor; proposing to enlarge the space over the existing garage to create space to give each child their own bedrooms and own bathrooms; based on the needs, going over the existing structure to create space is the only logical place to expand; anywhere else would be an extension into the property; exceeding setback a bit; creating living space which keeps them well below the building coverage; doesn't change improved lot coverage; building height not exceeded; need a variance for both side yards; over on one side by .6 ft. and on the combined they are over by 2.2 ft..

**Mr. Rutherford:** stated the 9.4 setback on the right side presently exists; that is not changing.

**Mr. Andersen:** stated that is correct.

**Mr. Rutherford:** stated the other issue is the 2<sup>nd</sup> floor setback ordinance.

**Mr. Andersen:** stated that is correct; that is the crux of the situation; they are going to match the existing stucco, roofing and window styles; when done the house will be in keeping with what exists today; substantial improvement to the neighborhood; minimal impact on light and air.

**Chairman Barto:** stated it is a nice plan; doesn't seem to be overly difficult for the Board to rule on it as is; not increasing anything besides what already exists.

**Mr. Deegan:** asked what was to the right of the house.

**Mr. Ferraioli:** stated he does have a neighbor to the right; he has spoken with his neighbors and they have no objections.

**No public in attendance for comments or questions.**

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

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

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**Raymond & Sheri Ash, 18 Beechwood Road, Block 1103, Lot 4:** applicants seek a variance for maximum improved lot coverage of 52.5% (existing condition) where 35% is permitted; non-compliance with Section 85-10 G (3).

**Please note: Mr. Rutherford has recused himself from this application due to the fact he represented the applicant's in the past; Mr. Deegan has recused himself because he is currently working on a project for his home with Mr. Schlicht.**

**Mr. Roger Schlicht, applicant's architect and Mr. Ash were both sworn in by Mr. Rutherford.**

**Mr. Schlicht:** gave his educational and professional background; his license is still in good standing.

**Mr. Schlicht was qualified as a professional in the field of architecture.**

**Mr. Schlicht:** handed out a one page photo of the property; house is located in the R2 zone; single family home with an attached basement, three car garage and an in-ground pool in the rear yard; the one pre-existing non-conforming condition is the improved lot coverage; 52.5% where 35% is allowed; existing problem with the house has to do with ingress and egress; the three garages are tucked underneath the existing deck; the applicant parks either in the front or on the side of the driveway; this doesn't work with the kids; the idea is to take what is the deck, which has a driveway underneath, and take that corner and create a stair tower and egress point where you can come in and pull in at the end of the driveway; the kitchen is less than 13 ft. deep; pushing out 2.3 ft. into existing deck; taking the existing space and turning it into a kitchen; underneath is already impervious.

**Mr. Tarantino:** asked if he was coming out above the garage.

**Mr. Schlicht:** stated yes.

**Mr. Schlicht:** stated, in light of the variance, the proposal is to remove some of the pool patio; the existing pool patio is basically to the right of the pool; proposal is to cut back and add a walkway along the left lower portion of the pool.

**Mr. Tarantino:** stated there is a lot of paver on the property.

**Mr. Schlicht:** stated the pre-existing non-conforming condition existed when the applicant's purchased their home; the planning of the house has a lot to do with the variance; the driveway is on the left hand side and the garage is on the right all the way in the back; have to have a huge "L" shaped driveway to get to the garage bays; referred to photograph 3, the house to the left was torn down; there was an easement where the applicant and the neighbors to the left were able to share each other's driveway because they were both narrow; since that house was built the homeowners moved their driveway; it is no longer adjacent to the applicant's property; asking to increase the driveway along the left side of the house to allow for better access; the suggested improvements for the house are all compliant; the variance that is being sought is to maintain the pre-existing non-conforming lot coverage; it is at 52.5% and it would remain at 52.5%; net change from existing condition is less than 2 sq. ft.; the architectural improvements would not be visible from the street and they do not need a variance; the hardship is the unique condition of the property; the driveway cannot be taken out; tried to minimize the impact by reduction of the pool patio; not self-created; was inherited; request is to permit the allowable improvements to the house; not going higher on the ILC with the manipulation fo the property.

**Mr. Tarantino:** asked about the problem getting into the garage.

**Mr. Ash:** stated it is difficult; the house was built in 1950; not built for modern vehicles; a 4-5 point turn is necessary especially for the third bay.

**Chairman Barto:** stated the applicant has done as good a job as can be done; appreciates the cutting back of some of the coverage to balance it.

**No public in attendance for comments or questions.**

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

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

**Recused:** Deegan

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**Resolutions:**

**Approved: Donald & Melinda Forlenza, 96 Lakewood Avenue, Block 704, Lot 2:** applicants seek variances to construct a new front porch and a partial 2<sup>nd</sup> story addition; non-compliance with Section 85-11, E (1) front yard depth; J projections into front yard; K second story setback

**Mr. Rutherford:** reviewed the application and the resolution.

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

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

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**Approval of Minutes: Chairman Barto, Rodger**

February 4, 2016

May 5, 2016

January 7, 2016 (amended)

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

**Abstain:** Tarantino

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**Motion to adjourn:** Tarantino, Forst

**All in Favor**

**Meeting adjourned at 9:35PM.**

Respectfully submitted by:

JoAnn Carroll

Zoning Board Secretary

June 7, 2016