

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
July 6, 2017
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, Forst (absent), Ms. Metzger, Messrs. Deegan, Rodger, Ms. Loew (absent), Chairman Barto

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

Completeness Review

Mr. & Mrs. John & Alice Spinello, 22 Gilbert Road, Block 216, Lot 15: applicants seek a variance to construct a powder room addition to the first floor of their residence; non-compliance with Sections 85-11 G 1 & 3; building coverage and improved lot coverage.

James Delia, Esq., applicant's attorney: placed his appearance on the record.

Mr. Rutherford: stated this is just a Completeness Review; no testimony will be taken or witnesses heard or any exhibits received this evening; the matter will not be discussed on its merits in anyway; the sole purpose of the applicant's appearance this evening is for the Board to determine if the application is complete, and if so, to schedule a public hearing which would be held on August 3, 2017; Mr. Delia already noticed for the public hearing; no further notice is required; the public hearing for the Spinello application will be held on August 3, 2017 at 8PM in the Council Chambers at the Ho-Ho-Kus Borough Hall.

Chairman Barto: asked for confirmation that the applicant was seeking variances for lot coverage and improved lot coverage for a 36 sq. ft. bathroom.

Mr. Delia: stated that was correct.

Application deemed complete.

New Business:

Mr. & Mrs. Lindsay & Damian Wall, 841 West Saddle River Road, Block 306, Lot 25: applicants seek a variance to widen their driveway to 43.8 ft. where 35 ft. is permitted; non-compliance with Section 85-32.3 B; letter received requesting the matter be carried to the July 6, 2017 meeting of the Board.

Mr. Rutherford: stated Mr. Whitaker, applicant's attorney, has noticed and published for a public hearing; noticed in May for June meeting; matter not

heard but announcement was made that the application would be carried until tonight's meeting; jurisdictional requirements have been met.

Bruce Whitaker, Esq., applicant's attorney: stated the property located at 841 West Saddle River Road is located in the R1 Zone; the application does not involve any type of construction to the building; over the last several years the Walls have made substantial improvements to the house and property; substantial changes have been made to the location and the size of the driveway; the driveway used to be located in front of the house; applicant is seeking a modification for the driveway width to be 43.8 ft. where 35 ft. is permitted; there are a number of unique factors of the lot; seeking variances on behalf of his clients basically under the C1 and C2 criteria; the property itself is large; believes one of the reasons the ordinance was created was to discourage having a sea of pavement on a minimum sized piece of property; reviewing the formula in the ordinance it is looking to make sure the driveway width does not exceed 25% of the width of the lot; in this instance, based on the width of the lot and what the applicant is proposing, the ratio is 22% vs. 25%; not creating a driveway which will overburden the physical aspect of the lot itself; under the C1 criteria, the property has an unusual topographic condition and an unusual location; the entry to the property is important because after you enter the property there is a large drop off to the garage; the garage cannot be used when there is inclement weather; the homeowners have parked their two cars by the house on the level plane where the house exists; the slope to the garage is 22%; the applicant is proposing to have sufficient area to be able to park two cars, back them up with a simple turn with a car alongside of it and pull out; the old driveway, at times, had the homeowners backing out onto WSRR; the design created, from a safety aspect, will generate a much better condition than currently exists; one of the purposes of the MLUL is to promote safety; the location of the driveway is not seen from the road; doesn't create a problem from either a zoning or planning standpoint; Mr. Wall, homeowner, Mr. Donohue, applicant's engineer, and a representative from the landscaping company are all present to give testimony.

Mr. Damien Wall, applicant: sworn in by Mr. Rutherford; reviewed the application with Mr. Whitaker before it was submitted to the Board; purchased home in 2011; lives there with his wife and three children; previous owner designed the previous driveway which has since been removed; was previously designed around two old trees; it was not a true turn around circle; it was located close to the front door; consumed a lot of the yard; the two trees by the driveway died shortly after they moved in; two more trees were lost during Sandy; this did allow them to connect with the lower driveway which was just done this past Fall; engaged Borst Landscaping and Mr. Robert Weissman, Engineer, for the design; survey submitted showed the driveway when the house was first purchased in 2011; the curb cut has been moved closer to the property line; **Exhibit A1 marked: property survey dated 4/5/11 prepared by Marc J. Cifone/Jeffrey O. Males, Surveyors;** wanted to have the driveway away from the front lawn for aesthetic and parking reasons; if there was a car by the house the driveway would be blocked; WSRR can be busy and it was a challenge to have to back out onto it; when there is a problem on Route 17, traffic is directed onto WSRR; thought was given to realigning the driveway

down to the barn; the use of the barn is limited due to the slope; fence has been placed to shield of the asphalt; photographs recently taken of the property.

Mr. Cox: asked for confirmation that the applicant was asking for the tip of the driveway to be widened so two cars can park there, back up and pull out.

Mr. Whitaker: stated that was correct; **Exhibit A2 marked: 8 photographs; 1. Base of the driveway to the garage; 2. Picket fence installed for aesthetic reasons; 3. Top of the driveway looking down in to the lower driveway into the garage; 4. Two cars parked; 5. Same as picture 4; 6. Two cars parked; view showing the area requesting to be widened; 7. From the roadway before the picket fence was installed; 8. Wide shot of driveway.**

Mr. Cox: asked if the tree shown in picture 5 would have to be removed.

Mr. Wall: stated they are going to try to save it.

Mr. Rodger: asked if the wooden structure shown was to be removed.

Mr. Wall: stated it has already been removed; it was a trash enclosure.

Chairman Barto: asked how close the curb cut was to the neighbor's property.

Mr. Whitaker: stated Mr. Donohue would be able to answer that question when he testifies.

Mr. Wall: stated he is also concerned for the safety of his children.

Mr. Thomas Donohue, applicant's engineer: sworn in by Mr. Rutherford; gave his professional background and all licenses; accepted as a professional in the field of engineering; is familiar with the site; reviewed the plan with Mr. Weissman; **Exhibit A3 marked: Plot Plan prepared by Robert Weissman, Weissman Engineering, dated 8/24/16; no revision dates;** property consists of a 2 story single family dwelling, garage to the rear and gravel driveways; patio areas, lawn and trees in the rear; the property has a flat front yard; the driveway slopes down to the garage area; the contours on the map show the slope to be at 22%; the elevations of the garage floor to the finished first floor of the house is about a 24% elevation drop; the typical RSIS standard is 12%; the current condition is almost double RSIS; the applicant is proposing to expand the front yard parking area to create a plateau; extra room is needed to back up a car to make a k-turn to exit.

Chairman Barto: stated, basically, the applicant is looking to expand the space at the driveway opening to be able to back up and drive onto the road.

Mr. Donohue: stated the applicant is expanding the driveway area to expand the plateau.

Chairman Barto: asked the size of the proposed extension.

Mr. Donohue: stated it is about 8.8 ft. wide; front to rear approximately 35 ft. in length; the location of the curb cut to the adjacent property line is 20 ft.

Chairman Barto: asked for the approximate size in sq. ft. of the plateau.

Mr. Donohue: stated 307 sq. ft.; he designs many parking lots and driveways for residential properties; the request proposed is in line with driveway aisle standards; requires a larger aisle so a car does not have to back out into the roadway; application meets good criteria and standards; opening the throat a bit does create a safe ingress and egress into the site than what currently exists.

Mr. James Treby, 828 WSRR: sworn in by Mr. Rutherford; stated he was in favor of the application.

Chairman Barto: stated it was a wonderful application and fixes the problem.

Motion to approve application: Chairman Barto, Cox

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

Resolution:

Approved: Mr. & Mrs. Shannon & Kevin Brophy, 206 Elmwood Avenue, Block 219, Lot 5: applicants seek variances to construct a new garage slightly larger than the existing garage; non-compliance with Section 85-11 I (4) (5) rear yard and side yard setback; revised plans submitted dated 4/21/17.

Mr. Rutherford: reviewed the application and the resolution.

Motion to approve resolution: Rodger, Deegan

Ayes: Metzger, Deegan, Rodger, Chairman Barto

Nays: None

Approval of Minutes:

April 6, 2017: Rodger, Deegan

Ayes: Deegan, Rodger, Chairman Barto

May 4, 2017: Chairman Barto, Deegan

Ayes: Deegan, Rodger, Chairman Barto

June 1, 2017: Metzger, Rodger

Ayes: Metzger, Deegan, Rodger, Chairman Barto

Motion to adjourn: Rodger, Cox

All in Favor

Meeting adjourned at 8:40PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary