

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
May 21, 2015
Public Session**

Meeting Called to Order at: 7:30 PM

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

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

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Ms. JoAnn Carroll, Board Secretary

Dr. Junhyck Kim, 119 First Street, Block 1015, Lot 12: new business application; dental office.

Chairman Hanlon: asked the applicant to discuss his business and location.

Dr. Kim: stated he and his brother are both dentists; they are taking over Dr. Jacoby's and Dr. Morris' dental office; Dr. Morris is staying with the practice and Dr. Jacoby will be at the office from time to time; Dr. Kim and his brother are co-owners of the business; Dr. Morris will be at the office as an associate but not part of the partnership; all of the current employees will be staying on; there will be one front desk person, 2 assistants and 3 hygienists; reasonably good parking; 6 spots in the front and approximately 10 in the rear; Dr. Jacoby is retaining ownership of the building; the sign in the front will be changed to reflect Dr. Kim's name; no formal application submitted at this time; Dr. Kim has not dealt with signage yet.

Mr. Corriston: asked if the office will be offering general dentistry.

Dr. Kim: stated he and his brother are specialized dentists; his brother is a prosthodontist and Dr. Kim is a periodontist; has a specialty permit from NJ; Dr. Morris will be practicing as a general dentist.

Mr. Reade: asked about signage.

Dr. Kim: stated he will be updating the sign in front of the parking lot and the sign on the door.

Motion to approve application: Corriston, Pierson

Ayes: Pierson, Reade, Corriston, Chairman Hanlon, Mayor Randall

Chairman Hanlon: stated, for the record, Mr. Cucchiara, Board Attorney, has arrived at this point of the meeting; 7:37PM.

MPM Associates, 22 Hollywood Place, Block 601, Lot 21: minor subdivision application/2 lots.

Chairman Hanlon: introduced the application; minor subdivision of 2 lots; public hearing; no conflicts of the Board; application was before the Board previously; exhibits/application have been on file in the Board office and have been available to the public; taxes are current; notice correct; all jurisdictional requirements have been met.

Mr. Cucchiara: stated, essentially what is before the Board, is the re-opening/continuation of the last hearing, so the evidence that was presented last time and statements that were made in support of the minor subdivision remain in effect; obviously since the that time all parties became aware that a bulk variance was required; at this juncture, the Board is hearing the applicant with respect to that variance and other issues that may be related to the subdivision application in general; the testimony that was introduced before is in the record and does not need to be repeated; all exhibits that have been marked will remain; there was a substitute engineer because the Board Engineer had a conflict of interest; the Board/Borough Engineer becomes familiar with the Borough ordinances because of the connection with the municipality; will acknowledge this is a sophisticated variance that would not be seen in a usual type of application for this purpose; it was missed by everyone; for that reason the applicant is before the Board this evening to address this issue; the applicant will be providing expert testimony with the planning aspect of the application; at this time it would be appropriate to hear from the applicant.

Chairman Hanlon: explained the Board procedures; asked the applicant to come forward.

Natalie Capano, Esq.: stated she was before the Board this evening on behalf of MPM Associates; was before the Board at a past meeting for a minor subdivision application; the application was essentially approved; since that time it has come to their attention that they require a variance under 85-10(K) of the Borough ordinance; Mr. Weissman is present and will testify first with respect to the variance.

Mr. Robert Weissman: was previously sworn in; variances needed for the 2nd floor setback; application is for a 2 lot subdivision; 2 conforming lots proposed; widening of the turn was done as was requested at the last meeting; **Exhibit A7** marked; which is Exhibit A3 modified; discussed second floor side yard requirement; lots are unusual in configuration; 2 ft. variance for 2nd floor setback on northerly lot; lot width discussed; large homes not proposed to be

constructed; fully conforming in lot coverage; remaining aspects of the application require no variances; all other zoning requirements will be met; the ordinance affects the aesthetics of the home; the homes proposed are conforming with the neighborhood and the zone; feels appropriate to request variance; **Exhibit A8** architectural elevations for the proposed dwellings, prepared by architect Michael Napalitan, dated 8/28/12; discussed the second floor setback; more aesthetically pleasing if variance granted; showed front and rear elevations; lot coverage still well under what is allowed.

Mr. Corrison: asked if a C2 variance was being sought.

Mr. Cucchiara: stated "yes."

Mr. Corrison: asked to view Exhibit A7; asked if the homes would be in compliance if the lot line went straight down.

Mr. Weissman: stated he did do an analysis of Mr. Corrison's question; 3 ft. variance if the lot line was projected straight down; still would need a variance.

Mr. Corrison: asked if the same house was proposed for both lots.

Mr. Weissman: stated "yes;" with some change to the front of the homes.

Mr. Corrison: asked if an adjustment could be made to the design to push it in 2 ft.

Mr. Weissman: stated there would be too great an impact on the 2nd floor; described in detail by referring to the plans.

Mr. Corrison: asked if the design of the homes could be changed; stated the applicant does not have to work with the house that was previously shown; it may be the house the applicant wants to build, but the design can be changed.

Mayor Randall: stated the lot technically has an 8 ft. encroachment on the 2nd floor; asked what the property orientation was to the side.

Mr. Weissman: stated the proposed first floor has a 16 ft. setback to the southerly property line; 6 ft. more than what is required; 12-15 ft. off on the other side.

Mr. Reade: asked if any other design was discussed that would comply with the ordinance.

Mr. Weissman: stated they had not discussed alternatives; 8 ft. would have a substantial impact on the square footage of the house; the footprint of the first floor would be increased.

Mr. Pierson: stated he agrees with Mr. Reade; there was a hearing 2 months ago; believed the applicant should have presented to the Board this evening plans that show conformity with the ordinance; rather surprised there isn't an alternative before the Board to see how the plan would look with conforming homes; there has to be more creative input so it is possible to make the designs conform.

Mr. Weissman: stated the only other alternative would be to push the houses deeper into the lot; the first floor footprint would be larger than proposed; more coverage; can't speak to the architectural design; it would impact the front of the house.

Mr. Christopher West, 14 Hollywood Place: asked questions of Mr. Weissman.

Mr. Michael O'Dea, 33 Hollywood Place: asked questions of Mr. Weissman.

Chairman Hanlon: stated it has come to his attention that there are not enough Board members present at this time to vote on this application.

Mr. Corriston: stated he believed the meeting should proceed; those not hear from the last time can listen to a tape of the meeting and those not present tonight can listen to tonight's tape.

Mr. Cucchiara: stated no re-notice is required; asked if there would be further testimony this evening or did the applicant want to hold over until the next meeting.

Ms. Capano: stated the applicant would like to proceed; would like Mr. Piannelli to speak this evening.

Mr. Piannelli: had been previously sworn in; discussed the irregularity of the lots; has built over 50 homes; many different sketches done with architect; would not have a problem constructing a house that would conform on Lot 21.02; would need a variance for the house on Lot 21.01; the house would look like a railroad track house; stated the aesthetics of the house would not be worse but they wouldn't be better; it would not look right in the neighborhood; likes to have a buffer on all sides of his homes; more than what is required.

Mr. Corriston: stated, in terms of the irregular lot, feels the applicant is entitled to a variance; the extent of the variance is problematic; wants to see the calculations for a design that is 6-7 ft. off the line; there was a point made that the lot on the north isn't irregular and that taking a foot off each side may enhance the design.

Mr. Piannelli: stated it would still be a pie shaped lot.

Mr. Corriston: stated the applicant is the one who devised the lot lines; he created the subdivision.

Mayor Randall: stated the calculations requested will help for a more realistic idea to see where the houses would be located.

Mr. Corriston: asked for these calculations to be submitted before the next meeting date and with enough time for the Board to review.

Mr. Cucchiara: asked if the applicant was no longer seeking a hardship variance.

Ms. Capano: stated the application wasn't clear.

Mr. Pierson: stated he agree with Mr. Corrison; appreciates that the applicant would be willing to make the house on Lot 21.02 conform; stated variances are hard to get and ought to be; stated the applicant did a very good job regarding the thought process; would still like to see the calculations which were requested.

Mr. Cucchiara: asked if there was a stipulation that the bulk variance with respect to proposed lot 21.02 will be withdrawn and that lot will be constructed in a conforming manner.

Ms. Capano: stated she would like to hold off on that at this time.

Mr. Corrison: stated he didn't feel the withdrawal was required at this time.

Chairman Hanlon: stated the applicant has to come back before the Board anyway.

Mr. Piannelli: stated he did not believe the houses looked like boxes as one resident had stated; if the ordinance is in place to make the homes look nicer, he doesn't feel he needs that; because of the irregularity it is doing the opposite for him.

Mayor Randall: stated the purpose of zoning sometimes is reactive instead of proactive; we see the box, that is the house that becomes the model and the rallying call for having density and setbacks and trying to control the volume and the mass of the house; that is what drives new zoning; does want to see architectural features on the house to break it up.

Mr. Michael O'Dea, 33 Hollywood Place: asked questions of Mr. Pianelli.

Mr. Christopher West, 14 Hollywood Place: asked questions of Mr. Pianelli.

Chairman Hanlon: stated this application would be continued on June 11, 2015 at 7:30PM in Council Chambers at Borough Hall.

Resolution:

Approved: 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. Cucchiara: stated the most significant aspect of the resolution is on page 5; there are set forth, starting with #12, some of the issues that were specifically addressed during the hearing and raised by the Board Engineer in his reports; if the Board is going to focus on any one part of the resolution, he believes it would be the paragraphs in the “findings of fact;” in particular, #13 which were the stipulations of the applicant as conditions of approval on page 5; asked if any of the Board members wanted to modify or add to those provisions; wanted to bring the most significant provisions to the Board’s attention.

Motion to approve resolution: Corriston, Reade

Ayes: Pierson, Reade, Corriston, Chairman Hanlon

Abstain: Mayor Randall

Zoning Ordinance Referral:

Banner Ordinance approval recommendation

Chairman Hanlon: discussed the banner ordinance; 4 separate locations; for nonprofit use only; series of procedures in place; no charge; if not followed, the organization would be subject to penalties; discussed locations.

Mr. Reade: asked who could apply to place a banner at the different locations discussed.

Mayor Randall: stated primarily the Town family but it has been extended to other nonprofits; e.g. the Ridgewood Run.

Mr. Reade: stated the use for nonprofits only is not included in the language of the ordinance and believes it should be.

Mayor Randall: stated the ordinance can be clarified to stipulate for nonprofit organizations only.

Approval of Zoning Ordinance with additional correction:

Ayes: Pierson, Reade, Corriston, Chairman Hanlon, Mayor Randall

Chairman Hanlon: stated that Mr. Berardo cannot serve on the Board for much longer due to work responsibilities; has asked Mr. Corrison and Mr. Berardo to work together as a committee of two to find a Vice Chairman; Mr. Berardo already agreed; for the record, Mr. Corrison agreed during the meeting this evening.

Chairman Hanlon: spoke regarding the flooding and stormwater issues which were brought to the Board's attention during the Hollows at Ho-Ho-Kus application; unfortunately no one questioned at the meeting had contacted the Borough regarding their problems; would like to notify the Council formally of all the issues which were discussed during the Hollows hearings; the Master Plan can be opened and an insert can be added to the stormwater section; in the front section a recommendation can be made to the Council; this will allow the Borough to obtain grants and assist in the cost of whatever needs to be done; the Borough Engineer would, of course, be involved; discussed areas which had flooding problems; asked the Board members to write down some notes on this topic and submit to the Board Attorney for him to put into writing in a letter to the Council; we can then go forward with installing corrections into the Master Plan; can have a whole hearing process as well; this in no way has any bearing on the Hollows application; the problem can be identified and the Council officially notified for them to address the issues.

Approval of Minutes:

March 19, 2015: Reade, Mayor Randall

Ayes: Reade, Corrison, Chairman Hanlon, Mayor Randall

April 9, 2015: Pierson, Reade

Ayes: Pierson, Reade, Corrison, Chairman Hanlon

October 30, 2014: Mayor Randall, Pierson

Ayes: Pierson, Chairman Hanlon, Mayor Randall

Motion to adjourn: Pierson, Mayor Randall
All in Favor

Meeting adjourned at 8:55PM

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
May 27, 2015