

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
June 11, 2015
Work 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 (absent; arrived at 7:38PM), Newman, McVey, Councilman Rorty (absent), Chairman Hanlon, Mayor Randall (absent)

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

New Business:

Berkshire Hathaway Homes Services, Ms. Amy Debellis, 10 Sycamore Avenue, Block 1010, Lot 12.01: sign application.

Chairman Hanlon: introduced application.

Mr. Robert Abbott, Abbott & Casserta/Berkshire Hathaway Home Realtors: stated he is looking to take down the existing sign and replace with a Berkshire Hathaway sign; illumination the same; looping lights coming down over the sign.

Chairman Hanlon: asked Mr. Abbott to explain the name change to the Board and the status of his business.

Mr. Abbott: stated the business has been at this location since 1993; franchisee; taking on the name of Berkshire Hathaway; independently owned and operated.

Mr. Reade: stated he noticed there was a sign in place currently; asked if the permanent sign would be basically the same size and in the same place.

Mr. Abbott: stated the sign currently in place was for the grand opening; it was put up a day before.

Mr. Mike Placko, Sign-O-Rama: stated the new sign will be the same size as the old sign, not the temporary sign.

Mr. Reade: confirmed the lighting for the sign is from gooseneck lighting fixtures.

Mr. Abbott: stated the lighting is not changing; the franchisor has specific requirements for their sign.

Mr. Reade: confirmed the sign is metal with vinyl letters.

Mr. Placko: stated that is correct; aluminum sign with applied applique lettering in the background with the specific colors of the company; flat look.

Mr. Abbott: stated he is planning to paint the door purple with a cream color for the trim; all colors will match; stated he owns the front of the building as well.

Mr. Reade: stated he is satisfied with this application and the details of the sign.

Chairman Hanlon: confirmed this was not a new business.

Mr. Abbott: stated this is a d/b/a; still operating as Abbott & Casserta Realtors, but the sign will state Berkshire Hathaway.

Chairman Hanlon: stated that this evening's meeting was a work session; no vote taken; based on the Board's reaction, he believed the Board would approve the application at next week's meeting.

Please Note: Mr. Corrison has arrived at this time: 7:38PM.

Resolution:

Approval of Motion to Dismiss w/o Prejudice: Hollows at Ho-Ho-Kus, Chamberlain Developers, W. Saddle River Road/Van Dyke Drive, Block 802, Lots 1, 2, 3, 4 and 10: major subdivision application; the applicant proposes to construct and market single family dwelling units on each of the properties; major soil movement application.

Mr. Cucchiara: stated on May 14, 2015 the Chamberlain Developers application was to proceed; the Board had been notified on May 13, 2015 by the applicant's attorney that, since it had filed a request for a Default Approval Certificate, the applicant would not be appearing before the Board; the Board determined to dismiss the application without prejudice since a hearing on the merits could not be heard because of the applicant's decision; what is before the Board tonight is a resolution memorializing that decision of the Board; reviewed/discussed contents of the proposed resolution.

Chairman Hanlon: stated the Board had a week to review this proposed resolution and it would be voted on at next week's (June 18, 2015) public session.

Ongoing Business:

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

Chairman Hanlon: introduced and described the application.

Mr. Pierson has signed an Absent Member Certification that he has listened to the audio recording of the May 21, 2015 meeting.

Mr. Newman has signed an Absent Member Certification that he has listened to the audio recording of the March 19, 2015 meeting.

Ms. Natalie Capano: attorney for the applicant; Mr. Weissman in attendance; Mr. Brigette Bogart, Planner for the applicant, also in attendance; third appearance for the applicant before the Board; subdivision approval previously granted; variance approval still needed.

Exhibit A9 marked 6/11/15; Lot Width Calculations; prepared by Mr. Weissman.

Mr. Robert Weissman: still under oath; described application; 2 lot subdivision; fully conforming in area, bulk, etc.; was asked at the last meeting to provide lot width calculations; existing lot width calculation discussed; second floor setback discussed.

Mr. Corriston: asked what Mr. Weissman's calculation of 40% represented.

Mr. Weissman: stated the 40% is the combined side yard setback for the second story.

Mr. Corriston: asked if that calculation is based on the existing lot lines or the lot lines extending all the way back.

Mr. Weissman: stated it is extending all the way back; 28.17 original.

Mr. Corriston: stated he did not believe 28.17 was the correct number.

Mr. Weissman: stated 36.07 was the original.

Mr. Corriston: asked what would be any necessary variances for the second floor if the lot line was extended straight down.

Mr. Weissman: stated, using the setbacks as proposed without any reduction in the second story, there would be a combined side yard of 28.17.

Ms. Capano: stated there would be no variance required; stated the Planner could now testify if there were no further questions from the Board for Mr. Weissman.

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

Ms. Brigitte Bogart, Planner for the applicant: gave educational and professional background; qualified as an expert in the field of Planning by the Board; **sworn in by Mr. Cucchiara.**

Ms. Bogart: prepared an exhibit; **Exhibit A10 marked 6/11/15;** described exhibit in detail; the 2 lots comply with all the area bulk requirements; referred to the Master Plan; discussed side yard second floor setbacks; what is being proposed fits into the development pattern of the neighborhood; discussed elevations; C1 variance is being sought; hardship discussed; Board allowed to grant this variance due to the unique features of the property; discussed the shapes of the other lots in the area; cul-de-sac characteristics.

Mr. Corrison: asked if the same variances are being sought or has that been modified.

Ms. Bogart: stated the variance is the same; what has changed is the architectural details; appearance of the setbacks has been modified.

Mr. Corrison: asked questions regarding the cupola and its distance to the side yard.

Ms. Bogart: stated the distance is 11 ft.; that is the variance the applicant is seeking; 2nd floor extends further south; lot line moves in; property is a trapezoid.

Mr. Corrison: in regards to the measurements that were given, if they were straight lots, if no unusual proportion, wanted to understand what would be the combined side yard requirements; straight lines vs. proposed.

Ms. Bogart: stated Lot 21.01 required under ordinance is 40% of lot width, 36.06 ft. combined; the applicant has a combined total of 28.17; both meeting the 10 ft. on either side but not meeting the 36 ft.; Lot 21.01 with just the straight lot line, the applicant would only be required 27.23 ft. and they are providing 28 ft.

Mr. Corriston: asked for confirmation that if the lot lines were drawn straight, which is the basis for the hardship application, a variance wouldn't be needed.

Ms. Bogart: stated that was correct.

Mr. Corriston: asked about the second lot.

Ms. Bogart: stated the second lot stays the same; when the lines were drawn they were kept parallel; if moved over, the lots would share the hardship.

Mr. Corriston: stated it is hard to demonstrate a hardship.

Ms. Bogart: stated not as drawn; if the line was moved over the hardship would be shared.

Mr. Corriston: confirmed the 40% requirement is 27.82; asked what the number is in actuality.

Ms. Bogart: stated 25.75; approximately 1 ½ ft. off.

No questions from the public.

Mr. Corriston: stated his view is there is a hardship issue here; given the fact the side yard requirements are meeting and exceeding them; the neighbor has stated he would like it to stay in this manner; it could be redesigned and moved closer to the neighbor, the applicant is taking into account the neighbor and the hardship issue; given this is an issue that has come before the Zoning Board and may need to be addressed, he is okay with the variances.

No statements from the public.

Motion to approve the subdivision and for the variance to be granted as requested based upon the testimony of the architect and the planner; items identified in terms of the increased side yard, unusual nature of the lot and the comments of the neighbor which bear importance on the matter of this type: Corriston, Pierson

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

Closed Session:

Litigation: Chamberlain Developers, Inc. a New Jersey Corporation v. Borough of Ho-Ho-Kus, et al.; Docket No. BER-L 4253-15

Litigation: Chamberlain Developers, Inc. vs. Borough of Ho-Ho-Kus, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Planning Board of the Borough of Ho-Ho-Kus.

Motion to go into Closed Session: Corrison, Pierson

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

Meeting went into Closed Session at 8:20PM.

Meeting reconvened at 8:50PM.

Motion to Adjourn: Corrison, Reade

All in Favor

Meeting adjourned at 8:50PM.

Respectfully submitted by:

JoAnn Carroll

Planning Board Secretary

June 17, 2015