

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
September 11, 2014
Work Session**

Meeting Called to Order at: 7:32 PM

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

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

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

Chairman Hanlon: stated the only items on the agenda this evening is correspondence regarding the Miller subdivision and a completeness review for Rumford Holdings LLC; the Hollows at Ho-Ho-Kus application is expected to be before the Board again on October 9, 2014, at the earliest; the change of date will be published on the Borough's website; if there is a change of hearings, then the 200' list would be notified and there would be a notice in the newspaper as well; this evening's meeting is a work session so the public will not be participating.

Completeness Review:

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.

Ms. Jeanne Dube: stated she was the co-owner of Rumford Holdings LLC with her husband and is also the owner of 873 East Saddle River Road.

Mr. Cucchiara: stated that because it is a company, Ms. Dube is required to have an attorney to represent her; if she were the only member, she would not be required to have an attorney; under these circumstances, since Ms. Dube has indicated to the Board that there is more than one member, then Ms. Dube has to retain counsel.

Ms. Dube: stated she didn't understand why she would need an attorney to represent her.

Mr. Cucchiara: stated because that is the law; when the application is presented, because there is more than one member, Ms. Dube would have to have an attorney represent the company at the hearing; in addition, Mr. Cucchiara stated that Mr. Hals has submitted his review of Ms. Dube's application and asked Ms. Dube if she had received a copy.

Ms. Dube: stated she had not; (a copy of Mr. Hals' review/report dated September 11, 2014, was handed directly to Ms. Dube by the Board Secretary; Ms. Dube read the report at this time.)

Please note: the Board had also received the report this evening.

Mr. Cucchiara: stated there are significant issues discussed in the report; there are recommendations to revise some aspects of the plan.

Ms. Dube: stated she was very confused; she is only attempting to eliminate a flag lot.

Mr. Cucchiara: stated there are legal requirements both under the statute that controls these proceedings, MLUL, and the Borough's ordinances; it is not unusual for a plan to require some corrections; even the simplest of plans; two items discussed on the first page would have to be referred to Ms. Dube's engineer; he can certainly speak with Mr. Hals regarding questions he has and for the purpose of resolving those questions; there is also an issue in regards to an average setback; this has to be determined; it may require a variance; most municipalities have an average setback requirement; the setbacks of dwellings on properties have to be maintained; this was not addressed; this is an issue for the engineer to discuss with Mr. Hals; certainly to indicate the setback on the plan, unless they resolve it to their satisfaction.

Ms. Dube: asked if a variance would be required.

Mr. Cucchiara: stated he didn't know at this time; it would be something for the engineers to discuss; items 5 and 6 are also items that the Board Engineer is requiring appear on the plan; in the engineer's opinion, a variance is required for lot frontage for proposed lot 2.01; which means, if this application intends to create conforming lots, and all regulations of the Borough's zoning ordinance are met, the application could be presented without notice; if there is a variance, then notice must be furnished to property owners within 200' of the subject property and also in the newspaper; in addition, notice must be furnished to all utilities and government bodies; in the engineer's view, the lot frontage for proposed lot 2.01 requires a bulk variance; Mr. Cucchiara suggested Ms. Dube contact her engineer to address this issue as well; these items are missing from the plan and need to be corrected, and particularly the

variance needs to be addressed; in the Engineer's view, the application as it has been presented is deemed incomplete; if corrected and they are resolved by either the applicant's engineer or the applicant's attorney and the Board, then there probably will be a time when the application can be deemed complete and it can move forward; at this time, those issues must be addressed before the application can be heard.

Chairman Hanlon: stated, on the positive side, if Ms. Dube can have these issues resolved, she can be heard again at next week's meeting, if there are no variances required.

Ms. Dube: stated it was her engineer's understanding that no variances would be needed.

Chairman Hanlon: stated if there are no variances required, and Ms. Dube can have her engineer satisfy the items the Board Engineer has identified, then she can return to the Board next week.

Ms. Dube: stated she will be here next week if possible.

Correspondence:

Miller Subdivision, 118 Blauvelt Avenue, Block 601, Lots 4 & 5: letter received from attorney requesting confirmation that the application satisfies the Board's subdivision approval.

Mr. Cucchiara: stated the applicant has shown the Board that it has satisfied the requirements/conditions of the minor subdivision application; therefore the matter is essentially completed and resolved.

There were no questions from the Board regarding the Miller subdivision.

Chairman Hanlon: stated the Board will have a quorum for next week's meeting if Ms. Dube can have the items previously discussed satisfied by the Board's Engineer; the Hollows at Ho-Ho-Kus application will not be heard until October 9, 2014; asked the Board to look at their schedules and contact the Board Secretary with their availability; the meetings on 10/9/14 and 10/16/14 are regularly scheduled meetings for the Board; assuming the applicant will be back before the Board, the other dates to be discussed to possibly have a meeting are 10/23/14 and 10/30/14.

Mr. Robert Inglima: came forward to state that he doesn't know if he would be able to be in attendance on October 23, 2014; may have a conflict; will let Mr. Whitaker and the Board Secretary know his availability by next week.

Mr. Cucchiara: asked if Mr. Inglima will be available for all the other Thursday's in October.

Mr. Inglima: stated all the other Thursday in October are good for him.

Chairman Hanlon: asked the Board to be prepared to vote on the minutes at next week's meeting; in addition, Chairman Hanlon stated the absent member certifications would not be signed until the Hollows at Ho-Ho-Kus application was before the Board; will be on the public record.

Motion to Adjourn: Councilman Rorty, Berardo
All Members present approve Motion to Adjourn.

Meeting adjourned at 7:50PM.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
September 12, 2014