

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
May 12, 2022
Combined Session**

Meeting Called to Order at 7:32PM by Chairman Hanlon

Salute to the Flag

Open Public Meeting's Act Statement: Read into the record by the Board Secretary.

Roll Call: Messrs. Jones, Madden (absent), Ms. Willkomm, Mr. Thomas, Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. David Hals, Hals Engineering, Borough/Board Engineer; Ms. JoAnn Carroll, Board Secretary

Chairman Hanlon: stated David L. Rutherford, Esq, Board of Adjustment Attorney for the Borough for 37 years, recently passed away; Chairman Hanlon spoke of his contact and communications with Mr. Rutherford throughout the years, including his help with the Master Plan, and how he will be greatly missed.

Chairman Hanlon: stated this evening's meeting of the Board was a Combined Session and the regularly scheduled meeting of the Board for May 19, 2022 was cancelled.

Completeness Review:

CJM Properties Corp., 225 Wearimus Road, Block 502, Lot 37, R1 Zone: Preliminary Major Subdivision application with variances; 4 lots proposed; applicant seeks relief from Section IV, Article 85-9 D (2) for proposed lots 37.01 and 37.03, lot frontage not to be less than 200 ft.

Mr. Cucchiara: 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 June 9, 2022 at 7:30PM.

James Delia, Esq., applicant's attorney: placed his appearance on the record; filed an initial application with the Board and also a second submission after reviewing Mr. Hals' report; believes the application is substantially complete for a hearing to be scheduled; gave a brief overview of the application; 4 lot subdivision; Wearimus Road address that abuts Bridle Way; plans to use Stafford Lane which is a private ROW; plan to create 4 lots based on conceptual hearing; variance relief is being sought for lot frontage at the end of the cul-de-sac; could make all 4 lots conforming, but that would result in a

longer street and more macadam; wanted to shorten the street a little; to achieve this, minor variances in regards to frontage are sought; have received reports from Mr. Hals, Mr. Snieckus, the HHK PD and Water Department; there is an easement along Stafford Lane where some of the utilities are to be run; filed application with the County; received letter back with some minor comments; will resubmit to the County; seeking a completeness determination this evening.

Chairman Hanlon: asked if the applicant's experts can comply with all items in Mr. Hals' and Mr. Snieckus' reports.

Mr. Delia: stated yes; all items can be addressed.

Please note: no Board Members had questions for Mr. Delia in anticipation of the public hearing.

Mr. Cucchiara: stated the public hearing for the 225 Wearimus application will be held at a regularly scheduled meeting of the Board on Thursday, June 9, 2022 at 7:30PM.

Chairman Hanlon: reviewed the following items from Mr. Hals' report: sewer lateral is located in the easement.

Mr. Delia: stated he will provide an easement map at the public hearing.

Chairman Hanlon: adding main on Bridle Way; water valve needs to be added to the main.

Mr. Delia: agreed.

Chairman Hanlon: SW water quality issue and groundwater recharge to be addressed.

Mr. Delia: agreed.

Chairman Hanlon: applicant to investigate if the drainage line can be placed along the western end of the pavement.

Mr. Delia: stating that is being researched at this time; will have an answer at the time of the hearing.

Chairman Hanlon: landscaping detail to be provided.

Mr. Delia: agreed.

Chairman Hanlon: SW Maintenance Manual to be provided and worked out with the Homeowner's Association.

Mr. Delia: stated there is consideration being given to have a deed restriction for one lot; it will be one homeowner's responsibility.

Mr. Hals: stated that cannot legally be done per the SW management regulations.

Mr. Delia: stated he will review.

Chairman Hanlon: utility line extended from Bridle Way and located in the public ROW; this is a private road; a paper street.

Mr. Delia: stated it is essentially a driveway and they have the utility rights; will highlight during their presentation.

Motion to deem the application complete: Jones

Seconded by: Councilman Policastro

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Application deemed complete and placed on the Board's June 9, 2022 agenda for a public hearing.

New Business:

Mr. Hector Mota, Ho-Ho-Kus Hand Car Wash, 208 E. Franklin Turnpike, Block 1016, Lot 12, GB Zone: change of ownership.

Mr. Mota: stated he is the new owner of the car wash and property; hours reviewed; 6 employees; they are driven to the property every day by Mr. Mota; understands the car wash is hand wash only and not automatic; understands the "A" frame sign at front of property must be kept on the property and not in the ROW and no other advertising is allowed on the sign except for the car wash itself; understands his business is located in the flood way; understood if any new signage is proposed an application must be submitted to the Planning Board.

Motion to approve application: Willkomm

Seconded by: Jones

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Ms. Marina Shpol, Wine Art Inc., 22 Hollywood Avenue, Suite 6, Block 101, Lot 4, IP Zone: new business application

Ms. Shpol: stated she is the owner of Wine Art; imports and distributes wine to restaurants and liquor stores; 3 employees; plenty of parking; has a large "6" on the door of her business so she can be located and also for any emergency service vehicles; understands her business name can be placed on the large sign board at the entrance to the complex; not opened on the weekend; has wines from all over the world; no retail; trucks will be making deliveries on site.

Councilman Policastro: asked the applicant to ensure there is access around the truck so emergency vehicles can get to the building if needed.

Ms. Shpol: agreed.

Motion to approve application: Jones

Seconded by: Councilman Policastro

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Mr. & Mrs. R. Mattessich and Zachary Giddich, Threefold Cabinetry, LLC, 118 E. Franklin Turnpike, Block 1016, Lot 6, GB Zone: new business and signage applications.

Mr. Zachary Giddich, Mr. Robert Mattessich and Mrs. Lina Mattessich were all in attendance.

Mr. Giddich: stated all three were town residents and had businesses in town; formed business together; Mr. Giddich is an architect in town; the opportunity arose with Top of the Line Construction, the Mattessich's business, to work together; Mr. Giddich designs kitchens and the Mattessich's install them; will be representing a line of cabinetry; will contact the Chamber of Commerce.

Chairman Hanlon: stated the property is owned by the Borough and is leased; is in the flood way; asked about parking.

Mr. Giddich: stated at the most there are 3 cars present but can fit up to 6 if necessary.

Councilman Policastro: stated the sign application submitted with the new business application conforms to all aspects of the Borough Code and was well designed.

Motion to approve the new business application: Jones

Seconded by: Willkomm

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Motion to approve the sign application: Councilman Policastro

Seconded by: Willkomm

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Ongoing Business:

Pizza Barons LLC, Sicilian Sun Restaurant, 604 N. Maple Avenue, Block 1015, Lot 11, GB Zone: sign application; façade only.

Please note: the Pizza Barons sign application was dismissed due to the fact the State law and Borough Sign Ordinance were both amended and an application for the replacement of the façade of the sign was not required.

Board Discussion:

2022-67 An Ordinance to Amend Article V, Chapter 85, Zoning of the Borough of Ho-Ho-Kus; Corner Lot definition

Board Secretary: stated the standard practice to determine rear yards for corner lots was the property line opposite the narrowest frontage; unfortunately, this was never written into the Borough Code; if the frontages are equal in distance, the owner or their agent shall determine the rear yard;

once the determination is made, it will be recorded with the Borough and it cannot be changed in the future.

Motion to authorize Gary J. Cucchiara, Esq., Board Attorney, to prepare a letter to the Mayor & Council recommending the adoption of Ordinance 2022-67: Jones

Seconded by: Councilman Policastro

Ayes: Jones, Willkomm, Thomas, Councilman Policastro, Chairman Hanlon

Nays: None

Resolution:

LMF HHK Urban Renewal LLC, "Ho-Ho-Kus Crossing"

619 N. Maple Avenue, Block 1016, Lot 3

217 First Street, Block 1016, Lot 5

239 First Street, Block 1016, Lot 11

Amended Preliminary and Final Major Site Plan application; soil movement application; variance request for maximum area of signage.

Mr. Cucchiara: reviewed the application and resolution; received an email from Jason Tuvel, Esq., applicant's attorney, shortly before this meeting; discussed with Chairman Hanlon and Ms. Carroll; regarding subparagraph e, page 8, first sentence; all of the other comments and suggestions by the applicant were incorporated into the resolution; the applicant's attorney had proposed at the end of the sentence that the street lights would continue down First Street up to Barnett Place; after speaking with Chairman Hanlon, he advised the street lights were to continue down First Street; there is a section included that is the property of the applicant anyway; will advise Mr. Tuvel; that suggestion should not be included.

Chairman Hanlon: stated First Street goes down to the Ho-Ho-Kus Brook; major parking lot, Lot 11; owned by the applicant; street lights are to be placed on that segment.

Mr. Hals: stated Chairman Hanlon's position is correct; the street improvements are to be continued to the end of the street.

Mr. Cucchiara: stated, additionally, Mr. Tuvel proposed an addition in the same paragraph, subparagraph r, fifth line; "after completion of project, traffic conditions at and around the building shall be reviewed by Borough Officials every 18 months"; lookback period; to see if modifications should be made; after the word "building", in the fifth line, Mr. Tuvel suggested to insert the phrase, "at and around the building that are a result of the development shall be reviewed by Borough Officials"; traffic conditions in and around that are a result of the development; the applicant wants to ensure the statement doesn't mean 2-3 blocks away, but in connection with the development.

Mr. Hals: stated he didn't know why Mr. Tuvel wanted that phrase added; the traffic generated will be from the project itself; the real traffic is going to be at First and Maple; the building is not next to this intersection; the other portion of the site is the shared parking at the bottom of First and that is not next to the building; doesn't like the wording.

Mr. Cucchiara: stated if the wording is “project” instead of “building” doesn’t feel the additional language is needed that Mr. Tuvel proposes; his additional language was in respect to the building, “that are a result of the development”, if we replace “building” with “project” I think that would be sufficient.

Chairman Hanlon: stated the project is in an “L” formation.

Mr. Hals: stated if something else goes on at the off-site parking area, that is part of the project also.

Mr. Jones: stated he interprets it as a result of what they have done, not the pre-existing hardships that existed that people can’t make a left or a right turn.

Mr. Hals: stated he believes that is understood.

Mr. Jones: stated there are issues there; the County isn’t going to put a light there because they are not going to put a light 50 ft. from another light.

Chairman Hanlon: stated he believes they will.

Mr. Hals: stated the County would put a light there if enough traffic was generated; one of the issues is who is going to pay for the signal.

Chairman Hanlon: stated that is why an application needs to be made to the Feds who are offering money to fix and replace the bridge, could then tie the two together and install the proper lighting.

Mr. Cucchiara: stated it could be referred to as “this project” if there was concern about future projects in the area.

Mr. Hals: stated the people who will be reviewing the resolution will be himself and possibly the Police; if there is a problem, and it can’t be resolved, then the applicant would be in violation of the approval and they would go back to the Board for resolution of the issue.

Mr. Thomas: asked if the wording could indicate the finish of construction; observe traffic patterns when people are occupying the building.

Mr. Hals: stated the wording should be “development” instead of “project”.

Chairman Hanlon: stated the traffic review period is being extended for 18 months.

Mr. Jones: stated once it begins to be occupied.

Councilman Policastro: asked if it would be from when the Certificate of Occupancy (CO) is issued.

Mr. Cucchiara: stated the applicant suggested, “and after tenants begin occupying the building”, which of course would necessitate a CO.

Board Secretary: stated a Temporary Certificate of Occupancy (TCO) would be issued before a CO.

Mr. Hals: stated this is the problem; when they start to occupy the building, you could get a TCO on one floor; they could do just the second floor and not do the third floor.

Board Secretary: stated the builder is not going to wait to obtain a CO; TCOs will be issued so tenants can move in.

Mr. Cucchiara: asked if the lookback period would start with the issuance of TCOs.

Mr. Hals: stated it should be after the CO is issued.

Ms. Willkomm: asked Chairman Hanlon regarding his previous statement that Ridgewood road would become a 2-way street.

Chairman Hanlon: stated no; Ho-Ho-Kus hill was changed to a 1-way; to the south is the proposed project in Ridgewood where the Ford dealership was; that entire area was part of Valley Hospital's concept; believes there will be retail underneath and apartments for the remainder of the development; Ridgewood has drawings to remedy the issue at the Ho-Ho-Kus hill; if the road is widened, the NJDOT would consider making it a 2-way street again.

Ms. Willkomm: asked if the lookback study could affect the Ridgewood decision.

Chairman Hanlon: stated it will be team work; once the Ridgewood project starts, they will come back and ask for help; there is a building at First and Maple in Ridgewood that is not part of the proposed development in Ridgewood; stated we need to ensure the request from the Chief of Police of Ho-Ho-Kus that citizens can cross by pushing the activated signal button is met.

Mr. Hals: stated, including traffic signs; pedestrian activity crossing devices at their expense; push button activated signal.

Mr. Cucchiara: stated, if the resolution was approved this evening, it would be subject to the discussion held this evening, only with respect to paragraph 25, subparagraph r; would revise the language, if those changes were satisfactory to the Board; the changes would be: 1. This "development" instead of the "building" in line 5 of subparagraph r; 2. in the preceding clause, "after the issuance of a Certificate of Occupancy and full occupancy of the building, then traffic conditions at or around this development shall be reviewed by Borough Officials".

Motion to adopt resolution with the amendments stipulated: Willkomm
Seconded by: Thomas
Ayes: Willkomm, Thomas, Councilman Policastro, Chairman Hanlon
Nays: None

Approval of Minutes:

Motion to approve February 17, 2022 minutes: Jones
Seconded by: Willkomm
Ayes: Jones, Willkomm, Councilman Policastro, Chairman Hanlon
Nays: None

Motion to approve February 28, 2022 Special Meeting Minutes: Thomas
Seconded by: Willkomm
Ayes: Willkomm, Councilman Policastro, Chairman Hanlon
Nays: None

Motion to approve March 10, 2022 minutes: Councilman Policastro
Seconded by: Jones
Ayes: Jones, Willkomm, Councilman Policastro, Chairman Hanlon
Nays: None

Chairman Hanlon: read into the record the announcement made on April 21, 2022 that the meeting was cancelled due to lack of a quorum; additionally, all matters on the April 21, 2022 agenda were carried to the May 12, 2022 agenda without further notice; no members of the public were in attendance; the session was recorded.

Motion to adjourn: Jones
Seconded by: Thomas
All in Favor
None Opposed

Meeting adjourned at: 8:49PM.

Respectfully submitted by:


JoAnn Carroll
Planning Board Secretary
May 17, 2022

APPROVED ON JUNE 9, 2022