

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
March 14, 2024
Combined Session**

Meeting Called to Order at 7:05PM by Chairman Hanlon

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

Salute to the Flag

Roll Call: Messrs. Jones, Madden (absent), Thomas (absent at time of roll call; arrived at 7:16PM), Hart, Ms. Cavallo (absent), Mr. Forcellati, Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. E. Snieckus, Borough/Board Planner; Mr. Mark Berninger, Construction/Zoning Official; Ms. JoAnn Carroll, Board Secretary

Nomination of Vice Chairperson for 2024
Carried to the April 11, 2024 meeting

New Business:

Docket #06-2024: Mr. Mike Cataraso, Cataraso Electric LLC, 1 Hollywood Avenue, Block 603, Lot 1, IP1 Zone: new business application; electrical contractor

Chairman Hanlon: stated the property owner has signed the application.

Mr. Cataraso: stated he is seeking to centralize his business; storage of materials on the first floor and an office on the second floor; no customers will visit site; will have delivery of materials at the site.

Chairman Hanlon: advised the applicant to "brighten" the address number so his business can be easily found.

Councilman Policastro: reviewed the Fire Department's lock box program.

Motion to approve the application: Jones

Seconded by: Hart

Ayes: Jones, Hart, Forcellati, Councilman Policastro, Chairman Hanlon

Nays: None

Docket #05-2024: Mr. John Rupich, CortZen LLC, 2 Orvil Court, Block 1008, Lot 5, GB Zone; OL-2 Zone: new business application; retail sale of outdoor furniture

Mr. Rupich: stated he is the business owner; will sell Cortzen steel outdoor products; fire pits, planters, etc.; will be housed in the 4-car garage; office to the side of the garages; retail sales; also sell to commercial establishments.

Chairman Hanlon: stated the application indicates there will be two employees and 9 parking spaces; the handout to the Board shows 12 parking spaces; the business was previously a service station.

Mr. Cucchiara: asked if the applicant had a SIC (Standard Industrial Classification) number.

Mr. Rupich: stated yes.

Mr. Jones: asked if any renovations would be done to the property.

Mr. Rupich: stated only painting.

Mr. Forcellati: asked if furniture will be stored at the business via deliveries or is it just a showroom and there is another location for storage.

Mr. Rupich: stated for now it will be used as both a showroom and for storage.

Mr. Forcellati: asked if a tractor trailer would be making deliveries.

Mr. Rupich: stated yes; there will be a forklift on site.

Please note: Mr. Thomas arrived at this point of the meeting, 7:16PM.

Councilman Policastro: asked what the hours of operation would be; the hours were not indicated on the application.

Mr. Rupich: stated he is not sure yet; will probably be open from 9am to 5pm; open on Saturday; 6 days a week.

Councilman Policastro: asked if there would be merchandise outside of the garages for sale.

Mr. Rupich: stated he may use some of his inventory such as flower pots to landscape the front of the business; merchandise will not be set up outside of the building.

Councilman Policastro: stated if a sign or outdoor lighting were proposed, and if yes, a separate application would need to be submitted.

Mr. Rupich: stated he understood a separate application would need to be submitted for signage.

Chairman Hanlon: stated the applicant will need to return to the Board next month; the layout of the site was just handed in this evening; wants to have the Fire Department and Police Department review; looking to have the Sheridan Avenue exit closed for safety reasons; when exiting on Orvil Court

there are three different walkways in front of you; there is a wide enough driveway on Orvil Court to have equipment coming in and out of the site; asked if a bathroom was located inside the building and could be accessed from the garage area without leaving the building.

Mr. Rupich: stated yes.

Chairman Hanlon: stated there was a bathroom located in the building but it could not be reached from the garage area.

Mr. Rupich: stated he believes that is a storage room; it will not be used as a bathroom.

Chairman Hanlon: asked if customers would be able to access the business through the open garage doors.

Mr. Rupich: stated he wants to have the 4 garage doors open during the day; there is also a mini door in one of the garage doors.

Chairman Hanlon: asked about the heating and cooling system.

Mr. Rupich: stated the building will be air conditioned; a new heating system will be installed.

Chairman Hanlon: asked if the van on site belonged to the applicant.

Mr. Rupich: stated he did not own the van.

Chairman Hanlon: suggested the applicant speak to the property owner because underneath the van there is no asphalt; appears that area may have been dug out some time ago.

Mr. Rupich: stated the parking lot is being repaved.

Chairman Hanlon: asked what the "T" on the plan submitted this evening represented.

Mr. Rupich: stated the trash location.

Chairman Hanlon: stated in front of the "T", there is a mark which resembles a zero with an "x" through it; asked what this represented.

Mr. Rupich: stated that was the location of spot 12, but changed to the location in red.

Chairman Hanlon: stated the parking on Orvil Court is slightly confusing; parking spots 1-9 are shown; then it states "9W" spaces then "8 each" and "9 each"; asked for clarification.

Mr. Jones: stated the two handicapped spaces are 8 ft. each and 9 ft. for all the others.

Chairman Hanlon: stated at night, the Ho-Ho-Kus Inn uses the applicant's location for parking; asked if the Inn will be allowed to continue to use the location for parking.

Mr. Rupich: stated he was informed that was a possibility; has not thought about it yet.

Chairman Hanlon: stated he wants to review the drawing with the Fire Department, Police Department and Zoning Official; asked the applicant if he would have his sign application submitted for next month's meeting; definitive hours of operation can be confirmed at next month's meeting; informed the applicant that the only businesses which are allowed to conduct business outside of their respective buildings are restaurants.

Mr. Rupich: asked if he would be allowed to place items along the concrete curb around the building.

Chairman Hanlon: stated that is like a sidewalk; would not think that would be allowed.

Mr. Jones: stated there is a difference between placing items on the applicant's property and in the ROW.

Councilman Policastro: stated there are very specific signage requirements; all signs must be made of wood or be wood carved; signage can be placed on the windows; backlit lighting is not allowed.

Board Secretary: informed the applicant that a CCO will be required due to the fact the use is changing from an M (mercantile) use to a B (business) use.

Chairman Hanlon: stated the applicant will appear before the Board again on April 11, 2024.

Board Discussions:

Zoning Amendment: Second Floor Side Yard Setbacks in Residential

Zones: Mr. E. Snieckus, Borough/Board Planner and Mr. Mark Berninger, Construction/Zoning Official, to review the proposed amendment to subsection K of the Borough's Ordinance

Mr. Snieckus: stated this is a continuation of the discussion on the second floor side yard setback; reviewed current ordinance; the Zoning Board's Annual Reports have continually cited this ordinance for review by the Mayor & Council; the Board felt it was too burdensome or produced an undesirable result; discussed other options at last meeting; Westwood has adopted a standard for a second floor FAR (floor area ratio); based on a certain percentage of what is the allowable building coverage criteria; referred to his memo dated March 14, 2024; reviewed main issue; FAR was mostly for commercial properties; cannot deviate from the definition due to the fact FAR is contained in the MLUL; can define second floor FAR; can discount certain areas such as garages, etc., can't decide where the relief is in the structure; may not relieve

the presence along the street; reviewed tables contained in report on the last 3 pages; we do not regulate what can be done on the second floor; met with Mr. Berninger regarding other criteria that concerns building height measurement; proceeds the standard of what is the ultimate height in the front; can be large in the rear; it leads the building official without a real defined measurement with the grade outside the building; look at an average grade; provided clarification to measure building height; read into the record from May 14, 2024 memo; help to define where the grade is measured consistently among properties; proven to be a more uniform standard of how to measure building height; allow 35 ft.; allows for some decorative roof lines; not causing an undue affect with amendment; added to the definition of a story; provided a table on the last page if the Board was not interested in a second floor FAR; all minimum criteria; lot coverage definition to be adjusted; concerned about the term "lot" coverage; in some municipalities and industry standards "lot coverage" means overall lot coverage, including ILC (improved lot coverage); change to "building" coverage; will need to change all the items where lot coverage is mentioned; an example of an application which would have triggered the need for second floor variance relief and the subsequent change by the architect to comply was distributed to the Board.

Mr. Berninger: stated the change Mr. Snieckus is suggesting as to how building height is measured is a great idea; adjusted the measurement for a story to 6 ft. because the building code has what is called a grade plane; if you build a house and the average is higher than 6 ft. out of the grade, that becomes a story; you then have a three story house and it would need to contain sprinklers or have VA construction; does not want to have a contradiction between measuring building height and building coverage; reviewed the handout distributed to the Board regarding the second floor story setback; the architect found a way to incorporate inside the roof line; can't have a full second story; there is a dormer but not a second story on the side; did make it conform; does not feel it is a bad ordinance; there was another application that was bigger; couldn't go back anymore because of the lot having two front yards; there is a house on Pitcairn with three front yards; older communities have lots that were not planned.

Mr. Snieckus: clarified the definition of lot coverage for the Board.

Chairman Hanlon: asked about the building height for homes in the Borough.

Mr. Snieckus: stated at this time the maximum height is 35 ft.

Mr. Berninger: stated he would like to see the measurement to the peak at this time it is to the mean; easy to change definition for height; average elevation to peak.

Mr. Snieckus: stated measuring 35 ft. to the peak is very generous; unless the home is rather deep or wide; then the peak starts to get height; if you have 4 ft. on the first floor and you wanted to have 12 ft. ceilings, you are left with 5 ft.

Mr. Cucchiara: asked would a change to building height lead to homes which were once conforming to become non-conforming.

Chairman Hanlon: stated that was discussed at the last meeting; need to set the code correctly.

Mr. Snieckus: stated the first question to always ask is, “do you know it to be a problem?” if yes, then address it.

Mr. Jones: stated when we get the one-off home that is the largest lot in the given zone, then the house is 5x the size; would agree to go to 35 ft. at the peak; already have homes built this way; would suggest leaving the height at 35 ft. and measure to this height in a different way; almost anyone buying a home or property at this time is going to the maximum buildable footprint; would not impact a property owner’s ability to profit from the sale of their home if we measure 35 ft. to the peak.

A brief discussion was had at this time regarding building height and how it is measured; additionally discussed flat roofs and ordinances requiring a pitched roof.

Mr. Snieckus: stated he would have to research a possible ordinance regarding flat roofs; does not see it that often; would have to make a design standard so a potential application would need a waiver; cannot put too much of a restriction on style.

Mr. Hart: stated he liked the point regarding the pitch of the roof; asked if a cupola is exempt from measuring to the ridge line.

Mr. Snieckus: stated a cupola must be within the 35 ft. maximum.

Councilman Policastro: stated there are some homes that have three stories in the rear; asked how this would affect an average home with a very steeped pitch yard where they do not have a choice.

Mr. Berninger: stated this situation did arise in town; three garages in the rear but almost at grade in the front; house had to be built with VA construction.

Councilman Policastro: asked how this situation would work with an existing home.

Mr. Berninger: stated he would look at the new work only.

Mr. Snieckus: reviewed two types of variances which could be sought for height; either a c variance (if less than 10%) or a d variance (exceeds by 10 ft. or 10%).

Councilman Policastro: inquired about the second-floor setback vs. the FAR; the example given the roof lines and architecture is very well done; the finished design is compliant is very attractive; have seen other examples in town, if not willing to invest enough money into the roof lines or the architecture, once the second story setback is triggered it can look “funky”; the footprint is always being maximized as far as an allowable second story; none of the ratios are

perfect; asked if there is a hybrid that may work; at least to reduce the overall footprint of the home.

Mr. Snieckus: stated he is pondering whether the second-floor story setback would have an exemption in it; such that you could qualify attic space in some way; if there was a roof line that was at least interesting over top of that, the mass projected toward the side yard and would be qualified as an attic; an attic cannot be over a certain height; 33% of the floor below; can use that as a criterion.

Mr. Berninger: stated he thinks about the neighbors living next to a huge box which is right up against the side yard setback.

Mr. Snieckus: summarized the discussion; building height to be measured as 35 ft. to the ridge; measured to the average grade.

Councilman Policastro: asked if it would be recommended not to adopt an FAR or a second-floor story setback ordinance.

Mr. Snieckus: stated he is not sure if the FAR would be effective.

Mr. Jones: agreed to the definition changes; we may not necessarily have to address the second-floor story setback ordinance.

Mr. Snieckus: stated he will work on the ordinance and report back to the Board and attend the May 9, 2024 meeting.

Hazard Vulnerability Assessment Study (HVAS)

Review of draft document

Mr. Snieckus: stated a draft of the HVAS was submitted to the Board; culminates with all the discussions that have taken place; reviewed table of contents; asked the Board to review and determine if any items are missing.

Chairman Hanlon: stated there are some questions regarding the maps; is working with Ms. Carroll and Mr. Pattman; will review any new information for the maps with Mr. Snieckus directly; the maps currently do not show the Northfield, which is a major water detention system for the Borough.

2024-95 An Ordinance to Amend Chapter 85, Zoning of the Borough of Ho-Ho-Kus, to allow exterior residential accessory equipment to be installed in the adjacent front yard of a corner lot

Motion to authorize Gary J. Cucchiara, Esq., Board Attorney, to prepare a letter to the Mayor & Council stating the Board recommends the adoption of Ordinance 2024-95: Councilman Policastro

Seconded by: Hart

Ayes: Jones, Thomas, Hart, Forcellati, Councilman Policastro Chairman Hanlon
Nays: None

Resolution:

Docket #02-2024: Mr. Jeffrey Horowitz, 225 Wearimus Road, Block 502, Lot 37, R1 Zone: major soil movement application

Mr. Cucchiara: reviewed the application and resolution.

Motion to adopt resolution: Councilman Policastro

Seconded by: Thomas

Ayes: Thomas, Hart, Forcellati, Councilman Policastro, Chairman Hanlon

Nays: None

Approval of February 15, 2024 Minutes: Hart

Seconded by: Councilman Policastro

Ayes: Hart, Forcellati, Councilman Policastro, Chairman Hanlon

Nays: None

Motion to Adjourn: Jones

Seconded by: Thomas

All in Favor

None Opposed

Meeting adjourned at 8:33PM.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary

APPROVED ON APRIL 11, 2024