

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
September 21, 2017
Combined Session**

Meeting Called to Order at 7:30PM by Chairman Hanlon

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

Roll Call: Messrs. Berardo (absent), Pierson, Reade, Newman (absent), Carrick, Policastro, Jones (absent), Councilman Rorty, Chairman Hanlon (absent), Mayor Randall

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. Edward Snieckus, Borough Planner; Mr. Joseph Vince, P.E., Hals Engineering/Borough Engineer; JoAnn Carroll, Board Secretary

Please Note: Vice Chairman Reade chaired the meeting due to the absence of Chairman Hanlon.

Discussion:

Mr. E. Snieckus, Burgis Associates, Borough Planner: consistency review of the Maple Avenue site with the Master Plan; **sworn in by Mr. Cucchiara.**

Mr. Snieckus: stated he would be discussing two separate ordinances that were introduced by the Governing Body; Ordinance 2017-11 which refers to a multi-family affordable housing MF-AH District and Ordinance 2017-13 which refers to the General Business inclusionary residential GB-IR District; both ordinances come from the settlement agreement and also the reexamination of the Master Plan which the Board conducted several months ago with regards to the settlement agreement as well; these two ordinances are to effectuate the settlement agreement; they are ordinances that would establish affordable housing within the various locations; **Ordinance 2017-11:** this refers to Block 1014, Lots 1 and 2; which are the Borough owned commuter parking lot; this was discussed in the Fair Share Housing Plan when it was presented to the Board and the Board adopted it; this would be the site for a 13 unit 100% affordable housing development; this ordinance establishes the zoning to effectuate the requirement of the settlement agreement; it establishes the purpose of the zone; there is also a list of permitted uses; it provides components relative to the affordable housing development; 3 of the 13 units can be restricted for persons with special needs; of the remaining 10 units, not more than three units can be 1 bedroom, at least 4 bedrooms must be 2 bedroom and at least 3 units must be 3 bedrooms; the ordinance provides for

those specific uses; in addition, as part of the ordinance are accessory uses, off-street parking requirements, minimum lot area, minimum buffer and minimum yard depth requirements; the Board's role for both ordinances is to review them for consistency with the Master Plan; as mentioned earlier, the Master Plan was revised through the Master Plan reexamination report that the Board prepared to reflect the settlement agreement; this would be consistent with those recommendations in that report; the Board's requirement is to review for those consistencies, or identify inconsistencies with the Master Plan and thereby identify them for the Governing Body; in Mr. Snieckus' professional opinion, with respect to Ordinance 2017-11, there are no inconsistencies because of the reference and identification of the settlement agreement terms; **Ordinance 2017-13**: this establishes the General Business Inclusionary Residential, GB-IR District; specifically for Block 1015, Lot 9 on Maple Avenue; part of the settlement agreement was the ability to re-zone this specific tract for up to 4 dwelling units; one of those must be affordable to the lower, moderate income household; the current zone is the GB District; creating a GB-IR District; the uses permitted will be all the uses permitted in the GB District, 85-13.A of the Zoning Ordinances; items 2-10, 15 and 16; the non-residential uses are the ground story uses; in addition, also identified the residential must be on the 2nd or 3rd floor of the building in order to maintain the continuity of commercial within the corridor of the GB District; identified the specific affordable housing mechanisms that are needed to be provided to ensure the units are appropriately credited for the housing plan and the Borough receives proper credits for those units; identified conditional uses; noted in the GB Districts 1, 3, and 7 as permitted ground story uses but they have to meet the conditions of the conditional use requirements; one of those being restaurants; currently on the property, there is a restaurant on the lower floor; there is the intention to maintain that restaurant; wanted the ordinance to reflect this; identified accessory uses in the GB-IR Zone; similar to the GB District; also provide minimum lot area dimensions, minimum principal structure yard depths, maximum building bulk requirements, as well as, minimum accessory structure yard depths; there was an outline error that occurred due to the translation between two word processing programs; identified the changes, basically typos; they do not change the criteria; noted the following:

- a. H: minimum accessory structure depths needs to be moved over.**
- b. What is listed as 4, 5, and 6 under "H" should be 1, 2 and 3**
- c. Under "H", off street parking as is listed should be changed to "I"**
- d. The next topic is "Circulation", should be changed to "J"**
- e. The next topic is "Design", should be changed to "K"**

Wanted these changes to be on the record; they will also be noted at the Mayor and Council meeting; also with this ordinance, very similar to the train station parking lot ordinance, this is to effectuate the settlement agreement; it has been identified in the Reexamination Report of the Master Plan as a change, so

there is consistency with those recommendations; believes the Board can find that this is an item of consistency with the Master Plan.

Mr. Cucchiara: stated it would be appropriate at this time to entertain a motion from a Board Member as to whether or not to recommend the adoption of the two ordinances that were just presented or if there are any changes that a Member of the Board would have or propose or certainly if there is a motion that they not be adopted; that is essentially what is before the Board at this time; ordinances should be moved separately.

Motion to the Governing Body that the Board recommends the approval of Ordinance 2017-11: Carrick, Pierson

Ayes: Pierson, Reade, Carrick, Policastro

Abstain: Councilman Rorty, Mayor Randall

Nays: None

Motion to recommend to the Governing Body the Planning Board's approval of Ordinance 2017-13 as before us and with the typographical changes which were set forth on the record regarding H: minimum accessory structure depths needs to be moved over to the margin, change 4, 5, and 6 under "H" to 1, 2 and 3, under "H", off street parking as is listed should be changed to "I", "Circulation" should be changed to "J" and "Design" should be changed to "K", which are deemed minor changes:

Carrick, Policastro

Ayes: Pierson, Reade, Carrick, Policastro

Abstain: Councilman Rorty, Mayor Randall

Nays: None

Mr. Cucchiara: stated the MLUL provides that the Board, when it considers a development ordinance, such as a zoning ordinance, issue a report from the Board to the Governing Body indicating that the Board recommends the adoption of ordinances in their present form, subject, of course, to corrections or typographical errors as stated on the record by Mr. Snieckus; Mr. Cucchiara will prepare a letter on behalf of the Board indicating this; this concludes the matter with respect to the ordinances.

Historical Race Track Sign, Ho-Ho-Kus Race Track Road Society: proposed signage.

Vice Chairman Reade: stated, for the record, the application for the Historical Race Track sign would be carried to the next meeting of the Board per the applicant's request.

Kazahiko Takahashi, Takaichi Ramen, 5 N. Franklin Turnpike, Block 1013, Lot 2: new business; Japanese restaurant.

Mr. Angelo Mariana, property owner: stated the proposed business location was originally part of the bagel store; the operator of the bagel store did not need the entire space; the store was split; Mr. Kazahiko is a tenant of Mr. Mariana's in another town.

Mr. Kazahiko: stated the restaurant would be full service with take out.

Mr. Policastro: stated he has no issue with the application; did indicate that the previous sign for the bagel shop spanned between 5 and 7 N. Franklin Turnpike; there is a bit of discoloration.

Mr. Mariana: stated it will be painted.

Mr. Policastro: stated the discoloration should be addressed before the sign application is submitted.

Councilman Rorty: asked how much seating the Japanese restaurant would have and how much seating would the bagel store be left with.

Mr. Mariana: stated the restaurant would have seating for 36 and the bagel store would have no seating; the restaurant will be open when the bagel store and other surrounding stores are closed; believes traffic will be minimal.

Mayor Randall: asked for the hours of operation.

Mr. Kazahiko: stated 12 noon to 10PM, seven days a week.

Mr. Carrick: stated there is a bar area shown on the plans; asked if that was counter seating and if there would be alcohol served.

Mr. Kazahiko: stated the bar is a counter; there will be no alcohol served.

Mr. Policastro: suggested the restaurant's sign be similar to the size of the signs adjacent to its location.

Vice Chairman Reade: asked for the number of employees.

Mr. Kazahiko: stated three.

Vice Chairman Reade: asked about parking allocation.

Mr. Mariana: stated he did not believe parking would be an issue.

Councilman Rorty: stated there is a municipal lot around the corner that the employees can use.

Motion to approve application: Carrick, Councilman Rorty

Ayes: Pierson, Reade, Carrick, Policastro, Councilman Rorty, Mayor Randall

Nays: None

Jeanne & Greg Dube, 873 East Saddle River Road, Block 810, Lot 1.01:
Preliminary Major Subdivision application; 3 lots proposed.

Joseph Mariniello, Esq.: applicant's attorney; applicant was before the Board a year earlier for certain lot lines to be redrawn; it was an odd flag-shaped lot; moved lot lines around at that time so the lot on Powderhorn would have its own entrance and exit and the driveway would be owned only by this lot that is before the Board this evening; Mr. & Mrs. Dube have lived at 873 ESRR for many years; asking for the approval of a subdivision of one lot into three; it has all the earmarkings of a minor subdivision except that the Borough's ordinance defines a major subdivision as more than one lot being divided into two; no streets associated with the application; the lot is large enough to have 4 conforming lots, however, the Dube's live in the home that is the furthest to the east and it is a beautiful old home and they do not want it taken down by a developer; the other two lots are to the west towards Saddle River Road.

Exhibits Marked:

A1: application, dated June 29, 2017

A2: proof of publication and 200' List notices and others entitled to notice as utility companies and other government entities

A3: Subdivision Plan prepared by Donohue Engineering, with the latest revision date of July 30, 2017

Vice Chairman Reade: stated, for the record, that Mr. Joseph Vince of Schwanewede, Hals Engineering was filling in for Mr. David Hals; Mr. Hals had submitted an updated letter.

Exhibits Marked:

B1: David Hals review letter dated 7/11/17

B2: David Hals review letter dated 8/17/17

B3: David Hals review letter dated 9/20/17

(Proof of taxes paid submitted by applicant and confirmed by the Board Secretary)

Exhibits Marked:

B4: Shade Tree Commission comments dated 9/21/17

B5: HHK Police Department comments dated 6/30/17 and 7/10/17

B6: HHK DPW comments dated 7/10/17 and 8/23/17

Mr. Thomas Donohue, applicant's engineer: sworn in by Mr. Cucchiara; gave his educational and professional background; his license is still in good standing; qualified as an expert in the field of engineering.

Mr. Donohue: stated the plans marked as Exhibit A3 were prepared by him and his staff; plans are entitled "Preliminary Major Subdivision" dated 6/29/17 with a latest revision date of 7/30/17; plans consist of 6 sheets; the subject property is located at the corner of ESRR and Powderhorn Road; it is an oversized lot, just under 4.5 acres; located in the R1 Zone; property contains a single family dwelling, detached garage, in-ground swimming pool, tennis court and an asphalt driveway that serves ingress and egress to the existing dwelling and also to the adjacent lot, 2.01; a title search was done for an existing utility line which traverses the northern property line; the title search came back with no easements for that utility; PSE&G and the Borough Engineer will be contacted to coordinate an easement to be established for that area; the poles are located on the adjacent properties, however, the line itself traverses across the crux of the property so an easement will be established that covers that area; the applicant is proposing a 3 lot subdivision; 2 new building lots with single family dwellings and the remaining lot with the existing dwelling; all lots conform to the R1 Zone requirements; there is an existing driveway which starts at ESRR which will be removed; the new connecting driveways for the existing house will be constructed out to Powderhorn and also for Lot 2.01.

Mr. Mariniello: stated, in regards to Lot 2.01, the Board had previously approved a driveway coming out to Powderhorn Road; it has not been constructed yet; it was approved and will be part of what is constructed with this application.

Mr. Donohue: stated the plans indicate conceptual new houses for Lots 1.02 and 1.03; there is an existing vegetative area along Powderhorn; some of the evergreen trees will need to be removed to provide sight distance for the driveways when they are proposed and constructed; there will be sight distance areas, including 1.04, the existing house, and 2.01; all of those driveways will be verified for sight distance during construction.

Mr. Mariniello: stated, in regards to the driveways, the Shade Tree Commission report mentions the driveway along proposed Lot 1.02 and suggested perhaps moving the driveway for purposes of saving a tree or two; asked Mr. Donohue if that could be done.

Mr. Donohue: stated it is shown conceptually far away from the intersection of ESRR; did not want to have any conflict with traffic turning onto Powderhorn so the driveway was located at this location and that will be reviewed when the

developer comes in with a final house design and layout as to where the driveway will be located; the Borough Engineer will review that location and tree removal and sight distance issues at that time.

Mr. Donohue: referred to sheet 4 of 6 which is entitled “Grading and Utility Plan”; showing conceptual grading and drainage and utility connections for the two new dwellings; Lot 1.02 would have utility connections to ESRR; sewer, water and gas out of that location; Lot 1.03, the middle lot, utility connections would go down to Powderhorn Road; indicating on the plans an area that would be milled and paved with a 50 ft. minimum length at the limits of those utility connections so that area would be reestablished with new paving; seepage pits are conceptually shown for the impervious areas to pick up the run off; those would be finalized and the capacity determined when the developer comes in to submit their plans; indicating soil to be moved on site; anticipating basements on the two new dwellings and some minor re-grading on the lots; estimated about 22,325 cu. yds. of soil to be moved; locations of where that may be moved off to will be determined later and the transport route will be confirmed with the Borough Engineer; indicating a 15’ x 15’ area which would be an easement at the corner of ESRR and Powderhorn; vegetation currently goes out to the edge of pavement; this area will be cleared of vegetation; that will be confirmed during construction with the Borough Engineer to make sure there is sufficient vegetation removal in that area for sight distance; there is a depression area surrounding the tennis court; not sure what will be done with that area with the future development; indicating seepage pits to collect the run off from the impervious areas; sizing and location will be confirmed later on with the Borough Engineer and the developer.

Councilman Rorty: asked if the tennis court was impervious.

Mr. Donohue: stated yes and would be removed.

Mr. Donohue: referred to sheet 5 of 6, soil erosion and sediment control plan; individual lots will be submitted to the Bergen County Soil Conservation for certification; conceptual measures of construction entrance given on the plan; silt fencing, top soil stockpile with silt fencing and tree protection areas; all of those will be verified with Bergen County Soil Conservation; sheet 6 of 6 shows construction details for the project.

Councilman Rorty: asked why the utilities not pointed towards Powderhorn for the lot that is on the Saddle River side.

Mr. Donohue: stated water can go out to that location; the sewer line is out in ESRR; the sewer line in Powderhorn actually ends at the dividing line between proposed Lot 1.03 and 1.04; it does not extend out to the intersection; that lot will go out to that direction and 1.03 would go out to ESRR; showing water and

gas, all the utilities are out at that location; should the developer choose to come out to Powderhorn, the paving area would be extended.

Mr. Policastro: asked if the electric would be overhead or underground.

Mr. Donohue: stated he believed it will be overhead; not sure; up to PSE&G.

Mr. Policastro: asked if the power was running on the structure side or the opposite side.

Mr. Donohue: stated it is running on the structure side.

Councilman Rorty: asked where the existing dwelling received its power.

Mr. Donohue: stated it receives it from Powderhorn; there is an overhead line that goes over the driveway; overhead line from the street to a pole then from the pole it goes underground and then to the house; that driveway will be removed.

Mr. Policastro: asked, regarding the driveway, the plan indicates there is some flaring from the end of the driveway to the street; asked if that was accurate.

Mr. Donohue: stated it is just conceptual.

Mr. Policastro: asked for the applicant to keep in mind that there needs to be access for the Fire Department to get a truck up the driveway.

Mr. Donohue: stated this issue can be reviewed with the Borough Engineer; reviewed Mr. Hals' letter dated 9/20/17; 8 comments in total; the revised plan addressed all the issues of Mr. Hals' letter dated July 11, 2017; the comments are not included in the subsequent letter which means they were taken care of; reviewed the report of the Shade Tree Commission; comment 1 and 2: there were no shade trees indicated on the plans for Powderhorn Road or ESRR; have to remove some vegetation; the developers will comply with the ordinance; comment 3: developer will apply for permits to remove any trees in the right of way; comment 4: tree protection detail will be complied with; comment 5: indicates a buffer should be considered between the existing lots, 1, 2 and 3 to the north and at this time there are existing trees along the northerly property line and it is a residential condition on both sides; the applicant is not going to consider planting an additional buffer in those areas; next comment (wrong number noted): talks about three trees that are indicated to be removed, 2 ashes and 1 oak, behind the proposed dwelling on Lot 1.02; conceptually there is a backyard area shown behind the house; not sure if those trees will be removed; letters from the Police Department also had concerns regarding sight distance for the driveways; as previously mentioned, the sight distances will be

verified during construction; the concerns of the DPW have been addressed in the revised plans.

Councilman Rorty: asked if the curb cut for the new driveway will be done prior to any of the development of the other two lots.

Mr. Donohue: stated he couldn't answer that; would believe that it would be done as soon as someone purchases the property.

Mr. Mariniello: stated it would not be sold with the applicant's still using the driveway.

Mr. Policastro: asked if the applicant's own the home at 863 ESRR.

Mr. Mariniello: stated yes, but under a corporate name.

Mr. Pierson: asked if the applicant has agreed with item #4 in Mr. Hals' letter in regards to the drainage system.

Mr. Donohue: stated he has not spoken with Mr. Hals regarding the seepage pits being undersized; indicating what is being shown is adequate; have to review with him; that would be designed later when this project site is developed.

Mr. Pierson: stated it sounds to him that most of the items need to be discussed during the time of construction.

Mr. Donohue: stated it needs to be discussed when plans for the homes are submitted to the Construction Dept. for a building permit which the Borough Engineer is involved with.

Mayor Randall: stated the curbing is inconsistent on Powderhorn; asked if the plan was to curb to the end of the lots.

Mr. Donohue: stated curbing is not proposed; there is only edge of pavement at this time; not sure what the developers will do for their individual lots.

Mayor Randall: asked the size of the trees that trigger a permit for tree removal.

Mr. Donohue: stated he did not recall.

Mayor Randall: asked how many trees are being shown compared to what the applicant is required to show.

Mr. Donohue: stated he believes all trees 8" and above are shown; they are indicated on the plan; have size, diameter and type.

Mayor Randall: stated he would like to see some mature specimens on the site; would like to see as many trees retained as can be in that area; conifers are particularly located in that area of town.

Mr. Donohue: stated the plot plans would be subject to review by the Shade Tree Commission and the Borough Engineer to make sure the ordinance is being complied with.

Vice Chairman Reade: asked if the existing berm adjacent to Powderhorn would remain in place.

Mr. Donohue: stated conceptually that is what is being shown on the plans; beyond the asphalt driveway, the existing evergreens have burned up a little; it is proposed to remain; not sure about a future developer; Mr. Hals does not want any run off from the sites to drain to the roadways so the developer will have to make sure that does not take place.

Vice Chairman Reade: asked if the driveways would be pitched.

Mr. Donohue: stated the plans show the driveway pitched back from Powderhorn to a low spot of the driveway; it would pitch to a seepage pit on either side; low point being shown if the developer chooses to do that same type of system.

Vice Chairman Reade: asked if the road needed to be milled or cut through for the connection of the utilities on ESRR.

Mr. Donohue: stated he believes the reason Mr. Hals wanted this milled and paved is because Powderhorn was recently repaved; did not request it on ESRR.

Mr. Vince: stated a County Road Opening Permit will be required; suggested the applicant may be able to get the sanitary sewer off of Saddle Brook Drive; looks like there is plenty of pitch and then they wouldn't have to go on the County Road.

Mr. Donohue: stated it will be up to the developer, but it looks possible.

Vice Chairman Reade: asked if Mr. Vince had any questions or comments on the application.

Mr. Vince: stated the only concern is the grading of the lot with the well point and some of the seepage pits; that would be handled during the plot plan phase; as far as the subdivision itself, it is pretty straight forward.

Mr. Mariniello: stated the soil movement application has been submitted.

Mr. Cucchiara: stated Mr. Donohue's stormwater drainage calculations and seepage pit calculations were not marked into evidence; asked if the reports should be made part of the record.

Mr. Mariniello: stated yes.

Exhibit A4: Stormwater Drainage Calculations, Donohue Engineering, dated 8/1/2017.

Mr. Cucchiara: stated the main issues have been addressed with respect to drainage; asked if Mr. Donohue wanted to add any further details.

Mr. Donohue: stated not at this time.

Meeting opened to the public for comments/questions.

Mr. Gerry Pearce, 2 Powderhorn Road: had questions regarding utilities and seepage pits.

Ms. Liz Wilkomm, 20 Powderhorn Road: had questions regarding traffic, speed bumps, sidewalks and the new driveways proposed.

Mayor Randall: stated there was not much demand for the speed bumps to be replaced once they were removed; the approaches the Borough has taken has seemed to do the job; in regards to the sidewalk, it would be a sidewalk to nowhere; no room on the County road.

No further public comments; Public portion of the meeting closed.

Mr. Mariniello: stated he wished to close; there were no further witnesses; thanked the Board for their time; it can be frustrating when the applicant is not the developer and doesn't have a concrete plan; many times the applicant is the developer who may have a conditional purchase on obtaining the subdivision approval; in this case it is the actual owner who has been the owner for many years appearing before the Board and the lots are not sold; there is no ability for the applicant to come before the Board with a specific site plan for the lots; have done what they could to meet the requirements of Mr. Hals; has had good communication with Mr. Hals; before the Board is a major subdivision of three lots; one lot into three; that is essentially conforming, both in terms of size and all the other bulk requirements; asked the Board to look

favorably on this application and if the Board does, the applicant would be able to move forward and bring in developers to build homes on the lots.

Vice Chairman Reade: asked for Board comments.

Mayor Randall: stated the lots are conforming; the Board has limited jurisdiction over the plans at this juncture; looks like a good plan as far as it goes; even though the Board has no say, he hopes whoever does buy the lots, takes into consideration the comments made by the Board.

Mr. Pierson: thanked the applicant for thoroughly taking the Board through the application.

Motion to approve Major Subdivision application: Carrick, Pierson

Ayes: Pierson, Reade, Carrick, Policastro, Councilman Rorty, Mayor Randall

Nays: None

Resolution:

Appointment of Mr. Thomas R. Lemanowicz, CP Professional Services, as the Board Engineer in connection with the Hollows at HHK application:

Mr. Lemanowicz changed firms since his last appointment to the Board in connection with the Hollows at HHK application.

Mr. Cucchiara: stated Mr. Lemanowicz had been appointed by the Board to serve as the engineer for the Hollows application due to the conflict with the regular Board Engineer; however, Mr. Lemanowicz has since changed firms and that appointment covered his former firm and now he is associated with CP Professional Services; in order to clarify the issue, Mr. Lemanowicz will be serving as engineer for any subsequent Hollows applications and also serve as Conflict Engineer, in the event that Schwanewede, Hals Engineering has any conflicts in the future; although in his experience with the Board, he does not believe there has been a conflict except for this one occasion; before the Board is a resolution to appoint Mr. Lemanowicz in that capacity.

Motion to approve the resolution of appointment for Thomas Lemanowicz of CP Professional Services as the Conflict Engineer and the engineer for the Hollows application on behalf of the Board: Carrick, Policastro

Ayes: Pierson, Reade, Carrick, Policastro, Councilman Rorty, Mayor Randall

Nays: None

Approval of Minutes: Carrick, Policastro

August 17, 2017

Ayes: Pierson, Reade, Carrick, Policastro, Councilman Rorty

Nays: None

Vice Chairman Reade: stated the Board's October meetings are scheduled for the 12th and the 19th; it was unsure at this time if a Combined Session would be held.

Motion to adjourn: Carrick, Mayor Randall

All in Favor

None Opposed

Meeting adjourned at 9:00PM.

Respectfully submitted by:

JoAnn Carroll

Planning Board Secretary