

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Zoning Board Minutes  
May 6, 2021  
Regular Meeting via Zoom**

**Meeting Called to Order at 7:00PM by Chairman Tarantino**

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

**Roll Call:** Messrs. Deegan, Cox (absent), Forst, Ms. Metzger, Messrs. Rodger (absent at time of roll call; joined meeting at 7:04PM), Madden, Ms. Raschdorf, Chairman Tarantino

**Also in attendance:** David L. Rutherford, Esq., Board Attorney; Kathryn J. Razin, Esq., Substitute Board Attorney; JoAnn Carroll, Board Secretary

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**Please note: All persons participating in the May 6, 2021 Regular Meeting of the Board did so via Zoom.**

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**Completeness Review:**

**Mr. Michael Vagnone, 229 Blauvelt Avenue, Block 210, Lot 17, R2 Zone:** applicant seeks to construct two second floor additions and a balcony (2<sup>nd</sup> floor bridge attached to balcony) to the rear of the home and add an a/c unit; non-compliance with: Article IV 85-10 E (3) minimum rear yard setback (addition and balcony); Article IV 85-10 E (2) minimum side yard setback (addition); Article VI 85-35: yard requirements (air conditioning condenser); Article IV 85-10 G (1) lot/building coverage; Article IV 85-10 G (3) improved lot coverage.

**Mr. & Mrs. S. Kastin, 66 Lakewood Avenue, Block 704, Lot 7, R3 Zone:** applicants seek to construct a deck at the rear of the existing single-family home; non-compliance with: Article IV 85-11 E (3) rear yard depth.

**Mr. Rutherford:** stated both applications were before the Board for Completeness Reviews; 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 applicants' appearances this evening is for the Board to determine if the applications are complete, and if so, to schedule a public hearing which would be held on June 3, 2021; the notice will be prepared by Mr. Rutherford; Ms. Carroll will publish the notice in the newspaper; it is the applicant's responsibility to notify all entities on their 200' list via certified mail.

**Please note: the 229 Blauvelt application was deemed complete.**

**Mr. Deegan:** asked if the existing paver patio was to remain.

**Mr. Kastin:** stated yes.

**Chairman Tarantino:** stated on the plan the proposed location of the deck is shown in relation to the doors, but the doors are not shown; asked for an

updated plan to be submitted showing the location of the doors; the revision shall be submitted at least 10 days before the June hearing date and can be submitted as a PDF.

**Please note: the 66 Lakewood Avenue application was deemed complete.**

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**New Business:**

**Mr. & Mrs. T. Kress Spatz, 404 Ardmore Road, Block 208, Lot 12, R2**

**Zone:** applicants seek to install a generator in the front yard; corner lot; non-compliance with Article V 85-15.1C: no accessory structure shall be located in the front yard.

**Please note: Mr. Deegan is recused from this application.**

**Mr. Kress Spatz was sworn in by Mr. Rutherford.**

**Mr. Kress Spatz:** stated he is seeking a variance to install a generator in his side yard, which is considered a front yard due to the fact his property is a corner lot; worked with his contractor and the most suitable location for the generator is where it is proposed due to the fact this is where the power lines come into the house; the rear of the property is narrow and the placement of a generator in the rear of the property would interfere with the current patio.

**Chairman Tarantino:** asked how tall the unit would be.

**Mr. Kress Spatz:** stated approximately 4-5 ft.

**Chairman Tarantino:** asked if the generator would be screened to obstruct the view of the generator from the street and neighbors; asked if it would be screened on 3 sides.

**Mr. Kress Spatz:** stated he would work with his landscaper to provide screening; the screening would be at least the same height as the unit; there are existing bushes on the left and right sides, would bring those out in front of the generator; the front part of the generator would have to be screened.

**Chairman Tarantino:** asked if it would be visible from the street with the proposed screening.

**Mr. Kress Spatz:** referred to his application and showed the location of the proposed generator and how it would be screened.

**No Board questions at this time.**

**Mr. Rutherford:** stated Mr. Berninger's denial indicated the variance was for the location of the generator in the front yard; the generator appears to be approximately 25 ft. from Pinecrest Road; the house is approximately 30 ft. from the property line; the generator would be located 5 ft. off the house; there is already vegetation on either side and the applicant would install additional landscaping in front of the generator on the Pinecrest Road elevation with plantings shielding the generator from view; the applicant's plan complies with



the front yard setback for no more than a 5 ft. encroachment into the front yard setback; the variance is for the generator in the front yard, not the setback in the front yard; if the Board acted favorably on this application, a condition of approval would be the landscaping to shield the generator from the neighbors and the street.

**Meeting opened to the public for questions or comments.**

**No members of the public came forward regarding this application.**

**Motion to approve application with the condition of landscaping to screen the generator from view:** Forst

**Seconded by:** Metzger

**Ayes:** Forst, Metzger, Rodger, Madden, Raschdorf, Chairman Tarantino

**Nays:** None

**Recused:** Deegan

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**Mr. & Mrs. J. Villoslada, 66 Gilbert Road, Block 215, Lot 3; R2 Zone:**

applicants seek to construct a 1-story, 2.5 story and second story addition to the existing home; non-compliance with: Article IV 85-10 G (1): lot/building coverage; Article IV 85-10 G (3) improved lot coverage; Article IV 85-10 G (4) minimum of 2,000 sf of lot area per bedroom; Article IV 85-10 E (2) side yard width.

**Mr. Roger Schlicht, applicant's architect, and Mr. & Mrs. Villoslada, were both sworn in by Mr. Rutherford.**

**Mr. Schlicht gave his educational and professional background; his license is in good standing; Mr. Schlicht was qualified as an expert in the field of architecture.**

**The following exhibits were marked:**

**A1 Plans prepared by Mr. Schlicht; consisting of pages V1, V2 and V3, dated 3/17/2021**

**A2 Series of photographs of the subject property**

**Mr. Schlicht:** stated he would review the existing site conditions; challenging site; tapering lot; the improved lot coverage is 35.6% due to the long driveway; mainly an undersized lot; irregular shape; the garage is accessed in the rear of the house; the goal of the design was to preserve the front of the house; eliminate the wrap around driveway; renovate to the needs of the family; home located in an historic area of the town; maintain the front room; add a garage and storage at this level to the right of the house; mudroom entry; need to recreate an entry point on the other side of the house; there is a common space in the back of the house; there is a kitchen with an everyday dining area in the rear; steps lead to the backyard; the front two bedrooms on the second floor will be maintained; the 2<sup>nd</sup> floor setback is compliant; a triangular piece of the proposed addition on the left hand side encroaches into the setback; the areas which encroach range from 3.5 inches to 1 ft.; the entire addition does not encroach; the design was influenced and controlled by the shape of the property; reviewed the elevations; will continue the sweeping roof at the front

façade; proposed is a landing, door, foyer, closet and powder room; maintaining the existing materials; will look seamless.

**Please note: there were no Board questions at this time.**

**Mr. Schlicht:** reviewed the variances sought; lot coverage, improved lot coverage, number of bedrooms allowed and side yard setback; if the lot was compliant, no variances would be triggered; the size of the house is smaller vs. some of the homes on the street; photos of house were screen-shared; back of house shown; steep area; hard to turn a car into the garage; applicant's met with their neighbors who voiced concerns over the proposed project; an alternative plan was prepared dated May 4, 2021 consisting of pages V1, V2 and V3; reviewed changes; eliminated the door to the left; garage and the rear addition are the same; made left addition as small as possible; moved entry to the right side; increased setback to 8.1 ft. toward the back of the addition; lot coverage and improved lot coverage reduced; bedrooms stay the same; decreases the bulk variances and increases the setbacks; smaller scale on the left; window removed and door added; increased setback for the addition on the left.

**Mr. Rodger:** confirmed the number of variances sought with Mr. Schlicht; there are 5 in total but 2 for the side yard encroachment.

**Ms. Raschdorf:** asked for the top of the wall elevation at the north side property line adjacent to the existing driveway.

**Mr. Schlicht:** stated he did not know that elevation.

**Ms. Raschdorf:** asked how the elevation on that side would affect the neighbor.

**Mr. Schlicht:** stated there is 30 ft. existing to the current house; not going higher; there are no variances for height.

**Mr. Villoslada:** stated the stone wall is a retaining wall and cannot be removed.

**Ms. Raschdorf:** asked if the powder room was below the first-floor elevation.

**Mr. Villoslada:** stated yes.

**Ms. Raschdorf:** stated the trees are original Cheel Croft trees; asked how the proposed construction will affect them; it is important to keep them.

**Mr. Villoslada:** stated the tree in the front of the house sits exactly in the middle of the house.

**Ms. Raschdorf:** asked about the regrading of the rear of the property and proposed elevations; asked how high the retaining wall would be.

**Mr. Schlicht:** stated he did not have the elevations but the site will conform; from the rear, there will be a step down to the upper patio and then to the lower patio; does not have topography.



**Ms. Raschdorf:** asked where the new top of the garage would be.

**Mr. Schlicht:** referred to his drawing; will go back to the natural grade; will still be sloped by the existing garage.

**Mr. Deegan:** asked if the patio in the rear affected the improved lot coverage.

**Mr. Schlicht:** stated the upper patio is for a barbecue and gathering space; the lower patio has a few chairs; the patio is vast; makes up a majority of the variance.

**Ms. Metzger:** asked if there would be a walkway to the door.

**Mr. Schlicht:** stated no; the driveway leans towards the portal opening and the tree is in the middle of the driveway.

**Meeting opened to the public for questions or comments.**

**Mr. Jason Hermann, 70 Gilbert Road: sworn in by Mr. Rutherford:** stated his home is to the north of the subject property; has a similar lot; objects to the proposed variances; existing house already too close to his; new structure would impair his sight line; it was stated the variances are needed due to the size and shape of the lot; the lot was small when the home was purchased.

**Ms. Sandra Alworth, 60 Gilbert Road: sworn in by Mr. Rutherford:** stated she lives on the other side of the subject property; agrees with Mr. Hermann; has a current drainage problem and is worried it will get worse with the additions; with the addition proposed on her side, she will be facing a garage.

**Mr. Schlicht:** stated there are no variances on Ms. Alworth's side.

**Chairman Tarantino:** stated fill is being brought to the site for grading in the back; asked how drainage would be handled.

**Mr. Schlicht:** stated the applicants would be required by the Borough Engineer to install a seepage pit for any additional run off from the additions; the water would be collected on the applicant's property; pavement is being reduced on the left side.

**Chairman Tarantino:** stated he is concerned about the neighbors' issues.

**Mr. Schlicht:** stated the second floor conforms to the setback regulations; the garage wraps around the existing house; the view would be of the family room in the rear; the setbacks are exceeded on the 60 Gilbert Road side; only a part of the small addition on the left-hand side encroaches into the setback.

**Ms. Raschdorf:** asked how many front facing garages are on the applicant's side of the street.

**Mrs. Villoslada:** stated the houses across the street have front facing and connecting garages.

**Ms. Raschdorf:** stated none of the homes on the applicant's side of the street have front facing garages; asked if having the garage in the rear of the home was considered.

**Mr. Schlicht:** stated to pull out of the garage 30 ft. is needed; right now, at 11.8 ft.; garage would be bumped to the right and the property is only 50 ft. wide.

**Ms. Raschdorf:** stated that part of the town is iconic Cheel Croft; having a garage open up to Gilbert Road on that side of the street is a major deal; two different developments on either side of the street.

**Mr. Schlicht:** stated it is not foreign to have a front facing garage.

**Ms. Metzger:** stated the applicant could have chosen to tear the house down and completely change the look; believes the plans are beautifully done; if the home was that iconic, renovations would not be allowed.

**Mr. Rutherford:** stated there are no Borough ordinances prohibiting a front facing garage; the Board must consider the detriments of the variances being sought; per the applicants, the lot size and shape is what is triggering the variances; the applicant shows hardship; the garage complies with the ordinance and does not require a variance to be constructed.

**Chairman Tarantino:** stated there is a definite hardship; would like to minimize the impact to the neighbors; asked if the front facing garage affected the coverages.

**Mr. Schlicht:** stated no.

**Ms. Susan Atkinson, 27 Pinecrest Road: sworn in by Mr. Rutherford:** stated she was concerned about encroachment on the neighbor; proposed the addition be pushed into the existing space.

**Mr. Schlicht:** stated the plumbing code dictates the size of the bathroom; it is proposed at the smallest size allowed.

**Chairman Tarantino:** asked the distance between the window in the front to the left corner.

**Mr. Schlicht:** stated 2' 9".

**Chairman Tarantino:** asked if the wall could be moved an extra foot.

**Mr. Schlicht:** stated he is trying to maintain the existing structural wall; the proposed powder room was moved forward to increase the setback.

**Mr. Deegan:** asked if there was an alternative location for the powder room.



**Mr. Schlicht:** stated it could be placed behind the garage but then the rear would need a variance; modest home; not a lot of spaces where it can be placed; challenge of a powder room is to have privacy; the variance is diminished at the proposed location.

**Chairman Tarantino:** stated the alternative plan was prepared in response to discussions with Mr. Hermann; the front door closest to his house is being removed; the driveway is being removed; those are both positives; landscaping can be installed if the applicant were agreeable; asked on which property the retaining wall is located.

**Mr. Schlicht:** stated it is primarily on the applicant's property; in the back it turns onto Mr. Hermann's property.

**Mr. Villoslada:** stated he and his wife care about the neighbors; does not want to upset or have a negative impact on the neighbors; will plant whatever screening is necessary to improve the privacy of his neighbor; there are shrubs and bushes on the 60 Gilbert side; willing to take advice on plantings or install a fence.

**No additional members of the public spoke on this application.  
The public portion was closed.**

**Chairman Tarantino:** stated he personally does not see a problem with the variances.

**Mr. Schlicht:** stated he will move the proposed powder room in and will screen with landscaping; will amend the application.

**Mr. Rodger:** asked why the existing powder room couldn't remain.

**Mr. Schlicht:** stated the existing powder room is not functional; it is 2.5 ft. by 3.5 ft.

**Mr. Forst:** asked to hear from Mr. Hermann.

**Mr. Hermann:** stated he would be fine with the addition if it was compliant at 10'.

**Mr. Deegan:** stated there is a gained benefit on Mr. Hermann's side with the removal of the driveway and front door.

**Chairman Tarantino:** stated also with screening.

**Mr. Rutherford:** stated the Board needs to receive revised plans; landscaping to be shown on both sides.

**Please note: it was decided a copy of the revised plan would be submitted to the Borough Engineer for his review in regards to drainage.**

**Mr. Rutherford:** stated for the record; the 66 Gilbert Road application will be carried to the June 3, 2021 meeting of the Board without further notice. The meeting on June 3, 2021 will begin at 7:00PM and will be held via Zoom; instructions on how to access the meeting will be located on the Borough's website.

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**Resolutions:**

**Mr. & Mrs. D. Sugar, 4 Copper Beech Lane, Block 903, Lot 7.02, R1 Zone:** applicants seek to construct an addition to the right side of the existing home; non-compliance with: Article IV 85-9 E (2) side yard width; Article VI 85-35 air conditioning condenser location; Article IV 85-9 K second story setback.

**Mr. Rutherford:** reviewed the application and resolution.

**Motion to adopt the resolution:** Forst

**Seconded by:** Madden

**Ayes:** Deegan, Forst, Madden, Raschdorf, Chairman Tarantino

**Nays:** None

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**Minutes Approval:**

April 1, 2021

**Motion to approve:** Forst

**Seconded by:** Chairman Tarantino

**Ayes:** Deegan, Forst, Metzger, Madden, Raschdorf, Chairman Tarantino

**Nays:** None

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**Prorock Investment, LLC, 111-115 First Street, Block 1015, Lots 13 & 14, GB/OL-1 Zone:** applicant seeks to construct a 9-unit townhome structure; non-compliance with: 85-13.1 F(2): D (1) Use Variance; 85-13.1 G(3)(a); D (5) Density Variance; 95-13.E(3) Rear Yard Setback; RSIS NJAC 5:21-Table 4.4 Visitor Parking; Driveway Width 32 B-10.B (2)(b)(2); Driveway Setback 32B-10.B(2)(j); Type of Curb 32B-10.B(10)(a); Landscaping 85-13.1 H(7); Building Façade Design 85-13.1 I(3); Townhouse Design 85-13.1 I(8)(a); Roof Line 85-13.1 I(8)(b); Streetscape Design 85-13.1 I(9)

**Ms. Razin:** reviewed the application and resolution denying the application.

**Motion to adopt the resolution:** Chairman Tarantino

**Seconded by:** Forst

**Ayes:** Deegan, Forst, Metzger, Madden, Raschdorf, Chairman Tarantino

**Nays:** None

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**Chairman Tarantino:** stated the Board would be going into a Closed Session and would be returning to a public session for the purposes of adjourning only; no further Board business would be conducted.

**CLOSED SESSION RESOLUTION**

WHEREAS, N.J.S.A 10:4-13, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and



WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Ho-Ho-Kus of Bergen County of the State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
  2. The general nature of the subject matter to be discussed is as follows:
    - a. Threatened litigation concerning the application of Prorock Investment, LLC, Block 1015, Lots 13 & 14 (the "threatened litigation"); and
    - b. Matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise her ethical duties as a lawyer, namely, legal advice regarding the threatened litigation;
  3. This Resolution shall take effect immediately.
- (Read into the record by the Board Secretary)**

**Motion to go into Closed Session:** Forst

**Seconded by:** Madden

**Ayes:** Deegan, Forst, Metzger, Rodger, Madden, Raschdorf, Chairman Tarantino

**Nays:** None

**Meeting went into Closed Session at 9:05PM**

**Meeting reconvened at 9:42PM**

**Roll Call:** Messrs. Deegan, Forst, Ms. Metzger, Messrs. Rodger, Madden, Ms. Raschdorf, Chairman Tarantino

**Motion to Adjourn:** Chairman Tarantino

**Seconded by:** Rodger

**All in Favor**

**None Opposed**

**Meeting adjourned at: 9:43PM**

Respectfully submitted by:

  
JoAnn Carroll  
Zoning Board Secretary  
May 19, 2021

**APPROVED ON JUNE 3, 2021**