

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Zoning Board Minutes  
June 3, 2021  
Regular Meeting via Zoom**

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

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

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

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

**Please note:** Due to the fact Chairman Tarantino was absent, Member Forst was the Acting Chairman.

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**Please note: All persons participating in the June 3, 2021 Regular Meeting of the Board did so via Zoom.**

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**Completeness Review:**

**23 Pitcairn LLC, 23 Pitcairn Avenue, Block 1112, Lot 1; R2 Zone:** the subject property has 3 front yards and 1 side yard; the applicant seeks to construct a 2<sup>nd</sup> story addition on the existing single-story home, which currently encroaches into all 3 front yards; non-compliance with: Article IV 85-10 E (1) front yard depth.

**Mr. & Mrs. M. Pisano, 622 Warren Avenue, Block 1011, Lot 9; R2 Zone:** the applicants seek to construct 4 additions to the existing residence, 2 of which are located on the Lloyd Road side of the property; non-compliance with: Article IV, 85-10 F (2) side street yard width (rear and front additions); corner lot.

**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 July 1, 2021; the notice will be prepared by Mr. Rutherford for the 622 Warren Avenue application; (Bruce Rosenberg, Esq., the attorney for 23 Pitcairn Avenue, will prepare the notice of hearing for this application); Ms. Carroll will publish the notices in the newspaper; it is the applicant's responsibility to notify all entities on their 200' list via certified mail.

**Please note:** both applications were deemed complete and public hearings were scheduled for July 1, 2021.

### **Ongoing Business:**

#### **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.

**Please note:** Due to the fact there were only five members of the Board present to vote on the application, the applicants decided to carry their application to the July 1, 2021 meeting of the Board.

**Mr. Rutherford:** stated, for the record, the 66 Gilbert Road application will be carried to the July 1, 2021 meeting of the Board; no further notice is required; the Zoom participation information for the July 1, 2021 meeting of the Board will be posted on the Borough's website and in the OPMA notice.

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### **New Business:**

#### **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.

**Please note:** Due to the fact there were only five members of the Board present, two of which were recused from this application, leaving only three members eligible to vote, the application could not be heard and was carried to the July 1, 2021 meeting of the Board.

**Mr. Rutherford:** stated, for the record, the 229 Blauvelt Avenue application will be carried to the July 1, 2021 meeting of the Board; no further notice is required; the Zoom participation information for the July 1, 2021 meeting of the Board will be posted on the Borough's website and in the OPMA notice.

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#### **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. & Mrs. Kastin were sworn in by Mr. Rutherford.**

**Mr. Rutherford:** stated the Board had received a one-page plan showing the proposed deck dated 3/15/2021.

**Mr. Kastin:** stated his application is to construct a deck in the rear of the home; the variance is for an additional 6 ft. which encroaches into the rear yard setback; the size of the deck is 14' x 12'; there exists a sliding glass door to the outside where a patio is currently; will build a deck in this location; the deck will be able to accommodate a grill and outdoor seating.



**Mr. Rutherford:** confirmed the applicant's lot is only 94.13 ft. deep.

**Chairman Forst:** asked if the deck would match the depth of the patio.

**Mr. Kastin:** stated yes.

**No members of the public came forward to ask questions or comment on this application.**

**No questions from the Board.**

**Motion to approve the application:** Rodger

**Seconded by:** Madden

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

**Nays:** None

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**Resolution:**

**Mr. & Mrs. T. 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.

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

**Motion to adopt the resolution:** Rodger

**Seconded by:** Metzger

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

**Nays:** None

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**Motion to approve the Minutes of May 6, 2021:** Chairman Forst

**Seconded by:** Rodger

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

**Nays:** None

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**Chairman Forst:** stated the Board would be going into a Closed Session.

**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. Pending 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 pending litigation;

3. This Resolution shall take effect immediately.

**(Read into the record by the Board Secretary)**

**Motion to adopt the Closed Session resolution:** Chairman Forst

**Seconded by:** Rodger

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

**Nays:** None

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

**Seconded by:** Madden

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

**Nays:** None

**Meeting went into Closed Session at 7:20PM**

**Meeting reconvened at 7:35PM**

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

**Motion to adopt a resolution authorizing Kathryn J. Razin, Esq., the Board’s Substitute Attorney, to defend the Board in the Prorock litigation:** Chairman Forst

**Seconded by:** Metzger

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

**Nays:** None

**Motion to adopt a resolution authorizing Kathryn J. Razin, Esq., the Board’s Substitute Attorney, to enter into a consent order in an attempt to settle the Prorock litigation:** Chairman Forst

**Seconded by:** Metzger

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

**Nays:** None

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**Motion to Adjourn:** Chairman Forst

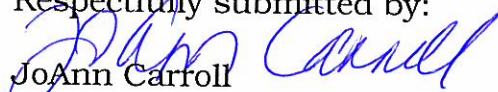
**Seconded by:** Metzger

**All in Favor**

**None Opposed**

**Meeting adjourned at: 7:40PM**

Respectfully submitted by:

  
JoAnn Carroll  
Zoning Board Secretary

**APPROVED: JULY 1, 2021**