

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
August 18, 2022
Regular Meeting**

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

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

Salute to Flag

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

Also in attendance: Gary J Cucchiara, Esq., Substitute Board Attorney; Ms. JoAnn Carroll, Board Secretary

Completeness Review/New Business (Public Hearing):

Mr. Mark Infante, Saratoga Lane LLC, 2 Orvil Court, Block 1008, Lot 5, GB Zone; OL-2 Zone: applicant seeks to construct a mixed-use building (commercial first floor, residential second and third floors); non-compliance with: IV 85-13.1 G (3) Density (OL-2 Zone): Required 12 du/ac, proposed 27.08 du/ac; IV 85-13.1 H (2) (b) Parking; mixed use sites (OL-2 Zone): Required 27, proposed 16; IV 85-13 F (2) Minimum yard requirements, corner lots: Minimum Side Yard Width GB Zone: Required 10 ft., proposed 0 ft.; IV 85-13.1 G (2) Bulk Standards (OL-2 Zone): Minimum Front Yard Depth: The required front yard setback for any building complying with this chapter shall be reduced to three feet from the public ROW line or the existing average setback of neighboring buildings, required 3 ft, proposed 0 ft.

Chairman Tarantino: stated Mr. Hals had provided his report of the 2 Orvil Court application; he recommends the application be considered for completeness; the application will be scheduled for a public hearing on September 1, 2022 beginning at 7:00PM.

Ongoing Business:

Mr. & Mrs. Mourad Elayan, 58 Jacquelin Avenue, Block 403, Lot 3.01, R1 Zone: applicants seek to construct a single-family dwelling, inground pool, cabana, greenhouse, driveways and HVAC equipment; non-compliance with: 85-9.A.(1): Two (2) dwelling unit on one lot where only one is permitted; 85-15.1.C: No accessory structures permitted in the front yard (greenhouse); 85-15.1 F.(1) One story of the cabana (basement) is below grade which is not permitted where one-story, ground level is permitted. By definition the proposed cabana is a 2-story structure; 85-32.3.B: Proposed driveway width is 50' where 35' is permitted (Mill Road entrance); 85-32.3.B: Proposed driveway width is 42' where 35' is permitted (closest to Jacquelin Avenue); 85-9.I.(1):

Accessory structures must be at a minimum of 10 ft. from each other and the principal structure (pool cabana steps are less than 10' from the edge of the pool); Expansion of a pre-existing non-conforming use (principal dwelling); 85-15.1.F.(5): a cabana shall comply with a maximum of 300 sf on a lot 43,001 sf and greater; proposed cabana is 667 sf.; 85-15.1 F (4): HVAC installation, air conditioners, and heating or cooling systems or equipment are prohibited; 85-15.1 C: accessory structure setback for the sports court is 50' required and 20' proposed. **Determination Review:** the front, rear and side yard setbacks have been determined using the proposed new home as the principal structure.

Chairman Tarantino: stated the 58 Jacquelin Avenue application will be carried to the October 6, 2022 meeting of the Board per the request of the applicant's counsel, without further notice.

Completeness Review:

Mr. Manik Virmani, 820 W. Saddle River Road, Block 802, Lot 10.04, R2A Zone: applicant has installed a canopy structure over an existing stone patio; the canopy is located 17" from the existing residence where 8' is required; non-compliance with IV 85-10.1 J (1)

Craig Hughes, Esq.: applicant's attorney; placed his appearance on the record; asked if the Board had any questions for his applicant to address at the public hearing.

Chairman Tarantino: stated the photograph submitted with the application shows the canopy as measuring 18' x 20', while the application indicates a size of 12' x 18'; asked for an exhibit to be submitted with the true size of the gazebo; it appears to be higher than 9'; photos of the actual structure would be helpful.

Board Secretary: stated the canopy had already been installed.

Chairman Tarantino: asked Mr. Virmani how long the canopy had been in place.

Mr. Virmani: stated approximately 2 months.

Please note: due to scheduling conflicts of the applicant, the public hearing was scheduled for November 3, 2022.

New Business:

Mr. Sean Cottrell, 1 Pitcairn Avenue, Block 1202, Lot 21, R2 Zone: applicant installed a generator in the front yard (corner lot); non-compliance with VI 85-35 generators are permitted in the side or rear yard only.

Gary Giannantonio, Esq.: applicant's attorney; placed his appearance on the record; distributed a photograph of the location of the survey to the Board;

The following exhibits were marked:

A1: Board application

A2: Proof of notice publication, affidavit of service

A3: Picture of property showing condenser

Chairman Tarantino: stated, for the record, no members of the audience were present.

Mr. Giannantonio: described the lot; seeking variance relief for generator located in the front yard; corner lot; received letter of denial from the Zoning Officer; the lot is exceptionally narrow; no room to place a generator in the rear of the house; a variance was approved in 2011 for renovations to the property; the Board at that time noted the narrow shape of the property in the resolution; the lot tapers as it proceeds to the north.

Mr. Sean Cottrell: sworn in by Mr. Cucchiara; stated the generator was installed in either 2013 or 2014, right after "Sandy"; did not realize at the time that the generator could not be installed in its current location; the Zoning Officer brought it to his attention; there are sliding doors behind the house for a sunroom which prevents the generator from being placed there; between the house and the fence there is no room; added fencing around the generator to block its view from the street.

Chairman Tarantino: asked Mr. Cottrell to describe the vegetation along the property line on W. Saddle River Road.

Mr. Cottrell: stated there is a tree in front of his house and a hedge approximately 4' high; from the back of the tree to the fence are evergreen trees approximately 10-12 ft. high.

Chairman Tarantino: asked about the air conditioning condenser which is also located in the front yard.

Mr. Cottrell: stated the condenser was approved when the renovations to his house were done; no trees were removed with the installation of the generator; there are other homes in the area with generators similar to the one he installed; 12kW; fence was installed about 3-4 months ago; no complaints from neighbors received; the lifetime of the generator is approximately 10-12 years.

Chairman Tarantino: asked if the generator had been inspected.

Mr. Giannantonio: stated a permit for the generator will be submitted to the Construction Department if this application is approved.

Mr. Rodger: asked how often has the generator been used.

Mr. Cottrell: stated when the power is out; it runs approximately 12 minutes once a week; the test is automatic.

Chairman Tarantino: asked the height of the generator and how far off the house it sat.

Mr. Cottrell: stated it is slightly less than 3 ft. high and sits about 6-8 inches from the house; lengthwise it is a little over 40 inches.

Chairman Tarantino: stated, without question, the lot is an irregular shape which causes a significant hardship; there is landscape buffering along W. Saddle River Road; the applicant should continue to replace the landscaping to screen the generator; recommends approval of the application; instructed applicant to seek approval first for any future projects.

Motion to approve the application: Rodger

Seconded by: Raschdorf

Ayes: Rodger, Madden, Raschdorf, Deegan, Martinez, Chairman Tarantino

Nays: None

Resolution:

Ms. Olive Ho, Tojo Restaurant, 1-7 N. Franklin Turnpike, Block 1013, Lot 2, GB Zone: applicant seeks to occupy a 635 sf tenant space for use as a "ghost" kitchen; any use not specifically permitted in the zone, is expressly prohibited in the zone; D(1) variance

Mr. Cucchiara: reviewed the application and resolution.

Motion to approve the resolution: Rodger

Seconded by: Martinez

Ayes: Rodger, Deegan, Martinez

Nays: None

Approval of July 13, 2022 Minutes: Rodger

Seconded by: Deegan

Ayes: Rodger, Madden, Raschdorf, Deegan, Martinez

Nays: None

Motion to Adjourn: Rodger

Seconded by: Deegan

All in Favor

None Opposed

Meeting adjourned at 7:30PM.

Respectfully submitted by:


JoAnn Carroll

Zoning Board Secretary

August 23, 2022

APPROVED ON OCTOBER 6, 2022