

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Zoning Board Minutes  
January 5, 2023  
Regular Meeting**

**Meeting Called to Order at 7:10PM by Chairman Tarantino (Immediately following the Reorganization Meeting of the Board)**

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

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

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

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**Chairman Tarantino:** announced that Member Martinez had received his certificate from Rutgers for completing the Municipal Land Use Class for New Board Members.

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**Ongoing Business:**

**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, for the record, the 2 Orvil Court application is carried to the February 2, 2023 meeting of the Board, without further notice.

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**New Business:**

**Mr. & Mrs. P. Kosinski, 520 Braeburn Road, Block 209, Lot 11, R2 Zone:** applicant seeks to construct two additions to the left side of the existing home and construct a storage shed in the left rear area of the property, if all are constructed will require the following 6 (six) variances:

- #1. Building Coverage: Proposed Coverage Is 26.1%, (3400 Sq. Ft.), Where 20%, (2603 Sq. Ft.) Is Permitted. A Variance For 6.1% Or 797 Sq. Ft. Is Requested.

- #2. Improved Coverage: Proposed Coverage Is 41.5%, (5406 Sq. Ft.) Where 35%, (4555 Sq. Ft.) Is Permitted. A Variance For 6.5% Or 851 Sq. Ft. Is Requested.
- #3. Two Story Addition Will Be Located 8.5' from The Side Line Where 10' is Required. A Variance For 1.5' is Requested
- #4. 2<sup>nd</sup> Story Addition Will Be Located 9.4' from The Side Line Where 10' Is Required. A Variance For .6' is Requested.
- #5. Second Story Setback Requirement Is A 10' Minimum. Second Story Will Be Located 8.5' From the Sideline Where 10' Is Required. A Variance For 1.5' Is Requested.
- #6. Accessory Structure Will Be Located 6' from the Rear and Side Property Lines. 10' is Required from Both Lines. A Variance For 4' And 4' Respectively Are Required.
  - Variance #3 Is for the 2-Story Addition with A New Foundation.
  - Variance #4 Is for The Addition Over the Existing 1<sup>st</sup> Floor Which Is Already Encroaching.

**Please note: the following exhibits were marked during the hearing:**

<b>Exhibit #</b>	<b>Document</b>	<b>Date</b>
A1; marked 1/5/23	Variance application	Received: October 17, 2022
A2; marked 1/5/23	Letter of Explanation	September 15, 2022
A3; marked 1/5/23	Proof of Service & Publication	
A4; marked 1/5/23	Zoning Officer Denial	August 16, 2022
A5; marked 1/5/23	Property Survey	July 3, 2018
A6; marked 1/5/23	Site Plan, entitled "Single Family Dwelling Expansion, 520 Braeburn Road, HHK, NJ" prepared by Tomasz Bona, RA	January 7, 2022, no revision dates
A7; marked 1/5/23	Picture on phone shown to Board Members and Board Attorney; picture emailed to Board Secretary; picture shows side yard of existing home	
A8; marked 1/5/2023	Picture on phone shown to Board Members and Board Attorney; picture emailed to Board Secretary; picture depicts front elevation looking toward the garage area of the neighbor to the east	



**Mr. Cucchiara:** stated the Zoning Officer has identified six variances; notice indicated the right to request any other bulk variances to the extent that they weren't contained in the notice; confirmed Mr. Bona had the list of variances; there may have been some disagreement between Mr. Berninger, the Zoning Officer, and Mr. Bona regarding the variances identified; advised Mr. Bona that it was in his best interest to address all variances identified by Mr. Berninger.

**Mr. Kosinski:** stated he and his family have lived in Ho-Ho-Kus since 2013; purchased the home at 520 Braeburn in 2019; small house with three bedrooms; needs more space for his family of four; no space for visitors or family members; kitchen is too small; requires office space as well.

**Mr. Paul Kosinski and Mr. Tomasz Bona, RA, applicant's architect:** sworn in by Mr. Cucchiara; Mr. Bona reviewed his educational and professional background; license in good standing; Mr. Bona was accepted as a professional in the field of architecture.

**Mr. Bona:** stated the project involves the expansion of an existing 1-story residence; changes in multiple locations; property larger than minimum requirement; one of the challenges is the one story footprint; house is spread out wide on property; existing 2 car garage; positioning of house explained; constraints in rear and east of property; backyard is limited in size; significant tall trees along rear property line; applicant wants to be sheltered from the trees; construction of 2<sup>nd</sup> floor partially within the footprint of the garage; more encroachment in rear; variance for corner of addition; existing garage corner is a pre-existing, non-conforming condition; the house appears to be set parallel to the front and skewed to the side property line; closing garage entrance; where the steps and landing were located will now be a powder room; proposing extension of existing garage wall.

**Chairman Tarantino:** asked if the applicant had pictures of vegetation on that side.

**Mr. Bona:** stated there is a solid wood fence and a landscaped buffer.

**Please note:** Mr. Kosinski had pictures on his phone that showed the vegetation which he shared with the Board; Chairman Tarantino stated, for the record, they pictures will not be marked as exhibits, but judicial notice will be taken. (The applicant was later instructed to send both A7 and A8 to the Board Secretary's email for appropriate marking as exhibits and for both pictures to be made part of the applicant's file.)

**Mr. Kosinski:** stated there are evergreen trees behind the fence; his neighbor has an evergreen buffer.

**Chairman Tarantino:** stated he agreed with the de minimis aspect; non-conforming; the problem are the coverages; variances are granted for de

minimis increases in coverages; the percentages the applicant is seeking are well above the norm; asked for a direct presentation to lot coverage and the impact; accepts the position of the house positioning on the lot, the lot configuration and the ambiguity of the side lot line; will deal with the shed proposed to be in the rear setbacks later; asked if the applicant had spoken to any of his neighbors.

**Mr. Kosinski:** stated his neighbor liked the plans; was afraid the addition would be higher than his house; assured his neighbor it would not be.

**Chairman Tarantino:** asked the applicant if he had a conversation with his neighbor about the shed.

**Mr. Kosinski:** stated no.

**Chairman Tarantino:** asked if he had a discussion with his neighbors on the other side of his property.

**Mr. Kosinski:** stated his neighbor wished him good luck.

**Mr. Bona:** stated the house is spread out; critical component is the expansion of the kitchen; roof porch located behind the kitchen in SW corner; want to be shielded from trees in rear of property.

**Chairman Tarantino:** asked what the coverage would be if the deck was removed from the plans.

**Mr. Bona:** stated 1.5% or 200 sf.

**Mr. Bona, continued:** non-conforming corner of the garage; second story addition within footprint; one variance for 8.5 ft.; enlarged sunroom; increased size of sunroom so it is usable and manageable; in the middle is an entertainment zone; roof along back of house to walk under; proposing a roofed front porch which accents the front of the house and provides a nicer access to the house.

**Chairman Tarantino:** asked for the dimension of the roof.

**Mr. Bona:** stated it is 6 feet wide; reconfiguring area slightly to have a true foyer.

**Chairman Tarantino:** asked if the roof would have metal shingles.

**Mr. Bona:** stated yes; accent canopy; better than asphalt shingles.

**Mr. Bona, continued:** the second floor addition is pretty discreet; fully compliant with height; many different touches proposed for functionality and aesthetics.



**Chairman Tarantino:** asked what was located in the backyard at this time.

**Mr. Bona:** stated an existing open deck behind the existing kitchen; approximately 16' x 9'.

**Chairman Tarantino:** asked for the size of the sunroom.

**Mr. Bona:** stated 12' x 16'.

**Chairman Tarantino:** stated even if removed, the applicant is seeking for more than 3% lot coverage.

**Mr. Bona:** stated yes.

**Ms. Raschdorf:** asked for the size of the new front porch.

**Mr. Bona:** stated 22' long; tucked between the garage and the bedroom wing; being modified.

**Ms. Raschdorf:** asked how far back is the area recessed from the existing 2 car garage.

**Mr. Bona:** stated 4 ft.; positioned the dining area so there is a larger living area.

**Ms. Raschdorf:** stated it is a sizeable house.

**Chairman Tarantino:** stated it is a small postage stamp lot with significant improvements proposed.

**Mr. Bona:** stated there are 1 story additions; only element is the two story which is a portion of the second floor over the garage; porch will feel very open; on the west side the neighbor has a retaining wall; the grade drops towards Route 17.

**Chairman Tarantino:** asked if the ridgeline would be higher than the neighbors to the east.

**Mr. Kosinski:** stated it would not be higher than his neighbors.

**Mr. Bona:** stated the ridgeline of the addition is perpendicular to the street.

**Please note:** at this time A8 was shown to the Board.

**Chairman Tarantino:** stated, as far as the shed, 6 ft. off the property line would not be approved; it must be placed at 10' from the rear and side property

lines; he will be guided by his Board Members in regards to the rest of the application.

**Mr. Madden:** asked if the roof was proposed to be metal.

**Mr. Bona:** stated just at the front porch as an accent.

**Mr. Cucchiara:** asked if the applicant would be offering planning testimony.

**Mr. Kosinski:** stated no.

**Chairman Tarantino:** stated the variances with regards to the house are based on hardship; the others are not.

**Mr. Cucchiara:** stated the remaining three are based on C2; flexible variance; the benefits outweigh any detriments; technically a variance based on C2 relief is a benefit to the community and a better zoning alternative; the Board understands the variance is granted in connection with the project itself.

**Ms. Raschdorf:** stated she did some calculations; one of the biggest concerns is the improved lot coverage; the lot is 851 sf over on coverage and a considerable contribution is the massive driveway being installed; increased 451 sf.; asked why such an expansive driveway was proposed.

**Mr. Bona:** stated due to having 4 cars and needing room to maneuver.

**Ms. Raschdorf:** stated it looks like a commercial driveway; not in keeping with the neighborhood; if there is storage in the garage, asked why a shed was needed; with the driveway, shed and a huge patio in the rear the improved lot coverage is a substantial number; out of scale with zoning; this is not the lot to make such improvements on.

**Chairman Tarantino:** stated there has to be an alternative; design looks nice; too much for this lot; historically, the Board does not grant these types of variances; the applicant can regroup and come back with a better plan or withdraw the application.

**Mr. Bona:** stated he will take the advice of the Board; will try to lessen the improved lot coverage; will potentially scale some of the building elements back.

**Chairman Tarantino:** stated he understands the points on family, but we are discussing the zoning code; asked if the applicant wanted a decision this evening or for the application to be carried.

**Mr. Bona:** stated they would like the application to be carried to the March meeting of the Board.

**Board Secretary:** confirmed the March meeting date as the 2<sup>nd</sup>.

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**Approval of December 1, 2022 Minutes:** Madden

**Seconded by:** Raschdorf

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

**Nays:** None

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**Motion to Adjourn:** Martinez

**Seconded by:** Chairman Tarantino

**All in Favor**

**None Opposed**

**Meeting adjourned at 8:05PM**

Respectfully submitted by:

  
JoAnn Carroll

Zoning Board Secretary

**APPROVED ON FEBRUARY 2, 2023**