

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
November 2, 2023
Regular Meeting**

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

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

Flag Salute

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

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

Docket #05-2023: Mr. & Mrs. J. Zawacki, 62 Edgewood Drive, Block 1102, Lot 7, R2 Zone: an in-ground pool is currently under construction which includes a paver patio; the permit was issued with the understanding that a portion of the patio would be removed to avoid a variance for improved lot coverage; a portion of the patio was not removed; the applicants seek to construct a pergola, outdoor kitchen and a paver patio to surround the pool currently under construction; non-compliance with IV 85-10 G improved lot coverage; VI 85-33 B patio setback; IV 85-10 I (4) interior lot side line setback for detached accessory building and structure (outdoor kitchen and pergola) please note: the outdoor kitchen and patio is currently being constructed prior to applying for variance relief; **APPLICATION TO BE CARRIED TO THE DECEMBER 7TH MEETING OF THE BOARD.**

Chairman Tarantino: announcement made stating the 62 Edgewood Drive application would be carried to the December 7, 2023 regularly scheduled meeting of the Board without further notice; applicant failed to submit revised plans at least ten days before tonight's meeting.

New Business:

Docket #06-2023: Mr. & Mrs. C. Comey, 38 Fairlawn Street, Block 218, Lot 6, R3 Zone: applicants seek to construct a 2-car detached garage; non-compliance with IV 85-11 I (4) side yard setback for an accessory structure, 10 ft. required, 3 ft. proposed; IV 85-11 I (5) rear yard setback for an accessory structure, 10 ft. required, 8 ft. proposed.

Mr. Gary Irwin, RA, sworn in by Mr. Cucchiara; Chairman Tarantino stated a voir dire was not required due to the fact Mr. Irwin had appeared numerous times before the Board; he was, and still is accepted as an expert in the field of architecture.

Mr. Cucchiara: confirmed with the Board Secretary that all statutory requirements had been met by the applicant and that the taxes on the property were current; confirmed with Mr. Irwin that the exhibit list prepared by the Board Secretary was satisfactory.

The following exhibits were marked:

Exhibit #	Document
A1 marked on 11/2/23	Variance Application
A2 marked on 11/2/23	Letter of Explanation
A3 marked on 11/2/23	Zoning Officer Denial
A4 marked on 11/2/23	Site Plan, prepared by G. Irwin, RA, consisting of 5 pages, dated September 7, 2023
A5 marked on 11/2/23	Survey, prepared by Morgan Engineering and Surveying, dated August 21, 2023
A6 marked on 11/2/23	Set of 4 pictures emailed to Board Secretary in response to Board Member request during Completeness Review to show buffering; hard copies to be handed out at public hearing

Please note: pictures were distributed to the Board at this time which were marked as A6.

Mr. Irwin: stated the application before the Board is proposing a 2-car detached garage to be constructed on the property; the existing house on the property has an attached garage which is very narrow; setback variances are required for the proposed detached garage; many of the neighboring garages are close to their perspective property lines due to the size of the lots; similar situation with the subject property.

Chairman Tarantino: asked for proof showing the garages adjacent to the subject property had garages closer to the property lines than the ordinance allowed.

Mr. Irwin: referred to the plans submitted with the application which shows the adjacent garage setbacks.

Chairman Tarantino: stated Mr. Irwin is assuming that once the applicant's garage is constructed, it will somehow prevent a neighbor from building their own garage when they have the right to build something on their own property, maybe at a 10 ft. setback close to that garage; finds that to be a presumptuous argument.

Mr. Irwin: stated all the driveways which exist on the nearby lots are on the opposite side of where his client's driveway is located; it would not be logical for someone getting a new curb cut and probably adjusting the location of their house to "flip" the location of their garage.

Chairman Tarantino: asked if there was an alternative that was considered to make the variance more de minimis; specifically, regarding the 3 ft. setback.

Mr. Irwin: stated a discussion was had with his client regarding increasing the setback to 5 ft.; this would eliminate the need for fire rating per the UCC (Uniform Construction Code).

Chairman Tarantino: confirmed with Mr. Irwin that the applicant was willing to relocate the garage to 5 ft. from the side property line.

Chairman Tarantino: asked for a description of the existing and any proposed landscaping for the project.

Ms. Comey was sworn in by Mr. Cucchiara at this time.

Ms. Comey: stated her neighbor has a privacy fence and arborvitaes and she would like to do the same on her property; there are pine trees along her rear property line.

Ms. Raschdorf: asked for the distance from the edge of the apron to the property line.

Mr. Irwin: stated 7 ft.

Ms. Raschdorf: asked if any drainage was proposed.

Mr. Irwin: stated a seepage pit will more than likely be required by the Borough Engineer when the application is reviewed during the construction permit process.

Ms. Raschdorf: stated 3 ft. is very close to the property line and the space becomes a dead pocket; asked the applicant if the area stays wet when it rains.

Ms. Comey: stated there have been no drainage problems for herself or her downhill neighbor.

Ms. Raschdorf: asked if the improved lot coverage (ILC) would be compliant with the addition of the garage.

Mr. Irwin: stated yes; a variance is not triggered for ILC with the addition of the garage; this includes the patio remaining.

Please note: Chairman Tarantino opened the meeting to the public; the only members of the public in attendance were the applicants for this evening's meeting and their professionals; the public portion was closed.

Please note: there were no further comments or questions from the Board Members.

Motion to Approve the application with the stipulation that the garage be set 5 ft. from the side property line, not 3 ft. as proposed: Chairman Tarantino

Seconded by: Raschdorf

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

Nays: None

Docket #07-2023: Mr. & Mrs. S. Fowler, 503 Hollywood Avenue, Block 219, Lot 11; R3 Zone: applicants seek to add a covered porch to the rear of the existing home; additionally, the applicant seeks to add a second level to the home; property has two front yards (Hollywood Avenue and Elmwood Avenue)/corner lot; the two new structures will be located 26.8' from Elmwood Avenue, where 30' is required; non-compliance with IV 85-11 F (1): front yard setback/corner lot. Please note: the Zoning Officer has determined that the existing screened porch does not require a variance as it already has a floor, some wall structure, and a roof; the footprint of the existing screen porch is not changing.

Mr. Vincent Graziano, RA, gave his educational and professional background; license in good standing; accepted as an expert in the field of architecture.

Mr. Graziano was sworn in by Mr. Cucchiara at this time.

Mr. Cucchiara: confirmed with the Board Secretary that all statutory requirements had been met by the applicant and that the taxes on the property were current; confirmed with Mr. Graziano that the exhibit list prepared by the Board Secretary was satisfactory.

The following exhibits were marked:

Exhibit #	Document
A1 marked on 11/2/23	Variance application
A2 marked on 11/2/23	Letter of Explanation
A3 marked on 11/2/23	Zoning Officer denial letter
A4 marked on 11/2/23	Site Plan: prepared by Vincent Graziano, RA, entitled "Proposed Addition and Alteration: Fowler Residence", consisting of 2 pages, revision date of 9/19/2023
A5 marked on 11/2/23	Property Survey, prepared by Schmidt Surveying; dated 5/16/2023
A6 marked on 11/2/23	5 Photos of property sent via email showing existing vegetation as was requested by the Board during the Completeness Review held on October 5, 2023

Mr. Graziano: stated he was retained by the Fowlers in May to design an addition to their home; the house is very unique aesthetically; only has two bedrooms; proposing a family room, mud room and powder room on the first floor and a master bedroom on the second floor; the site has a 2-story residence which is located on a corner lot; detached garage in rear; seeking a variance for the secondary front yard setback; looking to add to the top portion of the existing house; that portion is 26.9 ft. from the property line; not exacerbating any non-conformities; seeking to go straight up on a pre-existing non-conformity.

Please note: pictures were distributed to the Board at this time which were marked as A6.

Chairman Tarantino: asked if the pitches on the roof would be maintained as the roof goes back.

Mr. Graziano: stated he is continuing the slope of the existing roof until it hits the gable facing the side street; he would not continue the gable all the way back; too long and too much of a flat surface; steep gable roof facing Elmwood which will match the existing gables on the residence.

Chairman Tarantino: asked if the only variance sought was for the front yard setback on Elmwood; basically, keeping the same distance.

Mr. Graziano: stated the house jogs back a foot; is existing at 26.9 ft. towards the back; covered porch at the rear which is also aligning with that portion of the house.

Ms. Raschdorf: asked if they were keeping with the style of the house and using stucco.

Mr. Graziano: stated yes.

Ms. Raschdorf: asked when the house was built.

Mr. Fowler was sworn in by Mr. Cucchiara at this time.

Mr. Fowler: stated in the 1930s.

Please note: Chairman Tarantino opened the meeting to the public; seeing none, the public portion was closed.

Mr. Graziano: stated the addition is moderately sized and will improve the house, the property, and the neighborhood.

Chairman Tarantino: asked how long Mr. Fowler was living at the home.

Mr. Fowler: stated five years.

Chairman Tarantino: asked if Mr. Fowler had spoken to any of his neighbors regarding the proposed project.

Mr. Fowler: stated no.

Chairman Tarantino: stated the variance is de minimis in nature; continuation of an existing non-conformity.

Motion to Approve the application: Raschdorf

Seconded by: Madden

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

Nays: None

Approval of September 7, 2023 Minutes: Chairman Tarantino
Seconded by: Deegan

Ayes: Madden, Raschdorf, Deegan, Chairman Tarantino
Nays: None

Approval of October 5, 2023 Minutes: Martinez

Seconded by: Deegan

Ayes: Raschdorf, Deegan, Martinez, Chairman Tarantino
Nays: None

Motion to Adjourn: Chairman Tarantino

Seconded by: Deegan

All in Favor

None Opposed

Meeting adjourned at 7:30PM.

Respectfully submitted by:


JoAnn Carroll

Zoning Board Secretary

November 3, 2023

APPROVED ON JANUARY 4, 2024