

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
February 1, 2024
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.

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

Also in attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. David Hals, SHV Engineering, Borough/Board Engineer; JoAnn Carroll, Board Secretary

Ongoing Business:

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 are currently being constructed prior to applying for variance relief

Bruce Whitaker, Esq., applicant's attorney; continuation of public hearing; application carried for purposes of reviewing the revised plan; at last meeting Mr. Stearns, the applicant's engineer, provided testimony regarding existing conditions, proposed improvements and variance relief; revised plan submitted; drainage improvements shown; improved lot coverage (ILC) reduced to 40.8% from 43.9% where a maximum of 35% is allowed; patio area and pergola area setbacks reviewed; overview of application given.

Please note: for the record, Member Madden has signed and submitted to the Board Secretary an absent member certification that he has listened to and/or read a transcript of, and reviewed the exhibits from the public hearing held on October 5, 2023, in connection with the 62 Edgewood application.

Mr. Thomas Stearns, applicant's engineer: still under oath; stated the ILC has been reduced to 40.8%; removed portion of the blue stone patio at left rear of house; gravel area on right to be returned to grass or mulch; grill sits at 4 ft

from the property line were 10 ft. is required; variance required; the sink sits at 11 ft.; there are evergreens on applicant's property and on the adjacent property which will buffer the grill area; fence on neighbor's property as well; not noticeable from the neighbor's property; pergola over sink/grill area; not enclosed; will stipulate it will never be enclosed; pergola to go beyond the grill island; reviewed Mr. Hals' report; prepared drainage calculations; applicant required to install a drainage structure with the installation of a pool; receives a credit of up to 700 sf for ILC with the installation of the drainage structure; this structure was installed, inspected and approved by the Borough Engineer's office; additional ILC added around the pool; increase of run off would be stored in the same area; lawn inlet adjacent to the impervious area; Mr. Hals had a concern regarding the surface run off on the blue stone area; a discussion was held with Mr. Hals after the issuance of Mr. Hals' December 6, 2023 report; will be removing that area and will be installing an inlet in the low area adjacent to the wall; hook up to the roof drain which will go into the seepage pit at the front of the property; would satisfy some additional surface run off; will show as a condition of approval on the plan.

Mr. Hals: stated Mr. Stearns' testimony was an accurate representation of their conversation.

Mr. Martinez: asked if all items shown on the plan have been installed.

Mr. Stearns: stated the storm tech units in the rear of the property have been installed and were inspected by Mr. Hals' office; the other installation will be a lawn inlet and some piping to the roof leader; will be shown on a revised plan; gravel and blue stone patio remain on the site; there is a fence encroachment in the rear of the property; will be relocated onto the applicant's property; fence company confirmed they made an error with the placement of the fence.

Mr. Martinez: asked if any improvements need to be removed to install the additional drainage structures.

Mr. Stearns: stated the lawn inlet at the rear of the pool is not necessary, per Mr. Hals; the pitch is forward; will install something at the left rear corner of the house; when a portion of the blue stone patio is removed there will be an option to dig a trench and install an inlet at that location; the retaining walls on site count for 1.8 sf of ILC.

Ms. Deegan: asked if a discussion was held regarding locating the grill and kitchen to a conforming location.

Mr. Stearns: stated both have already been installed.

Ms. Deegan: asked if the adjacent neighbors had expressed any concerns.

Mr. Whitaker: stated no.

Meeting opened to the public for questions of the applicant's engineer.

Please note: no members of the public were in attendance other than the applicants.

Public portion closed.

Mr. Hals: sworn in by Mr. Cucchiara; stated what has been represented by the applicant's professionals is accurate; made a comment regarding the drainage inlet that is being proposed close to the pool; there is a linear drain which runs along the edge of the patio which collects the run off from the patio area; all connected to the drainage in the back; believes the proposal to bring an additional inlet down where the patio is being removed and tying that to the roof leaders will collect the run off from the current patio behind the house and direct it to the front so it won't impact any of the adjoining properties.

Ms. Raschdorf: asked if the storm tech units will collect all the run off from the proposed concrete around the pool.

Mr. Hals: stated yes; was verified when he made his site visit; this work has been done.

Mr. Whitaker: stated the variance relief which is being requested, based on the topographic conditions, the walls, etc., were necessary due to the conditions of this property; overall there will be no adverse impact as to what was being proposed; further stated it would fall within the C1 criteria as it pertains to the type of property this is; lack of any objections in the neighborhood; one neighbor appeared in support of the application; commented the grill is a structure that is in the side yard setback because it is something that is built on the ground but it is not a high structure; not seen by the neighbor due to the arborvitaes and the fence on site; same type of style grill which would be on site if it was portable or stationary, just a little bit wider; respectfully requests the variance relief be granted.

Ms. Raschdorf: stated the pergola is very close to the property line; is an overhead structure.

Chairman Tarantino: stated usually with improved lot coverages this Board has granted de minimis changes; does not believe this 40%+ improved lot coverage is de minimis; does take note of the hardship of the property, the slope and the way the walls are constructed; close call for him; if based on numbers only, he would vote against this application; asked for more comments from the Board.

Ms. Raschdorf: stated the retaining walls are not solid; rubble walls; the water will percolate through them; the storm tech units have been certified by Mr. Hals; confirmed with the Board Secretary that she has not received complaints from the neighboring properties regarding stormwater runoff onto their properties; does have an issue with the proximity of the pergola to the side property line; asked if there was a way to "swing" the pergola around the other way so it is not as close to the property line.

Ms. Zawacki: stated an alternative location was reviewed; felt this location was the safest for the sight line to the pool; the pergola does provide shade; the trees are higher than the pergola; the neighbor is very comfortable with it.

Mr. Martinez: stated he was concerned with the stormwater runoff; Mr. Hals has allayed his fears with his testimony.

Mr. Hals: stated the backside of the grill is 4 ft. to the property line; the front side is 7.5 ft; even at 10 ft., the entire counter area will be under the pergola; if you measured to the face of the grill that is 7.5 ft., then the stairway going up in the back is approximately at 9 ft.; structure wise it has to be moved closer to the property line so the column would not be in the way of the stairs so it would probably be at 7.5 ft.; at 7.5 ft. the structure would cover the stairs going to the pool area and the only thing out of the pergola area would be the grill.

Chairman Tarantino: asked Mr. Whitaker if that was doable.

Ms. Zawacki: stated anything is doable with custom pergolas; the width does not work with the one that was chosen; can proceed with an alternative; could be mounted at the front of the island and shortened; agreed to a setback of 7.5 ft. for the pergola.

Mr. Cucchiara: stated all comments made this evening are subject to a review of the revised plans by Mr. Hals.

Motion to approve the application with the following stipulations: the pergola shall never be enclosed; the pergola will be installed at a 7.5 ft. setback from the side property line; the fence installed along the rear property line will be relocated onto the applicant's property: Raschdorf

Seconded by: Madden

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

Nays: None

Board Discussion:

2023 Annual Report proposed amendments

Please note: a brief discussion was held regarding possible amendments at which time it was decided no amendments were necessary; the adoption of the 2023 Annual Report was carried to the April 4, 2024 meeting of the Board.

Approval of January 4, 2024 Reorganization and Regular Meeting

Minutes: Chairman Tarantino

Seconded by: Deegan

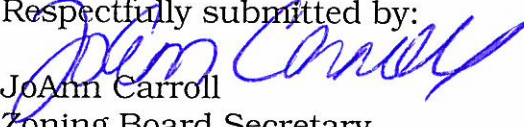
Ayes: Madden, Raschdorf, Deegan, Martinez, Chairman Tarantino

Nays: None

Motion to Adjourn: Madden
Seconded by: Raschdorf
All in Favor
None Opposed

Meeting adjourned at 7:40PM.

Respectfully submitted by:


JoAnn Carroll
Zoning Board Secretary

APPROVED ON APRIL 4, 2024