

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
November 9, 2023  
Combined Session**

**Meeting Called to Order at 7:20PM by Chairman Hanlon**

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

**Salute to the Flag**

**Roll Call:** Messrs. Jones, Madden, Thomas, Hart (absent at time of roll call; arrived at 7:23PM), Councilman Policastro, Chairman Hanlon, Mayor Randall (absent)

**Also in Attendance:** Gary J. Cucchiara, Esq., Board Attorney; Mr. E. Snieckus, Borough/Board Planner; Ms. JoAnn Carroll, Board Secretary

---

**Chairman Hanlon:** stated the meeting this evening was a Combined Session of the Board; additionally, Chairman Hanlon announced that Member Thomas had completed his Municipal Land Use Course for new Board Members.

---

**New Business:**

**Docket #14-2023: Ms. Fiona McMahon, Ember Physical Therapy, 10 Sycamore Avenue, Block 1010, Lot 12.01, GB Zone:** sign application; physical therapy clinic; suite located within Garger Center for Endocrinology

**Please note the applicant was not in attendance.**

**Councilman Policastro:** stated he reviewed the sign application and it fully conforms; expressed thanks for the submittal of the application for such a small sign; recommended approval.

**Motion to approve:** Councilman Policastro

**Seconded by:** Madden

**Ayes:** Jones, Madden, Thomas, Councilman Policastro, Chairman Hanlon

**Nays:** None

---

**Please note: Member Hart arrived at this time of the meeting; 7:23PM.**

---

**Docket #15-2023: Mr. Brent Cestone, 611 N. Maple Avenue, Graze Restaurant, Block 1016, Lot 4, GB Zone/OL 1:** new business application; seating capacity to be discussed.

**Mr. Cestone:** owner of new business; will be open seven days a week from 7AM-4PM; will offer coffee, baked goods, pastries, and prepared foods; gourmet brunch; will use the best ingredients available; understands an application is required for all signage proposed, including a window design; is aware of the parking situation; restaurant seats roughly 28.

**Chairman Hanlon:** stated only one bathroom is shown on the sketch submitted with the application.

**Mr. Cestone:** stated there are two unisex bathrooms and both are handicap accessible.

**Councilman Policastro:** explained the lock box program the Fire Department offers.

**Chairman Hanlon:** asked if someone would be able to make a contract for a party after 4PM.

**Mr. Cestone:** stated yes, if that was acceptable to the town.

**Chairman Hanlon:** stated the style of the signs above the storefronts at 611 N. Maple were agreed upon many years ago; the conformity must be maintained.

**Mr. Cestone was informed he needs to contact the Health Department for their licensing requirements and that no lit signs of any kind are allowed.**

**Motion to approve the application:** Councilman Policastro

**Seconded by:** Thomas

**Ayes:** Jones, Madden, Thomas, Hart, Councilman Policastro, Chairman Hanlon

**Nays:** None

---

### **Board Discussion:**

**Zoning Amendment: Exterior Accessory Equipment on Corner Lots in Residential Zones:** Mr. E. Snieckus, Borough/Board Planner, to review the proposed amendment to Ordinance 85-35 Yard Requirements

**Mr. Snieckus:** stated the Board of Adjustment's 2022 Annual Report included a recommendation regarding allowing certain mechanical equipment in the secondary front yard of a corner lot; existing regulations prohibit any accessory structures, including mechanical equipment, in front yards; for smaller lots, these conditions are even more restrictive; can include permanent home generators and heat pumps; these items are sometimes impractical in the rear or side yard; would be revised under 85-35 Yard Requirements; reviewed report he prepared dated August 29, 2023.

**Mr. Cucchiara:** stated he liked the amendment; would resolve several issues that could be presented; in favor of the Board recommending this amendment.

**Mr. Madden:** stated the proposed amendment was clear and concise.

**Mr. Thomas:** asked if the shrubbery required would be to the height of the equipment when planted.

**Mr. Snieckus:** stated the shrubbery would be at least to the height of the equipment to cover and screen the top of it; if the plantings were to die, it would be upon the homeowner to maintain the property and the screening; the



amendment would not allow above ground storage tanks (oil), propane tanks or pool equipment in front yards.

**Mr. Cucchiara:** stated Mr. Snieckus can prepare the proposed ordinance which will be provided to the Mayor & Council for a first reading.

**Motion to authorize Mr. Snieckus, Board/Borough Planner, to submit a proposed amendment to Ordinance 85-35 Yard Requirements, to the Mayor & Council permitting certain accessory mechanical equipment in front yards of corner lots in residential zones (secondary front yards/not the front yard which is reached by the front door of the dwelling) and a letter stating the Planning Board is in favor of such amendment:**

Councilman Policastro

**Seconded by:** Thomas

**Ayes:** Jones, Madden, Thomas, Hart, Councilman Policastro, Chairman Hanlon

**Nays:** None

---

**Board Discussion:**

**Zoning Amendment: Second Floor Side Yard Setbacks in Residential**

**Zones:** Mr. E. Snieckus, Borough/Board Planner, to review the proposed amendment to subsection K of the Borough's Ordinance

**Mr. Snieckus:** gave a brief introduction of the ongoing issue with the second-floor side yard setbacks as repeatedly indicated in the Board of Adjustment's Annual Reports; the standard requires a reduction of the upper floor setbacks along the street lot width; the intent of the regulation is to ultimately reduce the envelope of the upper floor of the building; discourages a box-like structure; creates practical difficulties for homeowners; can be unappealing; wedding cake appearance; building would have to step in; explained to the Board why the ordinance was in effect; referred to the diagrams in his report dated August 29, 2023; it is understandable that in certain zones property owners may have hardships; fighting the idea of "mcmansions"; cannot regulate style and architecture; some designs build out to the full extent possible; trying to find tools to regulate this; FAR reviewed; basements and garages not included; FAR is the sum of the area of all floors, including accessory structures, in comparison to the total area of the site expressed as a percentage; the lot can still be built out; it may reduce the projection to the rear; this alternative may not solve the issue if there is a concern regarding the look along the street; reviewed an alternative approach; maximum building width at the front yard setback line; the building width can be limited to a specified width or percentage of lot width measured at the required front yard setback line; would like to prepare examples of what each alternative would look like; provide an actual plan for the Board to review; may not need a standard or could choose one of the two discussed; style cannot be regulated; a variance for FAR is a "d" variance and may deter an applicant from seeking a variance.

**Mr. Cucchiara:** stated the step-in approach may continue the problems the Board of Adjustment has; the FAR method seems to be more practical and reasonable.



**A brief discussion was held at this point regarding the second story setback and the reviewed alternatives; the Board agreed that Mr. Snieckus should return to the Board with vignettes of the alternative restrictions.**

---

**Board Discussion:**

**EV Charging Stations: Overview:** Mr. E. Snieckus, Borough/Board Planner to review a proposed amendment to the Master Plan and review the NJDCA's model ordinance while providing suggested deviations from the reasonable standards of that ordinance for an ordinance to be adopted by the Mayor and Council.

**Chairman Hanlon:** stated the installation of EV charging systems have been mandated by the State; grant money available; other towns have already moved forward with this initiative.

**Mr. Snieckus:** reviewed his report dated October 28, 2023; gave an overview of the State's EV requirements; there is criteria that cannot be changed; EV chargers are permitted as an accessory structure use in all zones; input given by the DCA on how to apply the criteria; specific requirements can be adjusted; ordinance provides criteria for both public and private equipment; private is for homeowners; individual businesses will have equipment for their own uses; commercial strip shopping centers would not; outlined the specific requirements by the State and what the town can change in the ordinance adopted by the town; State provided a model ordinance; avoid high turnover and flood prone areas; fleet charging; plan for dedicated EV spaces for municipal parking areas; municipal parking lot not recommended; must have handicap accessible spaces; level 2 charging system; try to provide guidelines if there is a private service the Borough will enter into a contract with; reviewed equipment location and setbacks; wanted to start the conversation, use the model ordinance and prepare a proposed ordinance to present to the Mayor & Council.

**Mr. Jones:** stated the thinking is if you have EV chargers in your town, people will shop and dine in the town; programs have changed dramatically due to incentives; should have the ordinance in place by the beginning of next year; aware of grants available; wants to have control over the locations; EV chargers at the train station makes sense.

**Chairman Hanlon:** stated GM and three other major car companies are adopting the Tesla system; standardized it; do not want to overbuild in case electric charging changes in the future due to other methods being tested and possibly approved; the town should maintain the system themselves; becomes income for the town.

**Mr. Madden:** asked about the issue of the cars/batteries going on fire.

**Mr. Snieckus:** stated there are no specific standards; they do not want them in garages; due to the Chevy Volt issue; has been addressed by Chevrolet; the City



of Summit reviewed a use variance application and lifts for cars in the garage; required a halon fire extinguisher system due to how hot the cars run.

**Councilman Policastro:** stated a fire suppression system should be on site.

**Mr. Snieckus:** stated the town's ordinance will be based on the model ordinance; relative items separate to create a recommended list for the Mayor & Council; will amend the Master Plan and goals; will work on and finalize the ordinance to submit to the Mayor & Council.

---

**Board Discussion:**

**Hazard Vulnerability Assessment Study/Master Plan Element:** Mr. E. Snieckus, Borough/Board Planner, to provide information to the Board regarding the HVAS

**Mr. Snieckus:** stated he has updated his last report; the updated report is dated November 8, 2023; State required the study; the town is being pro-active again; important we plan for potential increases due to changes in the climate; referred to the report; increase in rainfall, rain fall events, increase in temperatures, drought, fire risk and natural disasters; met with the Borough's Department Heads and emergency services; identified critical infrastructures; doing some public outreach; required by statute; reviewed mapping; stream corridors within the community; flood prone areas; Ho-Ho-Kus Brook, Saddle Brook tributary, connects to the Saddle River; Saddle Brook and Saddle Brook tributary; FEMA limits of flood plain; secondary waterways; swales; incidental flooding areas; Zabriskie Brook; identify and provide more of a legacy document; can refer back to it if a large application is submitted; change criteria associated with the 100 year flood; described maps; wetlands, slopes, flood plains, streams; culmination map; created a land use map and parcels that are impacted by the flood plain and how they are affected by the current flood levels; map identifies projected areas to be affected by climate change; an engineer will need to confirm if a property will be affected potentially by a flood; all are *projections*; build out analysis; vacant land; most of the lots in Bergen County are built out; no vacant land unless someone wants to preserve an adjacent lot; referred to map; filtered to see which properties have been more recently developed; possible vacant properties that may be in harm's way of the flood plain; that part of the statute anticipated more of a greenfield area; area might be more farmland; maybe a future development; not relevant to Ho-Ho-Kus; will help with future housing plan; did not identify any reasons why the zoning should be changed in certain areas; looked for infrastructure; location of various facilities; bridges, childcare centers, financial institutions, Fire Department; municipal buildings; pharmacies; water infrastructure; sewer pumping stations; lowest point in the municipality; are they properly elevated and protected; can be recognized for any future grants; no shelters in the flood plain area; there are areas of overburdened communities; look at standards relative to income restricted areas or areas of higher levels of minority populations; more of ethnicity than income restrictive; not an issue in Ho-Ho-Kus; a public meeting should be scheduled in the new year; place meeting announcement on the Borough's website and bulletin boards; people can raise questions for us to consider; end of study speaks to design standards; saving

energy in a municipal building; encourages EV charging stations; will come prepared for items we are studying in the recommendations; how we can make improvements; will be an element of the Master Plan; making changes to the land use plan; do not have to create a study; will be before the Board again on January 11, 2024 at the meeting immediately following the Reorganization Meeting.

---

**Approval of September 14, 2023 Minutes:** Councilman Policastro

**Seconded by:** Hart

**Ayes:** Madden, Thomas, Hart, Councilman Policastro, Chairman Hanlon

**Nays:** None

---

**Board Discussion:**

Nominating Committee

**Chairman Hanlon:** stated both Mr. Madden and Councilman Policastro have agreed to be a part of the nominating committee for the 2024 appointments.

---

**Motion to Adjourn:** Jones

**Seconded by:** Thomas

**All in Favor**

**None Opposed**

**Meeting adjourned at 9:00PM.**

Respectfully submitted by:

  
JoAnn Carroll

Planning Board Secretary

**APPROVED ON JANUARY 11, 2024**