

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
March 16, 2017
Combined Session**

Meeting Called to Order at 7:33PM by Chairman Hanlon

Open Public Meetings Statement: Read into the record by the Board Secretary.

Roll Call: Messrs. Berardo (absent), Pierson, Reade, Newman (absent), McVey (absent), Carrick (absent), Policastro, Jones (absent), Councilman Rorty (absent), Chairman Hanlon, Mayor Randall

Also in Attendance: Mr. Edward Snieckus, Burgis Associates, Borough Planner; Gary J. Cucchiara, Esq., Board Attorney; Ms. JoAnn Carroll, Board Secretary

Chairman Hanlon: stated the meeting this evening was a Combined Session for the month of March, 2017.

Mr. James Boggio, Sicilian Sun Restaurant, 604 N. Maple Avenue, Block 1015, Lot 11: change of ownership.

Mr. James Boggio (maitre d') and Mr. William Wilkins (chef) appeared before the Board.

Mr. Wilkins: stated he and Mr. Boggio would be continuing the longstanding tradition of the Pandolfo Brothers and continue the restaurant as an asset to the Borough; will be run the way it is today; there will be 14-15 employees in total with approximately 9 on the premises at one time; he and Mr. Boggio will be working on a full time basis at the restaurant; the parking situation will work in the future; understands about employee parking; no signs will be changed or upgraded at this time; they are entering their due diligence period at this time which will take about 2 weeks; the closing would follow; looking to take over the last week of March or the first week of April.

Chairman Hanlon: asked if it would be advertised that the restaurant is under new ownership.

Mr. Wilkins: stated they are not going to emphasize this point; the Pandolfo brothers are helping out with the transition.

Mr. Reade: asked if the hours would be the same.

Mr. Wilkins: stated yes.

Chairman Hanlon: stated any exterior lights would have to be on a timer.

Motion to approve: Pierson, Mayor Randall

Ayes: Pierson, Reade, Policastro, Chairman Hanlon, Mayor Randall

Mr. Eric Altomare, Alt Eats Café, 622 N. Maple Avenue, Block 1015, Lot 6: new business application; coffee shop; sign and awning application.

Chairman Hanlon: stated the proposed café would be taking over the location of the Tasti-D-Lite store; the application is for a new business, sign and awning.

Mr. Altomare: stated he currently has a salon next to the location where he would like to open up a coffee shop; wants to service existing clients as well as new; is friends with the restaurant owners in the area; they welcome his new shop into the area; will have light fare; salads, yogurts, etc.; no “real” cooking done on the premises; will be more of a high end establishment; hours of operation would be from 7AM to 7PM seven days a week.

Chairman Hanlon: stated a number of years ago there was a coffee shop at that location which did very well; believes Mr. Altomare will do well at this location also.

Mr. Reade: asked if the window applique was see-through.

Mr. Altomare: stated yes; unfortunately it could not be shown that way on the rendering.

Mr. Reade: stated the applique meets the regulation for signage for that window pane; asked if Mr. Altomare would be using the same vendor for his awning.

Mr. Altomare: stated yes; it is also the same vendor which he used for his salon next door.

Mr. Reade: stated the awning looked to be the same configuration as the salon’s next door.

Mr. Altomare: stated it was the same awning.

Mr. Reade: asked if the building address numbers would be located on either side of the awning, along with the name of the business.

Mr. Altomare: stated yes; the address will be added on both sides; the awning would also be solid and not striped like the salon.

Mr. Reade: stated both the sign and awning proposed look appropriate.

Mr. Pierson: asked who would be handling the menu and what types of meals would be offered.

Mr. Altomare: stated he is in the process of hiring a person who handles a place on Bleeker Street in the city; his intention is to bring something new to the area and go in the direction of vegan/vegetarian; basically all that will be done on the premises is prep work; there will be a set menu along with daily specials; there will be no meat or grilling on the premises.

Mr. Policastro: stated there was a difference in the amount of parking spaces indicated on Mr. Altomare's application and the letter submitted by Mr. Gildea.

Mr. Altomare: stated there are seven parking spaces behind the building; three of which would be dedicated to his café.

Chairman Hanlon: stated, for the record, a letter was on file from Mr. Gildea acknowledging the new business application and a separate letter was on file from Mr. Gildea approving the applicant's proposed awning and sign.

Chairman Hanlon: asked how many employees would be employed for the café and how many would be on site at one time.

Mr. Altomare: stated he would have four employees altogether, with two working at one time.

Motion to approve new business application, sign application and awning application: Pierson, Reade

Ayes: Pierson, Reade

Policastro, Chairman Hanlon, Mayor Randall

Mr. Lou Reynolds, Reynolds Asset Management LLC, 188 E. Franklin Turnpike, Block 1016, Lot 6: new business application

Mr. Zachary Gidich, Zachary Gidich Architecture and Design LLC, 188 E. Franklin Turnpike, Block 1016, Lot 6: new business application

Please note: neither applicant was present; both applications would be placed on the April 13, 2017 agenda.

Discussions

Proposed Master Plan Updates

Chairman Hanlon: asked Mr. Snieckus to review with the Board a proposed Master Plan update.

Mr. Snieckus: stated he was present this evening to talk about what would be discussed at the April 13, 2017 meeting of the Board; looking at this date because a Fairness Hearing is coming up for the settlement agreement; one of the components is to adopt an R2A zone which is a new zone which is referenced as the Chamberlain tract; Block 802, Lots 1, 2, 3, 4 and 10; that area is part of the settlement agreement; from a planning standpoint it is preferred to review the Master Plan before an amendment; this is the preferred method; the Master Plan should be brought into alignment with any potential future amendments; what is being considered is an amendment to change the zoning slightly for that current R2 area; the amendment would be such that it would preserve the single family use characteristics of the current R2 zone, but that the minimal lot size and some of the bulk criteria have been adjusted in order to further the settlement; from a planning standpoint you want to amend the Master Plan if possible; has a draft that he has been working on which is an amendment to the Master Plan; it makes no sense to circulate it after the Fairness Hearing; saw this as a great opportunity to let the Board know it is coming and introduce the concept; what we look to do in the Master Plan amendment is to identify the existing land use characteristics of what the R2 zone is currently being designated; in the Master Plan there is also a land use plan element; it is a required element of a Master Plan; goals and objectives which is the first required component; the land use element is part of that and then a series of optional elements that can be assigned; one of them being the housing plan which is coming in the future; looking to identify any goals and objectives that might be related to this ordinance so they can be discussed in the amendment; the real crux of the matter is to amend the land use plan; the land use plan sets the actual Master Map for where the zoning gets laid out; it should be in line and it should set up the criteria for the rezoning and the zoning map itself; if we have an area that is going to have its own zone we need to identify that correctly in the land use plan; we are under a very strict time frame for adoption and review and it is possible that the ordinance may be introduced by the governing body to then be referred to the Planning Board for consistency review of the Master Plan and it may occur in the same night; there is nothing improper about this sequence; wants to outline this evening what will be done in the Master Plan amendment and then the Board will be receiving a report from his office and then there will be a public hearing on April 13, 2017; will advertise for that date; need to advertise 10 days prior like any other Master Plan; will be putting a notice in the paper and will send a copy to the County for their review purposes; will also notify adjacent municipalities in accordance with the statute; the goals will be reviewed and then updating the land use plan; there will be a new description in the land

use plan just for this zone; descriptions are needed for each zone category in the land use element of the Master Plan; the scheduling discussed was to review the Master Plan element on April 13, 2017; included in the appendix is the actual draft ordinance; the ordinance is very specific to the settlement agreement; the commonalities will be seen.

Chairman Hanlon: stated the first Master Plan by the Borough was done in 1977; shortly thereafter there was a revision made to the plan; after this, the Master Plan was reviewed every 5-7 years until the current one.

Mr. Snieckus: stated the last one was from 2013; this is the one the Borough currently works under; not looking to replace the document but to amend those specific components of it.

Chairman Hanlon: stated April 13, 2017 is the correct date; asking Mr. Snieckus to review the plan this evening; the Mayor and Council meets on the 21st and the 28th of March; we will most likely see some action from the Council going forward on this program; the court hearing is on March 30, 2017 and the Board is looking to have a public hearing on the land use amendment on April 13, 2017; on April 25, 2017 the public hearing will be held on the ordinance in front of the Mayor and Council; on June 20, 2017, there is a possibility the Board will meet with the Mayor and Council on a Tuesday night for a combined session with this Board and the Council regarding this entire matter; on July 20, 2017, the Planning Board session would adopt a Housing Element and Fair Share plan; we may need to adjust meetings for Board members to be available; asked Mr. Snieckus to provide copies of the amendment to the Board members.

Mr. Snieckus: stated it makes sense to have the Fairness Hearing occur; will have all the information ready; the document will be distributed right after this meeting; as soon as it makes sense legally from counsel.

Mr. Pierson: asked if the R2A zone was just particular to the Hollows parcel.

Mr. Snieckus: stated it is just particular to the 5 lots; Block 802, Lots 1-4 and 10.

Mr. Pierson: asked if this was a designation that could be imposed on other parts of the Borough.

Mr. Snieckus: stated no; it is very specific and the settlement agreement is mirrored and identified several times in the regulations; there are two lots that essentially have a flag lot condition associate with them; we know we have a goal in the Master Plan that says we do not want to encourage flag lots; in this instance it was deemed applicable because of the reduction of any additional roads; we did impose certain conditions in the ordinance that would safeguard

emergency services so they would have a wide enough driveway; the ordinance is the first step; the other components of this same property would be a future subdivision application that would come to the Planning Board where it would be reviewed for safety and access in accordance with the ordinance.

Mr. Cucchiara: stated Mr. Snieckus has explained the ordinance; there are three types of notices that have to be complied with; those requirements are in the statute; public notice in the official newspaper which is circulated in the Borough; notice to the clerks of the adjacent municipalities; in this instance, technically they are required to be given notice if the property affected is within 200 feet of that municipality; Mr. Cucchiara's recommendation is to serve them with notice anyway; the third notice would be to the Bergen County Planning Board; the notice to the County Planning Board must also have with it the proposed amendment; at the Mayor and Council level those affected within the zoning district and 200 ft. from the zoning district would also have to be given notice; either personally or by certified mail.

Meeting opened to the public at this time; 8:08PM

Ms. Nancy Solomon, 395 Race Track Road: had a question regarding the notices and timeline.

Mayor Randall: stated there was a Mayor and Council meeting two months prior; a lot of negotiations were done in the context of litigation; did make an effort to explain what was agreed to; this is the settlement we have made based on the circumstances that were faced both with the developer and with those seeking affordable housing; we made a deal; it is subject to approval by the court; on occasions when we have public hearings on this, we have no problem explaining ourselves; these items have been explained and will continue to be explained going forward.

Public portion of the meeting closed at this time; 8:12PM.

Mr. Snieckus: spoke to Mr. Cucchiara; regarding the notice, was aware that Mr. Cucchiara looked into the issue whether or not the Board deems applications complete; for housekeeping purposes he wanted to make clear that we are clear on the regulations; the by-laws were researched; it is very specific to the time frames associated if the litigation is to be approved by the court in March; wanted to make clear who reviews for completeness.

Mr. Cucchiara: stated it is contained in the Board's by-laws, the MLUL authorizes the agency, which in this case would be the Planning Board, to either conduct the completeness review itself or designate someone like a planning consultant or an engineer; the Board, pursuant to its by-laws, performs that function itself; ordinarily the Board does that at a work session; at that time, if the application is deemed complete, a hearing is then scheduled

to then notices can then be served and published in the usual manner; believes under the settlement agreement, the planning consultant, Mr. Snieckus, and the engineer handling the matter, will also assist the Board in that regard; the Board would make the final determination.

2016 Board of Adjustment Annual Report

Chairman Hanlon: asked Mr. Snieckus to review the Board of Adjustment's 2016 Annual Report; once the review is done, a sub-committee will be put together to review the suggestions of the Board of Adjustment; the Board Secretary was instructed to send the report to Mr. Snieckus' attention.

Approval of Minutes:

January 12, 2017 Regular Meeting: Pierson, Reade

Ayes: Pierson, Reade, Policastro, Chairman Hanlon

January 12, 2017 Reorganization Meeting: Policastro, Pierson

Ayes: Pierson, Reade, Policastro, Chairman Hanlon

Motion to adjourn: Mayor Randall, Policastro

All in Favor

Meeting adjourned at 8:20PM

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
March 20, 2017