

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
April 13, 2017  
Combined Session**

**Meeting Called to Order at 7:30PM by Chairman Hanlon**

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

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

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

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**Approval of Minutes:** Pierson Reade

March 16, 2017

**Ayes:** Pierson, Reade, Policastro, Chairman Hanlon

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**Mr. Lou Reynolds, Reynolds Asset Management LLC, 188 E. Franklin Turnpike, Block 1016, Lot 6:** new business application; carried from 3/16/17 meeting.

**Mr. Zachary Gidich, Zachary Gidich Architecture and Design LLC, 188 E. Franklin Turnpike, Block 1016, Lot 6:** new business application; carried from 3/16/17 meeting.

**Chairman Hanlon:** stated two business have moved into 188 East Franklin Turnpike; two separate applications have been submitted.

**Mr. Gidich:** stated he is the owner of Zach Gidich Architecture and Design; he is one of the tenants of the building; the other tenant is Mr. Lou Reynolds who is the owner of an asset management company. (Mr. Reynolds was not in attendance.)

**Chairman Hanlon:** asked how many employees were on site.

**Mr. Gidich:** stated he has three employees and Mr. Reynolds has some part time help.

**Chairman Hanlon:** asked about the parking situation.

**Mr. Gidich:** stated there is room for four cars; everyone else has been parking on the street.

**Mr. Jones:** stated the property at one time was a library and most commonly known as the Sanzari building; the building has been vacant for two years; the Borough sought to rent or sell it; ended up with a rental; happy to have two professional businesses move in who are two good tenants.

**Chairman Hanlon:** instructed the applicant to contact the Board Secretary if he was proposing any signage for the building.

**Motion to approve both applications:** Reade, Councilman Rorty

**Ayes:** Berardo, Pierson, Reade, Newman, Carrick, Policastro, Jones, Councilman Rorty, Chairman Hanlon

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**Chairman Hanlon:** stated the Board had received an email in regards to completing their Financial Disclosure statement; deadline is the end of May; please complete as soon as possible; all information is inputted on line; a confirmation number will be received once completed.

**Mr. Jones:** stated a summons will be issued if not filed.

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**Mr. E. Snieckus, Borough Planner: overview presentation of the proposed Master Plan amendment.**

**Chairman Hanlon:** stated at this time was the beginning of a public hearing regarding the amendment to the Master Plan; (no conflicts by any Board Members); this hearing has been scheduled based on last month's meeting; the exhibit is before the Board which is the document Mr. Snieckus will review this evening and make a presentation; the Board can ask questions and then the public will have an opportunity to ask questions; after all questions are asked, the public portion of the hearing will be closed and the Board will continue with the hearing and then a motion will be made and a vote will be taken.

**Mr. E. Snieckus, Borough Planner, Burgis Associates, Inc.:** sworn in by Mr. Cucchiara; submitted the notice which was published with respect to this hearing; marked as Exhibit B1; the 2017 Master Plan Amendment dated March 31, 2017 marked as Exhibit B2; the same document was forwarded to the County Planning Board as per the MLUL (Municipal Land Use Law); surrounding neighbors notified as well; Township of Washington, Hillsdale, Ridgewood, Saddle River and Waldwick were notified as well; in accordance with the MLUL, the Planning Board has the sole jurisdiction of reviewing and amending the Master Plan; the last one was done in 2013; the reason for the discussion this evening is to amend that document; in that document is a Land Use Plan; that Land Use Plan is a component of the Master Plan; primarily the map of the community that identifies where various uses go; that map is also used as the basis by which the zoning gets established for the various areas or the land uses as they are distributed throughout the community; this is a mandatory requirement of the MLUL; this amendment is also to recognize the

settlement of the litigation agreement between the Borough of Ho-Ho-Kus and Chamberlain Developers and subsequent order by the Superior Court of New Jersey, Bergen County; it is identified within that document that the Borough would update its Master Plan to recognize some of the directives and issues and future zoning for the R2A Zone district; specifically looking at Block 802, Lots 1, 2, 3, 4 and 10 as the properties in question; identifying them for the record and identifying as “the tract”; currently that tract is zoned in the R2 zone; looking to change that designation to the R2A Zone; new land use category; the Master Plan and zoning ordinance should be connected and also in concert with one another as required by the MLUL; substantive modification to the Borough’s Land Use Plan; implementing the zoning is properly initiated and it is undertaken within the context of the Master Plan; it lays the foundation for the Borough’s zoning amendments or provisions; description of the area that is identified within the document; tract description; it is at the intersection of Hollywood Avenue, WSRR and Van Dyke Drive; irregularly shaped area that occupies an area of about 3.66 acres; the property as it exists today consists of a one single family home with some detached accessory structures and access via the driveway from Hollywood Avenue to WSRR; do not have any record of any wetlands or flood plain conditions on the tract area; the current designation under the land use plan is under the R2 land use category; establishes a moderate density residential zone; the current zone is also in line with the R2 Land Use category; R2 single family zone; the actual amendment that is being called for is the creation of a new R2A single family residential land use category for the block and lots that were previously mentioned; the R2A category will correspond to a new R2A zone district and is designed to permit moderate density single family development as well as municipal uses such as parks and recreation facilities, municipal buildings and structures; it is also noted in the land use category that the R2A tract area will be required to pay a development fee during construction of the lots; it is recommended the Borough amend its ordinance and create an R2A district; when an amendment is done, statutorily, the Master Plan goals and objectives need to be looked at; the goals and objectives that may relate to or have consequences relative to any re-zoning or any changes in the Land Use Plan; there are three goals that are identified in the document; Goal #1: states in the Master Plan to maintain and enhance existing areas of stability; principal goal of this plan is to preserve and protect the residential character and existing density of the community by restricting incompatible land uses and intensities of use from established residential areas; a policy statement that is associated with this goal states that the Borough of Ho-Ho-Kus recognizes that one of the most significant attributes is the land use arrangement incorporating well defined, single family residential neighborhoods; the proposal maintains consistency because they are calling for single family residential uses and similar uses in that zone; uses are aligned with the current zoning; also consistent in its relationship of those uses to the R1 Zone to the north; the proposed designations therefore maintain the intent of the statement of Goal #1 noting to encourage the proper distribution of land uses by designated areas which have their own development characteristics; it is noted that the proposed zone will maintain consistency with the current distribution of land use types

in the surrounding zones; identified while minimum lot size requirements are slightly less than the requirements of the R2 zone based on the settlement agreement draft; it is noted that the settlement agreement does recognize the actual subdivision plan that was a concept that was part of the settlement agreement; in that concept plan where 12 lots that were being proposed; it is noted that of those 12 lots the smallest is over 10,000 sq. ft.; the zone and the settlement agreement support the intensity of use that the current zoning currently establishes for minimum area of a lot; proposed criteria such as lot coverage and total improved lot coverage, it was found that they are generally comparable to the intensities of use in the R2 Zone; they do permit more development but there are sufficient provision for light, air and open space to be maintained; Goal #2: preserve the established residential character and scale of the R1, R2 and R3 residential areas; the review of the impacts to the change in the Land Use Plan it is noted that it seeks to maintain the established residential character by maintaining the single family uses in the zone; recognized that the future R2A zoning district provides for some increase in development vs. the R2 zone; they are reasonably compatible in scale by maintaining similar building height and setback requirements; the scale is being maintained; there is a new provision that is being recommended in the draft ordinance; it institutes a maximum floor area ratio, only for the R2A zone; this provision is used because it was known that lots on this property would be various sizes; some of the concern of the Master Plan goal statement and surrounding neighborhood was would houses be in proportion to the size of their lots; that is another vehicle that can be worked with through zoning to establish a maximum home size in three dimensions on multiple floors in relation to the area of the lot; instead of having a static provision, there is a graduated standard in this future amendment; the graduated standard allows itself to adjust and reduce the area of a home based upon if it goes beyond certain incremental sizes; it is a tool that is used in many other municipalities and it has been successfully implemented; it does promote scale and proportion to its surroundings; welfare of the public is preserved by maintaining the scale to adjacent homes, providing appropriate setbacks and relationships of building size to the neighborhood; Goal #3: is actually goal #VIII which is listed in the Master Plan; it states to discourage the creation of flag lots; the policy statement states that flag lots represent an improper land use arrangement that results in over utilization of the property and represents a development pattern which hinders emergency service access to such lots; this was recognized in the review of the future amendment and it is a deviation from this policy; it is noted that the R2A regulations do provide for the floor area ratio requirement that relates itself to the size of lots so it is not out of character with the neighborhood; in addition, there is a limit on the minimum frontage of such a flag lot; a flag lot is discouraged in the Master Plan Land Use Plan is that oftentimes there is difficulty in recognizing a driveway for emergency services, making sure the driveway is large enough, at the same time there is an issue of is there too much home or too much mass of building on a property; in the R2A regulations there is an FAR requirement, setback requirements and a minimum lot frontage of what the flag staff could be; in addition there are requirements for setbacks relative to the buildings; also have

factors relating to the settlement agreement which states that 12 lots is what was agreed to and recognized and those 12 lots will be largely in conformance with the settlement agreement in the arrangement of the concept plan; the Borough is safeguarded from further flag lots at this location because it all relates back to the settlement agreement; oftentimes there is a need to extend a new road in order to create frontage when there is a deep lot; in this instance a new road is not created, therefore there is no new intersection and there is no greater impervious coverage; getting the benefits of the relationship with the settlement agreement design; amendments of Master Plans need to look at relationships to other plans; in this instance he is reviewing if this has an effect on adjacent municipalities; required by the MLUL because if a change is being made in one community it can't create a significant burden or impact to an adjacent municipality; in this instance the location is isolated and it is not directly adjacent to a community; there were no components found that would have a substantial impact on an adjacent municipality; found the designation is similar to the existing designation; it is single family and related municipal uses and permitted uses; there is State Plan consistency; PA1 (Planning Area 1); allows growth relating to surrounding uses and conditions; found there was no impact to the County Plan; Bergen County Plan is somewhat outdated; apologized for the misspelling of two names; document will be changed; corrected title page placed on dais for the Board Members; from a statutory standpoint, the Board this evening is taking a vote on whether or not to approve the amendment to the Master Plan.

**Mr. Jones:** no questions.

**Councilman Rorty:** no questions.

**Mr. Pierson:** asked for clarification in regards to page 4, #2 at the top of the page; the R2A zone minimum lot size requirements are slightly less than the R2 zone requirements; asked how this departed from the R2 zone requirement when the smallest lot size is identified as 10k sq. ft.

**Mr. Snieckus:** stated this is a unique situation due to the settlement agreement; relies on the settlement agreement from the standpoint of knowing that what was agreed to was the 10k sq. ft.; there may be some adjustment to a lot size in the future; it was agreed to in the settlement agreement that the minimum lot size would be 7,500 sq. ft.; feels the reduction still maintains the compatibility of the character of the R2 zone district; a County route, Hollywood Avenue, which separates the tract from the R1 Zone.

**Mr. Pierson:** asked if the 12 lots that are contemplated now changes, there is flexibility to have a lot that conforms at 8k sq. ft.

**Mr. Snieckus:** stated that was correct.

**Mr. Berardo:** asked if the development fee was the same as the \$7,500 in the settlement agreement.

**Mr. Snieckus:** stated yes; the money goes into a municipality trust fund for affordable housing; the Fair Share plan is a component of the Master Plan; would be recommended to the Mayor and Council for consideration and then it would be submitted to the Court for certification.

**Mr. Reade:** no questions.

**Mr. Newman:** referred to the aerial photo on page 2; appears there is a house across from Hollywood Avenue; can the R2A designation be applied to a single family home that is on a large tract of land in the Borough or is the R2A zone particular to this tract.

**Mr. Snieckus:** stated it is specific to the 5 lot tract; if a homeowner is seeking rezoning, that needs to go before the Mayor and Council; the Zoning Board does not have the power to re-zone; they can grant use variances; in this instance we are dealing only with the relationship to the settlement agreement; it is very connected to the settlement agreement and very redundant.

**Mr. Carrick:** no questions.

**Mr. Policastro:** no questions

**Meeting opened to the public for questions.**

**No public questions.**

**Public portion closed.**

**Mr. Jones:** stated this process has been ongoing for more than a year; the negotiating team often referred to the Master Plan in trying to stay consistent with the settlement agreement; maintaining the integrity of the single family lot design was the overriding goal from the very beginning of the negotiations; we knew there would be certain modifications; to maintain the integrity it was a directive from the Governing Body; this is the beginning of a series of events between the Board and the Governing Body to move the agreements along.

**No further Board comments.**

**Meeting opened to the public for comments**

**No public comments.**

**Public portion closed.**

**Chairman Hanlon:** stated a vote was needed at this time on the adoption of the Master Plan Amendment as presented this evening.

**Mr. Snieckus:** stated the correction to the names on the second page should be mentioned for consistency of the record.

**Mr. Carrick:** stated "Ho-Ho-Kus" is spelled two different ways in the document; though a minor correction, the Master Plan should reflect the property spelling.

**Mr. Snieckus:** assured the Board the correct spelling of “Ho-Ho-Kus” would be used throughout the document.

**Adoption of the Master Plan Amendment with the corrections as noted:**

**Pierson, Berardo**

**Ayes:** Berardo, Pierson, Reade, Newman, Carrick, Policastro, Jones, Councilman Rorty, Chairman Hanlon

**Nays:** None

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**Mr. Cucchiara:** stated before the Board was a resolution in connection with the Planner’s presentation which memorializes the decision that the Board just made approving the 2017 Master Plan Amendment; there is one modification that needs to be made; believes it reflects the findings of the Board with respect to the consideration of the amendment that was just presented; anticipating that there would be members of the public, when in fact there were none; correction will be made on the first page indicating that no members of the public spoke in connection with the amendment; the last portion of the paragraph which indicates who supplied information for the public’s questions will be deleted; referred to the second page; the Board is making a determination that the amendment is consistent with the requirements of the MLUL with regard to the adoption of the Master Plan, Master Plan Re-Examination and the Master Plan Amendment pursuant to the statute and that the adoption and implementation of the amendment is in the best interest of the Borough and public health, safety and general welfare; at the lower portion of the page it states the Board’s resolution encompasses adoption of the 2017 Master Plan Amendment prepared by Burgis Associates, Inc., copies of the amendment and resolution will be sent to the Bergen County Planning Board as required by the statute and that notice of the amendment and the resolution will be sent to the Municipal Clerk of the adjoining municipalities of the Borough; with the one correction and unless any Board Members have comments, this would be an appropriate time to entertain a motion to approve the resolution, subject to the modifications noted.

**Mr. Snieckus:** asked if a copy of the amended Master Plan be sent to the County should be added to the resolution.

**Mr. Cucchiara:** confirmed this language was included in the resolution.

**Motion to approve the resolution as amended:** Councilman Rorty, Carrick

**Ayes:** Berardo, Pierson, Reade, Newman, Carrick, Policastro, Jones, Councilman Rorty, Chairman Hanlon

**Nays:** None

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**Chairman Hanlon:** asked for confirmation from Mr. Snieckus that the two documents will be sent to the Council for the April 25, 2017 hearing.

**Mr. Snieckus:** stated no; the document is the sole legal requirement of the Planning Board only and it can be referred to the Mayor and Council for their information but they do not have a hearing on it; they are having a hearing on the actual amendment 2017-04 which establishes the R2A Zone.

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### **-Review of Zoning Ordinance**

**Mr. Cucchiara:** stated this would be an appropriate time to have Mr. Snieckus review the ordinance because all development ordinances, in particular, zoning ordinances or amendments to the zoning code are required to be referred to the Planning Board for their review; it has been referred to the Board pursuant to the MLUL to review ordinance 2017-04 and Mr. Snieckus will make some comments, even though he has mentioned most of them in his previous presentation with respect to the Master Plan; most significant issue is for the Board to make a determination that the proposed ordinance is consistent with the Master Plan; not required to have a resolution with regard to this finding; most commonly the Board will submit a letter to the Governing Body indicating what the Board's determination was with respect to the ordinance.

**Mr. Snieckus:** referred to ordinance #2017-04; referred to the Planning Board for the statutory review of consistency with the Master Plan; the Board is in a unique position because it just amended the Master Plan and now the ordinance is being reviewed for consistency with the Master Plan; since the Master Plan was adopted, thinks this is substantially consistent with the Master Plan; it does talk about the provisions that are related to the document in some of the "whereas" clauses; identifies a concept plan dated 12/13/16; there are blanks to be determined by Planning Board resolution which was dated for today approved by the Board by the amendment based on the date of the amendment which is 3/31/17; this document establishes the new R2A single family residence district; it talks about amending the actual zone map to create that district; in addition it talks about permitted uses; this is where it is substantially consistent as far as uses among the single family districts; slightly different conditional uses; requiring a special use permit as required in Article VIII of the zoning ordinance; public utility facilities or uses or County, State and Federal facility or uses prohibited uses are those that are not listed in A and B; talks about minimum lot criteria; does have a reduced lot frontage requirement at 60 ft. compared to 75 ft. in the R2 Zone; does note that it can be reduced to 20 ft. as mentioned earlier; in the subsets of lot frontage, it is required that there is a specific relationship to the settlement agreement; to protect the integrity of the ordinance and the Master Plan; served by a driveway with a minimum width of 11 ft.; there are other provisions related to that; no principal or accessory structures shall be permitted in the reduced portion where it is less than 60 ft. in width so that adjacent properties are safeguarded; identifies that lot width shall not be less than 48 ft.; the lot depth shall not be less than 80 ft.; the location of the front door will not describe the identification of front, rear or side yard; the area of an easement of the lot shall not reduce the lot for purposes of calculating the criteria; minimum yard requirements about interior lots to maintain consistency with the R2 character of how the



regulations are spelled out; front yard depth of 25 ft., side yard of 8 ft; although one of the provisions to show transition and provide some relationship to the R2 Zone, if there is a side yard that is consistent with the R2 Zone in the R2A Zone, the side yard setback shall be 10 ft.; minimum yard requirements for corner lots; also have minimum open space requirements; lot coverage by accessory buildings, improved lot coverage and there could be a provision that allows for an additional 10% but that has to be impervious pavement materials; this was in an effort to try to provide for greater infiltration of storm water to try to have less potential runoff; livable area is the same; bedroom requirement is the same as the existing zone; first floor gross floor area is slightly larger at 1,000 sq. ft. per accessory structure building; have the same provision for swimming pools; identifies the maximum FAR; maximum building height is maintained at 35 ft., 2 ½ stories; no accessory structure shall exceed a height of 25 ft. containing more than 2 stories; to protect the integrity of the neighborhood and to make sure accessory structures have some design aesthetic associated with them, the second story interior floor area where the floor area ceiling height is greater than 5 ft., shall not be more than 75% of the total floor area of the first story of the accessory structure; this requires a “stepping back” of the upper floor to try to break up the mass of the two story element; will sometimes see a dormered roof over an accessory structure; detached accessory building setbacks and setbacks from principal structure from streets; projections into a front yard are very similar to the current provisions in the ordinances; did go further to regulate retaining walls; identifying a maximum height of 6 ft. where currently there is no limitation; shall a series of terraced retaining walls be proposed within 10 ft. or less or one another, than a landscaped terrace of a minimum width of 4 ft. shall be provided; when a retaining wall is adjacent to a lot line, continuous with the R2 Zone, retaining walls of 4 ft. or less in height shall have a 1 ft. offset from the contiguous lot line; currently there is no standard; should a retaining wall exceed 4 ft. in height or if terraced where the adjacent wall is within 10 ft. or less from the face of each wall, the closest wall to an adjacent lot line shall be setback a minimum of 2 ft. plus 1 ft. for every 1 ft. vertical of height of the closest wall and the setback shall be landscaped for screening; radial lot line requirements shall not be applicable to the subdivision of the R2A Zone district; section of validity statements; document is very consistent with the settlement agreement and the amendment the Board just reviewed.

**Chairman Hanlon:** stated the Board will be involved with this one more time; there is a mandatory meeting with the Mayor and Council at the Council Session on Tuesday, June 20, 2017; announced at last month’s meeting; there will be a review of the plan and draft ordinance.

**Mr. Snieckus:** stated the housing element and the Fair Share Plan and some of the draft ordinances that go with it will be reviewed.

**Chairman Hanlon:** stated on July 20, 2017 the Planning Board will have a session to adopt the housing element and the fair share plan.

**Mr. Snieckus:** stated that is a component of the Master Plan and that is why it is back before the Planning Board.

**Chairman Hanlon:** stated the settlement agreement needs to be completed by July 28, 2017.

**Mr. Cucchiara:** stated this would be an appropriate time for Board Members to ask any questions or make comments to Mr. Snieckus with regard to proposed ordinance #2017-04; the Board is required to report back to the Mayor and Council with regard to their consideration of the zoning ordinance.

**Mr. Pierson:** asked if the second floor setback requirement would apply to the R2A Zone.

**Mr. Snieckus:** stated it was a request that it not be included in this zone; the concern was that was causing too much difficulty in setting up the structure of a house; FAR was agreed to; better way to control the mass and scale of a house.

**Mr. Reade:** stated the fourth paragraph in the ordinance contains the wrong spelling for “Ho-Ho-Kus.”

**Mr. Snieckus:** stated it will be corrected.

**Mr. Jones:** asked for the dates that will be included in the ordinance.

**Mr. Snieckus:** stated the dates would be this date, April 13, 2017 and March 31, 2017.

**Mr. Cucchiara:** stated this would be an appropriate time to entertain a motion for the Board to approve of the proposed ordinance subject to the changes that were discussed as respect to the spelling and the dates; motion can be requested to that affect and to allow Mr. Cucchiara to prepare a letter to the Mayor and Council indicating the determination of the Board.

**Mr. Snieckus:** stated, in addition, that the proposed ordinance is consistent with the Master Plan.

**No public comment.**

**Motion to adopt the ordinance and recommend to the Mayor and Council for its adoption and that the Board directs the Board Attorney to send a letter to the Mayor and Council stating the Board gives consent and that the ordinance is consistent with the Master Plan and with the spelling and date corrections:** Carrick, Councilman Rorty

**Ayes:** Berardo, Pierson, Reade, Newman, Carrick, Policastro, Jones, Councilman Rorty, Chairman Hanlon

**Nays:** None

**Chairman Hanlon:** stated he had asked the Board to review the Zoning Board's 2016 Annual Report; asked Mr. Snieckus to begin reviewing it as well; a review committee has not yet been formed.

**Mr. Snieckus:** stated he would have a memo prepared shortly stating the positives and negatives associated with the Annual Report.

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**Motion to Adjourn:** Carrick, Newman  
**All in Favor**

**Meeting adjourned at 8:35PM.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
May 31, 2017