

**Borough of Ho-Ho-Kus  
Bergen County, New Jersey  
Planning Board Minutes  
June 20, 2017  
Joint Session with the Mayor and Council**

**Meeting Called to Order at 7:35PM by Mayor Randall**

**Open Public Meetings Act Statement: Read into the record by the Borough Clerk**

**Mayor and Council Roll Call:**

Mayor Randall, Councilmembers Troast (absent), Rorty, Shell, Iannelli, Fiato, Crossley

**Planning Board Roll Call:**

Messrs. Berardo (absent), Pierson, Reade (absent), Newman (absent), Carrick, Policastro (absent at time of roll call; arrived at 7:40PM), Jones, Councilman Rorty, Chairman Hanlon, Mayor Randall

**Also in Attendance:** David Bole Esq., Borough Attorney; Mr. E. Snieckus, Borough Planner, Mr. Daniel Hauben, Clarke Caton Hintz; Ms. Laura Borchers, Borough Clerk; Ms. JoAnn Carroll, Planning Board Secretary

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**Please note: Mr. Policastro, Planning Board Member, arrived at this point of the meeting; 7:40PM.**

**Mr. Snieckus:** stated he and Mr. Hauben were before the Mayor and Council and Planning Board this evening for an overview and draft discussion of the Fair Share Housing Plan as well as the related ordinances and documents associated with the Fair Share Housing Plan; presentation turned over to Mr. Hauben regarding the overall plan.

**Mr. Hauben:** stated since March 2015, Ho-Ho-Kus, among many other municipalities in the State, have been required to put together third round housing plans which are to be reviewed and found compliant by the courts rather than COAH, which had been the agency overseeing the affordable housing process in the State; in January 2017 the Borough entered into a settlement agreement with the Fair Share Housing Center, Chamberlain Developers and Jonathan Mechanic, dba "Crossings"; the settlement agreement did a number of things; it established the Borough's affordable housing obligation which includes 83 units that were determined by COAH in 1993; 195 units for the period of 1999-2025 and a rehabilitation obligation reflecting the number of deteriorated housing units in the Borough as of 2015 that are based on occupied households with low and moderate incomes; the Borough

also was granted a vacant land adjustment of 30 units; with the 30 units of realistic development potential (RDP), there is also a cumulative unmet need which reflects the remainder of what would have been the 83 unit prior round obligation from 1993 plus the 195 units for the period of 1999-2025; the agreement also establishes what the Borough is required to include in its housing plan as far as addressing the RDP and the unmet need; in regards to the RDP of 30 units, the agreement states that the Borough will include in its plan 8 affordable housing units which will be developed at the Crossings which has been approved; 13 units will be created at a municipally sponsored or 100% affordable housing development at the train station/commuter parking site; one unit will be constructed by Matt Frasco who is associated with Chamberlain Developers at 612-614 Maple Avenue as part of a mixed use development which will include 4 total housing units including one affordable unit and then ground floor commercial; the 248 unit unmet need is required to be addressed by three components; one is the development fee ordinance which was developed back in the 1990s; a Borough wide affordable housing requirement which states that any multi-family development having a density of 6 or more units that is created in the Borough must have affordable housing set aside; third component is the downtown overlay ordinance which is an overlay zone; it will be placed on much of the Borough's downtown; it incentivizes redevelopment that includes multi-family housing but requires that if any multi-family housing is generated it would be required to have an affordable housing set aside, much like the Borough wide requirement except that since it is an overlay zone, there are other requirements that are placed into the ordinance; height limits placed, density between 12 and 15 units depending on where the development occurs; parking and set back requirements which are appropriate for mixed use developments; the overlay is only triggered when multi-family uses are created; it does not necessarily affect any existing uses unless they change.

**Mr. Snieckus:** stated the ordinance is located in the overall document; the document is lengthy; in draft form for discussion this evening; the overlay ordinance talks about four different zones; OL1, 2, 3 and 4; the purpose is to help capture in the future if in fact someone is looking to develop multi-family to include 20% of that total number of units as affordable; that will address the unmet need requirements of the Borough; there are special rules associated with the requirements which are identified; in the GB district there is a requirement that the first floor be non-residential; that same business atmosphere is being maintained; the upper floors would contain the multi-family developments with the exception of an entrance into a multi-family development; in addition, there are two areas which overlay the existing R2 and R4 zones; in those locations multi-family developments would be permitted but again, there are height restrictions associated with these multi-family developments; regulations go into greater detail; special bulk standards which recognize multi-family development; there will be special parking requirements regarding the density requirements; certain parking standards in the

regulations associated with the kind of use; this type of ordinance has been used successfully in other downtown areas in order to allow a shared arrangement of parking; there is an alternative parking option which is in the ordinance that considers shared parking if in fact someone wants to share a parking lot on an adjacent site or nearby; all subject to a specific application process and Board review; there is also the idea of a parking contribution to a potential parking fund if that is desired by the Borough in order to establish the ability to purchase or maintain parking elsewhere; wanted to make sure that any new development would have very strong guidelines associated with it and be respectful of the historic qualities of many of the areas in the downtown area of the Borough; implemented building design element standards that are in the ordinance which helps to give the Planning and Zoning Boards further guidance in regards to standards and requirements for buildings.

**Mr. Hauben:** stated the train station site and the Maple Avenue site are both located within the scope of the downtown overlay but there will be a zoning ordinance put together for those specific sites that will set standards that are appropriate for their locations.

**Mr. Snieckus:** stated, in regards to scheduling, the intention is to follow the deadlines required by the settlement agreement in adopting the housing element and also adopting the ordinances; there is a specific timeline that needs to be adhered to.

**Mayor Randall:** stated both the Council and the Board are very familiar with what Mr. Snieckus and Mr. Hauben have been developing; the process has been an open one; information is listed on the website and there have been several meetings explaining the scope of the settlement; a lot of the information presented this evening confirms the general scope of what has been discussed previously.

**Councilman Rorty:** asked about the graveyard at the western end of the train station; asked if that had been addressed in regards to zoning.

**Mr. Snieckus:** stated it is not specifically addressed in the zoning standards for the overlay; from the standpoint if someone was to redevelop that area, it would be a part of the initial findings and review at a Planning Board level.

**Councilman Crossley:** asked for the shared parking information to be reviewed again.

**Mr. Snieckus:** stated, in the actual standards, what was included was specific parking requirements for certain types of uses; that is also in line with most of the standards as far as they exist in the ordinance with the exception that what was also provided and permitted realizing that, in the GB district, there may be mixed uses; in order to allow for some flexibility in regards to parking,

commonly there are straight standards; often times the standards do not allow for time changes; this table in the current draft ordinance talks about the time of use and gives certain percentages associated with that time of use; it allows for some deviation in the amount of parking required; this requires some creative solutions; it does require a full Board review; an applicant would have to provide testimony as to how it operates and make sure it complies with the standards; briefly discussed New Brunswick's use of shared parking.

**Mr. Hauben:** stated the ordinance also has a section regarding shared parking agreements between property owners; this is done in a number of towns; there are requirements that an applicant for shared parking on a site plan would have to demonstrate that they can't provide enough parking on their property without compromising the value of the development that they are proposing; the distance between their site and where they would be sharing parking is reasonable given the nature of the use and that the location where the parking would be relocated would not impact traffic.

**Mayor Randall:** stated the shared parking concept has been very successful in Fair Lawn at the Promenade development on Route 208; asked if street signs would be placed stating when parking was permitted.

**Mr. Snieckus:** stated that would be discussed and reviewed and approved at the Planning Board level of an application.

**Councilman Shell:** asked what the standard number of parking spaces was allocated for a residential unit.

**Mr. Snieckus:** stated the numbers they are looking at are slightly less than the RSIS; the reason is because it recognizes the walkability of the downtown; there is a trend towards having less parking in residential locations because they are not opting for cars; cars may be shared or ride sharing services are used; the following are proposed:

Studio efficiency and 1-bedroom units: .8 parking spaces/unit

2 bedrooms: 1.3 parking spaces

3 bedrooms: 1.9 parking spaces

Most of the developments are one and two bedroom units because that tends to be the market for these types of developments except that there has to be a certain amount of 3 bedroom units per the COAH regulations 2<sup>nd</sup> round rules; a periodic review is always required by housing plans.

**Councilman Shell:** asked if this formula could be used for the train station units.

**Mr. Snieckus:** stated he would say yes but it depends on other discussion that have been had.

**Mr. Hauben:** stated he doesn't know if there has been a concept developed for that site; at this time we might be able to say these standards would apply there but in the process they might not be found suitable.

**Councilman Iannelli:** asked if residents would have to register their vehicles and how would the parking be enforced.

**Mr. Snieckus:** stated there will probably be reserved spaces during certain hours; it is probably a number of spaces that are allocated for the units; those spaces would be designated as such; if someone is violating that space there would be an ability to tow and/or the landlord would be involved as well.

**Mayor Randall:** stated there is an ability to have local enforcement involved.

**Meeting opened to Public questions/comments.**

**Mr. Stanley Kober, 919 Washington Avenue:** had a question regarding the VFW Post and its zoning.

**No further public questions/comments.**

**Mr. Snieckus:** stated the next scheduled meeting is for next week, June 27<sup>th</sup>; the overlay ordinance would be introduced.

**Mr. Bole:** asked if three ordinances would be introduced.

**Mr. Hauben:** stated there is the downtown ordinance and a Borough wide ordinance and the intent to bond ordinance which is part of the spending plan, which is part of the rehabilitation requirement.

**Mr. Bole:** stated that is done in the form of a resolution.

**Mr. Jones:** stated we will also be approving the Reexamination portion of the downtown for the overlay zone.

**Mr. Snieckus:** stated it may be part of the actual approval to do that study.

**Mr. Jones:** stated the money will be appropriated so the Planning Board at their meeting can move that forward; that will help create the overlay zone as part of the Master Plan; the Planning Board will meet on July 13, 2017 and July 20, 2017 and then the Mayor & Council will have a meeting on July 25, 2017 where this will all come together and then it has to be submitted to the court for their review on July 28, 2017; next month the developers agreement for the 13 units will be finalized; will commit to funding the project.

**Mr. Snieckus:** stated the ultimate judgment by the courts is in fact what they are trying to get for protection from a developer's remedy lawsuit.

**Mr. Jones:** stated the Borough is immune through the end of the year from any more builder's remedy lawsuits; if all goes correctly, this should be approved in September 2017 by the courts which would give the Borough immunity through 2025; stated if a property is used as a business at this time and it remains as a business use and non-residential, no units need to be produced; if someone is choosing to change that, then all trigger mechanisms kick in; an affordable unit would have to be produced for the 20% set aside.

**Mr. Hauber:** stated the GB, R2 and R4 districts do not allow for multi-family development; the overlay essentially provides the opportunity for multi-family development within the overlay area, however if that is chosen, an affordable unit would have to be provided.

**Mr. Jones:** stated these were the requirements of the settlement agreement.

**Planning Board portion of the Mayor and Council meeting concluded at this time: 8:05PM.**

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Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
June 23, 2017