

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

**Meeting Called to Order at 7:35PM by Chairman Hanlon**

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

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

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

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**Completeness Review:**

**Jeanne & Greg Dube, 873 East Saddle River Road, Block 810, Lot 1.01:** Preliminary Major Subdivision application; 3 lots proposed.

**Joseph Mariniello, Esq., Mariniello & Mariniello PC, applicant's attorney:** stated the applicant appeared before the Board a few years prior to rearrange some of the lot lines because at the time it was an unusual flag lot; the application that has been filed is only for the 873 ESRR lot; the existing house is to be kept on one of the lots; submitted a checklist; will be submitting the preliminary checklist; has received Mr. David Hals', Borough Engineer, report; this has been reviewed with the applicant's engineer and all of the items on the list can be addressed and revised plans can be submitted before the next hearing; Ms. Dube is present this evening; the plan is not for a contractor to build on the two lots; the proposed homes have to be shown for the purpose of the Board having an idea of what the area would look like when the buildings were finished; some of the items in the completeness memo are more important for the ultimate site plan for the house subject to whatever a future builder wants; all other items can be complied with and revised plans will be submitted before the next hearing date when the public will be noticed.

**Chairman Hanlon:** stated other Borough departments have been informed of this application and have been given an opportunity to review it for any concerns they may have; the Police Department were concerned about the line of sight, as was mentioned by Mr. Hals in his letter; the DPW and Water Department do not have any problems at this time; believes the application

could get a fire insurance reduction due to the fact the fire hydrant will be closer to the home if the subdivision is approved.

**Mr. Policastro:** asked if the home behind the applicant would be affected.

**Mr. Mariniello:** stated no.

**Mr. Pierson:** stated he reviewed the plans; believes it is best for the applicant's engineer and Mr. Hals to work together.

**Mayor Randall:** stated it seems like a straight forward application.

**Mr. Jones:** agreed with Mayor Randall; will wait for public hearing to ask questions.

**Chairman Hanlon:** stated the public hearing date can be set at the August 17, 2017 meeting when the applicant will appear before the Board for another Completeness Review; when the final revised plans are submitted, other Borough departments will be asked to review them.

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**New Business:**

**Mr. Jeff LaPoff, JNL Financial Services/Allstate, 17 Sheridan Avenue, Block 1007, Lot 6:** new business application; relocating business within the Borough.

**Mr. LaPoff:** stated he took over the Allstate business in town a few years ago; is moving a few doors away to 17 Sheridan; lease is effective as of September 1, 2017; will make the physical move between August and September; there will be 3 employees and himself; his landlord has given him one parking space in the rear.

**Chairman Hanlon:** suggested the applicant obtain a permit to park in the Borough parking lot on Brookside; asked the applicant about signage at his new location.

**Mr. LaPoff:** stated he will be using the same sign he has now.

**Chairman Hanlon:** stated if the sign is to be changed or if the space at the new location cannot accommodate his current sign, then a sign application will have to be submitted to the Board for review.

**Motion to approve application:** Mayor Randall, Jones

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

**Nays:** None

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**Correspondence:**

-Bergen County Soil Conservation District letter received regarding a new single family home at 109 Blauvelt Avenue

**Chairman Hanlon:** stated the Board had received correspondence from the Bergen Council Soil Conservation District regarding a new single family home to be constructed at 109 Blauvelt Avenue; the applicant had filed for a permit with BC Soils.

-PSE&G Wetlands Application Notification Letter

**Chairman Hanlon:** stated the Board had received a copy of the Wetlands Application Notification Letter submitted by PSE&G in regards to the work they are doing in the area.

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**Discussion:**

Master Plan Reexamination Report prepared by Burgis Associates, LLC.  
Overlay Zone

**Chairman Hanlon:** stated the Board would now discuss the Master Plan Reexamination report and have a slight discussion regarding the overlay zone; Mr. Snieckus will give a presentation on the Master Plan Reexamination Report; the meeting will then be opened to the public for questions and comments; the Board will then vote on the adoption of the Reexamination Report; if time allows, a summary of the next steps on the Housing Element and Fair Share plan will be reviewed; if the Board has any questions regarding the overlay ordinance it could be discussed this evening; stated the next portion of the meeting would be a public hearing.

**No conflicts indicated by any Board Members.**

**Chairman Hanlon:** stated the notice of hearing has been published in both the Ridgewood News, The Record; the information has been sent to the County Planning Board, the Office of State Planning, surrounding towns: Township of Washington, Hillsdale, Ridgewood, Waldwick and Saddle River; copy of the information has been on file for public inspection.

**Mr. Ed Snieckus, Burgis Associates, Borough Planner:** sworn in by Mr. Cucchiara; stated the meeting this evening is being held in regards to the Reexamination Report of the Master Plan; the last Master Plan was in 2013; is required to do this every ten years; in this instance it is recognized there has been many changes recently to various housing issues as well as other land use issued; it was deemed important at this time to do this Reexamination Report and to update anything that might be relative to the Master Plan itself;

this document does not replace the Master Plan; it is a reexamination report which analyzes it and updates any information relative to the Master Plan; this is a public hearing to review it and for the Board to act on the actual document; based on the MLUL the reexamination report is done to make sure the Borough's planning policies and objectives remain up to date; the Master Plan and Zoning Ordinances continue to comply with the provisions of the MLUL; the MLUL mandates that all local zoning regulations be substantially consistent with the revised and updated Land Use and Housing elements; next week there will be a discussion of the Housing Element and Fair Share Plan; that Element is a requirement under the MLUL and that also would be a component of the Master Plan; all the various items are relatively connected; under the legal requirements the Board looks back at the major problems at the last review of the Master Plan; what major issues were there; what major issues are currently facing the municipality; recommending any specific changes to the Master Plan or Development Regulations or the Land Use Plan; this is an opportunity to do so and capture that information; in the report are updated socioeconomic analyses that were related to the prior Master Plan document; there is a stabilization of existing residential dwellings; no increase or decrease in residential dwellings; this will not change very much due to the built out nature of the Borough; housing tenure is projected for a slight decrease with some increases in some rental properties; housing conditions, number of occupants per room has slightly increased but is still negligible; the median income rose; labor force numbers increased; major problems identified which were noted in the 2013 Master Plan; noted that there are no changes needed in those items or problems that were identified; they still are largely relevant; major problems identified and continued in the current Reexamination Report; also look at changes in the State level as to informational regulations that may have changed; MLUL amendments have been changed to recognize solar and wind facilities as inherently beneficial; changes to COAH since 2014 and the 2015 decision by the Supreme Court; Ho-Ho-Kus entered into the settlement agreement in 2017 in order to address the third round Housing Plan; there were some changes in 2013 to the local redevelopment and housing law; this is a law that governs and identifies the vehicle known as redevelopment where a municipality can look at a property that may be substandard or outdated and use the powers of the redevelopment law to help redevelop that specific piece of property; including doing overlay zones for a specific piece of property; the changes in 2013 have improved the language such that they allow for a Governing Body and a Planning Board to work through something called non-condemnation compared to condemnation type of redevelopment; in that non-condemnation designation, if in fact the Governing Body was to authorize the Planning Board to do an area need analysis thinking that we may want to improve the zoning for that area, the people who own those properties know then their property will not be taken; it takes the scare element out of redevelopment; there is also some clarifications as to the notice requirements on the redevelopment and other codifications; the Land Use element of the Reexamination Report is still relevant; no changes;

identified the fourteen goals and policies that were noted in the Master Plan; feel those do not require any changes; did note under the settlement agreement the Borough is now a step to establish the third round Housing Element and Fair Share Plan; that settlement agreement was noted within the report; noting that there are a series of required amendments to the zoning code and land use code that have to be implemented; the MLUL talks about adopting ordinances that are consistent with the Master Plan; in order to stay ahead of the Housing Element and Fair Share Plan element in the settlement agreement, those items are being identified and recognized within the document; this gives the municipality consistency issues with the future recommendations or changes; have the Borough wide mandatory inclusionary housing ordinance that will be before the Planning Board; there is the introduction of the downtown overlay zone that is part of the settlement agreement; also part of the settlement agreement is the Borough sponsored multifamily affordable housing that may be in the new future for the area around the train station; in addition, this is all to recognize the need to create a realistic opportunity for affordable housing; the overlay ordinance and other components of the Fair Share Plan provide these improvements close to the downtown where goods and services are available, as well as the train station; the train station has mass transit in close proximity; this is sound planning and represented an appropriate opportunity to create the realistic opportunity for affordable housing; the Zoning Board had advised the Planning Board in their Annual Report of their zoning approvals that the current standards for some of the single family residential zones relative to the 2<sup>nd</sup> floor setback criteria; it is overly burdensome to some existing homes that are on narrow lots, that may have existing conditions that are restrictive when you consider offsetting the 2<sup>nd</sup> floor relative to the 1<sup>st</sup> floor; it is noted in the report that this was identified; recommends the Land Use Map be updated; this is the map for the overall Borough which identifies the specific zone and zone categories; there have been changes; this is a housekeeping item; any redevelopment areas should be identified that might be necessary in the community; at this point and time there were no specific locations recommended for redevelopment; it doesn't mean that it still cannot occur in the future, if in fact the Governing Body or the Planning Board would make a recommendation in the future.

**Mr. Reade:** asked for clarification that the report is recommending the 14 goals of the Master Plan do not have to be changed.

**Mr. Snieckus:** stated that was correct; they are still valid.

**Mr. Reade:** stated overall the report has simply reviewed the current state of the 2013 Master Plan with no additional recommendations.

**Mr. Snieckus:** stated basically that is correct in the sense that as the Board's consultant Mr. Snieckus did not see a need to update any of the information.

**Mr. Jones:** asked if there is going to be separate zoning ordinances set up for Maple Avenue and the train station lot.

**Mr. Snieckus:** stated the train station lot is likely; it is recommended in case it has future development associated with it; you do not want to have the Zoning Board review, it should be something that is relevant to the Master Plan; Mr. Snieckus further stated that he would have to get back to Mr. Jones regarding the Maple Avenue site; he was going to look at the specifics of the Maple Avenue proposal and evaluate it against the criteria in the overlay ordinance for that area.

**Mayor Randall:** no questions/comments.

**Mr. Pierson:** stated the report and presentation were very thorough; thanked Mr. Snieckus.

**Mr. Policastro:** no questions; did bring to Mr. Snieckus' attention that Mr. Carrick's name was missing from the title page.

**Chairman Hanlon:** stated, in regards to Maple Avenue, First Street needs to be looked at as well.

**Mr. Snieckus:** stated that is something that he is recommending be an addition to the report that this area be a future consideration.

**Chairman Hanlon:** stated Mr. Snieckus had mentioned Maple Avenue and it brought to mind a 1-story unit that could be taken down and something done with it; there are older apartments as well; those properties could be updated; the Valley Hospital complex may bring people into the area who want to live close by; there are older homes on First Street that date back to the 1800s.

**Mr. Snieckus:** stated it is captured in the current document language; the overlay would be the most applicable for that area.

**Chairman Hanlon:** reminded the Board that in 2013 the Board voted not to comply with the requirement of a 10 year Master Plan review, but would stay with a review every 7 years; ten years is too much time difference for keeping up with the community; Mr. Snieckus and Chairman Hanlon had a discussion in 2013 that the Board would review every 7 years; in 2020 the Master Plan will be reviewed again.

**Mr. Snieckus:** stated the Board would be voting on the Reexamination Report of the Master Plan; not revising the Master Plan; believes things change much too quickly especially with the advancements of e-commerce, etc.

**Chairman Hanlon:** stated the Board has mandated itself to review the Master Plan every 7 years.

**Mr. Snieckus:** stated, if the Board were to adopt the document this evening, then the board would have ten years from tonight, based on the MLUL, but that is entirely up to the Board to deem what is most appropriate.

**Chairman Hanlon:** stated, if the Board followed the 10 year plan, it would be 2027 the next time it would be looked at.

**Mr. Snieckus:** stated the Board is now protecting the Borough's ordinances for the next ten years.

**Chairman Hanlon:** stated the whole package is put together and not done piece by piece.

**Mr. Snieckus:** stated the Housing Element/Fair Share element of the Master Plan will take on its own tract and that goes to 2026.

**Chairman Hanlon:** stated Mr. McVey's name should be removed from the document.

**Please note: the meeting was not opened to the public because no members of the public were in attendance.**

**Motion for the Board to adopt the periodic reexamination of the Master Plan dated June 30, 2017 with the corrections, as noted:** Pierson, Reade  
**Ayes:** Pierson, Reade, Policastro, Jones, Chairman Hanlon, Mayor Randall  
**Nays:** None

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**Chairman Hanlon:** stated at next week's meeting, July 20, 2017, Mr. Snieckus will again be in attendance, along with Mary Beth Lonergan and Daniel Hauben, both of Clarke, Caton Hintz.

**Mr. Snieckus:** stated the purpose for next week's meeting will be for the Housing Element and Fair Share Plan to be brought to the Board for discussion and review; if the Board sees that is the appropriate document, then it will adopt that document subject to recommending it to the Governing Body for submission to the court for certification; that is the step which is next; once that is done, at the same meeting, it is recommended that the overlay ordinance be discussed; that is up for recommendation to the Governing Body of consistency or inconsistency with the Master Plan; the overlay ordinance is the next step after the Housing Element and Fair Share Plan; the overlay ordinance would then go back to the Governing Body in order to be considered as an ordinance for potential adoption.

**Mr. Cucchiara:** stated in view of the timeframe, a resolution will be prepared for the adoption of the Reexamination Report; with respect to the Housing Element and Fair Share Plan, asked if a draft resolution should be available or is there time to put it on the agenda for the August meeting.

**Mr. Snieckus:** stated it might be something the Board authorizes Mr. Cucchiara to prepare; asked for Mr. Cucchiara to confer with Ms. Loneragan.

**Mr. Cucchiara:** stated he will speak with Ms. Loneragan; can always be modified next week; we do not want to be in a position that we haven't taken care of an item per the settlement.

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**Approval of Minutes:**

June 13, 2017: Reade, Policastro

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

June 20, 2017, Joint Session/M&C: Pierson, Jones

**Ayes:** Pierson, Policastro, Jones, Chairman Hanlon, Mayor Randall

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**Motion to adjourn:** Mayor Randall, Pierson

**Meeting adjourned at 8:30PM.**

Respectfully submitted by:

JoAnn Carroll  
Planning Board Secretary  
July 24, 2017