

BOROUGH OF HO-HO-KUS COMBINED

MEETING OF THE MAYOR AND COUNCIL

AUGUST 15, 2017- 7:30 PM

MINUTES

Mayor Randall called the regular meeting to order at 7:30 PM. The open meeting statement was read.

The combined meeting of the Mayor and Council of the Borough of Ho-Ho-Kus is now in session. In accord with the provisions of Section 5 of the "Open Public Meetings Act", I wish to advise that notice of this meeting has been posted in the front lobby entrance to the Council Chambers of the Borough Hall and that a copy of the schedule of this meeting has also been filed with the Borough Clerk, and further that the required 48 hour notices have been sent to The Record and the Ridgewood News - newspapers with general circulation throughout the Borough of Ho-Ho-Kus

Roll Call: Members present were: Mayor Randall, Councilmembers, Troast, Shell, Iannelli and Crossley Also present were borough administrator William Jones and attorney David Bole.

Absent: Councilmembers Rorty and Fiato

Mayor Randall led all in the pledge of Allegiance

PRESENTATION- Eagle Scout Alexander Melarti

Mr. Melarti came before Council to discuss his Eagle Scout project: Clean and restore the Zabriskie/Hopper Cemetery

APPROVAL OF MINUTES

July 25, 2017- Combined Session

Motion: Councilmember Troast

Second: Councilmember Crossley

Abstain: Councilmembers Shell, Iannelli and Fiato

COMMITTEE REPORTS- July 2017

On file

ADMINISTRATORS REPORT

Brandywine drainage project and Saddle Brook Dr bridge replacement both project will begin and end about the same time, both projects will be about four weeks. The date for the bridge repair is not set, Brandywine project will start on September 11<sup>th</sup> or 18<sup>th</sup>. Movie night set for September 8<sup>th</sup> at 7:00 Pm. Tax bill are out, extended late payment date September 8<sup>th</sup>. State mentioned that DOT will hold a meeting in September to discuss the Railroad Crossing. Ridgewood Village manager is willing to meet with us to facilitate to keep the road open. We are reviewing Best Practices it is due in October.

## PUBLIC DISCUSSION

Stanley Kober 919 Washington Ave stated that the project that Mr. Melarti is working on was started by the VFW while Mr. Kober was the Commander. Mr. Kober did his research and is in the process of putting together the history of the Cemetery. With Mr. Pattman's help and the use of the DPW equipment the CERT team, the VFW and Boy Scouts project over the years have maintained the cemetery.

## CORRESPONDENCE

State of New Jersey- 2018 State Aid Programs

Turn the Town Teal in Awareness of Ovarian Cancer

Cub Scout Pack 54- re. Permission to use of East Park "Campfire Kick Off"

## INTRODUCTION OF ORDINANCES

1. Ord # 2017-11 Chapter 85, "Zoning Ordinance of the Borough of Ho-Ho-Kus",  
AN ORDINANCE OF THE BOROUGH OF HO-HO-KUS TO AMEND ARTICLE IV, "DISTRICT REGULATIONS" OF  
CHAPTER 85, "ZONING ORDINANCE OF THE BOROUGH OF HO-HO-KUS", TO CREATE THE MULTI-FAMILY  
AFFORDABLE HOUSING (MF-AH) DISTRICT

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus as follows

Section I. Section 85-12.2, entitled "Multi-Family Affordable Housing" District Created. That Section 85-12.2 is hereby added to Chapter 85, Article IV, to read as follows:

- A. Purpose: To address its affordable housing obligation in compliance with Settlement Agreements entered into with Fair Share Housing Center, Chamberlain Developers, Inc., and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) on December 21, 2016 and January 5, 2017, the Borough shall rezone the property at Block 1014, Lots 1 and 2, also known as the Borough-owned commuter parking lot, to permit a multi-family 100% affordable residential development with at least 13 units affordable to very-low, low-, and moderate-income households. Such development permitted by this ordinance must be compliant with the Settlement Agreements, the rules at N.J.A.C. 5:93-1 et seq. ("COAH's Second Round rules"), the Borough's Affordable Housing Ordinance at Chapter 2 of the Borough Code, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-1 et seq., and the statutory requirement for the provision of very-low income housing at N.J.S.A. 52:27D-329.1 et seq.
- B. Permitted Uses in the MF-AH Zone District shall be limited to the following:
- (1) 100% affordable multi-family residential development, provided the following:
    - i. The multi-family affordable development permitted by this District must contain no fewer than 13 dwelling units, all of which must be affordable to very-low, low-, and moderate-income households; and
    - ii. The affordable unit(s) must be created and administered in accordance with the regulating documents identified in Section 85-12.2.A, Purpose, of this District; and
    - iii. Not more than three (3) of the 13 units may be restricted to persons with special needs; and
    - iv. Of the remaining 10 units, not more than three (3) units may be one-bedroom units, at least four (4) units must be two-bedroom units, and at least three (3) units must be three-bedroom units; and
    - v. No units may be age-restricted.

C. Accessory Uses

- (1) Private residential garage and off-street parking, in accordance with §85-36, Off-street Parking and Loading, of the Zoning chapter, except where it is superseded by the provisions in this District.
- (2) Decks, balconies and porches.
- (3) Sheds for tools and equipment for the maintenance of the grounds.
- (4) Indoor and outdoor recreation and activity uses for residents and their guests.
- (5) Fences and hedges subject to the requirements of §85-37.3, Fences.
- (6) Signs subject to the requirements of §85-37, Signs.
- (7) Satellite antenna less than one meter in diameter.
- (8) Other customary accessory uses and structures which are clearly incidental to the principal structures and uses.

D. Off-Street Parking

- (1) There shall be a minimum of 1.15 spaces per unit.
- (2) At least one (1) barrier free parking space must be provided.
- (3) Private resident parking must be accessed by a driveway separate from commuter parking. There shall be parking spaces reserved for residents.

E. Minimum Lot area and Dimensions

- (1) Minimum Lot Area: 1 acre
- (2) Minimum Frontage: 300 ft.
- (3) Minimum Depth: 100 ft.

F. Minimum Buffers

- (1) Rear Yard: 5 ft.
- (2) Front Yard: 5 ft.
- (3) Side Yard: 3 ft.

G. Minimum Yard Depths

- (1) Front Yard Depth: 10 ft.
- (2) Rear Yard Depth: 15 ft.
- (3) Side Yard Setback to Block 1014, Lot 3: 0 ft.

H. Maximum Building Height: 4 Stories

Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Section V. Zoning Map and Schedule. The Zoning Map of the Borough of Ho-Ho-Kus and the Schedule of Requirements at §85-5 of the Borough Code shall be amended for consistency with this ordinance and the provisions herein.

2. Ord # 2017-12 Amend article IV, "District Regulations" of Chapter 85, "Zoning Ordinance of the borough of Ho-Ho-Kus",

AN ORDINANCE OF THE BOROUGH OF HO-HO-KUS TO AMEND ARTICLE IV, "DISTRICT REGULATIONS" OF CHAPTER 85, "ZONING ORDINANCE OF THE BOROUGH OF HO-HO-KUS", TO CREATE THE GENERAL BUSINESS / INCLUSIONARY RESIDENTIAL (GB-IR) DISTRICT, TO IMPLEMENT THE BOROUGH/CHAMBERLAIN SETTLEMENT AGREEMENT ON BLOCK 1015, LOT 9, MAPLE AVENUE

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus as follows:

Section I. Section 85-13.2, entitled "General Business / Inclusionary Residential", Created. That Section 85-13.2 is hereby added to Chapter 85, Article IV, to read as follows:

- I. Purpose: To address its affordable housing obligation in compliance with Settlement Agreements entered into with Fair Share Housing Center, Chamberlain Developers, Inc., and Jonathan L. Mechanic (d.b.a. Ho-Ho-Kus Crossings) on December 21, 2016 and January 5, 2017, Ho-Ho-Kus Borough shall rezone the property at Block 1015, Lot 9 to permit the construction of a three-story, mixed-use development having ground story commercial use and a total of four (4) dwelling units on the second and third stories of which at least one (1) unit will be affordable to low- and moderate-income households in accordance with the Chamberlain Settlement Agreement cited above, the rules at N.J.A.C. 5:93-1 et seq. ("COAH's Second Round rules"), the Borough's Affordable Housing Ordinance at Chapter 2 of the Borough's Code, and the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq.
- J. Permitted Uses in the GB-IR Zone District shall be limited to the following. All uses permitted in the GB District by §85-13.A(2) through (10), (15) and (16) are permitted as ground story uses, of a mixed-use building, provided that:
  - (1) There must be a total of three (3) stories in the same building, of which the second and third stories must have not more than four (4) housing units of which at least one (1) must be affordable to low- and moderate-income households; and
  - (2) The affordable unit(s) shall be created and administered in accordance with the regulating documents and pursuant to the Chamberlain Agreement identified in Section 85-13.2A, Purpose, of this District.
  - (3) In no event shall non-residential uses be permitted on the second or third stories within the GB-IR District; and
- K. Accessory Uses in the GB-IR Zone District shall be limited to the following:
  1. Private residential garage and off-street parking in accordance with §85-36, Off-street Parking and Loading, of the Zoning chapter, except where it is superseded by the provisions in §85-13.2.G, Parking, below.
  2. Decks, balconies and porches.
  3. Sheds for tools and equipment for the maintenance of the grounds.
  4. Outdoor recreational uses for residents and their guests.
  5. Fences and hedges subject to the requirements of §85-37.3, Fences, except where superseded by this District.
  6. Signs subject to the requirements of §85-37, Signs.

7. Satellite antenna less than one meter in diameter.
8. Outdoor seating for residents, employees, and customers (§85-15.1.C of the Accessory Buildings and Structures section shall not prohibit these structures from being located in the front yard).
9. Outdoor dining/café in accordance with §85-13.1.I(10), Outdoor Dining/Cafes, in the Downtown Inclusionary Overlay District regulations.
10. Other customary accessory uses and structures which are clearly incidental to the principal structures and uses.
11. Detached accessory buildings and structures must comply with the accessory building and structures bulk standards of the GB General Business District in §85-13.I of the Borough's Code.

L. Minimum Lot Area and Dimensions

- (1) Lot Area: 5,000 square feet.
- (2) Lot Frontage: 60 feet
- (3) Lot Depth: 90 feet
- (4) Lot Width: 55 feet

M. Minimum Principal Structure Yard Depths

- (1) Front Yard Depth: 10 feet
- (2) Side Yard Depth: 10 Feet
- (3) Combined Side Yard Depth: 22 feet
- (4) Rear Yard Depth: 25 feet

N. Maximum Building Bulk

- (1) Height: 35 feet
- (2) Stories: 3
- (3) Lot Coverage: 40%

O. Off-Street Parking

- (1) Off-street parking must be provided in the rear yard.
- (2) Loading activity shall not occur in the parking area unless it can be demonstrated that such activity can occur without disrupting circulation on the subject property or neighboring lots.
- (3) Parking shall be provided as illustrated in the concept plan attached to the Chamberlain Settlement Agreement.
- (4) A minimum of one (1) barrier-free parking space must be provided on-site.

P. Circulation

- (1) Vehicular access, except for emergency vehicles, shall not occur from Maple Avenue unless it can be demonstrated that driveway connections to Brookside Avenue or First Street is not feasible.

Q. Design: New buildings shall comply with the Design Standards provided in §85-13.1.I of the Downtown Inclusionary Overlay District.

Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Section V. Zoning Map and Schedule. The Zoning Map of the Borough of Ho-Ho-Kus and the Schedule of Requirements at §85-5 of the Borough Code shall be amended for consistency with this ordinance and the provisions herein.

#### FINAL PASSAGE OF ORDINANCES

None

#### RESOLUTIONS

None

#### CONSENT RESOLUTION

##### 1. # 17-87 Corrective Action Plan

WHEREAS, Local Finance Notice 92-15 issued by the Division of Local Government Services requires all municipalities to prepare a Corrective Action Plan as a part of their annual audit process; and

WHEREAS, The Chief Financial Officer has prepared the attached 2013 Corrective Action Plan in conjunction with the appropriate department heads;

NOW THEREFORE BE IT RESOLVED that the attached 2016 Corrective Plan is approved by the Borough Council of the Borough of Ho-Ho-Kus as required by Local Finance Notice 92-15.

BE IT FURTHER RESOLVED that the Borough Clerk is directed to send a certified copy of this resolution to the Director of Local Government Services;

##### 2. # 17-88 Checks Write Offs

BE IT RESOLVED, that the following list of 2016 checks are stale-dated and need to be written off, and funds to be credited to the appropriate accounts.

Payroll Account:	Total
Check # 10655	\$ 88.85
Check # 10939	\$ 176.20
Current Account	
Check # 102376	\$ 16.28
Check # 102709	\$ 680.51
Check # 103007	\$ 425.00

THEREFORE BE IT RESOLVED, by the Mayor and Council of the borough of Ho-Ho-Kus that the above checks be written off

##### 3. # 17-89 Appt. Solid Waste and Water Registrar- Lisa Perricelli

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that they accept the recommendation of the Administrator to hire Lisa Perricelli as follows:

Registrar of Water and Solid Waste

BE IT FURTHER RESOLVED that said positions shall be paid of the annual salary of \$47, 000 as adopted by the 2017 Salary Ordinance;

That the duties for the aforesaid positions shall be as set forth in the job description and functions of the Borough of Ho-Ho-Kus;

That said appointments shall be subject to revised Chapter 42 of the Borough Code: Personnel Policies, Practices and Regulations, as well as applicable State agencies having jurisdiction;

BE IT FURTHER RESOLVED that this Resolution shall be subject to the appointee/employee herein acknowledging and accepting a copy of this Resolution, the Borough Employee's Handbook and the municipality's policy statement on sexual harassment.

4. # 17-90 Appt. Shade Tree Commission- Denise Mitchell

BE IT RESOLVED by the Mayor and Council of the Borough of Ho-Ho-Kus that the following Shade Tree Commission Board Member Appointment made by Mayor Randall be confirmed.

Denise Mitchell

Ho-Ho-Kus, N.J. 07423

for the unexpired term ending 12/31/2018

5. # 17-91 Drive Sober or Get Pulled Over

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers;  
and

Whereas, impaired driving crashes cost the United States almost \$45 Billion a year; and

Whereas, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that the Borough of HoHoKus declares it's support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving.

6. # 17-92 Forgiveness of Solid Waste Bills

Whereas, 57 Jacquelin Ave, 20 Hollywood Place, 755 ESRR and 115 Jacquelin Ave are empty lots in Ho-Ho-Kus, because the residential structures have been eliminated, and

Whereas, all resident structures will be credited for 3 months and then to be reviewed for the balance

Therefore, be it resolved, that the bill in question be cancelled

7. # 17-93 Payment of Vouchers

WHEREAS, claims have been submitted to the Borough of Ho-Ho-Kus in the amount of \$2,943,380.87

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Mayor and Council; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Ho-Ho-Kus and that the claims specified on the schedule attached hereto, following examination and approval by the Mayor and Council, be paid and checks issued accordingly; and, NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ho-Ho-Kus that the claims totaling \$2,943,380.87 be approved and ratified respectively

Motion: Councilmember Troast

Second: Councilmember Crossley

Absent: Councilmembers Rorty and Fiato

#### OLD BUSINESS

##### A. Liaison Reports:

###### 1. Recreation

Councilmember Iannelli: Senior Football practice is in progress. Juniors and Pee Wee practices start in another week. Registration is pretty light.

###### 2. Board of Education

###### 3. Other

###### a. Ambulance

###### b. Fire

###### c. Library

##### B. Shade Tree

##### C. Chamber of Commerce

Councilmember Shell: Request to tie ribbons around town for Turn the Town Teal. Saturday August 19<sup>th</sup> is small business Saturday. Concerns were raised about how the closing of rail road crossing would affect the Tree Lighting Ceremony.

#### NEW BUSINESS

Chief Minchin: Given the recent Car theft issues, all cars should be locked, do not leave key Faab in cars.

#### MAYOR'S REMARKS

#### CLOSED SESSION

#### ADJOURNMENT

With no further discussions to come before the Council, Mayor Randall adjourned the meeting at 8:10 PM.

Motion: Councilmember Crossley

Second: Councilmember Shell

Respectfully submitted

Laura Borchers, RMC/CMR

Borough Clerk