

**AGENDA  
PUBLIC MEETING  
BOROUGH OF MONTVALE  
Mayor and Council Meeting  
November 9, 2021  
Meeting to Commence 7:30 P.M.  
(No Closed Executive Session)**

**ROLL CALL:**

Councilmember Arendacs	Councilmember Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

**MAYOR FOR THE DAY:** Anastasia Tetteh-Briggs

**REFERENDUM PRESENTATION:** Dr. Darren Petersen, Superintendent

**ORDINANCES:**

None.

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

None.

**CLOSED/EXECUTIVE MINUTES:**

None.

**RESOLUTIONS: (CONSENT AGENDA\*)**

\*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 158-2021 Authorizing Tax Sale Premium to Escheat to the Municipality
- 159-2021 Refund Tax Overpayment / 107 Woodland Road / Fintan Seeley
- 160-2021 Special Item Of Revenue And Appropriation - Chapter 159 – Clean Communities Program
- 161-2021 Special Item Of Revenue And Appropriation - Chapter 159 – Various Road Improvements
- 162-2021 A Resolution Approving a Developer's Agreement with AMG DAT Realty LLC, Premises Identified as Block 1601, Lot 15 in the Borough of Montvale
- 163-2021 Authorization to Submit a Grant Application to the BMED Gateway Fund to Participate in the Fund's Health & Wellness Program for the year 2022
- 164-2021 Resolution Awarding Purchase Under New Jersey State Contract / Montvale Fire Department / Radio & Communication Equipment / Motorola

**BILLS:**

**REPORT OF REVENUE:**

**COMMITTEE REPORTS:**

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update

**UNFINISHED BUSINESS:**

- a. Determination/Changing Street Name/From Mercedes Drive To DePiero Way/Municipal Complex Address

**NEW BUSINESS:**

- a. Best Practices Inventory Platform/No Aid Withholding/Score 15+

**COMMUNICATION CORRESPONDENCE:**

None.

**MEETING OPEN TO THE PUBLIC:**

**HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:**

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

Next Meeting of the Mayor & Council will be on November 30th at 7:30pm in person.

**ZOOM information is as follows:**

Topic: M&C Meeting

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIMeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

Passcode: 222775

**\*\*\*\*\*Disclaimer\*\*\*\*\* Subject to Additions /Or Deletions**

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 158-2021**

**RE: Authorizing Tax Sale Premium to Escheat to the Municipality**

**WHEREAS**, the Borough of Montvale issued a Certificate of Sale for unpaid municipal property taxes, #16-00003 on Block 1609, Lot 19 located at 42 Hillcrest Ave at tax sale held on October 26, 2017; and

**WHEREAS**, a premium of \$36,100.00 was bid and paid by the successful bidder and held in a trust account in the Borough of Montvale; and

**WHEREAS**, per N.J.S.A. 54:5-33 such premiums shall escheat after five years of non-redemption and be turned over to the treasurer of the municipality and become part of the funds of the municipality; and

**WHEREAS**, the Tax Collector has been notified that the lienholder which holds the certificate #16-00003 has foreclosed on the above mentioned property; and

**WHEREAS**, the Final Judgment was received and recorded on March 30, 2021 by the Bergen County Clerk in which the lienholder, Blue Virgo Capital Management, LLC, is vested with an absolute and indefeasible estate of inheritance in fee simple to the premises; and

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with N.J.S.A. 54:5-33 that the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to forward the funds listed below to the CFO.

**Certificate #16-00003, Block 1609, Lot 19; in the amount of \$36,100.00**

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 159-2021**

**RE: Refund Tax Overpayment / 107 Woodland Road / Fintan Seeley**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the fourth quarter installment of 2021; and

**WHEREAS**, a duplicate payment was made by the mortgage company and/or bank; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund Fintan Seeley, 107 Woodland Road, Montvale, NJ in the amount of \$5,335.15.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 160-2021**

**RE: SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159 - CLEAN COMMUNITIES PROGRAM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Montvale has been awarded \$800.00 from the County of Bergen - Department of Health Services and wishes to amend its 2021 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$800.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Local Government  
Services:

Public and Private Revenues Off-Set with Appropriations:

County of Bergen - Department of Health Services:

Clean Communities Program - Mini Grants, and

**BE IT FURTHER RESOLVED** that a like sum of \$800.00 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

County of Bergen - Department of Health Services:

Clean Communities Program - Mini Grants

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 161--2021**

**SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159 - VARIOUS ROAD IMPROVEMENTS**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Montvale has been awarded \$950,000.00 from Montvale Development Associates, LLC and wishes to amend its 2021 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$950,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Local Government  
Services:

Public and Private Revenues Off-Set with Appropriations:

Donation - Montvale Development Associates, LLC:

Various Road Improvements, and

**BE IT FURTHER RESOLVED** that a like sum of \$950,000.00 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Donation - Montvale Development Associates, LLC:

Various Road Improvements

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 162-2021**

**RE: A Resolution Approving a Developer's Agreement with AMG DAT Realty LLC, Premises Identified as Block 1601, Lot 15 in the Borough of Montvale**

**WHEREAS**, Atlantis Management Group, LLC and AMG DAT Realty, LLC ("Developer") owner of the premises known as Block 1601, Lot 15 made an application to the Planning Board for site plan approval; and

**WHEREAS**, the Planning Board approved the Development by resolution dated October 20, 2020; and

**WHEREAS**, pursuant thereto, the Borough, Planning Board and Developer are desirous of executing a Developer's Agreement setting forth the parties' respective rights and obligations concerning said approval; and

**WHEREAS**, a Developer's Agreement has been negotiated by and between the parties and has been executed by the Developer and the Chairman of the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Developer's Agreement dated October 26<sup>th</sup> 2021, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Atlantis Management Group, LLC and AMG DAT Realty, LLC is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Developer's Agreement with the Developer and to take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

Introduced by: Mr. Lintner

Seconded by: Mr. Stefanelli

**BOROUGH OF MONTVALE**

**PLANNING BOARD**

**RESOLUTION GRANTING PRELIMINARY AND FINAL  
SITE PLAN APPROVAL, VARIANCE RELIEF  
PERTAINING TO A CONDITIONAL USE,  
OTHER VARIANCE RELIEF, AND A MAJOR  
SOIL MOVEMENT PERMIT TO  
ATLANTIS MANAGEMENT GROUP, LLC  
FOR PREMISES DESIGNATED AS  
BLOCK 1601, LOT 15**

**WHEREAS**, application has been made to the Planning Board of the Borough of Montvale ("the Planning Board" or "the Board") by Atlantis Management Group, LLC ("the applicant"), c/o Gregory D. Meese, Esq., 50 Tice Boulevard, Woodcliff Lake, New Jersey, for preliminary and final site plan approval, variance relief pertaining to a conditional use pursuant to *N.J.S.A. 40:55D-70d(3)*, variance relief pursuant to *N.J.S.A. 40:55D-70c*, and a major soil movement permit relating to premises known as Block 1601, Lot 15 as depicted on the tax assessment map of the Borough of Montvale, being more commonly known as 12 Railroad Avenue (hereinafter *Athe premises@*, *Athe property@*, "the parcel", or "the site"); and

**WHEREAS**, the applicant is the lessee on the premises, and the application has been filed with the consent of the property owner of record,

AMG DAT Realty, LLC, 555 South Columbus Avenue, Suite 201, Mount Vernon, New York; and

**WHEREAS**, public hearings were held on the application, on notice to all property owners within two hundred (200) feet therefrom and was published in the official newspaper of the Municipality, at least ten (10) days next preceding the date of hearing; and

**WHEREAS**, the Planning Board has had the benefit of the reports of its professionals and has deliberated on the matters brought forth at said public hearings, at which time members of the public were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board has made certain findings of fact and conclusions with respect to said application.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Montvale that the following facts are made and determined:

1. The subject property is located on the westerly side of Railroad Avenue opposite the Pascack Valley Rail Line and is approximately 330 feet north of Grand Avenue. The parcel comprises a land area of 22,500 square feet or 0.52 acres and is located in the B-1 Business District. A service station has existed on the premises since 1929. It is to be noted that a gasoline service station is a permitted conditional use in the B-1 District pursuant to §128-9.10 which establishes standards that must be met for the use to be approved. The applicant proposes to demolish the service station and all related site improvements and to redevelop the property with a 2,899 square foot

convenience store and three (3) fuel dispensers (double-sided with six (6) vehicle fueling capacity) beneath a canopy.

2. The application requires variance relief pursuant to *N.J.S.A. 40:55D-70d(3)* pertaining to a conditional use standard in §128-9.10 (“the Ordinance”). More particularly, §128-9.10C(2) requires that any building or structure relating to a gasoline service station be set back at least twenty-five (25) feet from any adjoining property line. In addition, when the gas station is adjacent to a residential zone, then the minimum front or side yard setback for the residential zone shall apply. The AHO-16 District is located to the rear of the site, which District requires a minimum building setback of fifty (50) feet from perimeter property lines. The proposed convenience store is located sixteen (16) feet from the rear property line, approximately 24.5 feet from the northeastern side property line, and the proposed dumpster enclosure is located five (5) feet six (6) inches from the property line. Accordingly, *d(3)* variance relief is implicated.

3. The application as originally submitted required the following variances pursuant to *N.J.S.A. 40:55D-70c*:

A. Section 128-6.3 – Variance for rear yard setback. The Ordinance requires a rear yard setback of 30 feet. However, Footnote 4 of the Borough’s Limiting Schedule requires a 50-foot rear yard setback from a residential zone boundary line. The subject property abuts a residential zone to the rear. Therefore, a 50-foot rear yard setback is required.

The applicant proposes a rear yard setback of 16 feet to the convenience store.

B. Section 128-6.3 – Variance for lot coverage. The Ordinance limits lot coverage to 60% of the lot area.

The applicant proposes a lot coverage of 76.8%. It should be noted that the existing gasoline service station has a lot coverage of 83.1% according to the Limiting Schedule on Sheet Y-0.

C. Section 128-6.3.2A.(1) – Variance for accessory building height. The Ordinance limits accessory building or accessory structure height to 12 feet.

The applicant proposes the canopy at a height of 21.5 feet.<sup>1</sup>

D. Section 128-6.3.2A.(3) – Variance for accessory building area. The Ordinance limits accessory building area to 30% of the principal structure's footprint.

The applicant proposes a canopy that is 55.2% of the principal structure's footprint.

E. Section 128-7.1E. – Variance for parking setback. The Ordinance requires parking spaces to be setback at least ten feet from any rear or side lot line and any building.

The applicant proposes a five-foot, six-inch parking setback from the northeastern side lot line. Additionally, the parking spaces are located 5.17 feet from the convenience store.

F. Section 128-7.1F. – Variance for parking area screening. The Ordinance requires parking areas to be screened to a minimum height of six feet by use of appropriate plantings of sufficient height and density, so as to obscure the view of such parking from streets and adjacent properties.

The applicant proposes Northern Bayberry plantings four and one-half to five feet tall along the southwest property line. Additionally, the spaces are not screened from Railroad Avenue.

G. Section 128-7.1I. – Variance for sidewalk location. The Ordinance does not permit sidewalks to be located less than five feet from any building unless a five-foot planting strip is provided along 50% of the length of the building.

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<sup>1</sup> The Applicant has identified this as a variance, however, an argument could be made that the canopy is a principal structure and thereby compliant with the height requirement. The final plan reduces the underneath canopy height to fourteen (14) feet. See paragraph 28 at pages 20-21.

The applicant proposes a sidewalk setback that ranges from 0.67 feet to two feet. It should be noted that landscaping beds are located along the majority of the building, but they are not five feet wide.

H. Section 128-7.1J. – Variance for shade trees. The Ordinance requires shade trees to be planted within the street right-of-way for all new uses or expansion of existing uses in non-residential districts.

The applicant does not propose any shade trees in the Railroad Avenue right-of-way.

I. Section 128-7.4 – Variance for parking requirements. The Ordinance requires one parking space for every 200 square feet of floor area. Additionally, all parking areas are required to be screened to a minimum height of four feet by use of appropriate plantings of sufficient height and density (Section 128-7.4A). The Applicant proposes a 2,899 square foot convenience store, which requires 14.5, or 15, parking spaces.

The applicant proposes 13 parking spaces, which are not screened from the street.

J. Section 128-7.6B. – Variance for off-street loading area screening. The Ordinance requires off-street loading areas to be screened to a height of eight feet by appropriate plantings, so as to obscure the view from all adjacent streets and properties.

The applicant proposes six to 6.5-foot tall Elegant Arborvitae shrubs to screen the loading area from the southwest. Additionally, the loading area is not screened from Railroad Avenue.

K. Section 128-8.11E. – Variance for lighting. The Ordinance limits footcandles to 0.5 at the all property lines.

The applicant proposes footcandle values over 0.5 along the front property line between the driveways.

L. Section 128-8.11G. – Variance for signage compliance. The Performance Standards section of the Ordinance requires all signs to comply with the Sign Ordinance.

The applicant proposes signage that does not comply with the Sign Ordinance.

M. Section 128-9.7A.7.A. – Variance for freestanding sign area. The Ordinance permits a freestanding sign for motor vehicle service stations consisting of a maximum of 27 square feet displaying the gasoline brand

or trade name and a maximum of 15 square feet displaying price information, with the aggregate area not to exceed 40 square feet.

The applicant had proposed a freestanding sign that is a total of 43.5 square feet (according to Exhibit A-8). However, this variance has been eliminated, with the applicant agreeing to comply with the 40 square foot requirement. See paragraph 37 at page 24, *infra*.

N. Section 128-9.7A.7.A. – Variance for freestanding sign height. The Ordinance requires the bottom of freestanding signs to be at least six feet off the ground.

The applicant proposes a freestanding (monument) sign that sits directly on the ground.

O. Section 128-9.7A.7.A. – Variance for freestanding sign setback. The Ordinance requires freestanding signs to be setback at least ten feet from any right-of-way.

The applicant proposes the freestanding (monument) sign five feet from Railroad Avenue.

P. Section 128-9.7A.7.B. – Variance for wall signs. The Ordinance permits one non-illuminated wall sign bearing the brand, trade name or trademark of the business, totaling 12 square feet.

The applicant proposes a 19.5-square-foot “Atlantis Fresh Market” wall sign (Sheet Y-0) and 25 square foot star logo wall sign on the convenience store. One 4.4-square-foot sign is proposed on the canopy.

Q. Section 128-9.7A.9.J. – Variance for number of sign colors. The Ordinance limits the number of colors on a sign to two, except if black or white is utilized, a third color is permitted.

The applicant proposes three colors (blue, green, and red), plus white, on the freestanding sign.

R. Section 128-9.7A.9.L - Variance for number of lights per sign. The Ordinance limits signs to be illuminated by one floodlight per surface of said sign.

The applicant proposes three lights per surface of the freestanding sign.

S. Section 128-9.7A.9.Q. – Variance for freestanding sign setback. The Ordinance requires freestanding signs to be setback at least ten feet from any property line.

The applicant proposes the freestanding sign five feet from the front property line and three feet from the northeastern property line.

T. Section 128-6.3.1 – Variance for construction in steep slope areas greater than fifteen (15%) percent.

4. There are pre-existing non-conforming *d(3)* conditions related to distances to other uses:

A. Section 128-9.10C.(4)(g) – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any fire house or fire station.

The existing (and proposed) gasoline service station is approximately 570 feet from the Montvale Fire Department building located at 35 West Grand Avenue.

B. Section 128-9.10C.(4)(h) – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any railroad tracks, railroad stations, or railroad easements or rights-of-way.

The existing (and proposed) gasoline service station is located across Railroad Avenue from the NJ Transit Pascack Valley Line and approximately 120 feet from the Montvale Train Station located at 3 East Grand Avenue.

C. Section 128-9.10C.(4)(i) – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any existing gasoline service station.

The existing (and proposed) gasoline service station is approximately 290 feet from the gasoline service station located at the corner of West Grand Avenue and Park Street and approximately 1,000 feet from the Exxon located at 20 South Kinderkamack Road.

D. Section 128-9.10C.(4)(a) – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any existing public or private school.

The existing (and proposed) gasoline service station is approximately 1,140 feet from the closest school.

E. Section 128-9.10C.(4)(d) – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any publicly owned and utilized building.

The existing (and proposed) gasoline service station is approximately 650 feet from the fire department building.

F. **Section 128-9.10C.(4)(c)** – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any hospital or medical clinic.

The existing (and proposed) gasoline service station is approximately 445 feet from an urgent care facility.

G. **Section 128-9.10C.(4)(e)** – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any theatre or other building or structure open to the public and used or intended to be used as a place of public gathering or public entertainment.

The existing (and proposed) gasoline service station is approximately 530 feet from the bowling alley.

H. **Section 128-9.10C.(4)(f)** – The Ordinance prohibits gasoline service station properties to be located less than 1,500 feet from any public playground, recreational field or facility.

The existing (and proposed) gasoline service station is approximately 815 feet from the closest playground.

**Initial Public Hearing Held On July 21, 2020**

5. At the initial public hearing held on July 21, 2020, and throughout the course of the public hearings, the applicant was represented by Gregory D. Meese, Esq. In an opening statement, Mr. Meese noted that proceedings began in September of 2019, and the applicant attempted to reach an agreement with an objector, Nottingham Court, LLC, the owner of the Nottingham Manor apartment complex located immediately to the rear of the subject premises. He noted that at this time, the applicant had been unable to reach an agreement with this objector whose attorney, Carl Rizzo, Esq., was present and entered his appearance. A summary of the proposal was provided to the Board by Mr. Meese, and he stated that the objective is to redevelop the subject property

with a modern convenience store and three (3) fuel dispensers with a canopy having a pitched roof, with the building design having appropriate architectural features and materials. Mr. Rizzo stated his opinion that a *d(1)* use variance was required, contending that the service station and convenience store are two distinct principal uses. In response, Mr. Meese stated that Montvale's Ordinance does not prohibit two uses on a property and stated that the applicant had provided notice for a *d(1)* use variance in addition to the other variances implicated by the proposal.

6. Testimony in support of the application was provided by Steven Napolitano, a licensed professional engineer who was sworn and qualified in this field. Also sworn at this time were Borough Engineer Andrew R. Hipolit and Borough Planner Darlene Green, both of Maser Consulting. Marked into evidence as Exhibit A-1 were site plan drawings with a revision date of June 16, 2020. Commencing his testimony, Mr. Napolitano described the site as containing a land area of 22,500 square feet, as well as the surrounding land uses including the Railroad to the east, an apartment complex (Nottingham) to the west, a municipal commuter parking lot to the north, and retail uses to the south. He noted existing nonconforming conditions on the property, including lot coverage, front yard setback, parking and lack of screening and sidewalk in front of the building without any setback. The property currently has no drainage and there are no setbacks for the existing pump island, fuel dispensers and driveway. He also referenced the nonconforming conditional

use distance requirements under the Ordinance which will continue and not be altered under the proposal.

7. The applicant's engineer referenced Drawing Y-2 of Exhibit A-1, stating that the proposed building will have an area of 2,899 square feet, one-story in height, sixteen (16) feet from the rear property line, twenty-five (25) feet from the northerly property line, and twenty-nine (29) feet from the southerly property line. To the front of the building are thirteen (13) parking spaces with a loading area to the south for deliveries for the convenience store. He described the proposed dumpster on a concrete pad, which will be enclosed with a solid board-on-board fence. Two 12,000 gallon underground fuel storage tanks will be located on the north side of the property. A canopy having a length of eighty (80) feet and depth of twenty (20) feet will be located twenty-five (25) feet from the front property line, with three (3) pump islands and six (6) spaces for fueling. The canopy was later revised to be smaller, having a length of seventy-two (72) feet rather than eighty (80) feet.

8. The engineer next addressed site ingress and egress. Noting that Railroad Avenue is one-way in a southerly direction, Mr. Napolitano referenced the ingress at the northerly end of the site where vehicles may park, enter the convenience store or obtain fuel. There is also an egress drive with a right-turn in only on the northerly side. He stated that the applicant has worked with County officials on the design, as Railroad Avenue is a County road, and the applicant has included County recommendations on the plan. A sidewalk is provided along the front of the property, with pavers and lighting consistent

with the downtown design. A landscaped island will provide buffering between Railroad Avenue and the site. The engineer stated that the plan eliminates variances pertaining to the front yard, driveways, landscaped islands and location of the dispensers and pump islands, and the nonconformity as to lot coverage has been reduced.

9. Continuing his testimony, Mr. Napolitano next focused on the rear yard of the property, and emphasized that no activity is proposed for this area. There will be no lighting, doors or windows or access to the building from the rear yard. He provided a summary of the required variances. Referencing the canopy, a variance is required for its location in the front yard and height. The excess height (21.5 feet v. 12 feet permitted) is required for trucks, including fuel delivery vehicles. As originally proposed, there would be a fifteen (15) foot clear height to the bottom of the canopy which will contain ceiling lighting and fire suppression. The under-clearance was subsequently revised to fourteen (14) feet. The area of the canopy at 55.2% of the principal building exceeds the thirty (30%) percent requirement. The Engineer stated that the canopy is the smallest dimension possible for the three (3) islands and pumps with six (6) fueling stations. The dumpster enclosure was described, which consists of a six (6) foot high board-on-board fence, with a variance required due to its location 5.5 feet from the side yard line.

10 The Engineer next referenced utilities,, all of which will be underground. Presently, the property has no drainage, and an underground detention basin is proposed capturing 2, 10, 25 and 100 year storms. He

described the Lighting Plan and the twelve (12) foot high poles. In addition, a total of three (3) decorative light poles, consistent with the Borough design for the downtown area, are proposed along Railroad Avenue. He described footcandle readings and stated that to the rear of the building there is no lighting spillage, with zero footcandle at the rear property line.

11. Marked into evidence as Exhibit A-2 was a document entitled "Profile 16", a line of sight study performed at the request of the Objector, which the Engineer stated demonstrates that the proposed fuel canopy cannot be seen, with its visibility obstructed by the one-story building. A four (4) foot fence was also requested by the Objector, which is depicted as being one (1) foot from the property line. He questioned whether the fence location is appropriate, as numerous trees would be required to be removed and the slope of the land would make the fence ineffective at screening the on-site activities. Mr. Napolitano also referenced the Objector's request to plant large trees at the rear of the building. The trees are proposed close to the rear property line, with the Fire Department requesting that they be located farther from the building. He discussed in detail location of trees, those which will be removed, and those that may remain. In his opinion, the four (4) foot fence will require the removal of trees that would not be beneficial. The Engineer also stated that the Soil Erosion Plan has received approval of the Bergen County Soil Conservation District.

Public Hearing Held On August 18, 2020

12. At the outset of the public hearing held on August 18, 2020, the Board was advised by Messrs. Meese and Rizzo that an agreement had been reached between the applicant and objector Nottingham Court, LLC. Mr. Rizzo marked into evidence as Exhibit Objector Nottingham Manor 1 a letter from him to the Board dated August 18, 2020. This letter outlines the terms of the agreement between the parties, which relate primarily to landscaping and fencing. Borough Engineer Hipolit stated that he approved of the proposed denser screening and plantings having a height of eight (8) to ten (10) feet.

13. At this point in the proceeding, Mr. Meese marked into evidence as Exhibit A-3 a photograph of the slope at the rear of the property, which Mr. Meese stated is the approximate location where the arbor vitae will be planted. Mr. Napolitano provided estimated locations for the trees. He also discussed the trees which will need to be removed for the planting of the two (2) rows of Green Giant arbor vitae. A revised Landscaping Plan will be provided by the applicant.

14. Mr. Napolitano next addressed the soil movement application, noting that approximately 888 cubic yards of soil will be removed and 540 cubic yards of fill, with a net of 340 cubic yards to be exported from the site. A discussion ensued pertaining to the location for a fire hydrant as requested by the Fire Department, and Mr. Hipolit suggested that it be relocated between the two driveways, and he stated that he would address relocation of the hydrant with the Fire Department.

15. Testimony in support of the application was provided by Albert Demerich, a landscape architect who was qualified in this field. He first referred to Drawing L-100 of Exhibit A-1, which depicts existing landscape conditions. Commencing his testimony, Mr. Demerich stated that the site is in poor condition, with some limited landscaping. Presently, there is no landscaping along Railroad Avenue and although there is some screening on the north side of the property, there is none along the southern property line.

16. Continuing his testimony, Mr. Demerich addressed proposed landscaping conditions, noting the green arbor vitae to screen mechanicals on the south side with ornamental treatment near Railroad Avenue. He emphasized that the plan being reviewed is to be revised as a result of discussions with the Objector (Nottingham), with fencing and a double row of arbor vitae to the rear of the property. Some deciduous trees will be required to be removed in this area, with some landscaping treatment of the slope sections. The Green Giants are proposed to have heights of ten (10) to twelve (12) feet at planting, which would attain another fifteen (15) to twenty (20) feet after five (5) years. He described the first row of trees closest to the building which will provide the most screening, with the second row being supplemental screening and closest to the property line. Mr. Demerich also discussed plant material proposed along Railroad Avenue, which will be maintained at a maximum height of two (2) feet and will not create any line of sight problem. Landscaping is also proposed around the base of the monument sign, with deciduous shrubs that flower during the summer.

17. In response to a question from a member of the public about storage of snow, Mr. Demerich stated that the planted areas on the southerly side would tolerate snow being placed in that area. However, larger snow events of twelve (12) inches or more, snow will be required to be removed from the site and this will be a condition of any approval.

18. Testimony in support of the application was provided by Robert Nocella, a licensed New Jersey architect who was qualified in this field. Marked into evidence as Exhibit A-4 were color renderings of the building elevations (also Drawings D-1 and 2 of Exhibit A-1). Commencing his testimony, Mr. Nocella stated that materials were intended to be reflective of the character of the Borough, with stone cladding on the left and right ends, asphalt shingle roofing, wood-clad columns, and a cupola, with the design and materials intended to provide "a very Colonial look". The rear elevation will have no doors or windows and will be screened under the revised Landscaping Plan. Any rooftop mechanical equipment/system located on the proposed convenience store building will be screened with appropriate materials, acceptable to the Board, that will serve to fully screen the view of such mechanicals from all neighboring properties including, but not limited to, the property to the west known as the Nottingham Manor Apartment complex.

19. Building height was next discussed, and Mr. Nocella noted that the cupola height is at twenty-seven (27) feet, but the cupola is an exception to the twenty-five (25) foot height. See §128-6.3.3. In the event the cupola is included in the overall height of the building, he calculated that the height is

at twenty-two (22) feet, four and one-half (4½) inches, which is in compliance. He described signage, with the logo on the right side illuminated by gooseneck fixtures with no internal illumination. The "Atlantis Fresh Market" sign on the left would be illuminated in the same manner. He acknowledged that a variance is required as two (2) signs are proposed, and indicated that the logo is a "simple green star", with green and blue lettering for the Atlantis Fresh Market sign.

20. The architect next addressed the proposed canopy (Drawing D-2 of Exhibit A-1). The architect stated that the canopy reflects the same Colonial style as the convenience store. The canopy columns will be clad in a stone base with painted wood panel to surround the steel. The roof will have the same hip roof design with asphalt shingles and a gable. A small sign for the fuel supplier is depicted<sup>2</sup>. The canopy was originally proposed to have a fifteen (15) foot clear height for clearance for trucks, including fuel delivery vehicles. The height was subsequently reduced to fourteen (14) feet (see ¶25 at page 17, *infra*). Canopy lighting will be recessed in the ceiling of the canopy, with no spillage sideways. At the request of the Police Department, a sign shall be posted to indicate the canopy height. A variance is required for the size of the canopy in relation to the size of the building, as well as for the canopy height. The monument sign was also discussed, which will be partially comprised of stone material illuminated by gooseneck lighting. Mr. Nocella stated that the

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<sup>2</sup> As will be seen *infra*, the sign for the fuel was eliminated in the final plan. See ¶37, at page 24.

monument sign is appropriate as to size and location and does not impair sight lines and creates no visibility problems.

Public Hearing Held On September 1, 2020

21. At the commencement of this hearing, Mr. Meese advised the Board that the Landscape Plan which had been discussed at the August 18, 2020 meeting has been confirmed by Mr. Rizzo, the attorney for the Objector, as acceptable to his client, and a request was made that details of the fence be placed on the record. He stated that the applicant will work with the Board as to the location of the hydrant if required. Counsel for the applicant indicated that irrigation will be added to the site so that all landscaping is properly irrigated.

22. Marked into evidence as Exhibit A-5 were revised landscaping plans, L101 and L102, with a revision date of August 21, 2020. Albert Demerich, the applicant's landscape architect, described the changes to the plan. He stated that the changes are primarily in the rear of the property, with a double row of Green Giants, with the nearest row six (6) feet from the rear of the building and the back row nine (9) feet from the building. He also described the additional shrub material intended to prevent erosion. A small section of sidewalk has been removed, with another Emerald arbor vitae added.

23. The applicant's engineer Steven Napolitano was recalled, and he described the four (4) foot high board-on-board fence running from the back wall of the building to the south property line, and from the back wall of the building to the north property line. The fence will be brown in color. A six (6)

foot high fence will surround the refuse area and the air conditioning units. The Chair requested that the colors of the fences be changed to gray to match the building, and Mr. Napolitano agreed. In addition, installation of an irrigation system for landscaping will be a condition of approval.

24. The applicant presented testimony of Betsy Dolan, a licensed professional engineer who was qualified in the field of traffic engineering. Commencing her testimony, she stated that she began studying the site in 2015. The site layout and parking are appropriate, with eleven (11) spaces adequate for parking and thirteen (13) are provided. Site access was next discussed, and fueling is currently closer to the street than the proposed design. She stated that the distance between the pump islands and the street, as well as site access, permit safe and efficient ingress and egress.

25. Continuing her testimony, Ms. Dolan stated that existing conditions permit only four (4) vehicles to be fueled at once, and the proposed configuration would permit a total of six (6). She described the circulation pattern as appropriate, with the fueling stations accessible even if those closest to the ingress driveway are occupied. The truck circulation exhibits confirm that the six (6) fueling stations are accessible and their locations, together with the parking spaces, provide "a vast enhancement for a fueling operation with a comfortable parking supply". The site has been designed with one-way circulation. Ms. Dolan stated that the canopy clearance height can be reduced to fourteen (14) feet and provide a safe clearance.

26. Ms. Dolan stated that the use will not be a destination, but will draw customers from traffic passing by. Traffic counts performed in 2016 indicated peak AM volume at twenty-six (26) vehicles, while that number has fallen to sixteen (16) currently as a result of the health crisis. In 2016, evenings generated forty (40) to forty-five (45) vehicles, with current conditions about one-half of that number. Overall, street traffic volumes have also been reduced, from six hundred (600) to four hundred (400) in the morning peak hour. A discussion ensued pertaining to moving the three (3) islands to the north. Under the current plan, there is a perpendicular distance of twenty-three (23) feet between the pumps according to Mr. Napolitano, and Mr. Hipolit suggested reducing the distance to twenty (20) feet. Board members were concerned about vehicles in fueling position six (6) (the southernmost fueling position) being required to make a K turn. Mr. Napolitano stated that this issue would be reviewed as to whether the distances between pumps may be shortened to eliminate the need for a K turn.

Public Hearing Held On September 15, 2020

27. At the commencement of the public hearing held on this date, the Board was advised by its attorney that he had been contacted by Mr. Rizzo representing Objector Nottingham Manor and that an agreement had been reached with the applicant. At this time, an appearance was entered by James Kimball representing Gabriel Mayberry Realty, Inc., the owner of 6, 8 and 10 Railroad Avenue.

28. Counsel for the applicant Gregory D. Meese stated that the plan has been revised to provide that the fuel islands will now be at ninety (90) degrees to Railroad Avenue. Marked into evidence as Exhibit A-6 were revised site plan drawings with a revision date of September 8, 2020. Mr. Napolitano described the changes to the plan, noting that dimensions between the islands have been changed and the canopy slightly reduced in size. The center island has been reduced by a foot, and there is now twenty-two (22) feet between the islands, a reduction from twenty-three (23) feet, with the reorientation of the islands at ninety (90) degrees. The canopy has been reduced from eighty (80) feet to seventy-two (72) feet, with the canopy width remaining at twenty (20) feet. All front yard dimensions remain the same. Referencing the revised plan, Mr. Hipolit stated that having the pump islands ninety (90) degrees to the street allows vehicles to have freer movement in all directions rather than the previously proposed one-way circulation. He stated that most gas stations have the islands perpendicular to the street, except for some highway stations which may be at forty-five (45) degrees. He indicated a preference for the perpendicular ninety (90) degree design. The Borough Engineer also stated that the revised plan provides for better circulation and that the reduction in distance between islands provides better access for fuel delivery trucks. He also indicated his approval in the reduction in the canopy height to fourteen (14) feet clearance. Another positive change is the irrigation system and the replacement of the walkway at the southern end and its replacement with landscaping. Mr. Napolitano stated that the fence height along the rear of the

building will have a height of four (4) feet, with the color matching the color of the building. The fence around the dumpster and air conditioning will have a height of six (6) feet. The Fire Department will determine the location of the fire hydrant in consultation with the Borough Engineer.

29. In response to a question from Borough Planner Green, Mr. Napolitano stated that approximately 1,000 square feet of the site is within areas of steep slopes, which will also constitute a variance.

30. The applicant recalled its traffic engineer Betsy Dolan who testified pertaining to the revised plan. She stated that the ninety (90) degree design permits more efficient circulation. She stated that the distance between the curb line and position six (6) is now 44.5 feet, which will eliminate the need for most vehicles to make a K turn, which improves safety and circulation. Ms. Dolan also referred to the circulation exhibit which depicts the fuel tanker and which demonstrates that only one (1) space will be obstructed on deliveries, and that access will be available by vehicles to the other five (5) fueling positions. The exhibit also demonstrates that a tanker truck will have no need to back out onto the roadway after making a fuel delivery.

31. The applicant presented testimony from Alper Kadioglu, the Director of fuel supply of Atlantis Management Group. He first stated that the underground tanks will be replaced, with the new tanks being double wall fiberglass. The tanks will have a monitoring device, which will sound an alarm if there is any leakage, with the alarm being connected to the store as well as

an off-site location. He stated that fuel deliveries will be made after 8:00 p.m. and before 4:00 or 5:00 a.m., with three (3) to four (4) deliveries per week.

32. Marked into evidence as Board Exhibit 1 was a report of the Police Department dated July 14, 2020. The Department requested that it have the ability to enforce *Title 39* on the property, to which Mr. Meese agreed provided that this constitutes a practice at other service stations in Montvale, and Mr. Meese was so advised that this is the case. He also agreed to the request for cameras on site and that the canopy height be posted. The Board rejected the request for bollards on the site. The report of the Fire Department dated July 20, 2020 was marked into evidence as Board Exhibit 2. Mr. Meese agreed that the Fire Department and Borough Engineer would determine the location of the fire hydrant and that the applicant would install a Knox Box. It was noted that a sprinkler system is not required for the convenience store, but that the pump islands will have fire extinguishers.

33. The applicant recalled its architect, Robert Nocella, who first provided the Board with a sample of the cultured stone for the convenience store, which was marked into evidence as Exhibit A-7. Signage was also discussed, and Mr. Nocella noted that a sign indicating a fourteen (14) foot clearance has been added to Drawing D-2 of Exhibit A-6. Considerable discussion ensued pertaining to the monument sign, also depicted on Drawing D-2. The sign as depicted indicates a height of seven (7) feet from grade to the top of the stone and a width of 8.5 feet. The gooseneck lamps are approximately a foot above the sign and are shielded, with lighting directed

toward the sign. There is no internal illumination, with prices not illuminated and the cards changed manually. Mr. Nocella indicated that the applicant would eliminate the "Mobil" sign on the canopy as a tradeoff for the larger monument sign. Borough Planner Green stated that the monument sign should be reduced in size, suggesting a height of five (5) or six (6) feet. Mr. Napolitano stated that he prepared an alternative design, reducing the height to five (5) feet six (6) inches and a width of seven (7) feet eleven (11) inches. The stone pillars have been made slightly narrower. Marked into evidence as Exhibit A-8 was the revised monument sign plan prepared by Mr. Napolitano.

34. Testimony in support of the variances implicated by the plan was provided by Michael Kauker, a licensed professional planner who was qualified in this field. Commencing his testimony, Mr. Kauker acknowledged his familiarity with the property, the Zoning Ordinance as it relates to the proposal, and the Master Plan. He first addressed the issue, raised by Mr. Rizzo, as to whether a variance was required to permit two (2) principal uses on the property. He stated that there is no such prohibition in the Zoning Ordinance, noting the fact that many properties in the B-1 District have multiple uses. He indicated that the proposal would meet the requirements for a *d(1)* use variance if deemed necessary.

35. Marked into evidence as Board Exhibit 3 was a report of Borough Planner Green dated July 1, 2020 which details the required *d(3)* conditional use variances and the variances pursuant to *N.J.S.A. 40:55D-70c*. An

additional variance pertaining to disturbance of steep slopes is required, as is a design waiver for the six (6) foot fence height for the dumpster enclosure.

36. Continuing his testimony, Mr. Kauker first noted the existing nonconforming conditions pertaining to the gas station conditional use and discussed in detail the new *d(3)* variance relating to the sixteen (16) foot setback of the building to the property line, less than the twenty-five (25) foot requirement. He noted that providing this setback permits better vehicular circulation at the front of the property. In addition, substantial landscaping is proposed in the rear yard area to buffer this condition. The planner stated that the improvement and redevelopment of the site would promote various Goals and Objectives of the Master Plan. The variance relief pursuant to *N.J.S.A. 40:55D-70c*, the planner stated, is subsumed in the request for variance relief.

37. Marked into evidence as Board Exhibit 4 was a report of Borough Engineer Hipolit dated July 15, 2020, the provisions of which will be conditions of approval. A number of other issues were discussed, including that there be no outdoor display of materials for either sale, storage or other purpose. Signage on windows shall not exceed twenty (20%) percent of the window, consistent with the applicable Ordinance. The size of the monument sign is to be reduced to a compliant forty (40) square feet in area and the fuel name on the canopy sign eliminated.

**BE IT FURTHER RESOLVED** by the Planning Board of the Borough of Montvale that based upon the above findings of fact, that the following conclusions are made and determined:

1. The Planning Board has considered the applicant's proposal which seeks preliminary and final site plan approval, variance relief pursuant to *N.J.S.A. 40:55D-70d(3)* and *N.J.S.A. 40:55D-70c*, and a major soil movement permit pertaining to the redevelopment of the property, which presently is developed with a gasoline service station that was constructed in 1929. The existing service station and all site improvements would be demolished, and a convenience store having a floor area of 2,899 square feet would be constructed on the site, together with a canopy, and three (3) fuel dispensers with a fueling capacity for six (6) vehicles. Numerous site improvements are also proposed, including extensive landscaping, a stormwater detention system, lighting and signage, and delineated parking spaces. It is to be noted that an existing nonconforming front yard setback will be brought into compliance, and a nonconforming improved lot coverage condition will be slightly reduced.

2. As has been noted, the subject property is located in the B-1 Business District wherein gasoline stations are permitted as a conditional use pursuant to §128-9.10. Presently, the property is nonconforming as to three (3) standards governing gasoline stations as set forth in §128-9.10C. These conditions relate to distances to a fire house, railroad station, and another gasoline service station. These conditions will remain unchanged. A new *d(3)* variance is required pertaining to building setback. Section 128-9.10C(2) requires a twenty-five (25) foot setback from any adjoining property line, provided however, that when a gas station is adjacent to a residential zone, the minimum applicable setback for the residential zone shall apply. The rear of

the site is the residential AHO-16 District which requires a minimum building setback of fifty (50) feet from perimeter property lines. The convenience store would be located sixteen (16) feet from the rear property line, approximately 24.5 feet from the northeastern side property line, and the dumpster enclosure being five (5) feet, six (6) inches from the property line. Except as to the three (3) existing nonconforming conditions and the new nonconforming setback, the proposal complies with the remaining conditions governing gas stations as set forth in §128-9.10C.

3. The Board has considered the variance relief pursuant to *N.J.S.A. 40:55D-70d(3)* required pertaining to noncompliance with rear yard setback conditions in §128-9.10C(2). The Board recognizes that in considering an application for a conditional use variance, that the standard is different, and less burdensome to an applicant, than a *d(1)* use variance, as enunciated in *Coventry Square v. Westwood Zoning Board of Adjustment*, 138 N.J. 285 (1994). In that case, the Supreme Court determined that imposing on applicants for a conditional use variance the same burden as required to be met by an applicant for a *d(1)* use variance is inappropriate and does not adequately reflect the differences between a prohibited use for which approval is sought even though not permitted by the zoning ordinance, and a use permitted but subject to certain conditions. The fact that certain conditions may not be satisfied “need not materially affect the appropriateness of the site for the conditional use”. *Id.* at 297. A conditional use variance applicant “must show that the site will accommodate the problems associated with the

use even though the proposal does not comply with the conditions the ordinance established to address those problems". Id. at 299.

4. The Board has considered the evidence in light of these principles and has concluded that the site will function appropriately as a gasoline station, even though the building setback standard is not met. The nonconforming setback at the rear of the property is mitigated by the substantial landscaping in this area as depicted on Exhibit A-5 and that there will be no activity to the rear and no windows or doors on the rear façade. The Board is of the opinion that the redevelopment of the property as proposed will eliminate site conditions that are in deteriorating condition which will be replaced by improvements that will constitute a significant safety and aesthetic upgrade to the premises. The Board is of the opinion that the site will function well, notwithstanding the nonconforming building and dumpster setbacks. The fact that the property will comply with the majority of standards relating to both the conditional use standards governing gas stations and the bulk standards applicable to the B-1 District confirms this conclusion.

5. The Board finds that the special reasons for positive criteria for the granting of the *d(3)* conditional use variance pertaining to the building setback is satisfied in that the proposal will advance various Goals and Objectives of the Municipal Land Use Law ("MLUL"). The application promotes the Goal of an appropriate use of land consistent with the general welfare. See *N.J.S.A. 40:55D-2a*. A property in deteriorated condition will be substantially upgraded and improved, with the new convenience store being attractive in appearance

and containing elements such as stone veneer siding, vinyl clad wood windows, and a cupola that will blend in well and constitute an improvement to the Borough's downtown.

6. Other Goals and Objectives of the MLUL will be advanced by the granting of the *d(3)* variance. As has been noted, the property has contained a gasoline service station since 1929. Approval of the application will permit such a use to continue, but in an upgraded and improved condition. Permitting the safety and aesthetic improvements to the site will promote the Goal of providing sufficient space for a commercial use that continues to be needed by citizens. See *N.J.S.A. 40:55D-2g*. The Board's conclusion in this paragraph and paragraph 5 above pertaining to the upgrading and improvement of the site will also promote a desirable visual environment through creative development techniques and good civic design and arrangement, another purpose of the MLUL as set forth in *N.J.S.A. 40:55D-2i*. These constitute additional reasons supportive of the conclusion that the *d(3)* variance may be approved.

7. The Board's conclusions pertaining to the *d(3)* conditional use variance are equally applicable to the variance relief required pursuant to *N.J.S.A. 40:55D-70c* as detailed in paragraph 3 at pages 3-6. In its consideration of the *d(3)* conditional use variance, the Board has also considered the "c" variances that are implicated by the proposal, and has considered the overall site design, such that the "c" variances are subsumed in the "d" variance. *Price v. Himeji, LLC*, 214 N.J. 263, 301 (2013). As the

Board found with respect to the *d(3)* variance, purposes of the MLUL will be advanced by granting this relief, and accordingly these variances may be granted pursuant to *N.J.S.A. 40:55D-70c(2)*, with the benefits of granting such relief substantially outweighing any detriment. It is beyond dispute that the property will be upgraded and improved, as evidenced by the safer locations for the fueling islands and their distance from Railroad Avenue and the architectural plans for the new convenience store which appears attractive in appearance. As noted previously, substantial new landscaping is proposed as well as site drainage, including a stormwater detention system, water quality units and catch basins. Presently, no site drainage exists and these improvements will constitute a significant benefit to both the property and the nearby area. These proposed conditions compel a conclusion that the purposes of the MLUL pertaining to the general welfare and a desirable visual environment will be advanced by the granting of the variance relief pursuant to *N.J.S.A. 40:55D-70c*.

8. Approval of the *d(3)* and *c* variances will also promote Goals and Objectives of the Borough Master Plan. One Goal, revitalizing downtown Montvale, will be advanced by the upgrading and substantial aesthetic improvements proposed for the property. Another Goal relates to engendering a higher quality design applicable to both residential and retail development. The testimony and architectural details provided demonstrate that the proposed building and other site conditions will be attractive in appearance, will constitute an improvement to the downtown area, and will promote this

Objective of the Master Plan. Another Goal of the Montvale Master Plan is to “transform the downtown into a pedestrian-friendly, ‘main street’ environment with diverse high-quality retail stores at the ground level, particularly along the streetfront, that is accessible to residents by car, on foot or by bicycle.” See 2010 Master Plan Reexamination Report at 2. The elimination of the repair bays and addition of the convenience store to the Property will foster this Goal. The Master Plan also identified that the need “to provide incentives for reinvestment in the retail and especially office sector of the community has become even more urgent.” *Id.* The improvements proposed by the applicant are far more than merely aesthetic enhancements, but include critical safety and design improvements that integrate it well with a pedestrian-friendly downtown.

9. The *d(3)* conditional use variance and the *c* variances may be granted without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. There are a number of reasons supportive of this conclusion. First, the proposal will meet the majority of standards governing a gasoline station conditional use as set forth in §128-9.10. It is to be noted that conditions relating to distances to a fire house, railroad station and another gasoline station which are nonconforming have existed for decades. Except for the new *d(3)* variance for the rear yard setback and dumpster location, there will be compliance with the remaining conditional use standards. In addition, the plan will meet the majority of standards applicable to the B-1 Business District. It is to be noted that the parcel’s size at 22,500 square feet is three (3)

times the minimum lot area requirement of 7,500 square feet. The lot width of one hundred fifty (150) feet is twice the minimum requirement of seventy-five (75) feet. The proposed floor area ratio of 12.9% is significantly below the fifty (50%) percent maximum permitted, and it is also significant that the nonconforming front yard setback will be eliminated and the extent of the existing nonconforming lot coverage will be reduced. Presently, the site has no delineated parking spaces, and the plan proposes a total in excess of the Ordinance requirement if the parking at the fuel locations is considered. As previously noted, landscaping will permit appropriate screening from the residential property to the west, and new drainage infrastructure will benefit the site and nearby areas. These proposed conditions permit a conclusion that the negative criteria for the granting of the variances has been satisfied.

10. The Board also determines that a design waiver for the fence height of six (6) feet surrounding the dumpster enclosure is appropriate, as the excess height is required to provide adequate screening. There will be new landscaping in this area which will mitigate any issues pertaining to the increased height. Accordingly, this waiver may be approved.

11. The Board has considered the need for the issuance of a major soil movement permit pursuant to Chapter 104 of the Borough Code. There will be an estimated 880 cubic yards of cut, 540 cubic yards of fill, and a total soil movement of 1,420 cubic yards. The Board finds that the applicant has complied with the procedures enumerated in the Soil Removal Ordinance so as to permit the issuance of a major soil movement permit. In this regard, the

Board is of the opinion that in its review of the factors considered in conjunction with the within application, that the proposed operations will be in conformity with the standards established in the Soil Removal Ordinance and that the operations may be conducted without adversely impacting upon existing soil and drainage conditions and the public health and safety. Accordingly, a major soil movement permit may be approved.

12. The Board is of the opinion that the applicant has satisfied the criteria for preliminary and final site plan approval. Issues such as drainage, parking, circulation and vehicular access, lighting and landscaping have been reviewed and determined by the Board to be compliant with applicable standards. The plans as presented provide the requisite information as set forth in §128-8.7D and 8.9D, as well as the performance standards in §8.11. Based upon the foregoing, preliminary and final site plan approval may be granted.

**BE IT FURTHER RESOLVED** by the Planning Board of the Borough of Montvale that based upon the above findings of fact and conclusions, that preliminary and final site plan approval, variance relief pursuant to *N.J.S.A. 40:55D-70d(3)* and c, and a major soil movement permit be and are hereby granted to the applicant subject to the following conditions:

1. Consistent with the settlement between the applicant and Objector Nottingham Manor, LLC, the following conditions shall be adhered to by the applicant:

A. Atlantis agrees to install twenty-seven (27), eight (8) to ten (10) foot Thuja Plicata Green Giant arborvitae ("TG") in a staggered pattern, two (2) rows planted four (4) feet apart, with the trees staggered eight (8) to fifteen (15) feet apart within each row as depicted on the Revised Site Plan prepared by Atlantis, with these TG trees located at least six (6) feet from the Atlantis proposed convenience store building.

B. Atlantis also agrees to install a four (4) foot screening fence to extend from the rear building wall to each side property line.

C. Atlantis shall maintain, repair and replace, whenever and wherever necessary, all such landscaping and the screening fence to ensure that full year-round screening is maintained so that any view of the Atlantis development is property screened from view from the Nottingham property

2. Snow shall be required to be removed offsite when a snowfall event exceeds twelve (12) inches.

3. The trek board-on-board fencing intended to enclose the dumpster and air conditioning units shall be gray in color.

4. Installation of an irrigation system to serve all landscaping on the premises.

5. The location of the fire hydrant adjoining the site to be installed by the applicant shall be determined by the Fire Department in consultation with the Borough Engineer.

6. Fuel deliveries to the site shall be scheduled for off-peak hours. In connection therewith, there shall be no deliveries until after 8:00 p.m. and

before 5:00 a.m. Fuel delivery trucks shall not be permitted to back into the site.

7. There shall be no storage on the exterior of the premises of any materials of any nature, regardless of whether for sale or for storage.

8. The monument sign shall be consistent with Exhibit A-8 as modified and comprise an area of no more than forty (40) square feet.

9. Any signs on the windows of the convenience store shall not exceed twenty (20%) percent of the total window area in accordance with §120-9.7A.7C.

10. Compliance with the conditions and requirements in the report of Borough Planner Green dated July 1, 2020 (Board Exhibit 3), together with any subsequent letter requirements.

11. Compliance with the conditions and requirements in the report of Borough Engineer Hipolit dated July 15, 2020 (Board Exhibit 4), together with any subsequent requirements.

12. Submission of consent to the enforcement of *Title 39* and Borough Ordinances, as requested by the Police Department. A camera system with license plate reading ability shall be placed around the entire complex. In addition, the height of the canopy under clearance shall be posted.

13. Adherence to all representations made by the applicant and its representatives and professionals during the course of the public hearings, which representations are made conditions of the within approval.

14. Adherence to plans, renderings and engineering drawings and other exhibits submitted by the applicant. Any deviation from such submissions shall require the applicant to return to the Board for further review and any necessary approvals.

15. Approval by the Bergen County Planning Board, Bergen County Soil Conservation District, New Jersey Department of Environmental Protection, Department of the Army, New York District Corps. of Engineers, and such other federal, state, county and municipal agencies having jurisdiction over the proposed use. In the event any approval by any other agency results in an alteration or modification of the application as approved by the Planning Board, the applicant shall be required to resubmit the application.

16. The execution by the applicant of a Developer's Agreement to be prepared by the Board attorney and the full performance by the applicant of the obligations, terms and conditions of said Developer's Agreement including, but not limited to, the payment of all fees and the posting and maintenance of all deposits and escrows thereby required.

17. Compliance with all present letter requirements of the Borough Engineer, future letter requirements of the Borough Engineer made pursuant to any Developer's Agreement to be entered into in accordance herewith, future letter requirements of the Borough Engineer relating to the conditions of the within approval, and subject to the future letter requirements which entail

minimal deviation from the plan hereby approved and are necessitated by field conditions hereafter discovered.

18. The applicant shall be required to comply with the design and site details as shown on all plans submitted through their respective dates. Any deviation from any such development designs or details shall require further review and approval of the Board.

19. Posting of a bond in such amount as determined by the Borough Engineer so as to guarantee performance of the work herein required and approved, as well as the maintenance of said work after completion.

20. Posting of all fees and deposits as required by the applicable Ordinance of the Borough of Montvale, which shall include the posting of such deposits as are necessary to reimburse the Municipality for money paid to its professionals for review of the within application and the inspection of the work to be performed incidental thereto. Such fees and deposits shall be promptly paid and no demolition, building or other permits may be issued should such fees and deposits be outstanding.

21. The applicant shall conform with all requirements of the Construction Official, Borough Engineer, Police and Fire Departments and any other official having jurisdiction with respect to the use of the subject premises.

22. The applicant shall submit written confirmation from applicable utilities verifying that permission has been granted for the service of the property.

23. Soil movement operations shall be in accordance with the directives of the Borough Engineer and shall include the installation of drainage swales to direct and divert drainage away from adjoining properties during the periods when the soil operations are on-going. Soil imported to the site shall be required to be tested and meet applicable standards.

24. The applicant shall provide updated soil movement cut/fill calculations to be reviewed by the Borough Engineer.

25. The applicant shall be required to comply with all conditions of Chapter 104 of the Montvale Borough Code.

26. Approval by the Police Department as to the route trucks accessing and leaving the site will utilize, subject to requirements of County officials having jurisdiction.

27. The applicant shall be required to pay the cost of any police personnel deemed necessary by the Police Department to provide traffic control and monitor operations at the site or at intersections within the vicinity of the site.

28. The exact date for commencement of operations shall be provided to the Borough at least ten (10) days prior to the commencement thereof in order that the public may be informed through posting on the Borough's website and through other means.

29. The applicant shall be responsible for the cost of cleaning streets in conjunction with the soil moving operations. Any spillage shall promptly be cleaned at applicant's expense.

30. The hours of operation shall be required to be approved by the Police Department.

31. No operations may commence until a copy of the application and plan are submitted to the Police Department and the Department has determined as to the appropriate routes to be utilized to access the site, hours, of operation, and traffic control issues. The determinations of the Police Department shall be required to be adhered to, subject to requirements of County officials having jurisdiction.

32. Posting of a bond as required by §104-10 of the Borough Code and in such amount as may be determined to be necessary by the Borough Engineer.

33. The sign of the fuel company shall be removed from the canopy, and other changes to the plans shall include the installation of a Knox Box, a fire suppression system for the pump islands, and that no bollards will be installed on the site.

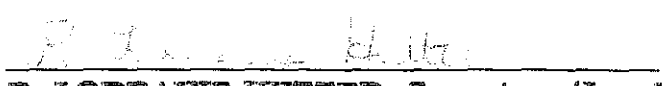
34. Review and approval of revised plans by all Board professionals.

**BE IT FURTHER RESOLVED** that the Secretary of the Planning Board of the Borough of Montvale is hereby directed to mail a copy of this resolution to the applicant and to file a copy thereof with the Borough Clerk and to cause a notice of this determination of the Planning Board to be forwarded to an official newspaper of the Municipality within ten (10) days of the date hereof and thereafter to be published accordingly.

Dated: October 20, 2020

  
\_\_\_\_\_  
JOHN DE PINTO, Chairman

Certified to be a true copy of a resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, October 20, 2020.

  
\_\_\_\_\_  
R. LORRAINE HUTTER, Secretary/Land  
Use Administrator

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 163-2021**

**RE: Authorization to Submit a Grant Application to the BMED Gateway Fund to Participate in the Fund's Health & Wellness Program for the year 2022**

**WHEREAS**, the Borough of Montvale affirms its understanding that the BMED Gateway Fund offers a grant opportunity to its member agencies who wish to initiate a partnership with the Fund to incentivize employee participation in health and wellness programming and awareness; and

**WHEREAS**, the Borough of Montvale understands that the grant is a matching grant and that participation in the Program requires local budgetary support and administration; and

**WHEREAS**, the Borough of Montvale matching funds will not exceed \$5,000.00; and

**WHEREAS**, the application for grant consideration requires a resolution of the governing body's understanding and support for promoting health and wellness concepts within their employee population;

**NOW THEREFORE BE IT RESOLVED** that the Borough of Montvale authorizes the submission of a grant application to the BMED Gateway Fund to enable their participation in the Fund's Health and Wellness Program for the 2022 calendar year.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 164-2021**

**RE: Resolution Awarding Purchase Under New Jersey State Contract / Montvale Fire Department Radio & Communication Equipment / Motorola**

**WHEREAS**, The State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

<b>PURCHASE OF Radio's</b>	<b>STATE CONTRACT #83909</b>
Motorola Solutions, Inc	Total \$16,174.40
c/o Regional Communications	
64 East Midland Ave	
Paramus, NJ 07653	
Attn: Jim Zwolinski	

**WHEREAS**, attached is a detailed description of the purchase of Radio Communication Equipment dated April 16, 2021 which is attached to the original of this resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 9, 2021**

**Acct # 1-01-25-752-077 - \$16,174.40**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**MOTOROLA****STATE OF NEW JERSEY CONTRACT 83909  
MOTOROLA PROCUREMENT PROPOSAL**

DATE: April 16, 2021

SHIP TO: Montvale Fire Dept.  
35 West Grand Ave  
Montvale, NJ

ATTENTION: Geoffrey Gibbons

VENDOR: MOTOROLA SOLUTIONS, INC.  
C/O REGIONAL COMMUNICATIONS  
64 EAST MIDLAND AVE  
PARAMUS NJ 07653ATTENTION: JIM ZWOLINSKI  
PHONE: 201/261-6600

FAX:

NJ STATE CONTRACT INFO			MODEL	DESCRIPTION	QTY	LIST UNIT		EXT UNIT		NJ STATE		DISC UNIT		EXTENDED	
ITEM	LINE NO	COMMODITY CODE				PRICE		PRICE		DISCOUNT		PRICE		PRICE	
				<b>APX8500 Multi Band Mobile, MP</b>											
1	00003	726-88-085633	M37TSS9PW1-N	APX8500 Dual Band Mobile, All bands enabled	1	\$ 4,770.00	\$	4,770.00		25%	\$	3,577.50	\$	3,577.50	
1.1	00003	726-88-085633	G806	ADD: Astro Digital Operation	1	\$ 515.00	\$	515.00		25%	\$	386.25	\$	386.25	
1.2	00003	726-88-085633	G51	ADD: Smartzone Operation	1	\$ 1,500.00	\$	1,500.00		25%	\$	1,125.00	\$	1,125.00	
1.3	00003	726-88-085633	GA01670	ADD: APX E5 Control Head	1	\$ 572.00	\$	572.00		25%	\$	429.00	\$	429.00	
1.4	00003	726-88-085633	G444	ADD: Control Head Software	1	\$ 0.00	\$	0.00		25%	\$	0.00	\$	0.00	
1.5	00003	726-88-085633	G67	ADD: Remote Mount	1	\$ 297.00	\$	297.00		25%	\$	222.75	\$	222.75	
1.6	00003	726-88-085633	G361	ADD: P25 Trunking	1	\$ 300.00	\$	300.00		25%	\$	225.00	\$	225.00	
1.7	00003	726-88-085633	B18	ADD: Auxiliary Speaker 7.5 Watt	2	\$ 60.00	\$	120.00		25%	\$	45.00	\$	90.00	
1.8	00028	920-46-085647	G78	ENH: 2 YEAR REPAIR SERVICE ADVANTAGE	1	\$ 176.00	\$	176.00		0%	\$	176.00	\$	176.00	
1.9	00003	726-88-085633	GA00580	ADD: TDMA Operation	1	\$ 450.00	\$	450.00		25%	\$	337.50	\$	337.50	
1.1	00003	726-88-085633	GA01513	ADD: All Band Antenna	1	\$ 95.00	\$	95.00		25%	\$	71.25	\$	71.25	
1.11	00003	925-36-085646	W22	ADD: Palm Microphone	2	\$ 72.00	\$	144.00		25%	\$	54.00	\$	108.00	
1.12	00003	925-36-085646	GA00092	ADD: Dual Control Head	1	\$ 570.00	\$	570.00		25%	\$	427.50	\$	427.50	
1.13	00003	925-36-085646	G610	ADD: Remote Cables, 30'	2	\$ 35.00	\$	70.00		25%	\$	26.25	\$	52.50	
1.14	00003	925-36-085646	G996	ENH: Over the Air Prov.	1	\$ 100.00	\$	100.00		25%	\$	75.00	\$	75.00	
1.15	00003	925-36-085646	LSV00Q00202A	Shop Services / Radio Config./Programming	1	\$ 250.00	\$	250.00		0%	\$	250.00	\$	250.00	

System Total: \$ 7,553.25

1. Terms and Prices are quoted from the NJ State Contract - 83909
2. Price does not include any subscriber programming on county system.
3. Installation not included
4. Quotation By: Jim Zwolinski- Regional Communications, Inc.

1-01-25-752-077 \$16,174.40  
TOTAL

**MOTOROLA****STATE OF NEW JERSEY CONTRACT 83909  
MOTOROLA PROCUREMENT PROPOSAL**

DATE: April 21, 2021

SHIP TO: Montvale Fire Dept.  
35 West Grand Ave.  
Montvale, NJ

ATTENTION: G.Gibbons

VENDOR: MOTOROLA SOLUTIONS, INC.  
C/O REGIONAL COMMUNICATIONS  
64 EAST MIDLAND AVE  
PARAMUS NJ 07653

ATTENTION: JIM ZWOLINSKI

PHONE: 201/261-6600

FAX:

NJ STATE CONTRACT INFO						LIST UNIT	EXT UNIT	NJ STATE	DISC UNIT	EXTENDED
ITEM	LINE NO	COMMODITY CODE	APC	MODEL	DESCRIPTION	QTY	PRICE	PRICE	DISCOUNT	PRICE
<b>APX8000XE ALL BAND PORTABLE, MODEL 2.5 Front Display &amp; LTD Keypad (ALL BANDS ENABLED)</b>										
1	00002	726-88-085633	579	H91TGD9PW6-N	APX 8000 ALL BAND PORTABLE MODEL 2.5	1	\$ 5,983.00	\$ 5,983.00	25%	\$ 4,487.25
1.1	00002	726-88-085633	579	Q806	ADD: ASTRO DIGITAL CAI OPERATION	1	\$ 515.00	\$ 515.00	25%	\$ 386.25
1.2	00002	726-88-085633	655	H38	ADD: SMARTZONE OPERATION	1	\$ 1,500.00	\$ 1,500.00	25%	\$ 1,125.00
1.3	00002	726-88-085633	655	Q361	ADD: P25 9600 BAUD TRUNKING	1	\$ 300.00	\$ 300.00	25%	\$ 225.00
1.4	00002	726-88-085633	655	QA00580	ADD: TDMA OPERATION	1	\$ 450.00	\$ 450.00	25%	\$ 337.50
1.5	00002	726-88-085633	655	G996	ADD: PROGRAMMING OVER P25 (OTAP)	1	\$ 100.00	\$ 100.00	25%	\$ 75.00
1.6	00002	726-88-085633	655	QA01427	ADD: Green Housing	1	\$ 25.00	\$ 25.00	25%	\$ 18.75
1.7	00028	920-46-085647	185	Q58AL	ADD: 2 YR REPAIR SERVICE ADVANTAGE	1	\$ 115.00	\$ 115.00	0%	\$ 115.00
1.8	00027	726-88-085633	581	QA02006	ENH: APX8000XE Rugged Radio	1	\$ 800.00	\$ 800.00	25%	\$ 600.00
1.9	00027	726-88-085633	209	Q667	ADD: ADP	1	\$ 0.00	\$ 0.00	0%	\$ 0.00
1.10	00027	925-36-085646	209	SVC03SVC0115D	SERVICE/SHOP RADIO CONFIGURATION/PROGRAMMING	1	\$ 250.00	\$ 250.00	0%	\$ 250.00
2	00002	726-88-085633	795	PMMN4106 ( green)	IMPRES Remote Speaker Microphone , w/ display & ch.	1	\$ 616.00	\$ 616.00	20%	\$ 492.80
3	00002	726-88-085633	453	NNTN7624	Vehicular Charger, Hard Wired	1	\$ 429.00	\$ 429.00	20%	\$ 343.20
4	00002	726-88-085633	656	PMNN4504	UL Impress Battery 3400 mah.	1	\$ 193.00	\$ 193.00	40%	\$ 115.80
5	00002	726-88-085633	656	PMLN7905	Leather Carry Case	1	\$ 62.00	\$ 62.00	20%	\$ 49.60
6	00002	925-36-085646	656	SVC03SVC0123D	Shop Service / Installation of Veh Charger	0	\$ 250.00	\$ 0.00	0%	\$ 0.00

Customer to install charger

Sub Total: \$ 8,621.15

System Total: \$ 8,621.15

## NOTES:

1. Terms and Prices are quoted from the NJ State Contract - 83909

2. ACCESS TO PSIC &amp; BERGEN COUNTY SYSTEMS COORDINATED &amp; PROGRAMMED THROUGH OTHERS

3. Quotation By: Jim Zwolinski- Regional Communications, Inc.

## RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$2,979,418.82	Bill List Wire 11/9/2021
	<u>326,181.02</u>	Wires/Manual Checks
Current TOTAL	3,305,599.84	
Escrow	3,536.50	Bill List Wire 11/9/2021
Housing Trust	775.00	Bill List Wire 11/9/2021
General Trust	1,440.50	Bill List Wire 11/9/2021
Dog Trust	126.07	Bill List Wire 11/9/2021

*This resolution was adopted by the Mayor and Council of Montvale  
at a meeting held on 11/9/21*

Introduced by: \_\_\_\_\_

Approved: 11/9/21

Seconded by: \_\_\_\_\_

\_\_\_\_\_  
Michael Ghassali, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Iarossi-Alwan, Municipal Clerk

**MANUAL/VOID CHECKS - WIRES**  
**November 9, 2021**

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		10/27/21	Payroll Account-Current	208,707.01
WIRE		10/27/21	Salary Deduction Account	117,444.01
WIRE		10/27/21	FSA Account	30.00
<b>Total</b>				<u><u>326,181.02</u></u>

P.O. Type: All  
Range: First to Last  
Format: Condensed

Open: N Paid: N Void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00019	MUNICIPAL CAPITAL CORPORATION								
		21-00045	01/06/21	WIDE FORMAT COLOR COPIER	Open	444.00	0.00		B
		21-00046	01/06/21	COPY MACHINE LEASE - MAILROOM	Open	399.00	0.00		B
		21-00047	01/06/21	COPY MACHINE LEASE - POLICE	Open	<u>179.00</u>	0.00		B
						1,022.00			
00036	DIPALMA, FRANK								
		21-01299	10/13/21	WEATHERBELL ANALYTICS - ANNUAL	Open	240.00	0.00		
00043	NORTH JERSEY MEDIA GROUP								
		21-01326	10/18/21	395748 ADVERTISING - SEPTEMBER	Open	350.20	0.00		
00047	D & E UNIFORM								
		20-01529	12/07/20	FIRE DEPARTMENT UNIFORMS	Open	2,378.45	0.00		
		21-00341	03/09/21	FIRE DEPT. DRESS UNIFORM	Open	<u>528.00</u>	0.00		
						2,906.45			
00050	DEPIERO'S FARM								
		21-01338	10/21/21	TEAM BUILDING EVENT	Open	169.00	0.00		
		21-01366	10/27/21	TRUNK-OR-TREAT SUPPLIES	Open	<u>88.00</u>	0.00		
						257.00			
00064	MUNNOS ITALIAN DELI								
		21-01396	11/02/21	LUNCH FOR POLL WORKERS - 11/2	Open	314.35	0.00		
00097	CABLEVISION								
		21-01408	11/03/21	07873-240495-01-5 CABLEVISION	Open	101.23	0.00		
		21-01409	11/03/21	07873-218840-01-0 CABLEVISION	Open	<u>21.04</u>	0.00		
						122.27			
00104	MONTVALE BOARD OF EDUCATION								
		21-00039	01/05/21	2021 LOCAL SCHOOL TAXES	Open	1,443,626.00	0.00		B
00114	CORBI PRINTING CO. INC.								
		21-01257	10/04/21	CASE JACKETS - MUNICIPAL COURT	Open	300.00	0.00		
00116	VERIZON								
		21-01393	11/01/21	651-285-414-0001-73 VERIZON	Open	290.87	0.00		
00137	PASCACK VALLEY REGIONAL HS DST								
		21-00038	01/05/21	2021 REGIONAL SCHOOL TAXES	Open	1,260,505.67	0.00		B
00164	STATELINE FIRE & SAFETY, INC.								
		21-01277	10/07/21	PD CAR FIRE EXT REFILL	Open	37.55	0.00		
00215	TOWNSHIP OF RIVER VALE								
		21-00040	01/05/21	2021 PASCACK VALLEY DPW	Open	152,675.13	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00215	TOWNSHIP OF RIVER VALE			Continued					
	21-01364	10/27/21	2021	HILLS/VALLEY COALITION	Open	<u>2,500.00</u>	0.00		
						155,175.13			
00258	ROCKLAND ELECTRIC COMPANY								
	21-01407	11/03/21		ROCKLAND ELECTRIC - OCTOBER	Open	3,131.42	0.00		
00339	GATES FLAG AND BANNER CO., INC.								
	21-01385	10/29/21		5' X 8' AMERICAN FLAG	Open	157.50	0.00		
00375	BOROUGH OF PARK RIDGE								
	21-01282	10/07/21		TRI-BORO PUBLIC SAFETY	Open	506.00	0.00		
00406	RUTGERS, STATE UNIVERSITY NJ								
	21-01040	08/11/21		OPRA CLASS FOR PLAN AND ZONING	Open	100.00	0.00		
00420	BERGEN COUNTY CLERK								
	21-01384	10/29/21		RECORDING FEES FOR TAX SALE	Open	55.00	0.00		
00448	V.E. RALPH & SON, INC.								
	21-01004	08/04/21		PD MEDICAL GLOVES	Open	798.85	0.00		
00497	LEVITZKI, ANN								
	21-00149	01/20/21		2021 COURT - CELL PHONE	Open	62.25	0.00		B
00554	BERGEN MUNI.EMPL.BENEFITS FUND								
	21-00176	01/25/21		2021 HEALTH BENEFITS	Open	56,066.00	0.00		B
00613	CAMPBELL EXTERIORS LLC.								
	21-01190	09/16/21		EMERGENCY LEAK AT SENIOR BLDG	Open	5,525.00	0.00		
00615	MONTVALE FIRE DEPT								
	21-01227	09/27/21		HOLIDAY PARTY 2021	Open	16,000.00	0.00		
	21-01228	09/27/21		NJ STATE FIREMAN'S CONVENTION	Open	<u>3,000.00</u>	0.00		
						19,000.00			
00730	BOGGIA,BOGGIA,BETESH & VOYTUS								
	21-01301	10/14/21		TRUST - RESERVE FOR HOUSING	Open	525.00	0.00		
00731	COLLIER'S ENGINEERING & DESIGN								
	21-00272	02/17/21		2021 GENERAL ENGINEERING	Open	4,497.50	0.00		B
	21-01323	10/18/21		MUNICIPAL ENGINEERING REVIEW	Open	222.50	0.00		
	21-01324	10/18/21		MUNICIPAL ENGINEERING REVIEW	Open	1,068.00	0.00		
	21-01327	10/18/21		MUNICIPAL ENGINEERING REVIEW	Open	1,218.00	0.00		
	21-01329	10/18/21		MUNICIPAL ENGINEERING REVIEW	Open	2,225.00	0.00		
	21-01391	11/01/21		GENERAL WORK	Open	<u>174.00</u>	0.00		
						9,405.00			
00830	LINDA VISTA TOWNHOUSES CONDO.								
	21-01341	10/21/21		HOMEOWNER ASSOC FEE ASSISTANCE	Open	100.00	0.00		
00891	RIDGEMONT PIZZA & RESTAURANT								
	21-01382	10/29/21		TEAM BUILDING LUNCHEON	Open	115.10	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00999	AMAZON.COM SERVICES, INC.								
		21-01320	10/15/21	DIVERSITY COMMITTEE AND CHARGE	Open	77.94	0.00		
		21-01321	10/15/21	DIVERSITY COMMITTEE	Open	<u>16.39</u>	0.00		
						94.33			
01132	COOPERATIVE COMMUNICATIONS, INC								
		21-00175	01/25/21	2021 BORO PHONE 201-391-5700	Open	2,121.28	0.00		B
01134	RESERVE ACCOUNT								
		21-00127	01/14/21	2021 POSTAGE METER REFILL	Open	800.00	0.00		B
		21-01217	09/23/21	COURT POSTAGE - 3RD QTR. 2021	Open	1,561.32	0.00		
		21-01245	09/30/21	TAX DEPARTMENT POSTAGE	Open	<u>1,598.67</u>	0.00		
						3,959.99			
01141	SEELEY, FINTAN								
		21-01403	11/03/21	TAX OVERPAYMENT	Open	5,355.15	0.00		
01211	TURN OUT UNIFORMS & CO.								
		21-01313	10/15/21	MAZZEO 3-1 JACKET	Open	249.99	0.00		
01330	GHASSALI, MICHAEL								
		21-00774	06/15/21	MAILCHIMP	Open	51.99	0.00		B
01408	VALLEY VIEW AT MONTVALE COND.								
		21-01339	10/21/21	HOMEOWNER ASSOC FEE ASSISTANCE	Open	150.00	0.00		
01552	WISS & BOUREGY, P.C.								
		21-01270	10/06/21	POLICE PERSONNEL MATTER	Open	2,464.00	0.00		
01594	GALLS, LLC								
		21-00979	07/30/21	PD CAR RECHARGEABLE FLASHLIGHT	Open	835.35	0.00		
01606	DEMAREST FARM AND ORCHARD								
		21-01356	10/25/21	TRUNK-OR-TREATS DONUTS	Open	448.00	0.00		
01643	DENT, LISA								
		21-01394	11/01/21	TRUNK OR TREAT SUPPLIES	Open	238.78	0.00		
01689	DILAURI, RUSSELL								
		21-01332	10/19/21	REIMB MEALS DURING TRAINING	Open	124.58	0.00		
01702	MEDIA CONSULTANTS LLC								
		21-01288	10/13/21	SUBSCRIPTION TO TEAM-VIEWER	Open	600.00	0.00		
01741	GAYED, NEVENE								
		21-01401	11/02/21	APPRECIATION DINNER - BAKSETS	Open	129.74	0.00		
01757	COMPLETE SECURITY SYSTEMS INC.								
		21-01207	09/21/21	FIRE ALARM PANEL REPLACEMENT	Open	2,567.00	0.00		
		21-01234	09/28/21	EMERGENCY CALL ALARM IN TRBL	Open	<u>398.75</u>	0.00		
						2,965.75			

Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01852	REDICARE LLC						
21-01283	10/07/21	COMPLIANCE & EXPIRY CHECK - FD	Open	77.86	0.00		
01882	PRESTIGE BUSINESS PRODUCTS, INC						
21-01239	09/29/21	TONERS - BUILDING DEPARTMENT	Open	1,519.00	0.00		
01895	INSTITUTE FOR PROFESSIONAL DEV						
21-01328	10/18/21	WEBINARS - OCTOBER/NOVEMBER	Open	100.00	0.00		
01949	AT&T MOBILITY						
21-01406	11/03/21	PD PATROL PHONES	Open	757.52	0.00		
01967	PIERONI, CINDY						
21-01354	10/25/21	DIVERSITY COMMITTEE REIMB.	Open	183.91	0.00		
02141	REGAN, ROBERT T., ESQ.						
21-01340	10/21/21	ESCROW PAYMENTS	Open	243.50	0.00		
02559	INS.DESIGN ADMINSTRATORS						
21-00031	01/05/21	2021 BOROUGH VISION PLAN	Open	266.00	0.00		B
02757	TYCO ANIMAL CONTROL SERVICES						
21-00119	01/13/21	2021 ANIMAL CONTROL SERVICES	Open	875.00	0.00		B
03215	UNUM LIFE INSURANCE						
21-00036	01/05/21	2021 LIFE INSURANCE	Open	232.65	0.00		B
03727	STAPLES INC						
21-01297	10/13/21	OFFICE SUPPLIES	Open	225.91	0.00		
21-01305	10/14/21	LAWN SIGNS FOR RABIES CLINIC	Open	126.07	0.00		
				351.98			
04008	GASTON, SCOTT						
21-01360	10/27/21	REIMB CLOTHING ALLOWANCE BOOTS	Open	205.93	0.00		
<hr/>							
Total Purchase Orders:	70	Total P.O. Line Items:	0	Total List Amount:	2,985,296.89	Total Void Amount:	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2020 0-01		2,378.45	0.00	2,378.45	0.00	0.00	2,378.45
CURRENT FUND 2022 1-01		2,977,040.37	0.00	2,977,040.37	0.00	0.00	2,977,040.37
BOA ESCROW ACCOUN E-08		3,536.50	0.00	3,536.50	0.00	0.00	3,536.50
OTHER TRUST ACCOU T-03		2,215.50	0.00	2,215.50	0.00	0.00	2,215.50
DOG TRUST ACCOUNT T-12		<u>126.07</u>	<u>0.00</u>	<u>126.07</u>	<u>0.00</u>	<u>0.00</u>	<u>126.07</u>
Year Total:		2,341.57	0.00	2,341.57	0.00	0.00	2,341.57
Total of All Funds:		<u>2,985,296.89</u>	<u>0.00</u>	<u>2,985,296.89</u>	<u>0.00</u>	<u>0.00</u>	<u>2,985,296.89</u>

# Best Practices Inventory Online Platform

2021 Survey

Montvale Borough

Scoring

Current Score: 18.00

Score	Aid Withheld
0 - 6	100% of final aid payment withheld
7 - 10	50% of final aid payment withheld
11 - 14	25% of final aid payment withheld
15 +	No aid withholding

# Best Practices Inventory Online Platform

2021 Survey

## Montvale Borough

### Printable Current Answers

001

Core Competencies

Personnel

The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?

[0.00] No

002

Core Competencies

Personnel

Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated. If not yes, please type "Did Not Answer Yes" into the comment box.

[1.00] Yes

Comment: Resolution #19-2021 (January 4, 2021)

003

Core Competencies

Budget

Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?

[0.00] No

004	Best Practices	Budget	
Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.			[0.00] No
005	Core Competencies	Capital Projects	
Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?			[1.00] Yes
006	Core Competencies	Transparency	
Are your municipality's codified and uncoded ordinances, including all current salary ordinances, available online?			[1.00] Yes
007	Best Practices	Transparency	
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content? Answer N/A if your municipality does not have a social media account.			[0.50] Yes
008	Core Competencies	Procurement	
Do your municipality's professional services contracts include a "not to exceed" amount?			[1.00] Yes

009

Best Practices

Procurement

If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold.

[0.50] N/A

010

Best Practices

Procurement

Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance.

[0.50] Yes

011

Core Competencies

Cybersecurity

A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?

[1.00] Yes

012

Core Competencies

Cybersecurity

Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?

[0.00] No

013	Core Competencies	Financial Administration	
Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?			[0.00] No
014	Core Competencies	Budget	
Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-32, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2020 or 2021.			[1.00] Yes
015	Core Competencies	Capital Projects	
Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?			[1.00] Yes
016	Best Practices	Personnel	
Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.			[0.50] Yes

017	Core Competencies	Procurement	
Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?			[1.00] Yes
018	Core Competencies	Transparency	
Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?			[1.00] Yes
019	Core Competencies	Transparency	
N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.			[1.00] Yes
020	Core Competencies	Cybersecurity	
Does your municipality perform off-network daily incremental backups with weekly full backups of all data?			[1.00] Yes

021

Core Competencies

Shared Services

N.J.A.C. 5:30-3.8(d)(20) requires each municipal user-friendly budget to include a listing of each shared service provided or received, what entity or entities are providing or receiving the service, the beginning and end date of the agreement as applicable, and the amount either received or paid for the service. Does your municipality list on its user-friendly budget each shared services agreement it is a party to, along with the other information required by the above-referenced regulation?

[1.00] Yes

022

Core Competencies

Fire Districts

If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the district can adopt its annual budget. The fire district shall submit to the municipal governing body for approval the amount of compensation fixed by the Board regardless of whether the amount of compensation is being modified. Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981). If any members of the Board of Fire Commissioners in one or more of your municipality's fire districts are authorized by the Board to receive compensation, does your municipality 1) require its fire district(s) to submit such compensation for review on an annual basis; 2) ensure that each Board has adopted a resolution or resolutions fixing the amount of compensation requested for governing body approval; and 3) adopt a resolution approving, disapproving, or modifying the compensation amount fixed by the Board of Fire Commissioners?

[1.00] N/A

Comment: The Borough does not have a fire district.

023

Core Competencies

Shared Services

N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit.

[1.00] Yes

024	Core Competencies	Financial Administration	
<p>Audit findings address areas needing improvement and ignoring these findings devalues the process. Municipalities should correct noted deficiencies. Have the audit findings in your municipality's 2018 audit been identified in a corrective action plan and not been repeated in the 2019 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in the 2019 audit. If you did not answer no, please type "Did Not Answer No" into the Comment Box.</p>			<p>[1.00] Yes  Comment: Did Not Answer No.</p>
025	Best Practices	Transparency	
<p>Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at <a href="https://www.state.nj.us/treasury/taxation/relief.shtml">https://www.state.nj.us/treasury/taxation/relief.shtml</a>?</p>			<p>[0.50] Yes</p>
026	Best Practices	Fire Districts	
<p>Local Finance Notice 2017-23 describes the avenues through which a municipality can consolidate multiple fire districts into a single fire district. Does your municipality have a single fire district or, if your municipality has multiple fire districts, is it reviewing the feasibility of consolidating its multiple districts into a single district? Only answer N/A if your municipality does not have a fire district.</p>			<p>[0.50] N/A  Comment: The Borough does not have a fire district.</p>
027	Best Practices	Environment	
<p>Have public electric vehicle charging stations been installed, or are they currently being installed, on municipal property?</p>			<p>[0.00] No</p>
028a	Unscored Survey	Shared Services	
<p>Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments.  (a) Chief Financial Officer</p>			<p>[0.00] No  Comment: N/A</p>

	Unscored Survey	Shared Services
028b		
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (b) Tax Collector		[0.00] No Comment: N/A
028c		
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (c) Tax Assessor		[0.00] No Comment: N/A
028d		
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (d) Municipal Clerk		[0.00] No Comment: N/A
028e		
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (e) Municipal Treasurer		[0.00] No Comment: N/A
028f		
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (f) Qualified Purchasing Agent		[0.00] No Comment: N/A

028g

Unscored Survey

Shared Services

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments.  
(g) Certified Public Works Manager

[0.00] No  
Comment: N/A: Shared Service Agreement - The Township of River Vale provides DPW services for the Borough of Montvale.

028h

Unscored Survey

Shared Services

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments.  
(h) Public Works Superintendent

[0.00] No  
Comment: N/A: Shared Service Agreement -The Township of River Vale provides DPW services for the Borough of Montvale.

029

Unscored Survey

Shared Services

If the answer to at least one part of Question 28 is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments 1) the position or positions where an agreement resulted in the dismissal of a tenured official; and 2) an estimate of the cost savings anticipated to be achieved by the participating municipalities at the outset of the agreement. If the answer is No or N/A, please insert "No" or "N/A" under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.

[0.00] N/A  
Comment: N/A

030	Unscored Survey	Environment	
How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.			Comment: Shared Service - Township of River Vale (Street Cleaning, Routine Maintenance ,etc.) / (2020) FCOA Code 26-297: \$50,000.00 (2021) FCOA Code 26-297: \$50,000.00
031	Unscored Survey	Financial Administration	
Does your municipality currently retain a chief financial officer through a professional services contract?			[0.00] No
032a	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (a) Public Health (EC 1)			[0.00] No
032b	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (b) Negative Econ. Impacts (EC 2)			[0.00] No
032c	Unscored Survey	American Rescue Plan Act	
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (c) Services to Disproportionately Impacted Communities (EC 3)			[0.00] No

032d

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (d) Premium Pay (EC 4) [0.00] No

032e

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (e) Water/Sewer/Broadband Infrastructure (EC5) [0.00] Yes

032f

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (f) Revenue Replacement (EC 6) [0.00] Yes

032g

Unscored Survey

American Rescue Plan Act

Is your municipality currently undecided on how to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the previously referenced expenditure categories? Please answer Yes if none of the previous subparts were Yes, otherwise answer No [0.00] No

032h

Unscored Survey

American Rescue Plan Act

Did your municipality decline ARP Local Fiscal Recovery Fund (LFRF) dollars instead? Please answer Yes if none of the previous subparts were Yes, otherwise answer No [0.00] No

033

Unscored Survey

American Rescue Plan Act

What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2021? [0.00] 0%

## Unscored Survey

## American Rescue Plan Act

034

What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2022?

[0.00] 100%

035

## Unscored Survey

## Financial Administration

Does your municipality pay one or more of its vendors or contractors via an automated clearing house (ACH) transfer and/or a procurement card? Please select one or more of the options provided , as applicable. This question excludes debt service, pension bills, and employee health benefits.

[0.00] None of the Above

036a

## Unscored Survey

## Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (a) Minority Business Enterprises

[0.00] No  
Comment: N/A

036b

## Unscored Survey

## Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (b) Women's Business Enterprises

[0.00] No  
Comment: N/A

## Unscored Survey

## Procurement

036c

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (c) Small Business Enterprises

[0.00] No

Comment: N/A

036d

## Unscored Survey

## Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (d) Veteran Business Enterprises

[0.00] No

Comment: N/A

037

## Unscored Survey

## Procurement

If your municipality has established a set-aside program for qualified business enterprises pursuant to N.J.S.A. 40A:11-41 et seq, did your municipality's contract awards meet or exceeded the set-aside goals established by the governing body in the prior fiscal year for each of your municipality's set-aside programs? Only answer N/A if your municipality does not have a set-aside program.

[0.00] N/A

038	Unscored Survey	Procurement	
For a municipality having established a set-aside program for qualified business enterprises, N.J.S.A. 40A:11-48 requires each municipal authority, board, committee or commission authorized to independently award contracts to issue a report to the municipal governing body by January 31 of each year 1) describing their efforts in attaining the municipality's set-aside goals for the prior calendar year; and 2) the percentage of the dollar value of total procurements awarded in the prior calendar year under each set-aside program established by the municipality. Did each of the above-referenced entities submit this report to the municipal governing body in 2021? Answer N/A if your municipality does not have a set-aside program or does not have any authorities, boards, committees or commissions authorized to independently award contracts.			[0.00] N/A
039	Unscored Survey	Tax Collection	
Has your municipality established a ten-day grace period for the payment of property taxes and other municipal charges as authorized by N.J.S.A. 54:5-19?			[0.00] Yes
040	Unscored Survey	Tax Collection	
Complete the Excel-based Tax Sale Report. Upload the completed report using the "Attach File" button toward the bottom of your screen. Type "File Uploaded" in the Comment Box			Comment: File Uploaded.
041	Unscored Survey	Opportunity Zones	
Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?			[0.00] No

042	Unscored Survey	Opportunity Zones	
If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.			Comment: N/A
043	Unscored Survey	Planning & Economic Development	
Does your municipality currently plan to sell any municipally-owned vacant conforming lots by December 31, 2022?			[0.00] No
044a	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (a) Dedication of Space or Open-Space			[0.00] No
044b	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (b) Fee In-Lieu of Dedicating Space or Open Space			[0.00] No
044c	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (c) Fee In-Lieu of Parking			[0.00] No

044d	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (d) Impact Fee(s) (pro rata share of infrastructure improvement costs)			[0.00] No
044e	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (e) Provision of Affordable Housing Units			[0.00] Yes
044f	Unscored Survey	Planning & Economic Development	
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (f) Affordable Housing Trust Fund Payments			[0.00] Yes
045	Unscored Survey	Planning & Economic Development	
Does your municipal land use ordinance provide for an historic preservation commission that is governed under N.J.S.A. 40:55D-107?			[0.00] Yes
046	Unscored Survey	Planning & Economic Development	
Does your municipality have an environmental commission, or is your municipality part of a joint environmental commission, that is governed under N.J.S.A. 40:56A-1 et seq.?			[0.00] Yes
047	Unscored Survey	Planning & Economic Development	
Does your municipality have an industrial commission that is governed under N.J.S.A. 40:55B-1 et seq.?			[0.00] No

048

Unscored Survey

Recreation

Does your municipality have a recreation commission that is governed under N.J.S.A. 40:61-17 et seq.?

[0.00] No