

**BOROUGH OF MONTVALE
ORDINANCE NO. 2020-1478**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 25th day of February 2020, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 10th day of March 2020, at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTERS 56 AND 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO REVISE AND/OR SUPPLEMENT THE SUBMISSION REQUIREMENTS FOR SUBDIVISION AND SITE PLAN APPROVAL

WHEREAS, the Borough of Montvale Planning Board is desirous of updating its formal submission requirements related to applications for subdivision and site plan approval; and

WHEREAS, the Planning Board has requested that the Governing Body adopt an ordinance setting forth all submission requirements, so that applicants are on notice of the documents that must be prepared in order to be able to submit a complete application.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Montvale as follows:

Section 1. Chapter 56 of the Borough Code is hereby amended by deleting the text of §56-20 in its entirety and replacing it as follows:

§56-20 Minor Subdivision Plat Requirements.

An applicant for minor subdivision approval shall submit the following along with the application:

- A. The minor subdivision application shall be accompanied by 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches) and 17 half-size copies of a minor subdivision plat and one digital PDF copy (via email, CD, or thumb drive) of the plat and any other documents required below. The minor subdivision plat shall be accurately drawn, based on a survey within the past two years, to a scale of not less than one-inch equals 50 feet. The following information shall be provided on the minor subdivision plat:
- (1) Name and address of the applicant.
 - (2) Name of subdivision, if different from that of the applicant.
 - (3) Name of record owner, if other than the applicant.

- (4) Lot and block designation of the property.
- (5) Name, address, license number, and seal of the person, firm, or organization preparing the plat.
- (6) North arrow.
- (7) Written and graphic scales.
- (8) Date prepared with all subsequent revisions noted on the plat.
- (9) Review Block for signature of Board Engineer, Board Secretary, and Chairperson.
- (10) A key map showing the location of the tract with reference to the surrounding area showing the lot and block number(s) of the tract, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one-inch equals 1,000 feet.
- (11) An aerial photograph with the tract boundaries to evaluate effects upon existing vegetation and surrounding land uses.
- (12) The boundaries of the tract shall be clearly identified by a heavy solid line. Any subdivision line(s) shall be clearly identified and labeled.
- (13) The lot area of the existing lot(s) of the entire tract calculated in acres and the lot area of the proposed lots calculated in square feet and acres. This shall include the total number of lots proposed.
- (14) The existing zoning of the property and on all adjacent lands.
- (15) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions on all proposed lots. All calculations to determine bulk regulations shall be provided (i.e. lot coverage, building height, floor area ratio, etc.).
- (16) List of all variances and waivers/exceptions being sought by the Applicant.
- (17) The location and the lot and block numbers of all proposed lots verified by the Borough Tax Assessor.
- (18) The location of all existing structures, wooded areas, existing watercourses, rock outcrops, depressions, lakes and ponds, and any other significant environmentally sensitive or natural terrain within the entire tract and within 200 feet thereof.
- (19) The location of existing wells and septic systems on site and within 100 feet of the tract.
- (20) The location of all trees exhibiting a diameter of four or more inches, measured at 12 inches above the ground.
- (21) A delineation of all trees having a diameter of four or more inches proposed to be removed from the new lot being created, measured at 12 inches above the ground.

- (22) Metes and bounds of all property lines of the entire tract and the new lot(s) being created.
 - (23) Location of all existing railroad bridges, culverts, drainage pipes, underground storage tanks, rights-of-way, fences, and buildings.
 - (24) Drawings of all existing and proposed drainage and utility layouts.
 - (25) Location of the required building envelopes with front, rear, and side yard setback dimensions on each proposed lot.
 - (26) Location of any wetland areas and associated wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes-and-bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.
 - (27) Location of any flood hazard areas with delineation and elevation of the 100-year flood boundary.
 - (28) Existing topography shown at five-foot intervals interpolated for United States Coast and Geodetic Survey map for the entire tract. Additionally, all lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the tract as well as any other area of the tract identified as steep slopes in the Ordinance.
 - (29) Plans illustrating all proposed streets with the following information:
 - (a) Street centerline plan and profiles.
 - (b) Street centerline curve data including central angle, tangent distance, radius, arc length, chord distance, and chord bearing.
 - (c) Right-of-way dedication and improvement, if applicable.
 - (d) Sight triangle easements, if applicable.
 - (30) Location and width of all existing and proposed easements, including utilities, drainage, and access. The area of all proposed easements shall be provided in square feet.
 - (31) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- B. Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a Major Soil Movement Permit and information in accordance with Section 104.4 shall be submitted.
- C. Stormwater management plan, 3 copies.
- D. Environmental Impact Statement in accordance with Article X of Chapter 56.

- E. Plans meeting the requirements of the Map Filing law if a map rather than deeds are to be filed with the Bergen County Clerk's office.

Section 2. Chapter 56 of the Borough Code is hereby amended by deleting the text of §56-26 in its entirety and replacing it as follows:

§56-26 Preliminary Major Subdivision Submission Requirements.

An applicant for preliminary major subdivision approval shall submit the following along with the application:

- A. The Preliminary Major Subdivision application shall be accompanied by 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of the proposed subdivision, and all the documentation listed below. The proposed subdivision shall be accurately drawn to a scale of not less than one-inch equals 50 feet and certified by a licensed professional engineer and land surveyor as to the existing features and boundaries. The subdivision plat shall be in conformance with the Map Filing Law, P.L. 1960, c. 141, (N.J.S.A. 46:23-9.9 et seq.). All design features shall be prepared by a licensed professional engineer.
- B. Preliminary plat details. The preliminary major subdivision plan shall contain the following:
- (1) Title of development.
 - (2) North arrow.
 - (3) Graphic scale and reference meridian.
 - (4) Lot and block number(s), which shall appear on each Sheet in the Title Block as well as on the plans.
 - (5) Address of property.
 - (6) Name and address of record owner.
 - (7) Name and address of applicant, if other than the record property owner.
 - (8) Name, address, license number, and seal of the person preparing the subdivision.
 - (9) If the owner of the premises is other than an individual, the name and address of the partners or officers of the entity making the submission.
 - (10) Certification of owner, if other than the applicant, authorizing submission.
 - (11) Date prepared with all subsequent revisions noted on the plat.
 - (12) A key map showing the location of the tract with reference to the surrounding area showing the lot and block number(s) of the tract, lot and block numbers of adjacent

properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one-inch equals 1,000 feet.

- (13) An aerial photograph with the tract boundaries to evaluate effects upon existing vegetation and surrounding land uses.
- (14) All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest 10 seconds.
- (15) The names, as shown on current tax records, of all owners within 200 feet of the subdivision, together with the lot and block numbers of the said property.
- (16) The boundaries of the tract shall be clearly identified by a heavy solid line. Any subdivision line(s) shall be clearly identified and labeled.
- (17) The existing lot area of the existing lot(s) of the entire tract calculated in acres and the lot area of the proposed lots calculated in square feet and acres. This shall include the total number of lots proposed.
- (18) The existing zoning of the property and on all adjacent lands.
- (19) Tabulation of all applicable zone district bulk requirements, with a comparison to the existing and proposed conditions. All calculations to determine bulk regulations shall be provided (i.e. lot coverage, building height, floor area ratio, etc.)
- (20) Location of the required building envelopes with front, rear, and side yard setback dimensions on each proposed lot.
- (21) List of all variances and waivers/exceptions being sought by the Applicant.
- (22) The location and the lot and block numbers of all proposed lots verified by the Borough Tax Assessor.
- (23) Survey data showing boundaries of the property, building, or setback lines and lines of existing and proposed streets, lots, reservations, easements, and areas dedicated to the public use, including grants, restrictions, and rights-of-way. The area of all proposed easements shall be provided in square feet.
- (24) Reference to any existing or proposed covenants, deed restrictions, or exceptions covering all or part of any parcel. A copy of such covenants, deed restrictions, or exceptions shall be submitted with the application.
- (25) The distances, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets.
- (26) Location of all existing and proposed buildings and all other structures, including walls, fences, culverts, bridges, underground storage tanks, fences, and driveways, with spot elevations at the corners of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.

- (27) Location of existing wells and septic systems on site and within 100 feet of the tract.
- (28) Location of all existing and proposed storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades and directions of flow, locations of inlets, manholes or other appurtenances and appropriate invert and other elevations. If any existing utility lines are underground, the estimated location of said utility lines shall be shown. Included shall be plans and profiles of storm drains, sanitary sewers, water mains and other structures.
- (29) Grading plan illustrating existing and proposed contours with a contour interval of no less than two feet. Existing contours are to be indicated by dash lines; and proposed contours are to be indicated by solid bold lines. All contour elevations shall be referenced to the United States Coast and Geodetic Survey level benchmarks, and such elevations shall be shown in feet and hundredths of a foot. Additionally, any lands with a topographic slope of 10% to 15%, 15% to 20%, or 20% or greater in its natural state shall be separately designated on the topographic map of the tract and a breakdown of steep slope square footage and percentages provided for existing and proposed grading.
- (30) Location of existing rock outcrops, high points, watercourses, depressions, lakes and ponds, marshes, wooded areas, and other significant existing environmentally sensitive or natural features within the entire tract and within 100 feet thereof.
- (31) Location of any flood hazard areas with delineation and elevation of the 100-year flood boundary, as determined by survey.
- (32) Location of all trees exhibiting a diameter of four or more inches, measured 12 inches above the ground, including a table listing all trees by size (dbh) and species.
- (33) A delineation of all trees having a diameter of four or more inches proposed to be removed from the new lot being created, measured 12 inches above the ground, including a table listing all trees by size (dbh) and species.
- (34) Location of any wetland areas and associated wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes-and-bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.
- (35) All proposed streets and street names, with profiles, indicating the grading; and cross sections showing width of roadway, location and width of sidewalks and location and size of utility lines conforming to the Borough standards and specifications. Proposed final grades of all streets shall be shown to a scale of one inch equals five feet vertical and one inch equals 50 feet horizontal on sheets 22 inches by 36 inches, and drawings shall include both plans and profiles and shall show elevations of all monuments referred to United States Coast and Geodetic Survey level bench marks, and such elevations shall be shown in feet and hundredths of a foot.
- (36) The location of all existing and proposed water lines, valves and hydrants, and all sewer lines. The location of all existing and proposed inverts for the sewer lines.

- (37) Existing and proposed stormwater drainage systems. All plans shall be accompanied by a plan sketch showing all existing drainage within 500 feet of any boundary and all areas, such as paved areas, grassed areas, wooded areas and any other surface area contributing to the calculations, and showing methods used in the drainage calculations.
 - (38) Any lands subject to the Farmlands Assessment Act of 1964 shall be duly noted as to the valuation, assessment, and taxation.
 - (39) A chart showing the designation of all lines, symbols, and characters as demonstrated on the plan.
 - (40) Appropriate signature blocks for the required approving authority's signature.
 - (41) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
 - (42) Appropriate details to Borough, County, and State standards including, but not limited to, sidewalks, curbs, paving, street signs, drainage, etc.
 - (43) Locations, size, and details of all existing and proposed signs.
 - (44) Lighting plans, including location, type, wattage, height, and isolux lines.
 - (45) Details of traffic control devices with direction of traffic flow.
 - (46) Location of fire lanes and other parking restrictions.
 - (47) Location of solid waste storage and screening means.
 - (48) Location of any area(s) proposed to be used for snow removal equipment staging and/or the temporary storage of snow,
 - (49) Such other information or data as may be required by the approving authority or the County Planning Board for determination that the details of the subdivision are in accordance with the standards of this Chapter, the Zoning Ordinance and all other applicable laws, ordinances or resolutions.
- C. Name, phone number, email address, license number of the Architect, Landscape Architect, Planner, and Traffic Engineer, if applicable.
- D. Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a Major Soil Movement Permit and information in accordance with Section 104-4 shall be submitted.
- E. A statement accompanying the preliminary major subdivision plan detailing the type of structures to be constructed, approximate start and completion date of construction, and if the development is proposed in phases, a phasing plan shall be submitted.

F. Environmental Impact Statement in accordance with Article X of Chapter 56.

Section 3. Chapter 56 of the Borough Code is hereby amended by deleting the text of §56-33 in its entirety and replacing it as follows:

§56-33 Final Major Subdivision Submission Requirements and Details.

An applicant for final major subdivision approval shall submit the following along with the application:

- A. The Final Major Subdivision application shall be accompanied by 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital copy PDF copy (via email, CD, or thumb drive) of the proposed final subdivision and all the required documents below. The plat shall not differ substantially from the approved preliminary plat.
- B. The final plat shall be drawn at a scale of not less than one-inch equals 50 feet and in compliance with all the provisions of the Map Filing Law, P.L. 1960, c. 141, (N.J.S.A. 46:23-9.9 et seq.). The final plat shall show or be accompanied by the following:
 - (1) Information sufficient to demonstrate that all conditions of preliminary approval and additional details at the time of preliminary approval, if previously granted, have been satisfied.
 - (2) The date, name, property address and Block and Lot of the subdivision, name of the owner, graphic scale, and reference meridian.
 - (3) The tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines; the accurate dimensions, bearings and deflection angles and radii arcs and central angles of all curves; the area of each lot.
 - (4) The names, exact locations and widths of all existing and recorded streets intersecting or parallel to the plot boundaries within a distance of 200 feet.
 - (5) The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites, other than residential, shall be noted.
 - (6) The proposed lot, block and street numbers on the tract, including lot and block numbers of abutting properties.
 - (7) The location and description of all monuments.
 - (8) The names of owners of adjoining unsubdivided lands.
 - (9) When approval of a plat is required by any other officer or body of any municipality, county, or state, such approval shall be certified on the plat or evidence shall be submitted that application has been made for such approval.

- (10) Appropriate details to Borough, County, and State standards, including, but not limited to, sidewalks, curbs, paving, street signs, drainage, etc.
 - (11) Such additional requirements as the approving authority may deem reasonably necessary to accomplish the intent and purpose of this Chapter.
- C. A certification by a licensed engineer or land surveyor as to the accuracy of the details of the plat.
 - D. Certification and will serve letters from water, sewer, electric, and gas utilities.
 - E. Four (4) copies and one digital PDF copy (via email, CD, or thumb drive) of all deeds with metes and bounds description for proposed easement dedications including dedication of additional road right-of-way.
 - F. A certification that the Applicant is the agent or owner of the land or that the owner has given consent.
 - G. A certificate from the Tax Collector that all taxes and municipal assessments are paid as of the date of application.
 - H. Written proof that the lands set aside or shown for easement, public use or streets are free and clear of all liens and encumbrances.
 - I. Copies of completed and submitted applications to the Bergen County Planning Board and Bergen County Soil Conservation District, if applicable.
 - J. Written verification of proposed tax lot number(s) from Borough Tax Assessor.

Section 4. Chapter 128 of the Borough Code is hereby amended by deleting the text of §128-8.7 in its entirety, and replacing it as follows:

§128-8.7 Sketch Plat Submission Requirements.

An applicant for sketch plat approval shall submit the following along with the application:

- A. The applicant shall submit 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of a completed application form, and all other required documentation in this section.
- B. In addition to the filing of an application and copies thereof as provided herein, the applicant shall file a sketch plat for the purpose of preliminary review or proceed immediately to file a formal site development plan as is provided for in §128-8.9 of this Chapter. In the event that the applicant elects to file a sketch plat with the approving authority, copies thereof shall be provided simultaneously with the application to those persons and agencies provided in §128-8.9 of this Chapter.

C. The sketch plat, if submitted, shall be sufficiently detailed and understandable so as to show the subject property and surrounding land and shall set forth at least the following information:

- (1) Lot and block designation(s) of the property and the development name.
- (2) Property address.
- (3) Name and address of the applicant and record owner of the property, if other than the applicant.
- (4) Name, phone number, email address, license number, and seal of the person, firm, or organization preparing the sketch plat and for whom the sketch plat has been prepared.
- (5) Name, phone number, email address, license number of the Architect, Landscape Architect, Planner, and Traffic Engineer, if applicable.
- (6) Date prepared with all subsequent revisions noted on the sketch plat and dated.
- (7) North arrow, written and graphic scales, and reference meridian.
- (8) A key map showing the location of the property with reference to the surrounding area showing the lot and block number(s) of the property, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one-inch equals 1,000 feet and include a north arrow and written and graphic scales.
- (9) The location, names, and existing widths of the adjacent streets, rights-of-way, and curblines.
- (10) Names of all owners of record of adjacent properties within 200 feet of the tract, together with the lot and block numbers of the properties as shown on the most recent municipal tax records.
- (11) The existing zoning of the property and on all adjacent lands.
- (12) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk regulations shall be provided (i.e. lot coverage, building height, floor area ratio, etc.).
- (13) List of all variances and waivers/exceptions being sought by the Applicant.
- (14) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, wooded areas, marshes, and any other significant environmentally sensitive or natural terrain features as may be determined by survey.
- (15) Location of any flood hazard areas with delineation and elevation of the 100-year flood boundary or stormwater overflow within 200 feet of the tract.

- (16) Location of uses and outline of structures including walls, fences, culverts, underground storage tanks, bridges, and roadways presently located on the subject property and on properties immediately adjacent thereto for a distance of 200 feet.
- (17) Location of existing wells and septic systems on-site and within 100 feet of the property.
- (18) Location of paved areas, sidewalks, vehicular accesses, and circulation elements between the property and public streets.
- (19) Location of any existing sewers, culverts, or waterlines.
- (20) The location of existing and proposed buildings with front, rear, and side yard setback dimensions and structural improvements.
- (21) Location and area of proposed sidewalks, driveways, loading areas, off-street parking, or other paved areas.
- (22) Any proposed grading including the locations of proposed streets.
- (23) Any proposed utilities, including stormwater drainage.
- (24) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.
- (25) Location of all lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the property. A table shall accompany the map that provides existing and proposed steep slopes on the property in both square feet and percent.
- (26) All trees exhibiting a diameter of four inches or more measures 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified and provided in tabular format with size (dbh) and species.
- (27) Landscape Plan illustrating the location illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- (28) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a Major Soil Moving Permit and information in accordance with Section 104.4 shall be submitted.

D. A written description of the proposed use and off- and on-tract improvements.

Section 5. Chapter 128 of the Borough Code is hereby amended by deleting the text of §128-8.9 in its entirety and replacing it as follows:

§128-8.9 Preliminary Site Plan Submission Requirements; formal site development plan filing procedure.

The applicant shall, simultaneously with the filing of the application herein provided for or at any time thereafter, proceed to file a detailed site plan and with respect thereto shall proceed as follows:

A. Preliminary Site Plan and copies.

- (1) File 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of the site development plan and related information with the Secretary of the Board.
- (2) Said plan and copies shall be submitted to the Board Secretary at least 21 days prior to the Board meeting at which approval is requested and shall be accompanied by the fees and deposits in the amounts herein set forth in this Chapter referable to the site development plan review.

B. An application shall be considered perfected and filed when the application forms have been duly submitted, the fees and deposits paid, and the Borough Engineer and the Borough Planner shall have certified that the site development plan has been drawn in accordance with §128-8.9 of this Chapter and is otherwise in a form required for the formal action of the Board.

C. The officials to whom a copy of the site development plan has been submitted shall forward to the Board, not later than eight days prior to the second regular meeting of the Board succeeding the perfection of the application, their recommendations and comments, if any, in writing, concerning the site development plan. The Board shall consider the recommendations thus advanced but shall proceed in the absence of such recommendations.

D. The applicant shall cause the site development plan to be prepared by a licensed professional engineer or land surveyor. Site development plan elements shall include those listed below, which are appropriate to the proposed development or use:

- (1) Scale and dimensions. The map shall be at a scale of 10, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension in excess of 900 feet, a scale of 50 feet to the inch may be used.
- (2) Description data.
 - (a) Lot and block designation(s) of the property and title of development.
 - (b) Address of the property.
 - (c) Name and address of the record owner of the property and applicant, if other than the record property owner.
 - (d) Name, address, license number, and seal of the person, firm, or organization preparing the plan and for whom the plan has been prepared.
 - (e) Date prepared with all subsequent revisions shall be noted on the plan.

- (f) North arrow, written and graphic scales, and reference meridian.
 - (g) Sufficient description or information to designate precisely the boundaries of the property bearings which begin to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.
 - (h) The location, names, and existing widths of adjacent streets, rights-of-way, and curblines.
 - (i) A key map showing the location of the property with reference to the surrounding area showing the lot and block number(s) of the property, address, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one-inch equals 1,000 feet and include a north arrow and written and graphic scales.
 - (j) An aerial photograph with the property boundaries to evaluate effects upon existing vegetation and surrounding land uses.
 - (k) Names of all owners of record of adjacent properties within 200 feet of the site, together with the lot and block numbers of the subject premises as shown on the most recent municipal tax records.
 - (l) Location, width, and purpose of all existing and proposed easements, including, but not limited to, utility, drainage, sight, and access easements, within or joining the property.
 - (m) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk requirements shall be provided (i.e. lot coverage, building height, floor area ratio, etc.)
 - (n) List of all variances and waivers/exceptions being sought by the Applicant.
 - (o) Approval block for signatures of the Board Chairperson, Board Secretary, Borough Engineer, and any outside agencies required to approve the proposed development.
- (3) Natural features.
- (a) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid bold lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.
 - (b) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, marshes, wooded areas, and any other environmentally sensitive or natural terrain features as may be determined by survey.
 - (c) Location of any wetland areas and wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes-and-bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.

- (d) Location of any flood hazard areas with delineation and elevation of the 100-year flood boundary or stormwater overflow including a metes-and-bounds description of the same, within 200 feet of the site.
- (e) All lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the site. The Applicant shall provide a breakdown of existing and proposed steep slopes on the property in square feet and percent.
- (f) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified. The Applicant shall present a table of existing and proposed trees to be removed by size (dbh).

(4) Existing structures and utilities.

- (a) Location of all uses, buildings, and structures drawn to scale on and within 100 feet of the subject property. All structures including walls, fences, culverts, bridges, roadways, underground storage tanks that are existing and proposed to remain shall be indicated with spot elevations. Structures to be removed shall be indicated by dashed lines.
- (b) Location of all paved areas, sidewalks, vehicular access, and circulation elements, including rights-of-way, traffic control, directional signage, and railroads, between the site and public streets.
- (c) Location, dimensions, grades, and flow direction of existing streets, culverts, and waterlines, as well as other underground and aboveground utilities, including sanitary sewer, water, stormwater management, telephone, electric, gas, and cable TV, within and adjacent to the property.
- (d) Any existing buildings, structures, and walls that are of historic importance or are of important archaeological, cultural, scenic or architectural significance on the subject property or within 200 feet of the property shall be so noted on the plans.
- (e) Location and details of existing signage, lighting, landscaping, and solid waste areas to remain.
- (f) The location of existing wells and septic systems on site and within 100 feet of the site.

(5) Proposed development.

- (a) The applicant shall set forth in detail the exact use to be made of the property and the buildings and structures thereon including, but not limited to, required yard and setback areas, lot coverage and building coverage calculations, and building height in feet and stories.
- (b) The location of the proposed buildings or structural improvements with spot elevations at each corner of the proposed buildings. Floor space of all buildings,

number of employees, housing units or other capacity measurements, where required, shall be so indicated.

- (c) Survey of the site signed and sealed by a licensed professional land surveyor.
- (d) Location, size, and details of all proposed signs.
- (e) Lighting plans including location, type, wattage, height, direction, power, time of use, construction details, isolux lines, and location of security lighting, if proposed.
- (f) Preliminary architecture plans, prepared by a licensed professional architect, which includes floor plans and building elevations illustrating floor area and room divisions, building height, facade design, and roof-mounted equipment, if applicable.
- (g) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- (h) Details of traffic control devices with direction of traffic flow.
- (i) Location of fire lanes and other parking restrictions.
- (j) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a Major Soil Movement Permit and information in accordance with Section 104.4 shall be submitted.
- (k) The location, arrangement, and construction of proposed sidewalks, driveways, loading areas, off-street parking areas, bicycle parking areas, solid waste and recycling disposal areas, fences, retaining walls, outdoor storage areas, or other paved areas. Improvements such as roads, parking areas, sidewalks, and other design details shall be indicated including dimensions of parking stalls, access aisles, curb radii and traffic flows, and handicapped persons access facilities shall be provided.
- (l) Any proposed grading shall be illustrated at an interval of not less than two feet.
- (m) Location and design of proposed utility structures and lines, on-tract stormwater drainage with manholes, inlets, pipe sizes, grades, inverts, and flow directions, telephone, electric, water, gas, sanitary sewer, and cable TV lines.
- (n) Location of proposed area(s) to be used for snow equipment staging and/or the temporary storage of snow.
- (o) Location of any contemplated public improvements on or adjoining the property as indicated by the Borough Engineer.
- (p) If the site development plan is to be developed in phases, a Phasing Plan shall be submitted.

- (q) A garbage and refuse recycling plan providing for an area reserved for the separation of garbage and recyclable materials, inclusive of provisions for the storage of recyclable and nonrecyclable waste and areas reserved for the pickup of such.
 - (r) Appropriate details to the Borough, County, and State standards including sidewalks, curbs, paving, street signs, drainage, etc.
- E. An outline of any existing and proposed deed restrictions or covenants.
- F. Name, phone number, email address, and license number of the Architect, Landscape Architect, Planner, and Traffic Engineer, if applicable.
- G. Environmental Impact Statement in accordance with Article XVII of Chapter 128.
- H. Copies of completed and submitted applications to the Bergen County Planning Board and Bergen County Soil Conservation District, if applicable.
- I. Stormwater Management Plan, if applicable, 3 copies.

Section 6. Chapter 128 of the Borough Code is hereby amended and supplemented by adding a new §128-8.9.1 as follows:

§128-8.9.1 Final Site Plan Submission Requirements.

The applicant shall, simultaneously with the filing of the application herein provided for or at any time thereafter, proceed to file a detailed site plan and with respect thereto shall proceed as follows:

- A. In addition to the requirements provided in §128-8.9, 5 large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF (via email, CD, or thumb drive) of the following information shall be submitted for all final major site plans:
 - (1) The preliminary site plan resolution of approval along with all proposed additions, modifications, or departures from said approval, if applicable.
 - (2) Final construction documents, including:
 - (a) Final site plans, prepared by a licensed professional engineer, for development, including construction details and engineering data.
 - (b) Final architecture plans, prepared by a licensed professional architect, detailing the proposed floor plans and building elevations and the size, materials, colors, and textures of the building façade.
 - (c) Final landscape plans substantially conforming to the preliminary landscape plan and detailing specifications for all landscape improvements, planting details, and irrigation and maintenance details.

- (3) Certification and will serve letters from water, sewer, electric, and gas utilities.
- (4) Four copies of all deeds with metes and bounds description for proposed easement dedications including dedication of additional road right-of-way.

Section 7. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 8. Effective date.

This Ordinance shall take effect immediately upon adoption and publication according to law.

Section 9. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.


MICHAEL GHASSALI, Mayor

ATTEST:


MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 2-25-2020

Councilmember	Yes	No
Arendacs	✓	
Curry	✓	
Koelling	✓	
Lane	✓	
Roche	✓	
Russo-Vogelsang	✓	

ADOPTED: 3-10-2020

Councilmember	Yes	No
Arendacs	✓	
Curry	✓	
Koelling	✓	
Lane	✓	
Roche	✓	
Russo-Vogelsang	✓	



COUNTY OF BERGEN
Department of Planning & Engineering

One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601-7076
Tel. (201) 336-6446 * Fax (201) 336-6449
<http://www.co.bergen.nj.us/planning>

James J. Tedesco, III
County Executive

Joseph A. Femia
Director/County Engineer

February 21, 2020

The Metropolitan Home Development
50 Tice Blvd., Suite 320
Woodcliff Lake, NJ 07677

Re: Subdivision Exemption No. SDEX20-02
The Metropolitan Home Development
Block 603; Lot 34,35,36
Montvale

Dear Applicant:

A review of the above referenced plat indicates that Bergen County Subdivision Approval will not be required. Therefore, under authority of Revised Statute 40:27-1 to 12, inclusive, the Department of Planning and Engineering has exempted this Subdivision from County review and approval.

One copy of the prints forwarded to this office is returned herewith. This print has been signed and sealed on behalf of the County Planning Board by the Department of Planning and Engineering indicating exemption.

Sincerely,

Eric V. Timsak, P.P.
Supervising Planner

Enclosure

c: Montvale Planning Board; Construction Official
Stonefield Engineering & Design
Beattie Padovano, LLC



Dewberry Engineers Inc. 973.739.9400
600 Parsippany Road, Suite 301 973.428.8509 fax
Parsippany, NJ 07054 www.dewberry.com

April 3, 2020

BOROUGH OF MONTVALE

Montvale Borough Planning Board
12 Mercedes Drive
Montvale, New Jersey 07645

2020 APR 10 AM 11:46

Re: NJTA Garden State Parkway Guide Rail Improvements,
HUC 02030103170010
Montvale Borough, Bergen County

Dear Planning Board:

This letter is to provide you with legal notification that the New Jersey Turnpike Authority will be submitting an application for a Freshwater Wetlands General Permit 1 (Maintenance of Existing Features) to the New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation.

The Garden State Parkway Guide Rail Improvements project will replace existing guide rail sections and excavate and place new pavement directly under the guide rail. The location of this work is between Mileposts 171.40 to 171.70.

The complete permit application package can be reviewed at either the municipal clerk's office in the municipalities in which the project is located, or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed project and site. Please submit your written comments within 15 calendar days of receiving this letter to:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: Transportation Unit Supervisor

If you have questions about the application, you can contact me at 973-576-0149.

Sincerely,

Dewberry Engineers Inc.

James D. Heeren, PE, ENV SP
Senior Associate/Department Manager - Environmental



Response is everything.

Selective Insurance Company of America
40 Warrage Avenue
Branchville, New Jersey 07890
Phone: 973 918 3000

SUBDIVISION / SITE IMPROVEMENT
STATUS INQUIRY
RETURN FAX: (866) 324 - 3756

REFILL - GAS STATION

8-40 OFFICE HOURS

Borough of Montvale
Department of Planning and Engineering
12 Mercedes Drive
Montvale, NJ 07645

March 19, 2020

Contractor/Developer: Ali Enterprises LLC, 98 Main Street, Madison, NJ 07940

Bond Number: B1146317 Bond Amount: \$97,136.00

Description: Block 702, Lot 1, 39; Shell Gasoline Filling Station; Canopy Addition

Selective Insurance Company of America executed the referenced bond and would like to be kept informed of the progress of the related improvements. Therefore, we respectfully request that you complete and return this form using the fax number set forth above. Selective thanks you for your cooperation.

Mid Atlantic Bond Region

Improvements/Work Complete:

Date of Acceptance: _____

Improvements/Work Not Complete:

Work on schedule? (If no, explain below)

Scheduled completion date?

Percentage of work complete?

Anticipated completion date?

Is work satisfactory? (If no, explain below)

Any unpaid contractors-suppliers? (If yes, explain below)

May bond amount be reduced by corresponding value of completed work?

Comments: _____

Completed by: _____

Date: _____

Signature & Title: _____

Phone: _____

Email: _____

Fax: _____



Borough Of Montvale

12 Mercedes Drive
Montvale, NJ 07645
(201) 391-5700

Planning Board Use Permit Application

Instructions:

1. Answer all questions on this application form
2. Return to the Planning Board Secretary:
 - Three (3) completed applications with original signatures on each
 - Seventeen (17) photocopies of the completed and signed application
 - [Filing Fee](#) (Zoning Ordinance Section 128-8.6H)
3. After submission, the applicant will be advised by the Board Secretary as to when this matter will be heard by the Montvale Planning Board
4. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed NJ Attorney is required.
5. Taxes must be current on property in question in order for this application to be heard
6. A list of employee zip codes or name of town of employee origination must be included with application (absent this list, the application will be deemed incomplete)

Name, current address and phone number of the applicant (or tenant):

1a. Name of Applicant: [Noble Wood Floors, Inc.](#)

1b. Street: [47 Paul Court](#)

1c. Town /State/Zipcode: [Pearl River](#) [New York](#) [10956](#) -

1d. Phone: [845 721-8143](#)

1e. Fax:

1f. Email: sales@noblewoodfloors.com

If the applicant is represented in this application by a NJ attorney, the attorney's name, firm, address, and phone number must be listed here:

2a. Name of Attorney: [Frank Uzzi](#)

2b. Firm: [The Law offices of Francis A. Uzzi](#)

2c. Street: [210 Summit Avenue, Suite A-11](#)

2d. Town /State/Zipcode: [Montvale](#) [New Jersey](#) [07645](#) -

2e. Phone: [201 391-1091](#)

2f. Fax:

2g. Email: frank.uzzilaw@gmail.com

Name, current address and phone number of the building owner/landlord:

3a. Name of Landlord/Owner: [The 210 Summit Avenue Company, LLC](#)

3b. Street: [210 Summit Avenue, Suite A-5](#)

3c. Town /State/Zipcode: [Montvale](#) [New Jersey](#) [07645](#) -

3d. Phone: [201 391-3100](#)

3e. Fax: [201 391-8642](#)

3f. Email: jmcmc@optonline.net

The building intended to be occupied:

4a. Block #: [2602](#) 4b. Lot #: [1](#)

4c. Street: [210 Summit Avenue](#) 4d. Zone: [OR1](#)

4e. Approximate size of entire building: (in square feet) [30,000](#)

4f. Size of premises within the building to be occupied: (in square feet) [1,100](#)

4g. Do you currently occupy any space in the subject building? YES NO ☒

4h. If yes, how much space currently: (in square feet)

4i.Date applicant intends to occupy the premises: April 1, 2020

4j. Nature of the present use of premises or, if vacant, use immediately prior to intended use proposed by applicant:
Currently vacant. Prior tenant was a medical billing firm.

4k.Name of prior business occupying this space: Murphy Healthcare Group

4l. Intended use of premises. Be specific::
Executive offices for Mr. Kaufman, President, and Mr. Steiner, Vice President, for administrative and clerical duties. The company installs wood floors for contractors throughout New Jersey and Rockland County.

4m. Number of rooms or offices contained on premises: 3

4n. Nature of proposed alterations intended, if any:
Walls touched up and carpet shampooed.


4o. Proposed days and hours of operation:
Monday through Friday, 8:00 a.m. until 6:00 p.m.

Employees, parking, and signs:

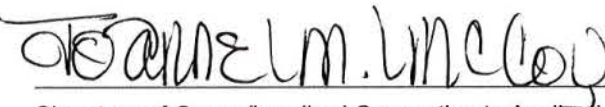
- 5a. Number of employees that will occupy the premises: 2
- 5b. Number of parking spaces required for employees: 2
- 5c. Number of parking spaces required for visitors: 1 on occasion
- 5d. Total number of parking spaces provided for in lease: parking in common
(provide either the number of parking spaces or state 'parking in common' with other tenants)
- 5e. Number of parking spaces that are physically marked or assigned for your use only on site: 0
(i.e. sign that states Parking for ABC Company only)
- 5f. Total number of parking spaces on site: 110
(provide either the number of parking spaces or state 'parking in common' with other tenants)
- 5g. Will any outdoor signs be required by applicant? YES NO ☒
- 5h. If yes when will the sign application be submitted?

Additional information, if any:

- 6a. Additional information, if any:
Mr. Kaufman, President of Noble Wood Floors will appear with Mr. Uzzi at the meeting on March 17th to answer any other questions that the board may have.


Signature of Applicant

Shloma Kaufman, President
Print/Type Applicant Name


Signature of Owner/Landlord Consenting to Application

JoAnne M. McCoy
Print/Type Owner/Landlord Name

I certify this to be a true copy of the Use Permit application approved by the Planning Board of the Borough of Montvale, at its meeting held on Tuesday, , 20 .

Secretary of the Montvale Planning Board

Within 30 days of the approval, the applicant or his representative must deliver a copy of this use permit form, signed by the Secretary of the Board, to the Montvale Building Department for final processing and issuance of a certificate of occupancy, along with the payment of all required fees. Failure to deliver a signed copy within the prescribed time period may result in a denial of a certificate of occupancy and reappearance before the Montvale Planning Board may be required.

THE 210 SUMMIT AVENUE COMPANY, LLC

210 Summit Avenue
Montvale, New Jersey, 07645

EMPLOYEE ZIP CODES

1	Pearl River, New York	10956
2.	Garnerville, New York	10923



Borough Of Montvale

12 Mercedes Drive
Montvale, NJ 07645
(201) 391-5700

Planning Board Use Permit Application

BOROUGH OF MONTVALE

2020 MAR 30 PM

Instructions:

1. Answer all questions on this application form
2. Return to the Planning Board Secretary:
 - Three (3) completed applications with original signatures on each
 - Seventeen (17) photocopies of the completed and signed application
 - Filing Fee (Zoning Ordinance Section 128-8.6H)
3. After submission, the applicant will be advised by the Board Secretary as to when this matter will be heard by the Montvale Planning Board
4. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed NJ Attorney is required.
5. Taxes must be current on property in question in order for this application to be heard
6. A list of employee zip codes or name of town of employee origination must be included with application (absent this list, the application will be deemed incomplete)

Name, current address and phone number of the applicant (or tenant):

- 1a. Name of Applicant: TJY Nails LLC (Carla S. Yoo) d/b/a Happy Nails & Spa
- 1b. Street: 16 South Kinderkamack Road
- 1c. Town /State/Zipcode: Montvale, NJ 07645 New Jersey
- 1d. Phone: 201-388-0522
- 1e. Fax: _____
- 1f. Email: yootimo@gmail.com

If the applicant is represented in this application by a NJ attorney, the attorney's name, firm, address, and phone number must be listed here:

- 2a. Name of Attorney: Janice Gatto, Esq
- 2b. Firm: _____
- 2c. Street: 160 Summit Avenue
- 2d. Town /State/Zipcode: Montvale, NJ 07645 New Jersey
- 2e. Phone: 201-391-2625
- 2f. Fax: _____
- 2g. Email: Janice@jgattolaw.com

Name, current address and phone number of the building owner/landlord:

- 3a. Name of Landlord/Owner: Montvale Associates
- 3b. Street: 71 Vally Street, Suit 204
- 3c. Town /State/Zipcode: South Orange, NJ 07079 New Jersey
- 3d. Phone: 973-763-8454
- 3e. Fax: _____
- 3f. Email: jonah.kruvant@wskrco.com

The building intended to be occupied:

- 4a. Block #: 2404 4b. Lot #: 1
- 4c. Street: 16 South Kinderkamack Road 4d. Zone: B1 ☒
- 4e. Approximate size of entire building: (in square feet) 32255
- 4f. Size of premises within the building to be occupied: (in square feet) 2000
- 4g. Do you currently occupy any space in the subject building? YES NO ☒
- 4h. If yes, how much space currently: (in square feet) _____

4i. Date applicant intends to occupy the premises: ASAP after obtaining approval

4j. Nature of the present use of premises or, if vacant, use immediately prior to intended use proposed by applicant:

Presently occupied by the 'Nails Plus Spa LLC', a nail salon.

4k. Name of prior business occupying this space: Nails Plus Spa

4l. Intended use of premises. Be specific::

The primary use is the operation of a nail salon, skin care treatment and waxing.

A minor use is for the retail sales of skin care product and nail polish.

4m. Number of rooms or offices contained on premises:

4n. Nature of proposed alterations intended, if any:

1. We will be removing old pedicure chairs; New pedicure chairs will be connected to the existing plumbing. - Upon Approval

2. Painting. - Upon Approval

3. Changing signs - Upon Approval

4o. Proposed days and hours of operation:

Monday through Sunday

M-F : 9:30AM to 7:20PM

Saturday : 9AM to 6PM

Sunday : 10 AM to 5PM

Employees, parking, and signs:

- 5a. Number of employees that will occupy the premises: 6
5b. Number of parking spaces required for employees: 3
5c. Number of parking spaces required for visitors: 10
5d. Total number of parking spaces provided for in lease: park in
(provide either the number of parking spaces or state 'parking in common' with other tenants)
5e. Number of parking spaces that are physically marked or assigned for your use only on site: no
(i.e. sign that states Parking for ABC Company only)
5f. Total number of parking spaces on site: 131
(provide either the number of parking spaces or state 'parking in common' with other tenants)
5g. Will any outdoor signs be required by applicant? YES ☐ NO ☒
5h. If yes when will the sign application be submitted? Upon approval

Additional information, if any:

6a. Additional information, if any:

1a. Residential Address:
Carla S. Yoo
2406 Rossett Street
Fort Lee, NJ 07024

5d. Park in Common
5e. Not specified/None
5g. Yes

Signature of Applicant

Print/Type Applicant Name

Signature of Owner/Landlord Consenting to Application

Print/Type Owner/Landlord Name

I certify this to be a true copy of the Use Permit application approved by the Planning Board of the Borough of Montvale, at its meeting held on Tuesday, _____, 20____

Secretary of the Montvale Planning Board

Within 30 days of the approval, the applicant or his representative must deliver a copy of this use permit form, signed by the Secretary of the Board, to the Montvale Building Department for final processing and issuance of a certificate of occupancy, along with the payment of all required fees. Failure to deliver a signed copy within the prescribed time period may result in a denial of a certificate of occupancy and reappearance before the Montvale Planning Board may be required.

For Use Permit Application

Business: TJY Nails LLC d/b/a Happy Nails & SPA

16 South Kinderkamack Road

Montvale, NJ 07654

A list of employee zip codes are as follow,

1. 07650

2. 07650

3. 07650

4. 07010

5. 07010

6. 07022

**Borough of Montvale
Planning Board**

Zoning Variance Application

Date: April 7, 2020

Application is hereby made for variance from the zoning ordinance. If additional relief is sought, e.g. subdivision, site plan approval, appeal from administrative office, provide appropriate details.

1. Applicant's name, address, phone number and email address:

Borough of Montvale

12 Mercedes Drive

Montvale, New Jersey 07645

2. Is the above listed applicant:

☐ an individual

☐ a partnership

☒ a corporation

☐ or other _____

3. If partnership or corporation, state the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership, as the case may be:

N/A - Municipal Corporation

4. If applicant is represented by a NJ Attorney, state the Attorney's name, firm address, phone number and email address:

Philip N. Boggia, Esq. - Boggia, Boggia, Betesh & Voytus

71 Mt. Vernon Street

Ridgefield Park, New Jersey 07660 philip@boggialaw.com (201) 641-0006

5. To whom should correspondence and notices be sent?

Attorney noted above

6. Montvale Tax Assessment Map description of land involved:

Block(s): 1601 Lot(s): 7

P.O. Street Address: 26 N. Kinderkamack Road

Nearest Cross Streets: Nottingham Court

Zone District: R-15

Size of Tract: front 100'/150.19' rear 100'/150.51' sides 100'/150.19'/150.51'

7. If applicant is not the record owner of the land described in number 6 above, state applicant's legal interest:

- ☒ Contract purchaser
☐ Contract tenant
☐ Attorney for record owner
☐ Other: Describe: _____

8. Give size of proposed building or addition:

☒ House Existing structure, see survey attached

☐ Garage _____

☐ Room _____

☐ Other: Describe: _____

Height of building 28' No. of Stories 2

Type of Construction ☐ Frame ☒ Brick ☐ Other _____

9. Purpose of application: (Give a detailed description of the use of the property, present and proposed:

Property is currently used as an apartment on the top floor, and a podiatrist office on the bottom floor. Podiatrist lease expires 12/31/2020. Application proposes converting building to a 2-family house to be deed-restricted and used for affordable housing purposes.

10. Check and give full description of variance(s) requested

(residents see 'Letter of Denial' from Construction Department):

☐ Width ☐ Depth ☐ Area ☐ Front Yard ☐ Rear Yard

☐ Side Yards ☐ Accessory Building ☐ Height of Structure

☒ Use (specify below) ☐ Other (specify below)

Application proposes conversion of property to 2-family house for affordable housing purposes. Current zoning permits single-family homes on 15,000 sq ft lots. No changes to footprint of building are proposed.

11. With respect to each variance requested, set forth in detail the requirement(s) of the zoning ordinance and the extent to which the proposed structure or use fails to comply therewith.

R-15 District only permits single-family residential structures. Two-family home for affordable housing proposed.

12. To your knowledge, has any previous application involving the subject premises been taken to the Board of Adjustment or the Planning Board?

☐ Yes ☒ No

If yes: (a) by whom filed _____ (b) date filed _____

(c) nature of application _____

(d) result _____

Sworn and subscribed to
Before me this 7th day
of April 2020

Maria E. Toronto
Notary Public of New Jersey

MARIA E TORONTO
A Notary Public of New Jersey
My Commission Expires JUNE 23, 2022

Phillip N. Boggia, Esq. for the Borough of Montvale

Signature(s) of Applicant(s)



www.montvale.org

Borough of Montvale

12 Mercedes Drive, 2nd Floor
Montvale NJ 07645

Ph: 201-391-5700
Ex: 201-391-9317

CERTIFICATION

OF PAYMENT OF TAXES

DATE: 4/1/20

I, Fran Scordo, Tax Collector of the Borough of Montvale, hereby

Certifies that the property taxes on the property known as

Block 1601 Lot 7, Qualifier —, as shown on the

Borough tax assessment maps, have been paid through the 1st

Quarter of 2020, and that the taxes on the aforementioned

property are not past due nor are there any penalties, assessments or

interest due or outstanding as of the above date.

Fran Scordo
Fran Scordo, Tax Collector

OWNER'S AFFIDAVIT/AUTHORIZATION - CORPORATE

STATE OF NEW JERSEY) ss:
COUNTY OF BERGEN)

William Greco of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I am (office) President of GRECO LLC
a corporation of the State of New Jersey
with its principal office at 13 Murray Road, Montvale NJ 07645
2. I am, by virtue of my office, authorized to bid said corporation to the representations and agreements contained in this affidavit.
3. Said corporation is the owner of premises in the Borough of Montvale known as
26 North Kinderkamack Road also known as
Block 1601 Lot(s) 7 on the current official tax map.
4. Said corporation has authorized the Borough of Montvale as
☒ contract purchaser ☐ attorney ☐ tenant to make the foregoing application to the
Planning Board of the Borough of Montvale and has agreed to be bound by the decision of the
Board including all terms and conditions made a part thereof.
5. Said corporation has not authorized any other person to make such application on its behalf.

Sworn and subscribed to)
Before me on this 31 day)
of MARCH, 2020)

Janice Gatto
Notary Public of the State of New Jersey
JANICE GATTO
ATTORNEY AT LAW
STATE OF NEW JERSEY

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that an application has been made by

The Borough of Montvale _____ for a variance from the requirements of the zoning ordinance to the Montvale Planning Board as to property known as Block 1601, Lot(s) 7 on the current official tax assessment map of the Borough of Montvale, also known as 26 North Kinderkamack Road, Montvale, New Jersey 07645

(street address)

The purpose of the application is to request a Use Variance to permit the existing structure to be converted and used for a two-family residence for affordable housing purposes. Two-family homes are not a permitted use in the R-15 zone.

(Set forth specific relief requested; for example "to erect an open deck at the rear of the applicant's residence, thereby reducing the 30 foot required rear yard to 18 feet.)

TAKE FURTHER NOTICE that a public hearing has been ordered for Tuesday

_____, 20____ at 7:30pm before the Planning Board of the Borough of Montvale, at the Municipal Building, 12 Mercedes Drive, Montvale, NJ. When this case is called, you may appear either in person or by attorney and present any opinion, which you may have with regard to the granting of the application.

The complete application is on file and is available for your inspection at the office of the Land Use Administrator at the Montvale Municipal Building on any business day between 8:30am to 4:30pm

Applicant's Name Borough of Montvale

Street Address 12 Mercedes Drive

Municipality & Zip Code Montvale, NJ 07645

Date of this Notice _____

JEFFREY FETTE
Construction Official
Zoning Official



Cynthia Petersen
Technical Assistant

201) 391-5732
Fax: (201) 391-1312

BOROUGH OF MONTVALE
Building Department - Code Enforcement
12 Mercedes Drive, Montvale, NJ 07645
www.montvale.org

ZONING LETTER OF DENIAL

DATE: 3/30/20

BLOCK: 1601 LOT: 7

ZONE: R-15

APPLICANTS NAME: Boro of Montvale

ADDRESS: 26 N. Kinderhook RD.

Dear Applicant:

Please be advised that your permit application has been denied, as it does not conform to zoning ordinance for the Borough of Montvale, as it exists today. The following were found to be deficient:

**Zone: R-15
SCHEDULE OF DISTRICT REGULATIONS**

Description	Code	Existing	Proposed	Variance
Minimum lot size	15,000 sq. ft.	15,035	15,035	No
Minimum lot frontage	125 ft.	100/150.19	100/150.19	No
Minimum front yard	55 ft.	84.90	84.90	No
Minimum side yard	15/40 ft.	N/A	N/A	N/A
Minimum rear yard	40 ft.	12.3	12.3	No
Maximum height - Story/Ft	2/28 ft.	2/28	2/28	No
Maximum building coverage	20%	.08% +/-	.08% +/-	No
Maximum lot coverage	35%	39% +/-	39% +/-	No
Maximum families/lot	1	1	2	Yes
Parking requirements				
Pool / Shed	N/A	N/A	N/A	N/A

If you would like to apply for a variance from the current ordinance an application must be filed. Applications may be obtained weekdays during the hours of 8:30 am and 4:30pm or online at www.montvale.org.

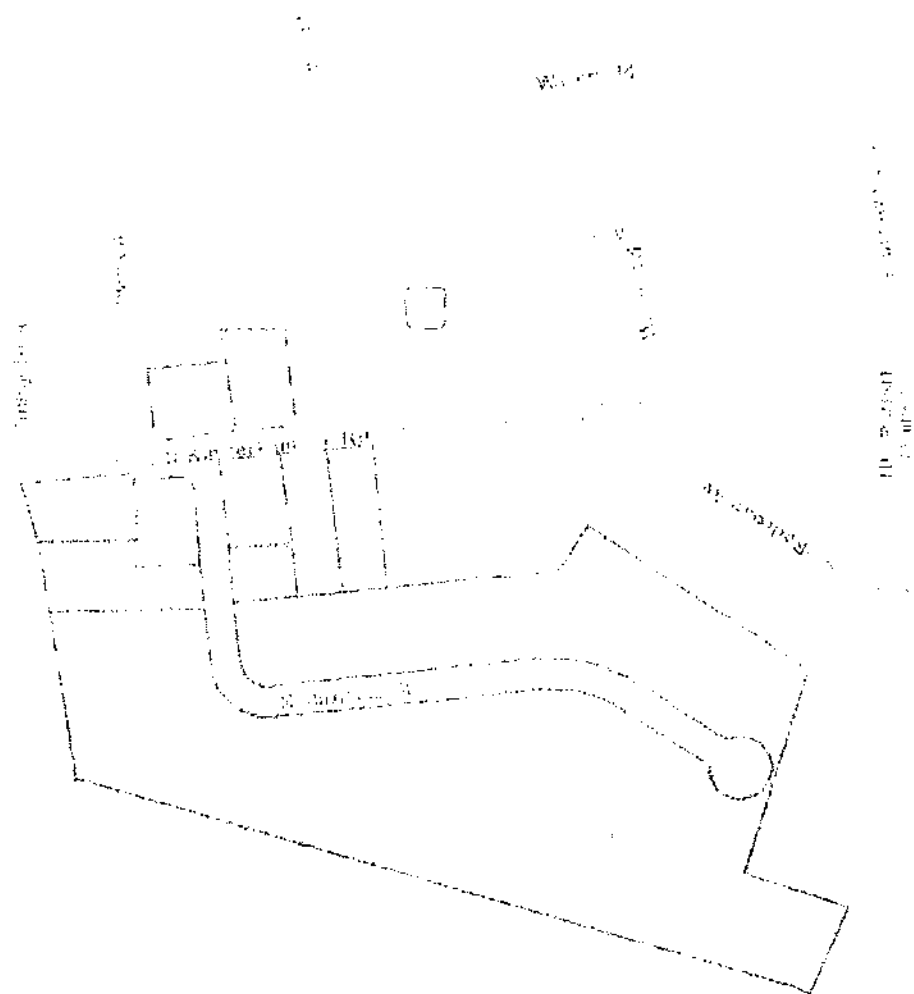

Jeffrey Fette
Zoning Official

Deed Description



11-30'

Сектор: " - 201



BLOCK	LOT	STNAME	APT	TOWN	BLOCK_1	LOT_1	STREET	OWNER_NAME
1601		6	NOTTINGHAM CT	Montvale	1601		6 148 NOTTINGHAM COURT	LEE, CHOONGIL & JAE SEUNG
1603		8	GLEN LN	Montvale	1603		8 2 GLEN LANE	RADONCIC, MUZAFER & ISAK
1603		7	KINDERKAMACK RD	Montvale	1603		7 25 N KINDERKAMACK	MARELLA, FRANCIS & SUSAN
1601	3.01		NOTTINGHAM CT	Montvale	1601	3.01	149 NOTTINGHAM CT.	DEVENS, TIMOTHY & MARIA
1601		8	KINDERKAMACK RD	Montvale	1601		8 24 N KINDERKAMACK	FERNANDEZ, HUGO & BERNICE
1601		4	KINDERKAMACK RD	Montvale	1601		4 34 N KINDERKAMACK	TREANOR, ALLISON AMES
1601		7	KINDERKAMACK RD	Montvale	1601		7 26 N KINDERKAMACK	GREC CO., L.L.C.
1601		3	KINDERKAMACK RD	Montvale	1601		3 32 KINDERKAMACK RD.	SWENSON, DAVID & CHERYL
1601		9	KINDERKAMACK RD	Montvale	1601		9 22 N KINDERKAMACK	C/O RESICAP
1601		2	NOTTINGHAM MANOR	Montvale	1601		2 NOTTINGHAM MANOR	A. SANZARI ENTER.C/O J. HAMMER

OWNER_ADDR	OWNER_CITY_ST
148 NOTTINGHAM COURT	MONTVALE, NJ
2 GLEN LANE	MONTVALE, NJ
25 N KINDERKAMACK RD	MONTVALE NJ
149 NOTTINGHAM COURT	MONTVALE, NJ
24 N KINDERKAMACK ROAD	MONTVALE, NJ
5610 WISCONSIN AVE AP1206	CHEVY CHASE, MD
C/O W GRECO 13 MURRAY RD	MONTVALE, NJ
32 KINDERKAMACK RD	MONTVALE, NJ
3630 PEACHTREE RD	ATLANTA GA
25 MAIN ST COURT PLAZA N.	HACKENSACK, NJ

ESCROW AGREEMENT

THIS AGREEMENT made this 7th day of April, 2020, between _____
the Borough of Montvale _____ hereinafter referred to as
"Applicant", and the Planning Board of the Borough of Montvale, hereinafter referred to as "Board", and
the Council of the Borough of Montvale, hereinafter referred to as "Borough".

WHEREAS, the Applicant is proceeding under the Zoning Ordinance/Land Development
Ordinance for approval of a Use Variance; and

WHEREAS, the Ordinance requires the Applicant to establish an escrow whereby work
required to be performed by professionals employed by the Board will be paid for by the Applicant as
required under the provisions of the Ordinance cited above; and

WHEREAS, both parties feel that it is appropriate to reduce this understanding to written form.

WITNESSETH: IT IS mutually agreed between the parties that:

Section 1. Purposes

The Board authorizes its professional staff to review, inspect, report and study all plans, documents,
statements, improvements, and provisions made by the Applicant in conforming to the requirements of
the Ordinance cited and referred to above. The Board directs its professional staff to make all oral and/
or written reports to the Board of its conclusions and findings derived from the review, study, and
investigation and like or similar duties performed as elsewhere authorized. The Applicant agrees to pay
all reasonable professional fees incurred by the Board for the performance of the duties outlined above.

Section 2. Escrow Established

Applicant, Borough, in accordance with the provisions of this agreement, hereby create an
escrow to be established with the Treasurer of the Borough of Montvale and to be maintained in a
banking institution or savings and loan association in this State insured by an agency of the federal
government, or in any other fund or depository approved for such deposits by the State, in an account
bearing interest at the minimum rate currently paid by the institution or depository on time or savings
deposits.

Section 3. Escrow Funded

Applicant by execution of this agreement shall pay to the Borough, to be deposited in the
depository referred to in Section 2, such sums as are required by the Zoning Ordinance/Land
Development Ordinance. The applicant shall be notified by the Borough in writing of the name and
address of the institution or depository in which the deposit is made and the amount of the deposit.
Execution of this agreement by the Borough acknowledges receipt of the sums referred to under this
paragraph.

Section 4. Increase in Escrow Fund

If during the existence of this agreement the funds held by the Borough shall be insufficient to cover any voucher or bills submitted by the professional staff and reviewed and approved by the Board, Applicant shall within fourteen (14) days from the date of receipt of written notice deposit additional sums with the Borough to cover the amount of the deficit referred to above. During this period the professional staff shall cease all review activities. The written notice shall be sent by the Treasurer setting forth the amount of the deficit and the member or members of the professional staff to whom the additional sums are due. Unless otherwise shown, receipt shall be presumed to have occurred within three (3) days after mailing.

Section 5. Submission of Vouchers by Professional Staff

The professionals referred to in this agreement, upon the completion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Borough for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the total of all fees and costs incurred as a result of the services set forth under Section 1 of this agreement and shall contain a brief description of the services including the Block and Lot, and name of application, which have been rendered by the professional concerning the applicant's application.

Section 6. Board Review

The Treasurer shall review all vouchers to determine whether they have been submitted in the appropriate form. If the Treasurer determines that the vouchers are in the appropriate form then the vouchers shall be submitted to the Land Use Administrator for review to determine whether the services have been performed in the manner and to a degree required by this agreement. The Treasurer shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Borough. Following the determination by the board that services have been performed properly, the Treasurer shall mail a copy of each approved voucher to the Applicant. At the conclusion of this processing the amounts specified in said vouchers shall be deducted by the Borough from the escrow established pursuant to the agreement.

Section 7. Applicant's Objection

It is expressly agreed to by the Applicant that the right to object to the payment of any voucher is hereby expressly waived unless written notice is received by the Land Use Administrator by certified mail no later than three (3) days prior to the next regularly scheduled Board meeting following the meeting in which the contested voucher of vouchers had been approved. The writing notice shall have accompanying it a copy of each voucher being objected to. The standard of review to be utilized by the Land Use Administrator and Planning Board Chairman in determining whether the payment of any voucher is proper is whether the fees incurred are reasonable and whether the work has been performed properly. It is furthermore understood that the Applicant shall have the right to make periodic inspections of the records maintained by the Borough during normal office hours to determine the status of the escrow account.

Section 8. Interest Allocations

Except as otherwise set forth hereinafter all interest earned on money deposited pursuant to this agreement which shall be held in escrow shall become the property of the Borough as compensation for administrative services rendered in connection with this agreement. An Applicant shall be entitled to payment of interest whenever the Applicant shall have deposited an amount of money in excess of \$5,000.00 and the amount of interest paid on that money shall exceed \$100.00 for the year. If the amount of interest exceeds \$100.00, that entire amount shall belong to the Applicant and shall be refunded by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be, i.e., for professional services rendered to review applications for development, for municipal inspection fees pursuant to N.J.S.A. 40:55D-53 or to satisfy the guarantee requirements of 40:55D-53.a., however at that time the Borough shall deduct 33 1/3% of the interest for administrative and custodial expenses incurred by the Borough in fulfilling its obligations pursuant to this agreement.

Section 9. Refund

In the event that the escrow sums posted are more than those required, or in the event that the Applicant shall abandon the application, excess funds shall be returned to the Applicant within ONE HUNDRED AND TWENTY(120) days of the issuance of the final certificate of occupancy for the project which is the subject of the application or receipt of written notice of the abandonment of the application. Prior to the issuance of the final certificate of occupancy for any project for which Board approval has been received or upon receipt of written notice of abandonment of an application, the Treasurer shall determine from the professional staff whether there are any additional sums required to be paid from the escrow fund. In the event that there are, monies will be held by the Treasurer until notice is received by the professionals, Environmental Commission, Land Use Administrator and Construction Code Official that work has been completed.

Section 10. Failure to Maintain Escrow Fund

In the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 then the Board shall cease further consideration of the application or of any other then pending application of the Applicant until the additional sum is given to the Treasurer for deposit into the escrow fund. The Applicant hereby expressly consents to a continuance of the statutorily mandated period for completion of Board review pursuant to the Municipal Land Use Law for a period of forty-five (45) days from the date of the notice from the Land Use Administrator and hereby expressly consents to an automatic rejection of Applicant's application without prejudice and without any further action by the Board if within said period the additional sum has not been given to the Treasurer.

Furthermore, in the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 and Board review of the application has been completed, the Applicant is hereby placed on notice that the Borough

will not cause certificates of occupancy to be issued and may take such further action including, but not limited to, refusing to perform any and all further inspection, issuance of stop work orders and other relief as may be necessary, including a lien on the subject property.

Section 11. Performance Escrow – Inspections

The provisions of this agreement shall apply to the performance escrow for inspection to be paid to the Borough. The performance escrow shall be posted prior to construction of an onsite, offsite, on-tract or off-tract improvement. The amount of the escrow shall be 10% of the cost of improvements as calculated by the Board’s Engineer.

The Applicant hereby agrees that the Board Engineer will be notified in writing forty-eight (48) hours prior to the start of any construction. Failure of the Applicant to provide such notice may result in additional inspection costs.

Section 12. Addresses to which Notices are to be Sent

All notices required by this agreement in writing shall be sent to the following addresses:

Borough of Montvale
Treasurer and Land Use
Administrator
12 Mercedes Drive
Montvale, NJ 07645
201-391-5700

Address of Applicant:

Borough of Montvale		
NAME		
12 Mercedes Drive		
ADDRESS		
Montvale	NJ	07645
MUNICIPALITY	STATE	ZIP CODE
201-391-5700		
TELEPHONE NUMBER		

above.



Borough Of Montvale

12 Mercedes Drive
Montvale, NJ 07645
(201) 391-5700

Planning Board Use Permit Application

Instructions:

1. Answer all questions on this application form
2. Return to the Planning Board Secretary:
 - Three (3) completed applications with original signatures on each
 - Seventeen (17) photocopies of the completed and signed application
 - Filing Fee (Zoning Ordinance Section 12B-8.6H)
3. After submission, the applicant will be advised by the Board Secretary as to when this matter will be heard by the Montvale Planning Board
4. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed NJ Attorney is required.
5. Taxes must be current on property in question in order for this application to be heard
6. A list of employee zip codes or name of town of employee origination must be included with application (absent this list, the application will be deemed incomplete)

Name, current address and phone number of the applicant (or tenant):

1a. Name of Applicant: CityMD
1b. Street: 1345 Avenue of the Americas, 8th Floor
1c. Town /State/Zipcode: New York, NY 10105
1d. Phone: (212) 913-0828 x 10053
1e. Fax: (212) 913-0633
1f. Email: wsobh@citymd.net

If the applicant is represented in this application by a NJ attorney, the attorney's name, firm, address, and phone number must be listed here:

2a. Name of Attorney: Antimo A. Del Vecchio, Esq.
2b. Firm: Beattie Padovano, LLC
2c. Street: 50 Chestnut Ridge Road, Suite 208
2d. Town /State/Zipcode: Montvale, New Jersey 07645
2e. Phone: (201) 799-2149
2f. Fax: (201) 573-9736
2g. Email: adelvecchio@beattielaw.com

Name, current address and phone number of the building owner/landlord:

3a. Name of Landlord/Owner: Montvale Development Associates, LLC
3b. Street: 10 Sterling Boulevard, Suite 401
3c. Town /State/Zipcode: Englewood, New Jersey 07631
3d. Phone: (201) 587-0800
3e. Fax: (201) 909-8844
3f. Email: dc@shg.us.com

The building intended to be occupied:

4a. Block #: 2802 4b. Lot #: 2 C001A
4c. Street: 60 Farm View Road 4d. Zone: AH-PUD
4e. Approximate size of entire building. (in square feet) 5,106 s.f. (Building "E")
4f. Size of premises within the building to be occupied (in square feet) 5,106 s.f.
4g. Do you currently occupy any space in the subject building? YES NO ☒
4h. If yes, how much space currently (in square feet) N/A

4i. Date applicant intends to occupy the premises: October 30, 2020

4j. Nature of the present use of premises or, if vacant, use immediately prior to intended use proposed by applicant:

DePiero Farms/Vacant

4k. Name of prior business occupying this space: DePiero Farms/Vacant

4l. Intended use of premises. Be specific::

Medical office

4m. Number of rooms or offices contained on premises: 14

4n. Nature of proposed alterations intended, if any:

Complete interior fit-up of new interior

4o. Proposed days and hours of operation:

Monday through Friday: 8:00 am to 8:00 pm

Saturday: 9:00 am to 5:00 pm

Sunday: 9:00 am to 5:00 pm

Employees, parking, and signs:

- 5a. Number of employees that will occupy the premises: +/- 7
- 5b. Number of parking spaces required for employees: 7
- 5c. Number of parking spaces required for visitors: parking in common with other tenants
- 5d. Total number of parking spaces provided for in lease: parking in common with other tenants
(provide either the number of parking spaces or state 'parking in common' with other tenants)
- 5e. Number of parking spaces that are physically marked or assigned for your use only on site: 0
(i.e. sign that states Parking for ABC Company only)
- 5f. Total number of parking spaces on site: 1065
(provide either the number of parking spaces or state 'parking in common' with other tenants)
- 5g. Will any outdoor signs be required by applicant? ☒ YES ☐ NO
- 5h. If yes when will the sign application be submitted? Signage details submitted with Use Permit Application

Additional information, if any:

6a. Additional information, if any:

None

CityMD

By: [Signature]
Signature of Applicant
Montvale Development Associates, LLC

Kristen Ny Director of Strategic Growth
Print/Type Applicant Name

By: [Signature]
Signature of Owner/Landlord Consenting to Application

Douglas M. Cohen, Esq.
Print/Type Owner/Landlord Name

I certify this to be a true copy of the Use Permit application approved by the Planning Board of the Borough of Montvale, at its meeting held on Tuesday, , 20

Secretary of the Montvale Planning Board

Within 30 days of the approval, the applicant or his representative must deliver a copy of this use permit form, signed by the Secretary of the Board, to the Montvale Building Department for final processing and issuance of a certificate of occupancy, along with the payment of all required fees. Failure to deliver a signed copy within the prescribed time period may result in a denial of a certificate of occupancy and reappearance before the Montvale Planning Board may be required.

**Borough of Montvale
Planning Board**

Zoning Variance Application

Date: _____

Application is hereby made for variance from the zoning ordinance. If additional relief is sought; e.g. subdivision, site plan approval, appeal from administrative office, provide appropriate details.

Sections 128-5.14C, 128-5.14D(2); 128-8.20.1C.1(13) and 128 Attachment 4

1. Applicant's name, address, phone number and email address:

Montvale Development Associates, LLC
Attn: Douglas M. Cohen, Esq.
10 Sterling Boulevard, Suite 401
Englewood, NJ 07631, Phone: (201) 587-0800 x 22, Email: dc@shekemiangroup.com

2. Is the above listed applicant:

- ☐ an individual
☐ a partnership
☐ a corporation
☒ or other Limited Liability Company

3. If partnership or corporation, state the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership, as the case may be:

Not Applicable

4. If applicant is represented by a NJ Attorney, state the Attorney's name, firm address, phone number and email address:

Antimo A. Del Vecchio, Esq., c/o Beattie Padovano, LLC
50 Chestnut Ridge Road, Suite 208
Montvale, New Jersey 07645, Phone (201) 799-2149, Email: adelvecchio@beattielaw.com

5. To whom should correspondence and notices be sent?

Antimo A. Del Vecchio, Esq., c/o Beattie Padovano, LLC
50 Chestnut Ridge Road, Suite 208, Montvale, NJ 07645

6. Montvale Tax Assessment Map description of land involved:

Block(s): 2802 Lot(s): 2 C001A
P.O. Street Address: Grand Avenue
Nearest Cross Streets: Mercedes Drive
Zone District: AH-PUD
Size of Tract: front see plans rear see plans sides see plans

7. If applicant is not the record owner of the land described in number 6 above, state applicant's legal interest:

- ☐ Contract purchaser
☐ Contract tenant
☐ Attorney for record owner
☐ Other: Describe:

Not Applicable

8. Give size of proposed building or addition:

- ☐ House _____
☐ Garage _____
☐ Room _____
☒ Other: Describe: Applicant proposes to occupy 5,106 s.f. (Building E)
Height of building _____ No. of Stories _____
Type of Construction ☐ Frame ☐ Brick ☐ Other _____

9. Purpose of application: (Give a detailed description of the use of the property, present and proposed:

Use Variance from Section 128-5.14C to permit CityMD to use and occupy the property and a
Sign Variance from Sections 128-5.14D(2), 128-8.20.1C.1 (13) and 128 Attachment 4 (to
install an additional (3rd) sign and to allow the aggregate of all signs to exceed the 60 s.f.

10. Check and give full description of variance(s) requested
(residents see 'Letter of Denial' from Construction Department):

- ☐ Width ☐ Depth ☐ Area ☐ Front Yard ☐ Rear Yard
☐ Side Yards ☐ Accessory Building ☐ Height of Structure
☐ Use (specify below) ☒ Other (specify below)

Use Variance from Section 128-5.14C and Sign Variance from Sections 128-5.14D(2);
128-8.20.1C.1(13) and 128 Attachment 4

11. With respect to each variance requested, set forth in detail the requirement(s) of the zoning ordinance and the extent to which the proposed structure or use fails to comply therewith.
Section 128-5.14D(2); 128-8.20.1C1(13) and 128 Attachment 4, as detailed in Exhibit "A"

12. To your knowledge, has any previous application involving the subject premises been taken to the Board of Adjustment or the Planning Board?

☒ Yes ☐ No

If yes: (a) by whom filed Montvale Development Associates, LLC (b) date filed 2010

(c) nature of application Site Plan Approval and Use permit

(d) result approved

Sworn and subscribed to
Before me this 12th day
of February 2020

Shakeela V. Piotrowski
Notary Public of New Jersey

Montvale Development Associates, LLC

By: 
Signature(s) of Applicant(s)
Douglas M. Cohen, General Counsel

SHAKEELA V. PIOTROWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/30/2022

OWNER'S AFFIDAVIT/AUTHORIZATION - CORPORATE

STATE OF NEW JERSEY) ss:
COUNTY OF BERGEN)

Douglas M. Cohen, of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I am (office) General Counsel of Montvale Development Associates, LLC
a corporation of the State of New Jersey
with its principal office at 10 Sterling Boulevard, Suite 401, Englewood, New Jersey 07631
2. I am, by virtue of my office, authorized to bid said corporation to the representations and agreements contained in this affidavit.
3. Said corporation is the owner of premises in the Borough of Montvale known as
The Shoppes at DePiero Farms also known as
Block 2802 Lot(s) 2 (C001A) on the current official tax map.
4. Said corporation has authorized Antimo A. Del Vecchio, Esq., c/o Beattie Padovano, LLC as
☐ contract purchaser ☒ attorney ☐ tenant to make the foregoing application to the
Planning Board of the Borough of Montvale and has agreed to be bound by the decision of the
Board including all terms and conditions made a part thereof.
5. Said corporation has not authorized any other person to make such application on its behalf.

Montvale Development Associates, LLC

Sworn and subscribed to)
Before me on this 12th day)
of February, 2020)

By:



Douglas M. Cohen, General Counsel

Shakeela V. Piotrowski
A Notary Public of the State of New Jersey

SHAKEELA V. PIOTROWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/30/22



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, NJ 08827
T: 908.238.0900
F: 908.238.0901
www.maserconsulting.com

March 24, 2020

PLANNING REPORT

Planning Board
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: CityMD
Shoppes at DePiero Farms
60 Farm View
Block 2802, Lot 2, Qualifier C001A
Review Letter #1
MC Project No. MPP-141

Dear Board Members:

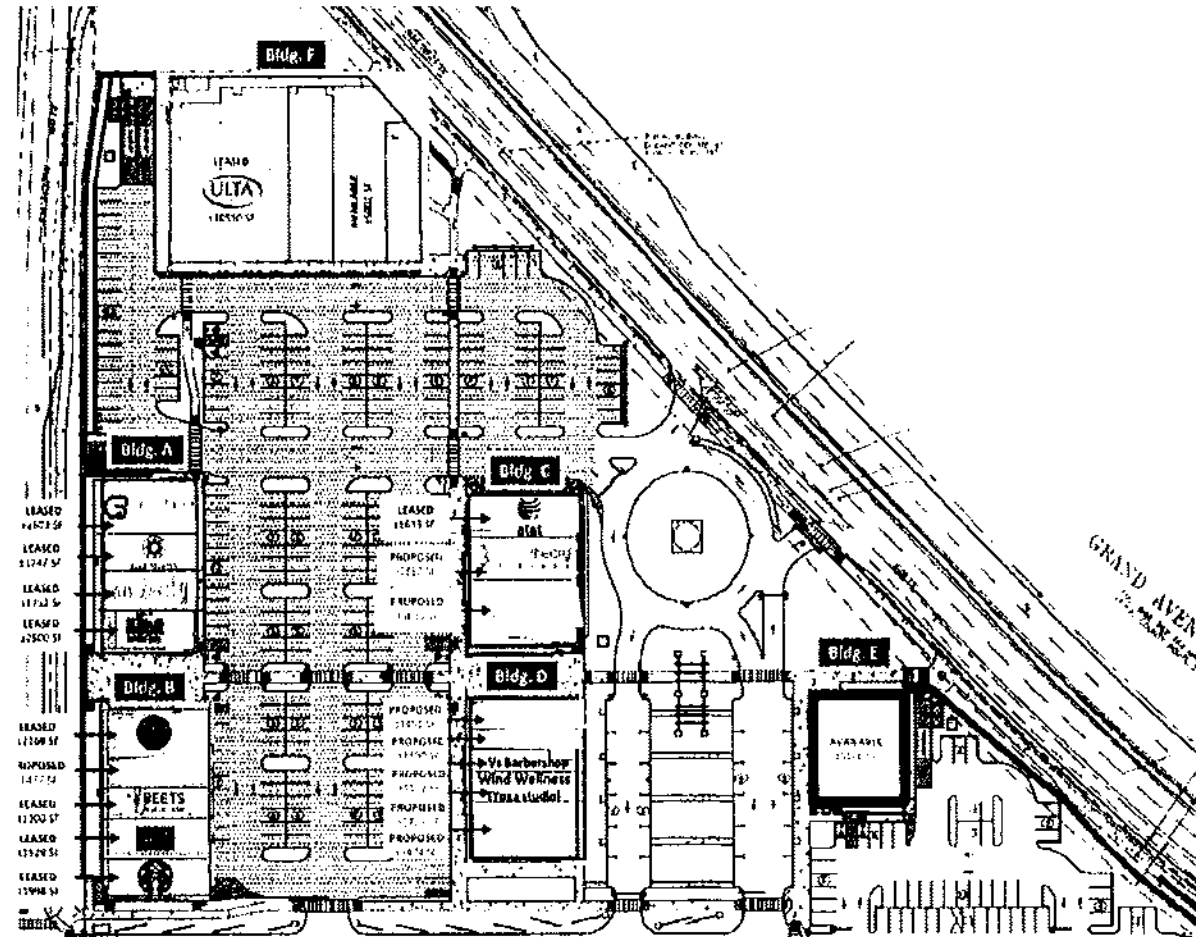
CityMD has submitted a Use Permit Application to use and occupy 5,106 square feet of "Building E". Additionally, Montvale Development Associates, LLC has submitted a Zoning Variance Application for a use variance and signage variances. The Application requires a D(1) use variance and "C" variances, which are detailed in Section B.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Signage Submittal Packet The Shoppes at DePiero Farm CityMD", prepared by Signal Sign Co., dated November 19, 2019, revised through February 4, 2020, consisting of 5 sheets.
2. Planning Board Use Permit Application, no date.
3. Planning Board Zoning Variance Application, dated February 12, 2020.
4. Montvale Police Department Business File Form, dated February 10, 2020.

A. Existing Zoning and Surrounding Land Use

The Shoppes at DePiero Farms lifestyle center is located in the AH-PUD Affordable Housing – Planned Unit Development District. The property is surrounded by the Valley View townhome development to the northeast, office buildings to the east, the municipal building to the south, and the mixed-use development under construction at 1-3 Mercedes Drive to the east. The Applicant proposes to occupy the entirety of "Building E". See the image on page 2, which illustrates the proposed location of CityMD in blue within the greater lifestyle center.



B. Variances

The Application requires the following "D" variances:

1. Section 128-5.14C.(2) – D(1) variance for use. The AH-PUD District does not permit medical office/clinic.

The Applicant proposes a medical office/clinic.

2. Section 128-5.14E(1) – D(1) variance for use. The Ordinance states "any use not specifically permitted shall be prohibited".

The Applicant proposes a use, which is not specifically listed in the principal permitted uses section of the Ordinance (§128-5.14C(2)). Note that we believe this variance is subsumed by #1 above.

Additionally, the Application requires the following "C" variances.

1. Section 128-5.14D.(2) – Variance for signage compliance. The Ordinance permits signs in accordance with Section 128-8.20.1C.(13).



The Applicant proposes signage, which does not comply with the signage requirements of 128-8.20.1C.(13).

2. Section 128, Attachment 4 via 128-8.20.1C.(13)(a) – Variance for number of signs. The Ordinance permits two wall signs per tenant for stores less than 20,000 square feet.

The Applicant proposes a total of three wall signs, one sign on the east (rear), south (side), and west (front) façades.

3. Section 128, Attachment 4 via 128-8.20.1C.(13)(a) – Variance for total sign area. The Ordinance limits the total sign area to 60 square feet for stores less than 20,000 square feet.

According to Sheet 2 of the Sign Plans, the Applicant proposes the front wall sign to be 30 square feet, the side wall sign to be 22 square feet, and the rear wall sign to be 30 square feet. This totals 82 square feet. However, when this office calculates the area based on the plan dimensions, our product is different than the Applicant. We calculate that the front wall sign is 40.64 square feet, the side wall sign is 14.34 square feet, and the rear wall sign is 30.10 square feet. This totals 85.08 square feet.

4. Section 128, Attachment 4 via 128-8.20.1C.(13)(a) – Variance for individual sign area. The Ordinance limits the sign area of any one sign to 36 square feet for stores less than 20,000 square feet.

The Applicant proposes a 40.64 square foot sign on the front façade.

C. Variance Proofs

"D" Variances

Pursuant to the Municipal Land Use Law, a "D" variance requires the Applicant to demonstrate to the Board that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent of the zone plan and zoning ordinance. The Applicant also needs to demonstrate to the Board, by a showing of "special reasons", that the site is peculiarly suited for the particular use being proposed.

1. Positive Criteria (Special Reasons):

The Applicant must demonstrate that the particular use is peculiarly fitted or particularly suitable to the site and its setting and that special reasons exist to support the grant of the variance application. These special reasons exist when one or more purposes of zoning are promoted (N.J.S.A. 40:55D-2).

The court also found in Saddle Brook Realty v. Board of Adjustment, 388 N.J. Super. at 76, that there are three categories of circumstances where the "special reasons" may be found where: (1) the proposed use inherently serves the public good; (2) the property owner would suffer "undue hardship" if compelled to use the property in conformance with the permitted uses of the zone; or (3) the use would serve the general welfare because the "proposed site is particularly suitable for the proposed use".



2. Negative Criteria:

The Applicant must demonstrate that the grant of the variance would not be substantially detrimental to the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

Regarding the “substantial detriment to the public good” prong of the negative criteria, the court affirmed in Medici v. BPR Co., 107 N.J. 1, that the focus is on the impact of the proposed variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”.

The court also stated, with regard to the “substantial detriment to the zone plan and zoning ordinance” prong of the negative criteria, that “the added requirement that boards of adjustment must reconcile a proposed use variance with the provisions of the master plan and zoning ordinance will reinforce the conviction expressed in Ward v. Scott [11 N.J. 117 (1952)], the negative criteria constitute an essential ‘safeguard’ to prevent the improper exercise of the variance power” (107 N.J. 22).

“C” variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible “C” variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Waivers/Exceptions

The Application does not require any waivers/exceptions.

E. Comments

Based on our review of the above-referenced materials, we offer the following comments:

1. The Applicant’s professionals must provide testimony to support the grant of the variances required. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Applicant shall provide testimony regarding the anticipated peak number of patients/clients for weekdays verses weekends.
3. Item 5a of the Use Permit indicates seven employees will occupy the premises. Is this the total number of employees or the total number employees during the peak shift? Testimony shall be provided.



4. The Code Calculations table on Sheet 2 of the Sign Plans indicates the area of the front wall sign is 30 square feet. However, the dimensions provided on Sheet 2 calculates to 40.64 square feet. The Applicant shall note that Section 128-9.7A.3A states:

Computation of area of individual signs. The area of a sign face shall be computed by drawing a square or rectangle that encompasses the extreme limits of the writing, representation, emblem or other display, together with the sign frame and any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed; or by delineating the area established by reason of distinctive variation in background color or by borders, whichever is greater.

Therefore, the area of the front wall sign is calculated by the greater height of the signs, 22 inches, by the total length of the sign, 11 feet, 8 inches plus 10 feet, six inches. The Applicant shall revise the Code Calculations table.

5. The Code Calculations table indicates the area of the side sign is 22 square feet. However, the dimensions provided on Sheet 4 of the Sign Plan calculates to 14.34 square feet. This discrepancy shall be eliminated.
6. The front wall sign is currently 40.64 square feet. The Applicant is urged to reduce this to 36 square feet to eliminate one of the bulk variances.

Should you have any questions with regard to the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in cursive script that reads 'Darlene A. Green'.

Darlene A. Green, P.P., AICP
Borough Planner

DAG/hk

cc: Lorraine Hutter, Board Secretary (via email Lhutter@montvaleboro.org)
Andy Hipolit, Borough Engineer (via email AHipolit@maserconsulting.com)
John DePinto, Board Chair (via email jdepinto@montvaleboro.org)
Bob Regan, Board Attorney (via email rregan@rtreganlaw.com)

SIGNAGE SUBMITTAL PACKAGE

**THE SHOPPES AT DePIERO FARM
CITYMD
MONTVALE, NJ**

prepared by:



105 Dorsa Avenue
Livingston, NJ 07039

973-535-9277
Fax 973-535-9276
info@signalsign.com



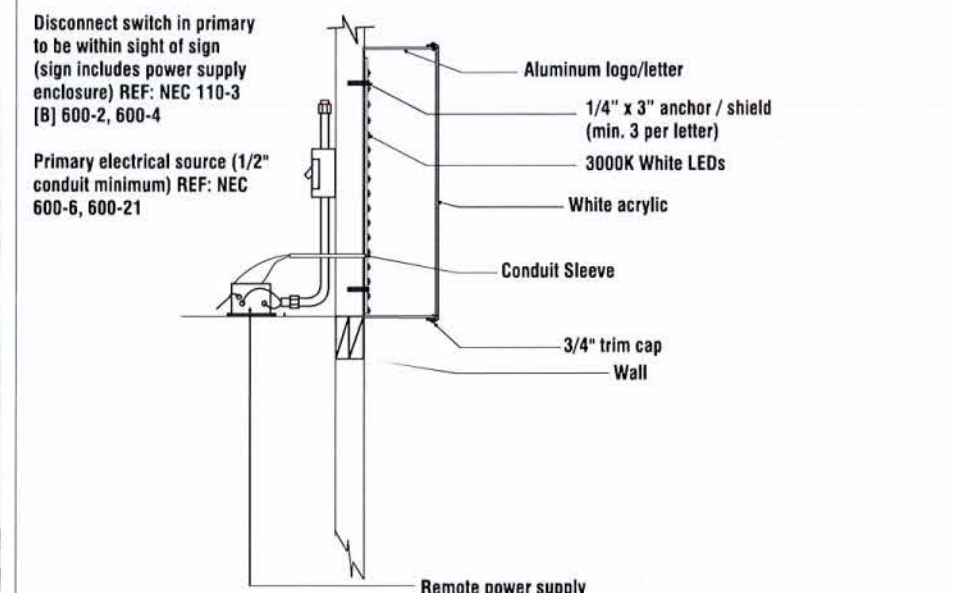
Proposed illuminated channel letter set on front fascia

CODE CALCULATIONS:

	Allowed	Proposed
# of Signs	2	3 (v)
Front:		30 sf
Rear:		30 sf
Side:		22 sf
TOTAL	60 sf	82 sf (v)

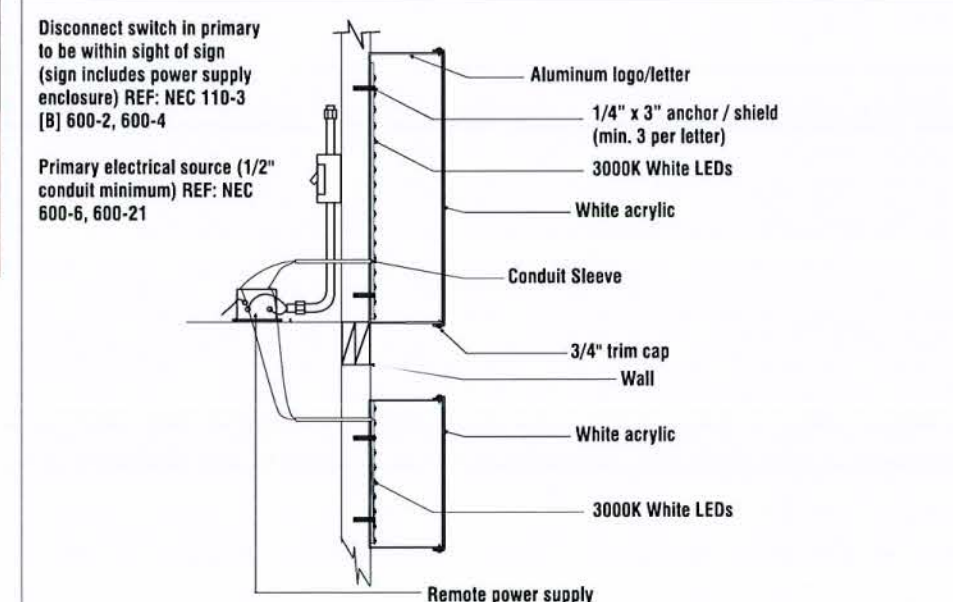
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Livingston, NJ 07039
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info@signalsign.com

CITY MD
DePiero Farm - Bldg. E
MONTVALE, NJ



CHANNEL LETTER DETAIL (TYP.)
ELECTRICIAN TO PROVIDE (1) 20 AMP CIRCUIT WITHIN 6 FEET OF SIGN
NOTE: Field verify location and installation requirements.
Electrical to location by others.
Signs to meet or exceed all applicable codes.

CHANNEL LETTER DETAIL @ FRONT & SIDE



CHANNEL LETTER DETAIL (TYP.)
ELECTRICIAN TO PROVIDE (1) 20 AMP CIRCUIT WITHIN 6 FEET OF SIGN
NOTE: Field verify location and installation requirements.
Electrical to location by others.
Signs to meet or exceed all applicable codes.

CHANNEL LETTER DETAIL @ REAR

02/04/20
CUSTOMER : CityMD 12/05/19 12/16/19
DATE: 11/19/19 11/20/19 11/25/19
SCALE: 1/8" = 1'-0"
DRAWING: SK-1

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Proposed illuminated channel letter set on rear fascia



Proposed illuminated channel letter set on side fascia

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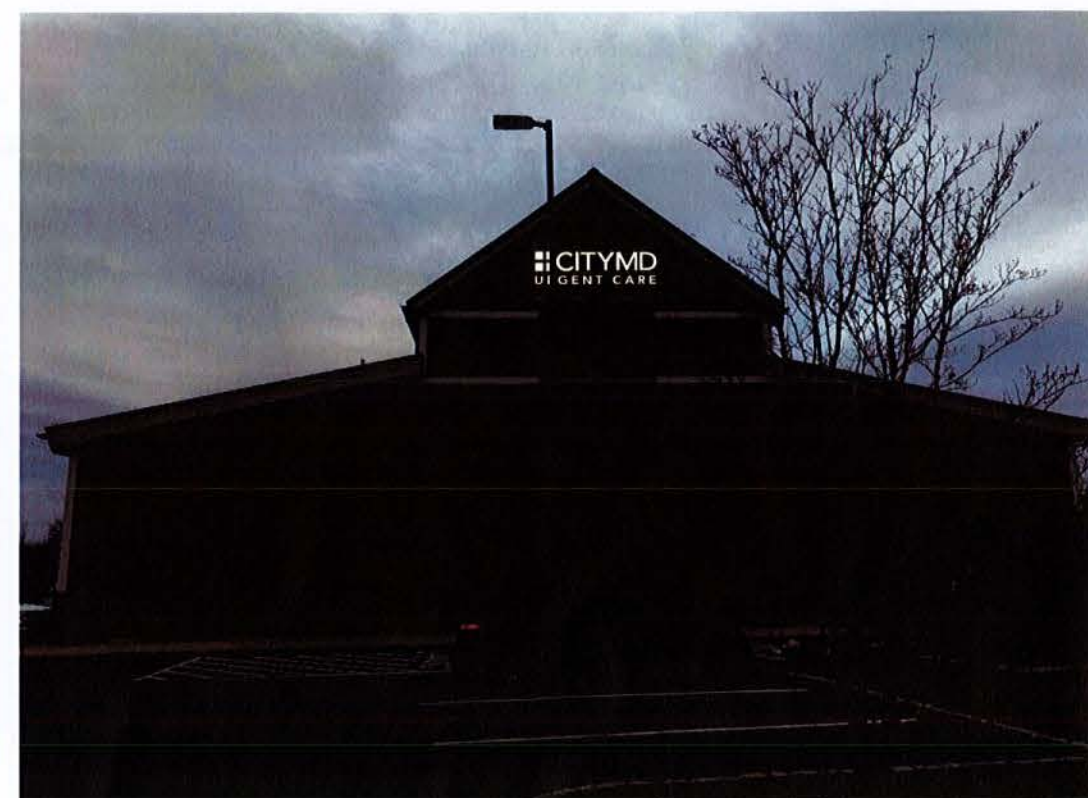
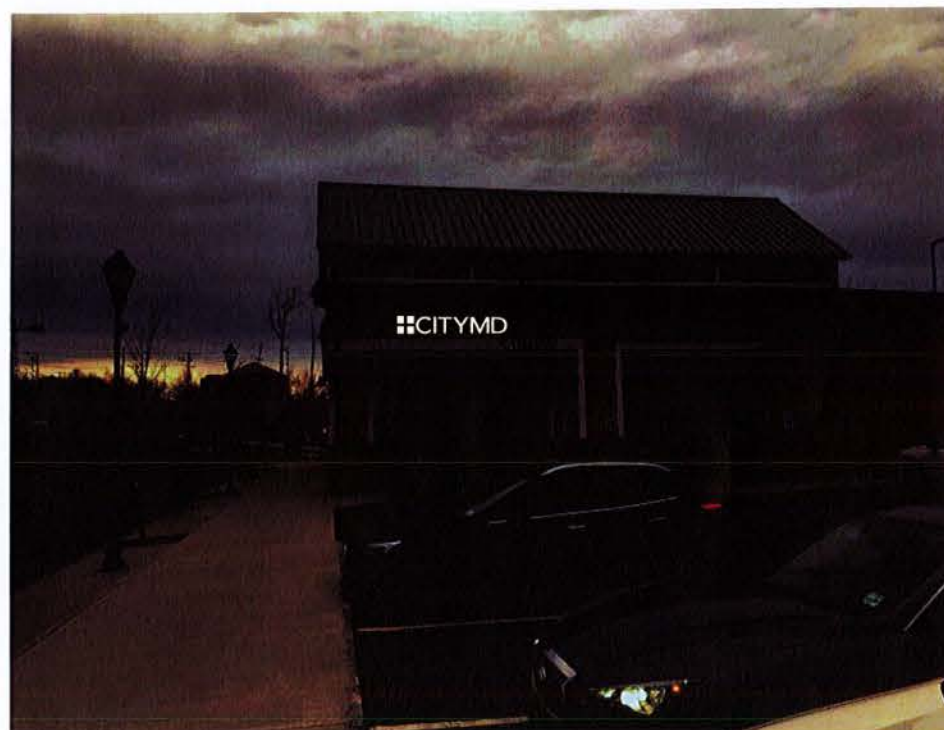
CITY MD
DePiero Farm - Bldg. E
MONTVALE, NJ

CUSTOMER : CityMD
DATE: 12/05/10 12/16/19 12/18/19

SCALE: 1/8" = 1'-0"
DRAWING: SK-3

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SIMULATED NIGHT VIEWS

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CITY MD
DePiero Farm - Bldg. E
MONTVALE, NJ

CUSTOMER : CityMD
DATE: 12/05/10 12/16/19

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a sign manufactured according to these plans.

SCALE: NONE
DRAWING: SK-4

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