

AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
Monday, December 11, 2017
Closed/Executive Session 6:30 P.M.
Meeting to Commence 7:30 P.M.

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2017 adopted on January 2, 2017 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:
Attorney/Client Privilege: Personnel/C.O.A.H.

- 1) Police Personnel
- 2) Council On Affordable Housing (C.O.A.H.)

Minutes to be disclosed as per the Open Public Meetings Act and Resolution No. 14-2016 matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters

ROLL CALL:

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry	Councilmember Lane
Councilmember Gloegler	Councilmember Weaver

Montvale Snow Angels 2018 season

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2017-1436 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

(Adopted Planning Board Resolutions)

PUBLIC HEARING OF ORDINANCE NO. 2017-1437 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE AH-6A DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

(Adopted Planning Board Resolutions)

INTRODUCTION OF ORDINANCE NO. 2017-1438 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A NEW AH-26 AFFORDABLE HOUSING DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO **(ATTORNEY WILL PROVIDE)**

(public hearing 12/26/17)

INTRODUCTION OF ORDINANCE NO. 2017-1439 AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF MONTVALE AND CREATING A NEW CHAPTER 119A IN THE BOROUGH CODE ENTITLED "TREES AND PLANTS"

(public hearing 12/26/17)

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

September 26, 2017
November 28, 2017

MINUTES CLOSED/EXECUTIVE SESSION:

November 14, 2017
November 28, 2017

RESOLUTIONS:

- 229-2017 Special Item Of Revenue And Appropriation - Chapter 159
- 230-2017 Emergency Appropriation
- 231-2017 Transfer Of Appropriations
- 232-2017 Awarding Professional Service Contract / Engineering Services / PSE&G Roadway Improvements/Tilcon New York, Inc./ Maser Consulting, LLC
- 233-2017 Authorize Release of Escrow / Block 3101; Lot 2 / Collectis, Inc.
- 234-2017 Authorize Release of Escrow / Block 1102; Lot 2.02 / Rockland Electric, Co.
- 235-2017 Refund Tax Overpayment / Block 2903, Lot 6.56, C008C / 8C Rustic Circle

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- a. Authorization for Environmental Services:
 - NJDEP Air Quality Permitting – Boiler
 - Preparation of EPA SPCC Plan – Emergency Diesel Generator
- b. Authorization for Storm Sewer Outfall & Detention Basin Inspections

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

UNFINISHED BUSINESS:

NEW BUSINESS:

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

The next Meeting of the Mayor and Council will be held December 26, 2017 at 7:30 p.m.

ADJOURNMENT:

*******Disclaimer***** Subject To Additions And/Or Deletions**

**BOROUGH OF MONTVALE
ORDINANCE NO. 2017-1436**

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 28th day of November 2017, 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 11th day of December 2017 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 CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, Block 2702, Lot 1 and Block 2801, Lot 2 (also known as 1 and 3 Mercedes Drive) and Block 3201, Lot 6 (also known as 1 Glenview Road) (collectively, the "Mercedes Properties") are currently owned by the S. Hekemian Group, LLC and/or its subsidiaries or affiliates; and

WHEREAS, in compliance with the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 6, 2015, the Borough filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Borough of Montvale, County of Bergen, Docket No. BER-L-6141-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, on August 7, 2017, the Court granted The S. Hekemian Group's Motion to Intervene in the Compliance Action; and

WHEREAS, in order to partially settle the Compliance Action, the Borough of Montvale and the Montvale Planning Board approved a Settlement Agreement with The S. Hekemian Group, LLC, at their public meetings of November 14, 2017 and November 21, 2017, respectively; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the provisions of the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, as follows:

Section 1. Chapter 128 of the Code of the Borough of Montvale, Section 128-2.1, "Classes of districts," is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

§128-2.1 **Classes of districts.**

M-PUD Mixed-Use Planned Unit Development District

Section 2. Chapter 128 of the Code of the Borough of Montvale, Section 128-3.1, "Definitions and word usage," is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

§128-3.1 Definitions and word usage.

Dinner theater – A venue that combines a restaurant-style meal and/or drinks with either: (i) a movie; or (ii) a live performance. Live performances include musical acts, theatrical acts (including stand-up comedy), plays or any combination of these, or similar activity performed live by one or more persons. This does not include adult entertainment.

...

Discount/dollar store – A retail store that sells a wide range of inexpensive household goods, which may include product lines such as food and drink, personal hygiene products, small home and garden tools, office supplies, decorations, electronics, garden plants, toys, pet supplies, books, recorded media and motor and bike consumables. This type of store often sells many items for the price of one dollar.

...

Express Retail store- A retail store of a smaller version of the large-scale retail store engaged in selling goods and/or services.

...

Instructional - Uses for the teaching and practice of dance, drama, art, language, martial arts, music, aerobics, sports, fitness, photography and the like. These uses may, from time to time, hold group events, such as birthday parties. This definition shall not include public or private schools.

...

Educational office – A room or group of rooms used for conducting corporate training, which is generally furnished with desks, tables and communication equipment.

Section 3. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding a new Section 128-5.15, "Mixed-Use Planned Unit Development District," as follows:

§128-5.15 Mixed-Use Planned Unit Development District.

The following standards shall apply to development within the Mixed-Use Planned Unit Development District. All other provisions of Chapter 128, Zoning of the Montvale Code shall apply to development in

the M-PUD District only where specifically indicated as applicable in §128-5.15 of the Montvale Code. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.

- A. Purpose. The Mixed-Use Planned Unit Development District is intended to repurpose the former Mercedes-Benz campus by constructing a mixed-use development that simultaneously provides credits towards the Borough's affordable housing obligation. The M-PUD regulations are intended to capitalize on the district's unique location between a lifestyle retail shopping center and the Garden State Parkway.

- B. Application requirements. Any application for development for any portion or the entirety of the M-PUD District shall be submitted as a planned development, in the nature of a preliminary site plan application. Such application shall describe any phasing of the proposed project, together with all on-site and off-site improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases. The following shall apply:
 - (1) Development within the M-PUD District shall be subject to the requirements of the district and to the mandatory findings for planned development as required by the Municipal Land Use Law, N.J.S.A. 40:55D-45.

 - (2) Contribution of the pro-rata share of off-site improvements, including, but not limited to, required roadways, traffic signals, utilities, lighting, landscaping, sidewalk/curbs and drainage.
 - (a) Off-tract improvements are required whenever an application for development requires the construction of off-tract improvements that are clearly, directly and substantially related to or necessitated by the proposed development. The Planning Board, as the case may be, shall require as a condition of final site plan or subdivision approval that the applicant provide for such off-tract improvements. Off-tract improvements shall include water, sanitary sewer, drainage and street improvements, including such easements as are necessary or as may otherwise be permitted by law.

 - (b) Determination of cost. When off-tract improvements are required, the Borough Engineer shall calculate the cost of such improvements in accordance with the procedures for determining performance guaranty amounts in N.J.S.A. 40:55D-53.4. Such costs may include, but not be limited to, any or all costs of planning, surveying, permit acquisition, design, specification, property and easement acquisition, bidding, construction, construction management, inspection, legal, traffic control and other common and necessary costs of the construction of improvements. The Borough Engineer shall also determine the percentage of

off-tract improvements that are attributable to the applicant's development proposal and shall expeditiously report his findings to the board of jurisdiction and the applicant.

- (c) Improvements required solely for the application's development. Where the need for an off-tract improvement is necessitated by the proposed development and no other property owners receive a special benefit thereby, or where no planned capital improvement by a governmental entity is contemplated, or the improvement is required to meet the minimum standard of the approving authority, the applicant shall be solely responsible for the cost and installation of the required off-tract improvements. The applicant shall elect to either install the off-tract improvements or pay the municipality for the cost of the installation of the required off-tract improvements.
- (d) Improvements required for the applicant's development and befitting others. Where the off-tract improvements would provide capacity in infrastructure in excess of the requirements in Subsection B(2)(c) above, or address an existing deficiency, the applicant shall elect to either install the off-tract improvements, pay the pro-rata share of the cost to the Borough, or pay more than its pro-rata share of the cost to facilitate the construction of the improvement(s) and accept future reimbursement so as to reduce its payment to an amount equal to its pro-rata share. If a developer elects to address the required off-tract improvement(s) by making a payment, such payment shall be made prior to the issuance of any building permit. If the applicant elects to install the off-tract improvements or to pay more than its pro-rata share of the cost of the improvements, it shall be eligible for partial reimbursement of costs of providing such excess. The calculation of excess shall be based on an appropriate and recognized standard for the off-tract improvement being constructed, including but not limited to gallonage, cubic feet per second and number of vehicles. Nothing herein shall be construed to prevent a different standard from being agreed to by the applicant and the Borough Engineer. The process, procedures and calculation used in the determination of off-tract costs shall be memorialized in a PUD or developer's agreement to be reviewed and approved by the Borough Attorney, who may request advice and assistance from the Planning Board Attorney. Future developers benefiting from the excess capacity provided or funded by the initial developer shall be assessed in their pro-rata share of off-tract improvement cost based on the same calculation used in the initial calculation. Such future developers shall pay their assessment, plus a two percent administration fee not to exceed \$2,000, to the Borough, at the time of the signing of the final plat or final site plan as a condition precedent to such signing. The Borough shall forward the assessment payment to the initial developer, less any administration fee, within 90 days of such payment.

- (e) Performance guaranty. If the applicant elects to construct the improvements, the applicant shall be required to provide, as a condition of final approval, a performance guaranty for the off-tract improvements in accordance with N.J.S.A. 40:55D-53 and §128-5.15 above.
- (f) Certification of costs. Once the required off-tract improvements are installed and the performance bond released, the developer shall provide a certification to the Borough Engineer of the actual costs of the installation. The Borough Engineer shall review the certification of costs and shall either accept them, reject them or conditionally accept them. In the review of costs, the Borough Engineer shall have the right to receive copies of invoices from the developer sufficient to substantiate the certification. Failure of the developer to provide such invoices within 30 days of the Borough Engineer's request shall constitute forfeiture of the right of future reimbursement for improvements that benefit others.
- (g) Time limit for reimbursement. Notwithstanding any other provisions to the contrary, no reimbursement for the construction of off-tract improvements providing excess capacity shall be made after 10 years has elapsed from the date of the acceptance of the certification of costs by the Borough Engineer.

(3) Any application for development within the M-PUD District shall be accompanied by an Environmental Impact Statement that complies with §128-17.1 through §128-17.10 of this Chapter.

C. Permitted principal uses:

- (1) Within the M-PUD District parcels along Mercedes Drive (Block 2702 Lot 1 and Block 2801 Lot 2), the site plan application for development shall contain all of the following principal uses:
 - (a) Multi-family residential housing.
 - (b) Minimum of 40,000 square feet in the aggregate of professional, medical, educational and general offices.
 - (c) Hotel with a minimum of 150 rooms and 8,500 square feet of conference space.
 - (d) A retail component with a minimum of 30,000 square feet in the aggregate inclusive of one or more of the following uses:

- [1] Restaurants.
- [2] Child care center and adult daycare.
- [3] Lifestyle retail uses as set forth in §128-5.14(C)(2)(b).
- [4] Instructional uses.
- [5] Pharmacy.
- [6] Fitness uses.
- [7] Express Retail Store not exceeding 65,000 square feet.
- [8] Grocery Stores.

(2) Within the M-PUD District parcels along Mercedes Drive (Block 2702 Lot 1 and Block 2801 Lot 2), the development may contain one or more of the following principal uses:

- (a) Dinner theater.
- (b) Banks and financial institutions.
- (c) Any use permitted in §128-5.4 governing the OR Districts.

(3) Within the M-PUD District parcel at 1 Glenview Road (Block 3201 Lot 6), the development may contain the following principal uses:

- (a) Multi-family residential housing, either rental or "for sale".
- (b) Any use permitted in §128-5.4 governing the OR Districts.

(4) Nothing in this Ordinance specifies or restricts the choice by the Developer as to the timing or sequence of construction of the various permitted uses in the M-PUD District. The General Development Plan may include either the Block 2702, Lot 1, Block 2801, Lot 2 and/or Block 3201, Lot 6 properties. Nothing contained herein shall require the General Development Plan to include all of these properties.

D. Permitted accessory uses:

- (1) Off-street parking and loading.
- (2) Freestanding parking garages, limited to two levels above grade surface parking, only on Block 2702 Lot 1 and Block 2801 Lot 2.
- (3) Parking incorporated into the building design.
- (4) Signs, subject to the requirements of §128-5.15(H)(1)(k) below.

- (5) Street furniture, planters, approved public art elements, gazebos, information kiosks, water features, waste/recycle receptacles, vehicle charging stations and bicycle racks in accordance.
- (6) Parks and open space facilities, including, but not limited to, walkways, bikeways, courtyards, plazas and gardens.
- (7) Fences and walls, including retaining walls, subject to the requirements of §128-5.15(H)(1)(i) below.
- (8) Landscaping and buffering in accordance with the requirements of §128-5.15(H)(1)(e) below.
- (9) Stormwater detention facilities.
- (10) Management office for development.
- (11) Lighting fixtures in accordance with the requirements of §128-5.15(H)(1)(j) below.
- (12) Automated teller machines, incorporated into a building's design.
- (13) Outdoor dining, outside of the public right-of-way.

E. Prohibited uses.

- (1) Any use not specifically permitted shall be prohibited.
- (2) Gas stations.
- (3) Any drive-through or drive-in use or service, whether principal or accessory, other than in connection with a pharmacy use or a bank with no more than two (2) drive-thru lanes.
- (4) Adult stores.
- (5) Discount/dollar stores, except Express Retail Stores as permitted herein.
- (6) Tattoo parlors.
- (7) Nail salons and massage parlors, unless included as part of a day spa or full-service hair salon.

F. Bulk, area and other dimensional standards.

(1) General standards for principal and accessory uses in the M-PUD District:

Standard	Requirement
Minimums:	
Lot area	32 acres
Lot frontage	600 feet
Front yard setback (from centerline of street)	60 feet
Side and rear yard setback	50 feet
Setback between building façades	60 feet
Maximums:	
	Building height 4 stories and 65 feet ¹ . For purposes of this section, all cellars and/or basements and levels used, in whole or in part, for parking shall not be considered stories. Any level that contains residential shall be counted as a story.
Floor area ratio	65%
Building coverage	30%
Lot coverage (impervious surfaces)	50%
Lot coverage (including pervious surfaces) ²	65%

¹ The building height measurement shall be measured from the proposed/final average grade, not the existing average grade. Where a building is situated on a slope the highest two building corners (which are the uphill corners) shall be used to determine the final average grade of the building. Except as previously set forth, building height shall be measured in accordance with the definition of "building height" set forth in Section 128-3.1. No fully subterranean level shall include any use other than parking or storage.

² The maximum impervious lot coverage shall be 50% utilizing standard impervious parking techniques for all paved surfaces. However, alternative porous paving system and vegetative "green" roof areas may be used to attain total lot coverage of 65%, with no more than 50% of the lot coverage being impervious surface and up to an

(2) Standards for Block 3201 Lot 6:

Standard	Requirement
Minimums:	
Lot area	2 acres
Front yard setback (from center line of street)	60 feet
Side and rear yard setback	30 feet
Maximums:	
Building height	3 stories and 45 feet
Building coverage	35%
Lot coverage	60%

- (3) Contiguous lots separated by public streets or rights of way, other than divided highways, may be combined for the purpose of calculating lot area. Land dedicated to wetlands, wetland buffers, streams, riparian zones, floodways, flood hazard areas, or similar purposes shall be included in all calculations.

G. Multi-family residential standards.

(1) General standards.

- (a) A maximum of 350 multi-family residential units are permitted on Block 2702, Lot 1 and Block 2801, Lot 2 and Block 3201, Lot 6. Of these, an aggregate minimum of 15 percent shall be low and moderate income housing units. For example, if 350 total units are constructed, 53 of those units shall be low and moderate income housing units.
- (b) A maximum of 310 multi-family residential units are permitted on Block 2702, Lot 1 and Block 2801, Lot 2.

additional 15% of the lot coverage being pervious paving surfaces and green roof areas. Pavers over pervious base or turf blocks shall only be utilized for pedestrian and biking surfaces, overflow parking areas or emergency only access driveways. Porous pavement, suitable for more general and heavier-use vehicular surface applications, is also acceptable. Upon approval, an approved, bonded maintenance plan incorporating best management practices shall be required for all pervious paving surface areas to minimize siltation of porous paving areas.

(2) Market-rate residential unit standards.

(a) Residential units located on Block 2702, Lot 1 and Block 2801, Lot 2 shall have the following minimum unit sizes:

[1] One-bedroom – 700 square feet

[2] Two-bedroom – 850 square feet

[3] Three-bedroom - 1,100 square feet

(b) A maximum of 10% of the market-rate units on Block 2702, Lot 1 and Block 2801, Lot 2 may be three-bedroom units.

(3) Affordable housing unit requirements.

(a) Fifteen percent (15%) of the total residential units shall be reserved for, and affordable to, low and moderate income households. For example, if 350 total units are constructed, 53 of those units shall be low and moderate income housing units (27 affordable to low income households (7 of which shall be affordable to very low income households) and 26 affordable to moderate income households). The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units.

(b) The affordable units shall have a minimum 30 year deed restriction. Any such affordable units shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.

(c) The units shall meet the bedroom distribution required by the Uniform Housing Affordability Controls.

(d) The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units as mandated by the Fair Housing Act. The distribution of the affordable housing units shall be in compliance with COAH's Round Two substantive regulations, N.J.A.C. 5:93.

- (e) The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense.
- (f) The affordable units shall be family affordable units.
- (g) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-Residential Development Fee Act applicable to the non-residential portion of the development.

H. Site standards.

(1) Site standards for Block 2702, Lot 1 and Block 2801, Lot 2.

(a) Circulation.

- [1] Sidewalks shall be provided along all public street frontages. In addition, sidewalks and/or walkways shall link all buildings within the development to the sidewalks of all adjoining public streets.
- [2] Where sections of sidewalks branch off or join up, a decorative marker, signpost, or circle is recommended. Where sidewalks traverse vehicular driveways, crosswalks shall be provided and marked with textured paving in a contrasting material and color.
- [3] All sidewalks shall have a minimum clear paved walking width of at least five feet; however, sidewalks in front of all commercial storefronts and in other areas with high pedestrian traffic shall have a minimum clear paved walking width of at least seven feet and shall include decorative paving materials, rather than plain concrete.
- [4] Sidewalks adjacent to streets or circulation drives shall also include a landscape strip with street trees, grass and low planting that serve as water storage and infiltration. Where street trees are thus required, they shall be planted no more than 40 feet apart, on center, on average, with variation permitted for curb cuts, utility vaults and other site conditions.
- [5] Benches are encouraged to be located throughout the development along the pedestrian sidewalk network.

[6] Bike racks shall be provided in clear view of storefront entrances, with at least one bike space for every 5,000 square feet of non-residential gross floor area. Said racks shall be served with night lighting.

(b) Off-street parking.

[1] The standards in Section 128-7.1 (except for Subsections B, E, F, K, I and T) of Chapter 128 shall apply. The Planning Board may require compliance with Section 128-7.1(l) for hotel, or stand-alone office or retail pads. Rooftop parking shall be prohibited unless it is adequately screened from view from adjacent properties and streets.

[2] Off-street parking spaces between the building façade and Grand Avenue shall be limited to no more than fifteen percent of the total parking spaces.

[3] The following parking ratios shall apply to development within the M-PUD Zone:

Use	Parking spaces
Banks and financial institutions	1 per 300 sq ft.
Professional, medical, educational, and general offices	1 per 300 sq ft
Restaurants	1 per 3 seats + 1 per 2 employees (peak)
Lifestyle retail uses	1 per 250 sq ft
Child care center and adult daycare	1 per 300 sq ft
Instructional uses	1 per 120 sq ft
Hotels	greater of: 1 per room OR 0.75 per room + 1 per 3 conference seats
Dinner theater	1 per 3 seats +

1 per 2 employees
(peak)

Multi-family residential

As per RSIS

- [4] Where uses share access and parking spaces, the required ratios above shall be lowered by the Planning Board, based upon a shared parking analysis, which demonstrates, to the reasonable satisfaction of the Planning Board, that the combined peak parking demand can be satisfied for those shared parking facilities at a lower combined ratio.
- [5] All surface parking shall be in common except for visitor and handicapped parking spaces.

(c) Loading.

- [1] The standards in Section 128-7.6 of Chapter 128 shall apply.
- [2] Truck loading, service bays and service areas shall be located on the side or rear façade. No truck loading, service bay or service area shall be visible from a municipal or county right-of-way. Landscaping, fencing and other site design mechanisms may be utilized in order to provide appropriate screening.

(d) Parks and open space.

- [1] Parks or plazas shall be provided that, are in the aggregate, is at least 11,500 square feet and open to the public, subject to the rules of the property owner. Chairs, tables, benches and a water feature are encouraged.
- [2] If there is a retention/detention basin, a walking path may be provided around it that is linked to the greater development.

(e) Landscaping.

- [1] The plant palette from the Shoppes at DePiero Farm (AH-PUD District) should be implemented and enhanced within the M-PUD.
- [2] The standards in Section 128-8.20.1(C)(8) shall apply.

[3] The standards in Section 128-9.8 and Section 128-9.8.1 of Chapter 128 concerning berms shall apply.

(f) Architecture.

- [1] The building material design palette shall be compatible with the approved Shoppes at DePiero Farm (AH-PUD District), but not necessarily of a farm/equestrian vernacular.
- [2] Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- [3] The maximum spacing between building wall offsets shall be 60 feet.
- [4] The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- [5] The maximum spacing between roof offsets shall be 60 feet.
- [6] The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- [7] Fenestration shall be architecturally compatible with the stylé, materials, colors and details of the building. Windows shall be vertically proportioned.
- [8] All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- [9] All ground-level retail and service uses that face a public space shall have clear glass on at least 60% of their facades between three and eight feet above grade.

[10] Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties. Section 128-6.4, regarding satellite antennas, shall apply.

[11] All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

[12] Placement of any packaged terminal air conditioner units within the façade is prohibited.

[13] Balconies are prohibited, except for internal balconies not visible from the boundaries of the property which shall be permitted.

(g) Building design for commercial/office pads.

[1] A maximum of two free-standing commercial/office pads are permitted. The maximum building size of each such pad shall be 15,000 square feet per floor plate.

[2] Offices are encouraged to be located on the upper floors of the free-standing commercial pads.

[3] The maximum building height/stories shall be 4 stories and 65 feet.

(h) Trash. All trash/recycling storage areas shall be enclosed on all four sides and screened using wood fencing or other attractive material. Trash may be stored inside the buildings.

(i) Fences and walls.

[1] To the extent possible, the use of retaining walls should be used in the form of terraces to accommodate severe grade changes, rather than single tall retaining walls. However, no retaining walls shall exceed a height of 15 feet. Where provided, retaining walls shall be screened with a variety of landscaping materials, in groupings, rather than utilizing hedges or uniform plant species and spacing.

[2] Ornamental walls utilizing loose laid stone may be provided throughout the site as appropriate, up to a height of four feet.

[3] Fences shall be installed along the tops of all retaining walls that exceed a height of three feet. Chain-link fencing, including vinyl-coated chain-link fencing, is prohibited.

[4] No fence on the site may exceed a height of four feet, except for fences for the screening of loading areas, utility enclosures and dumpsters.

(j) Lighting.

[1] LED (light-emitting diode) light of the soft white category shall be incorporated into site, service and parking lot lighting.

[2] All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.

(k) Signage.

[1] Section 128-9.7A.1 through Section 128-9.7A.4, shall apply. The standards in Section 128-9.7A.8 through Section 128-9.7A.15 of Chapter 128 shall also apply, except that Section 128-9.7A.9A(6), 128-9.7A.9F, 128-9.7A.9G and 128-9.7A.9S shall not apply.

[2] Signs permitted within the development shall be only those specified in the table below.

Type	Location	Maximum Number	Total Area (sq. ft.)	Maximum Area of any 1 Sign (sq. ft.)	Maximum Height (feet)	Required setback from Property Line (feet)	Maximum Letter Height (feet)
Primary Monument	Intersection of Mercedes Dr./ Grand Ave.	1	100	-	12	10	-
Entrance Monument	Mercedes Dr. Entrance	2	36	-	6	5	-
Wall*	-	1	36**	-	-	-	3

Wall* (over 10,000 sq. ft tenant)	-	2	36 per sign, 60 combined **	-	-	-	3
Window	-	-	20% of the aggregate window area	-	-	-	-
Pedestrian Wayfinding Directory	Key pedestrian ways, public activity areas	4	60	12	6	100	-

* One additional projecting sign per tenant may be permitted but shall not exceed five square feet in size. If a projecting sign is utilized, then both a wall and a projecting sign may be allowed on the same façade. Otherwise, no tenant may locate two wall signs on the same façade.

** Per tenant.

- [3] Only external illumination shall be permitted for all non-wall-mounted signage. Wall-mounted signs may be individual, channel-cut letters with internal illumination or through LED backlighting of letters.
- [4] The primary monument sign shall be limited to the name of the development and three tenants who each occupy a minimum of 10,000 square feet of space. The entrance monument sign shall be limited to the name of the development. All other signs, including wall signs shall be limited to the identification of the tenant only and may include corporate or brand name logos.
- [5] No individual sign may exceed three colors. If white or black is used in the sign it shall not be counted as a color. The color limitation does not apply to projecting signs.
- [6] Awnings are permitted, but shall not be used for signage purposes nor contain any letters, number, logos or the like. No vinyl or white awning shall be permitted; their design shall be consistent with the overall design of the development. Awning panels shall be flat or sloped, but shall not be fluted or curved.
- [7] Monument signs shall utilize materials which closely resemble those materials used for the Shoppes at DePiero's Farm (AH-PUD) monument signs. A solid base surrounded by appropriate ornamental plantings shall be provided. No monument sign shall be located in a sight triangle.
- [8] In addition to the signs above, a tenant may also be permitted to install a sign or signs, limited to demonstrate or evidence membership in a retail or professional organization or credit card or credit association or required licenses, which signs shall be permitted to be attached to

windows on the interior of the business use, provided that the aggregate area employed for such purpose shall not exceed 5% of the total window area. A tenant may also be permitted to install window signs indicating sales, promotions and the like, provided that the aggregate area employed for such purpose shall not exceed 15% of the total window area.

(2) Site standards for Block 3201, Lot 6.

(a) Circulation.

[1] Sidewalks shall be provided to link all building entries through the site to the public street. Sidewalks shall also be provided along the public right-of-way.

(b) Off-street parking.

[1] The standards in Section 128-7.1 (except for Subsections B, E, F and K) of Chapter 128 shall apply.

[2] Off-street parking for residential uses shall be provided in accordance with the New Jersey Residential Site Improvement Standards.

(c) Landscaping.

[1] A mix of deciduous and evergreen trees and low ground cover landscaping shall be planted along the entire site perimeter in order to form an effective year-round screening. Tree spacing shall be 40 feet on center, or closer. In addition, where a row of parking stalls runs in a straight line for more than 20 spaces, landscaped islands shall be provided between every 15 parking spaces, planted with trees and low ground cover.

[2] The perimeter of the building(s) shall be surrounded on all sides by a landscaped, planted strip at least four feet in width. Paved walkways leading to pedestrian entrances may cross this landscape strip in a perpendicular fashion.

[3] The standards in Section 128-9.8 and Section 128-9.8.1 of Chapter 128 concerning berms shall apply.

(d) Architecture.

- [1] Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- [2] The maximum spacing between building wall offsets shall be 40 feet.
- [3] The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- [4] The maximum spacing between roof offsets shall be 40 feet.
- [5] The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- [6] Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- [7] All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- [8] Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties. Section 128-6.4, regarding satellite antennas, shall apply.
- [9] All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.
- [10] Placement of any packaged terminal air conditioner units within the façade is prohibited.

[11] Balconies are prohibited, except for internal balconies not visible from the boundaries of the property which shall be permitted.

(e) Trash. All trash/recycling storage areas shall be enclosed on all four sides and screened using wood fencing or other attractive material. Trash may be stored inside the buildings.

(f) Lighting.

[1] LED (light-emitting diode) lighting of the soft white category shall be incorporated into site, service and parking lot lighting.

[2] All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.

[3] Signage. The standards in Section 128-9.7A.5 and Section 128-9.7A.1 through Section 128-9.7A.4 of Chapter 128 shall apply. The standards in Section 128-9.7A.8 through Section 128-9.7A.1S of Chapter 128 shall also apply.

I. Additional applicable provisions to the M-PUD District. The following sections of the Montvale Zoning Code (Chapter 128) shall apply to development in the M-PUD District.

- (1) Article X, Enforcement.
- (2) Article XI, Interpretation.
- (3) Article XIII, Violations and Penalties.
- (4) Article XIV, Validity.
- (5) Article XVI, Effect.
- (6) Article XVIII, Site Work Permit.

Section 4. The Official Map shall be amended to include the M-PUD District.

Section 5. Planning Board review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough

Section 5. Planning Board review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40:55D-26*.

Section 6. 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 7. Effective date.

This Ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated November 14, 2017, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and The S. Hekemian Group in the litigation *In re Montvale*, Docket No. BER-L-6141-15.

Section 8. 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.

MIKE GHASSALI, Mayor

ATTEST:

MAUREEN IAROSI-ALWAN, RMC, Borough Clerk

INTRODUCED: November 28, 2017

RECORDED VOTE:

Councilmember	Yes	No
Arendacs		X
Curry	X	
Gloeggler	X	
Koelling	X	
Lane	X	
Weaver		X

ADOPTED:

APPROVED:

Introduced By:

Seconded By:

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, the Planning Board of the Borough of Montvale has adopted a Master Plan; and

WHEREAS, a document has been prepared entitled, "Borough of Montvale, Master Plan Amendment For Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6, Known as 1 & 3 Mercedes Drive & 1 Glenview Road" (hereinafter "the Amendment") prepared by Maser Consulting, P.A., dated November 22, 2017; and

WHEREAS, the Amendment is intended to guide the future development of the aforesaid parcels known as the Mercedes-Benz properties (hereinafter collectively, "the properties"); and

WHEREAS, the Amendment proposes the creation of a Mixed-Use Planned Unit Development District (M-PUD) which would permit a mixed-use development comprising multi-family residential, retail-personal service, office,

hotel, banks and financial institutions, with any residential complex required to include low and moderate income units in furtherance of the Borough's goal of addressing its affordable housing obligation; and

WHEREAS, a public hearing has been held on the Amendment, with notice having been given pursuant to the provisions of *N.J.S.A. 40:55D-13*; and

WHEREAS, the Planning Board has considered the Amendment on the duly advertised and noticed date for the hearing of December 5, 2017; and

WHEREAS, the Planning Board has determined that the recommendations in the Amendment will advance certain goals and objectives of the Borough Master Plan, and in addition will provide an opportunity for the creation and development of affordable housing.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Montvale that it does hereby adopt the Amendment in its entirety; and

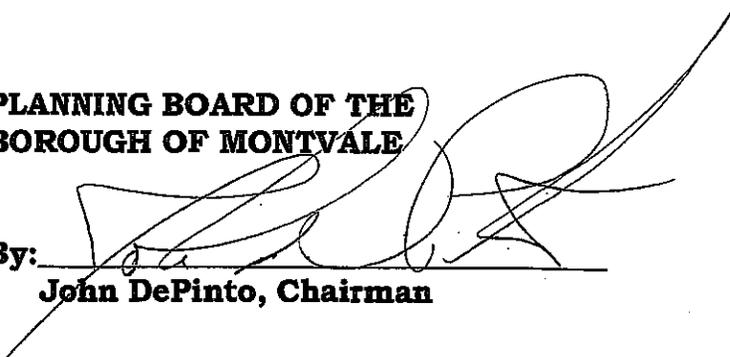
BE IT FURTHER RESOLVED that notice of this adoption shall be given to the Clerks of adjoining municipalities and to the Bergen County Planning Board, with a copy of the Amendment as adopted being provided to the County Planning Board; and

BE IT FURTHER RESOLVED that the Board Secretary/Land Use Administrator be and is hereby authorized and directed to provide the aforesaid

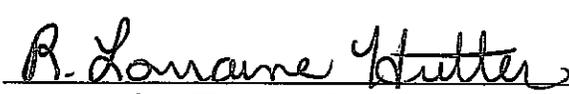
notices, as well as a copy of the within resolution to the Montvale Borough Clerk.

Dated: December 5, 2017

**PLANNING BOARD OF THE
BOROUGH OF MONTVALE**

By: 
John DePinto, Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, December 5, 2017.


**R. Lorraine Hutter, Secretary/Land
Use Administrator**

Introduced by:

Seconded by:

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, on November 28, 2017, the Mayor and Council passed on first reading Ordinance No. 2017-1436 ("the Ordinance") entitled, "An Ordinance of The Borough Of Montvale Amending And Supplementing Chapter 128 Of The Borough Code To Establish The Mixed-Use Planned Unit Development District And To Set Forth The Standards And Criteria Applicable Thereto"; and

WHEREAS, subsequent to the approval on first reading, the Mayor and Council forwarded to the Planning Board a copy of said Ordinance in order for the Board to provide a report to the Governing Body consistent with the provisions of *N.J.S.A. 40:55D-26*; and

WHEREAS, the Planning Board has reviewed the proposed Ordinance.

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

1. The Ordinance creates a new Mixed-Use Planned Unit Development District ("the M-PUD District") and provides that the following properties are included therein: Block 2702, Lot 1 and Block 2801, Lot 2 (also known as 1 and 3 Mercedes Drive) and Block 3201, Lot 6 (also known as 1

Glenview Road) (collectively "the parcels" or "the properties"). The Board initially notes that the creation of the M-PUD District was expressly recommended in a document entitled, "Borough of Montvale, Master Plan Amendment For Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6, Known as 1 & 3 Mercedes Drive & 1 Glenview Road" ("the Amendment") which was adopted by the Planning Board on December 5, 2017.

2. Ordinance No. 2017-1436 is intended to implement the Settlement Agreement with the owner of the properties previously approved by the Mayor and Council and Planning Board.

3. The M-PUD District provides for a multi-use development for the properties while addressing the Borough's affordable housing obligation. More particularly, a maximum of 350 multi-family residential units are permitted on the properties, of which fifteen (15%) percent shall be low and moderate income housing units.

4. In addition to the residential units and the accompanying affordable housing component, the M-PUD District requires as principal uses a total of 40,000 square feet in the aggregate of office space, a hotel with a minimum of 150 rooms and 8,500 square feet of conference space, a retail component with a minimum of 30,000 square feet in the aggregate, which retail uses are specifically set forth in Section 2 of the Ordinance.

5. The Ordinance also establishes detailed requirements pertaining to off-site improvements, including roadway, traffic signal, drainage, utilities, sidewalks/curbing and landscaping.

6. The Ordinance is intended to implement the Master Plan Amendment and the Settlement Agreement and to guide the future use and development of these properties with a planned unit development approach, with a considerable degree of control with respect to development phasing, site layout, site and building design, as well as implementation of the affordable housing component.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that based upon the foregoing findings of fact, that the following conclusions are made and determined respecting the Ordinance's consistency with the Borough's Master Plan and Master Plan Amendment:

1. *N.J.S.A. 40:55D-62a* requires that a zoning ordinance amendment "shall be either substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements". The Board has carefully reviewed the Ordinance and has determined that the proposed Ordinance is consistent with the Master Plan and Master Plan Amendment adopted on December 5, 2017 and is intended to implement the recommendations detailed in the Master Plan Amendment and the aforesaid Settlement Agreement.

2. The Board finds that the Ordinance is substantially consistent with both the Master Plan and Master Plan Amendment and is intended to effectuate the goals, objectives and recommendations therein. Accordingly, the Board finds the Ordinance to be consistent therewith, as provided in *N.J.S.A.*

40:55D-62. This resolution shall constitute the Board's report on said Ordinance as required pursuant to *N.J.S.A. 40:55D-26*.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that a copy of this resolution shall be transmitted by the Planning Board Secretary to the Municipal Clerk immediately subsequent to its adoption.



JOHN DE PINTO, Chairman

Dated: December 5, 2017

Certified to be a true copy of a resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday December 5, 2017.

**R. LORRAINE HUTTER, Land Use
Administrator/Secretary**



BOROUGH
OF
MONTVALE

MASTER PLAN AMENDMENT

For Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6

Known as 1 & 3 Mercedes Drive & 1 Glenview Road

Adopted by the Planning Board on December 5, 2017

November 22, 2017



Master Plan Amendment

For Block 2702, Lot 1, Block 2801, Lot 2 and Block 3201, Lot 6

Known as 1 & 3 Mercedes Drive & 1 Glenview Road

Borough of Montvale

Bergen County, New Jersey

Prepared by:



Darlene A. Green, AICP, PP

NJ License #33LI00611400



The original of this report was signed and sealed in accordance with NJS 45:14A-12.

MC Project # MPP-042

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III.	Need to Modify the 2008 Master Plan	3
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I. INTRODUCTION

The purpose of this Master Plan Amendment is to guide the future zoning and development of the former Mercedes-Benz USA headquarters and corporate offices located on three specific parcels within the community. The first site is Block 2702, Lot 1, known as 1 Mercedes Drive and comprising approximately 20 acres. The second parcel is Block 2801, Lot 2, known as 3 Mercedes Drive. This parcel comprises just over ten acres. The third property is Block 3201, Lot 6, known as 1 Glenview Road. This site contains four acres.

All three parcels are located in the western part of the Borough; Block 2702, Lot 1 and Block 2801, Lot 2 are both on the western side of Mercedes Drive just south of Grand Avenue, and backing up to the Garden State Parkway. Block 3201 Lot 6 is located less than a mile east of the first two sites on Glenview Road west of Spring Valley Road and south of Grand Avenue. All three parcels are located in the OR-4 Office and Research District. See the map on page 4 for the location of the parcels.

Due to the departure of Mercedes-Benz, the former owner and tenant of the three sites, this Amendment to the Borough's 2008 Master Plan contemplates rezoning the properties to permit a mixture of non-residential uses as well as inclusionary multi-family residential uses. The following chapters of this Amendment detail the history of the subject sites, the need to modify the Borough's 2008 Master Plan, the planning justifications for a mixed-use development of the properties and the zoning recommendations to facilitate said uses.

II. HISTORY OF SUBJECT SITES

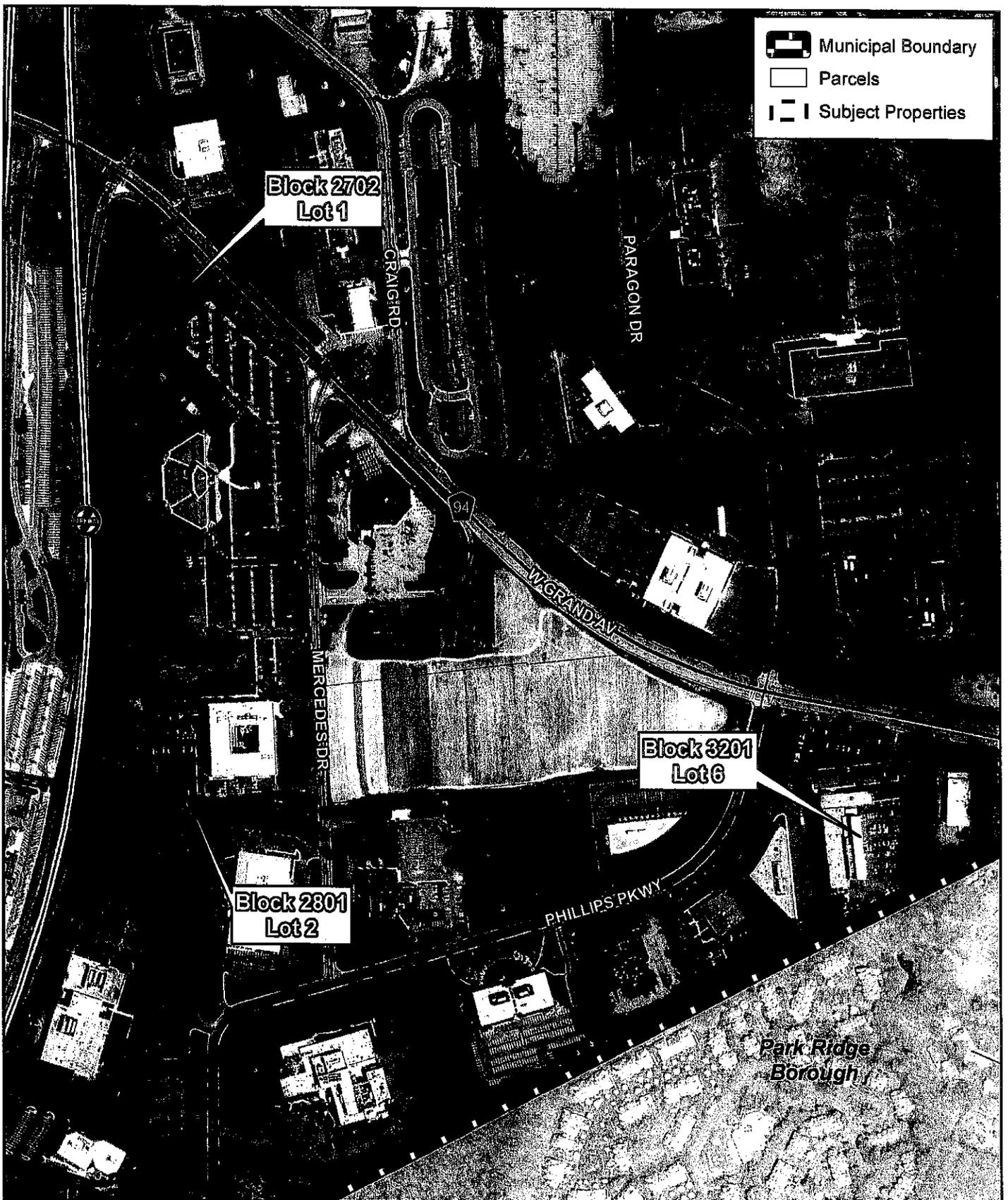
Until recently, Mercedes-Benz USA ("Mercedes") had owned and occupied the three sites for four decades. However, in 2015, Mercedes-Benz USA announced that they would be relocating from Montvale, New Jersey to Atlanta, Georgia. The move meant the departure of the second largest employer in the Borough, leaving hundreds of residents or employees without a job. In total, the move will affect about 1,000 employees who work/worked on the three-parcel, thirty-plus acre campus. A substantial amount of this relocation has already occurred to date.

After the relocation announcement, Mercedes placed the three-site campus on the market. In July of 2017 the S. Hekemian Group, LLC or its affiliates purchased all three properties.

III. NEED TO MODIFY THE 2008 MASTER PLAN

On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing ("COAH") failed to act and as a result, the Courts assumed jurisdiction over the Fair Housing Act. The decision and accompanying Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

-  Municipal Boundary
-  Parcels
-  Subject Properties



1 inch = 450 feet



THIS MAP WAS DEVELOPED USING BERGEN COUNTY AND NJDEP DIGITAL DATA. THIS SECONDARY PRODUCT HAS NOT BEEN VERIFIED AND IS NOT COUNTY OR STATE AUTHORIZED.



SUBJECT PROPERTIES LOCATION MAP

MONTVALE BOROUGH
BERGEN COUNTY, NEW JERSEY



FEBRUARY 2017

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for securing approval of a housing element and fair share plan. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a thirty-day window between June 8 and July 8, 2015 and to seek approval of a housing element and fair share plan as may be supplemented in the context of that litigation. The Supreme Court's procedure also required the trial judges, in lieu of COAH, to determine the standards by which the judges would quantify the obligations of municipalities and the permissible means for municipalities to satisfy their obligations. This would enable the municipality to comply voluntarily with its constitutional obligation to satisfy its affordable housing responsibilities.

Consistent with its past history of voluntary compliance, Montvale accepted the Supreme Court's invitation to participate in the voluntary procedures the Court devised. Specifically, the Borough filed a Declaratory Judgment Complaint on July 6, 2015. The Borough's case was initially assigned to Judge Padovano, who sits in Hackensack. The Court has assigned a Special Master, Frank Banisch, P.P., AICP, to oversee and review Montvale's compliance mechanisms. The Borough worked extensively with Mr. Banisch on issues including its obligations, past affordable housing construction and future mechanisms to provide affordable housing. Montvale also participated in a number of mediation sessions, discussions and efforts to resolve its litigation with all parties and interested parties including two intervenors and Fair Share Housing Center.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations purportedly accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need. Specifically, the Supreme Court called for a calculation of the number of households formed during the gap that (a) qualified as low- or moderate-income households "today", i.e. the date used to define the present need, (b) that still needed an affordable unit; and (c) that were not already counted in the calculation of the indigenous need.

Since the Supreme Court decision on the gap period, several events have occurred in the Borough's ongoing Declaratory Judgment case:

- The case was transferred to Judge Toskos
- On June 29, 2017, the S. Hekemian Group, LLC (contract purchasers of the Mercedes properties "Hekemian") filed a Motion to Intervene in the litigation
- On August 4, 2017, Judge Toskos heard oral argument on the Motion and shortly thereafter the judge granted the Motion to Intervene
- On September 26, 2017, the Borough and Hekemian mediated
- On October 18, 2017, pursuant to a court order, the Borough and Hekemian mediated in Court
- Judge Toskos extended immunity until November 30, 2017 and it is anticipated that the Court will enter an order extending immunity until February 28, 2018

Based upon the mediation sessions, including the mediation that occurred in Court on October 18, 2017, the Mayor and Council believed that settlement with the intervenor was the best course of action for the community. On November 14, 2017 the Mayor and Council approved Resolution 214-2017 entitled "Resolution Approving the Settlement Agreement with Intervenor The S. Hekemian Group, LLC to Partially Resolve the Borough's Affordable Housing declaratory

Judgment Action". On November 21, 2017, the Planning Board approved a resolution authorizing the settlement. The Settlement permits the Mercedes sites to be developed with a maximum of 350 units and a mixture of non-residential uses.

IV. PLANNING JUSTIFICATIONS FOR REZONING

Since the affordable housing litigation commenced in July of 2015, the Borough has carefully considered what sites within the community are appropriate for inclusionary multi-family development. Montvale has concluded that the Mercedes sites present a suitable opportunity for such development.

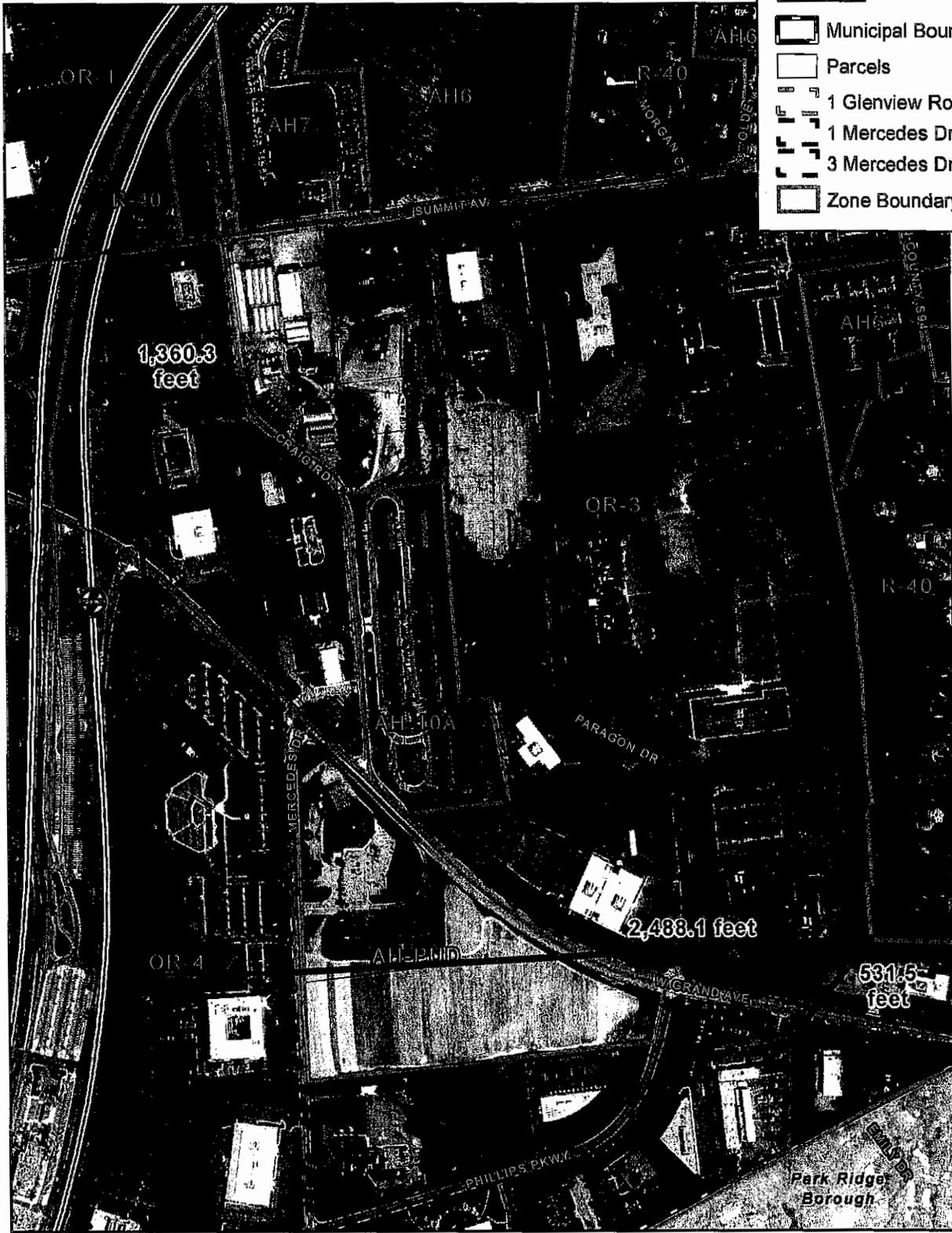
Furthermore, it should be noted that Montvale has adopted a holistic approach to planning for affordable housing. Sound planning supports the location of inclusionary neighborhoods that are located near shops, services and enhanced transportation access. Sound planning also involves the conservation of neighborhood character, an objective achieved in part by maintaining the existing scale, density and character of the Borough's core single-family detached neighborhoods. This can be accomplished in part through a gradation of density across the Borough, maintaining higher densities and greater building heights further away from the core single-family detached residential zones within the Borough and requiring lower densities and lower permitted building heights as the properties approach the established core single-family detached zoning districts within the Borough.

The location of 1 and 3 Mercedes Drive next to the Garden State Parkway eliminates concern for impacts on other single-family residential neighborhoods within the Borough. The map on page 7 shows the distance between the properties and the nearest single-family detached neighborhoods. As a result, there will not be any detrimental impacts on light, air flows, viewshed and traffic on the Borough's existing core single-family detached residential zones.

Furthermore, by allowing mixed-use development on the Mercedes properties it can complement and enhance the Shoppes at DePiero Farm lifestyle complex, which is under construction. Allowing for the redevelopment of the Mercedes office buildings into a mixed-use development has the ability to create a village destination that offers shopping, dining and entertainment in addition to residential living.

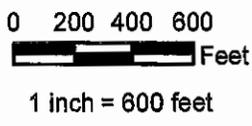
V. ZONING RECOMMENDATIONS

As per the November 14, 2017 Settlement Agreement, the Borough should rezone the properties to a new zone called the Mixed-Use Planned Unit Development District ("M-PUD") (see map on page 8). An M-PUD District Zone can widely broaden the potential to attract a mixed-use development to the properties while further addressing the Borough's affordable housing obligation. As with the existing AH-PUD located on portions of Block 2802 and Block 1002 in the Borough (former DePiero Farm site), the provision of affordable housing is considered a threshold requirement for any potential development concept associated with the Mercedes properties if the M-PUD Zone is to be utilized.



LEGEND

-  Municipal Boundary
-  Parcels
-  1 Glenview Road
-  1 Mercedes Drive
-  3 Mercedes Drive
-  Zone Boundary

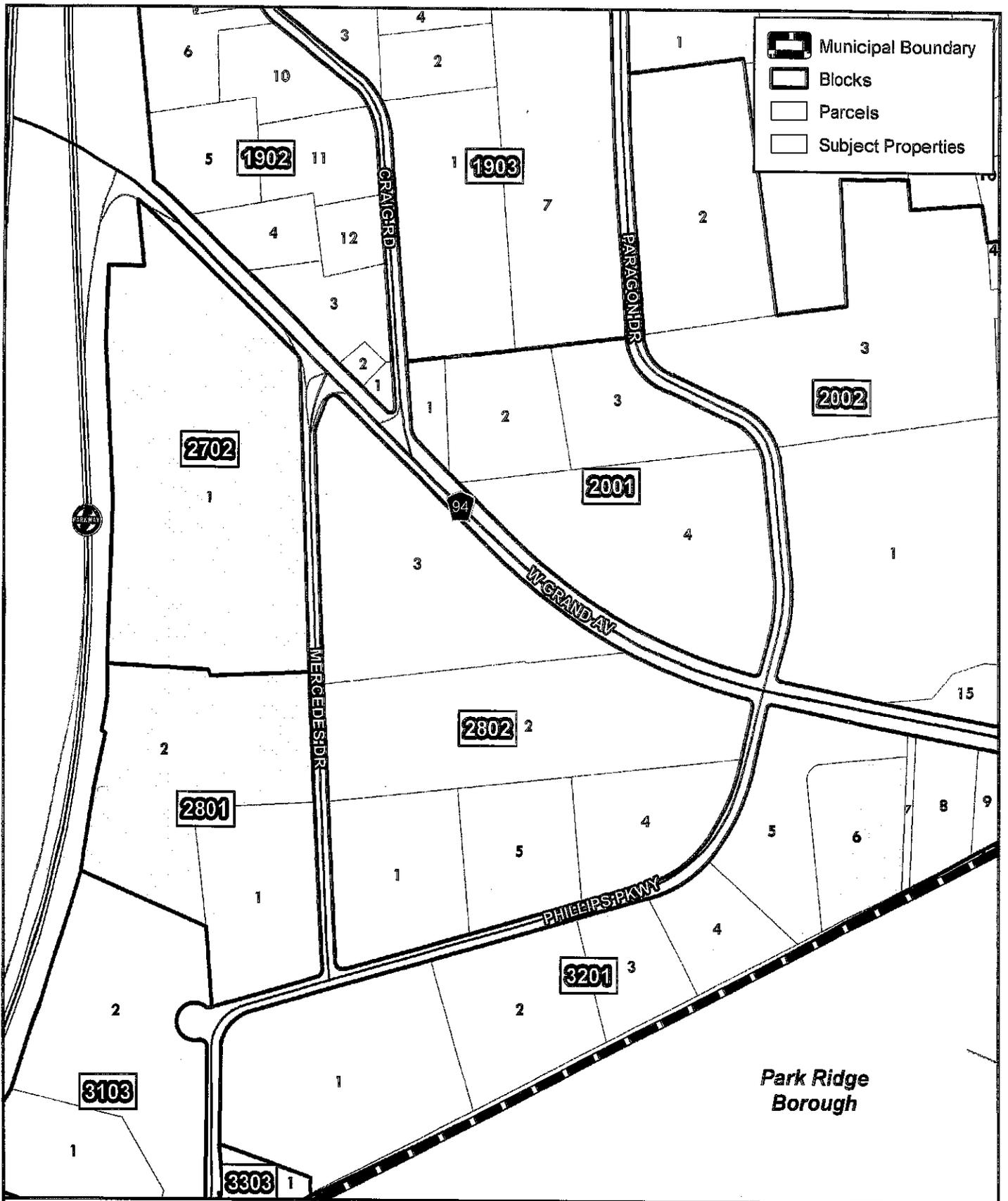


**DISTANCE TO SINGLE
FAMILY RESIDENTIAL ZONE
MERCEDES BENZ PROPERTIES
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY**



NOVEMBER 2017

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1 inch = 450 feet



THIS MAP WAS DEVELOPED USING BERGEN COUNTY AND NJDEP DIGITAL DATA. THIS SECONDARY PRODUCT HAS NOT BEEN VERIFIED AND IS NOT COUNTY OR STATE AUTHORIZED.



**PROPOSED
AH-PUD ZONE**

MONTVALE BOROUGH

BERGEN COUNTY NEW JERSEY



NOVEMBER 2017

*Park Ridge
Borough*

As with the DePiero Farm properties, it is Montvale's position that a planned unit development approach should be utilized to provide a higher degree of control with respect to development phasing, site layout, site and building design and implementation of any required affordable housing components.

The M-PUD District should require a minimum of at least three of the following uses:

- Multi-family Residential
- Retail/Personal Service
- Office
- Hotel
- Banks and Financial Institutions

It is recommended that the zoning ordinance and development regulations for the M-PUD District address the following:

- General
 - Develop design guidelines and a design palette for properties located at 1 and 3 Mercedes Drive which are compatible with the approved Shoppes at DePiero Farm.
 - Seek to create a single village center with 1 and 3 Mercedes Drive and the Shoppes at DePiero Farm by developing a defined point of entry to both developments at Mercedes Drive and West Grand Avenue, with entrances to each project from Mercedes Drive. The main entrance should create a sense of place in terms of coordinated landscaping, lighting, signage, etc.
 - The redevelopment of the properties must be done in a pedestrian-friendly manner that provides pedestrian access between buildings and connects the properties to the surrounding neighborhood.
 - Utilize landscaping to unify both sides of Mercedes Drive. The plant palette from Shoppes at DePiero Farm should be implemented and enhanced within the Study Area.
 - Require a traffic analysis at the time of site plan application to ensure the street network can accommodate the anticipated development.
 - Require a public space, such as a plaza or park. A minimum size should be established in the ordinance.
 - Permit parking garages to be incorporated into the building design, located underground or up to a two-story free-standing garage subject to Planning Board approval.
- Bulk Parameters
 - The ordinance should establish a minimum lot area for the M-PUD District.
 - Building height should be capped at no more than four stories on 1 and 3 Mercedes Drive.¹

¹ It should be noted that the Valley View stacked townhomes, which are north of the Study Area, are four stories tall on the downhill side of the buildings.

- Building height shall be limited to three stories on 1 Glenview Road.²
- Multi-family Residential
 - The future redeveloper(s) of the properties are encouraged to offer both for-sale and rental units to broaden opportunities to attain a diversified housing stock within the Borough.
 - Permit a maximum of 308 multi-family dwelling units on 1 and 3 Mercedes Drive and include standards in the ordinance that require minimum unit sizes for the market-rate units and prohibit three-bedroom units in excess of 10% of the market-rate units.
 - Permit a maximum of 42 multi-family dwelling units on 1 Glenview Road.
 - Require a minimum affordable housing set-aside of 15%.
 - The affordable housing shall be integrated with the market-rate units. Craft bulk standards in the ordinance that require compliance with all affordable housing regulations.
- Retail and Personal Services³
 - Limit retail uses to the first floor in mixed-use structures, but prohibit adult stores.
 - Prohibit discount/dollar stores and gas stations. The definitions in the ordinance may need to be enhanced or created for these uses.
 - Permit a dinner movie theater and/or live entertainment venue, which would host performances, musical acts, theatrical acts (including stand-up comedy), plays, movies or any combination of these, or similar activity performed live by one or more persons, whether or not done for compensation, and whether or not admission is charged. Live entertainment does not include adult entertainment.
 - Allow personal services such as salons and day spas; day care facilities for children and adults; and the like.
 - Permit outdoor dining areas accessory to restaurants.
 - Allow a maximum of two free-standing retail pads. The retail pads shall be integrated into the greater development. Maximum building size shall be 15,000 square feet per floor plate and location parameters shall be established in the ordinance.
 - Prohibit drive-through facilities for restaurants.
- Office⁴
 - Permit professional, medical, educational and general office uses.
 - Encourage offices to be located on the upper floors.

² Building height is limited to three stories at 1 Glenview as the property is located in the middle of the OR-4 Zone, which is limited to three stories. The goal is to blend any new development at 1 Glenview with the surrounding scale and massing of the existing surrounding buildings.

³ This section only applies to 1 and 3 Mercedes Drive.

⁴ This section only applies to 1 and 3 Mercedes Drive.

- Hotel⁵
 - If a hotel is part of the mix of land uses in the zone, it shall be a full-service hotel with conference space.
 - Attract a deluxe/luxury or first class/superior hotel brand to support the expanding medical sector and complement the existing corporate offices within the community.
 - It should be noted that multiple corporate entities within Montvale have requested that conference space be built within the Borough to support their needs for meeting and event space.

VI. CONCLUSION

This Amendment to the 2008 Master Plan is necessary to implement the November 14, 2017 settlement with Hekemian to establish a foundation for rezoning the three properties consistent with the agreement. This Amendment will further satisfy the Planning Board's obligation under the Settlement Agreement. In conclusion, the establishment of a new M-PUD District is recommended.

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⁵ This section only applies to 1 and 3 Mercedes Drive.

**BOROUGH OF MONTVALE
ORDINANCE NO. 2017-1437**

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 28th day of November 2017, 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 11th day of December 2017 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 CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE AH-6A DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, Block 1903, Lot 7 (also known as 2 Paragon Drive) (the "Paragon Property") is currently owned by Two Paragon Drive, LLC and/or its subsidiaries or affiliates; and

WHEREAS, in compliance with the New Jersey Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 6, 2015, the Borough filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Borough of Montvale, County of Bergen, Docket No. BER-L-6141-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, in order to partially settle the Compliance Action, the Borough of Montvale and the Montvale Planning Board approved a Settlement Agreement with Two Paragon Drive, LLC, at their public meetings of November 14, 2017 and November 21, 2017, respectively; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the provisions of the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, as follows:

Section 1. Chapter 128 of the Code of the Borough of Montvale, Section 128-2.1, "Classes of Districts," is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

§128-2.1 Classes of Districts.

AH-6A- Affordable Housing District

Section2. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding a new Section 128-5.16, "AH-6A Affordable Housing District," as follows:

§128-5.16 AH-6A Affordable Housing District.

The following standards shall apply to development within the AH-6A Affordable Housing District. All other provisions of Chapter 128, Zoning of the Montvale Code shall apply to development in the AH-6A District only where specifically indicated as applicable in §128-5.16 of the Montvale Code. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.

- A. Purpose. The purpose of this ordinance is to fulfill a Settlement Agreement by and between the Borough of Montvale and Two Paragon Drive, LLC. The AH-6A Affordable Housing District is intended to repurpose the former A&P Headquarters by constructing an inclusionary housing development that provides credits towards the Borough's affordable housing obligation. The AH-6A regulations are implemented in recognition of the Paragon Property's unique topographic features and other regulatory constraints.

- B. Application requirements. Any application for development for any portion or the entirety of the AH-6A District shall be submitted, in the nature of a preliminary site plan application. Such application shall describe any phasing of the proposed project, together with all on-site and off-site improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases.

- C. Permitted principal uses:
 - 1. Townhouses,
 - 2. Low and moderate Income units within townhouse buildings, which may be designed as one-over-one apartment flats within a townhouse configuration.

- D. Permitted Accessory uses:
 - 1. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses allowed in the AH-6A Zone, including but not limited to patios, decks, swimming pool, and tennis courts,
 - 2. Signs, as otherwise regulated in the Borough ordinances,
 - 3. In conjunction with residential development, noncommercial swimming pools, tennis courts and other outdoor recreation facilities, off-street parking for private vehicles (excluding recreational vehicles, trailers and boats) and outdoor recreational facilities,
 - 4. Street furniture, planters, approved public art elements, gazebos, water features, waste/recycle receptacles, vehicle charging stations, cluster mailbox with or without roof structure and bicycle racks.
 - 5. Parks and open space facilities, including, but not limited to, walkways, bikeways, courtyards, plazas and gardens.
 - 6. Fences and walls, including retaining walls.
 - 7. Landscaping and buffering.

8. Stormwater detention facilities, along with any other infrastructure improvement required for the project, i.e. pump station, etc.
9. Temporary construction trailer, temporary sales trailer and temporary sales office in model home through final project CO.

E. Prohibited uses.

1. Any use not specifically permitted shall be prohibited.

F. Bulk, area and other dimensional standards.

1. General standards for principal and accessory uses in the AH-6A District:

(a) Townhouse area, external yard and bulk requirements.¹²

(i) Minimum lot area (acres): 12 acres⁵

(ii) Minimum setbacks:

- a. Front yard: 70 feet (but not less than 50 feet from property line)
- b. Side yard: 30 feet
- c. Rear yard: 30 feet

(iii) Accessory building setbacks:

- a. Minimum distance from principal buildings: 30 feet
- b. Minimum distance to external lot lines: 40 feet³
- c. No accessory buildings or structures (except for permitted signs) are allowed in any front yard

(iv) Maximum building lot coverage: 25 percent

(v) Maximum impervious lot coverage: 60 percent

(b) Townhouse Internal setback and building unit requirements.⁴

¹ For purposes of this section, calculation of setbacks shall not include decks and patios, which may project a maximum of 10 feet from a building, and porches, eaves, stairs and chimneys which may project up to 5 feet from a building.

² Fences and retaining walls up to 6 feet in height are exempt from these set-back requirements.

³ For cluster mailboxes and permitted signs only, the minimum distance to external lot lines shall be 20 feet.

⁴ For purposes of this section, calculation of minimum distance shall not include decks and patios, which may project a maximum of 10 feet from a building, and porches, eaves, stairs and chimneys which may project up to 5 feet from a building.

⁵ However, lots used for open space shall be at least 4 acres.

(i) Minimum distance between townhouse buildings:

- a. Front-to-front: 60 feet
- b. Front-to-side: 25 feet
- c. Side-to-side: 25 feet
- d. Side-to-rear: 30 feet
- e. Rear-to-rear: 40 feet

(ii) Maximum townhouse building length: 150 feet

(iii) Maximum number of market rate units in single structure: 6 units, provided that 8 total units may be provided where there are stacked affordable units in the structure;

(iv) Maximum building height: 45 feet with allowances for stepped foundations along building length, said measurement shall then apply to each stepped section.

(v) Maximum number of stories: 3 stories

(vi) Maximum number of units before horizontal break: 2 units

(vii) Minimum front of building to cartway: 18 feet

(viii) Minimum side & rear of building to cartway: 12 feet

(ix) Minimum building to parking: 10 feet

(c) Residential parking requirements:

(i) Townhouse dwelling units and low- and moderate-income dwelling units: Residential Site Improvement Standards (RSIS) apply.

(ii) Required off-street parking for townhouse units: At least one of the two stacked affordable units within a townhouse building shall have a minimum of one garage space. One additional parking space for this affordable unit shall be provided in its associated driveway in front of the garage. The second affordable unit, lacking a garage space, shall have one driveway space, with the additional required parking for both affordable units provided per RSIS standards within 150 feet of said units. Required off-street visitor parking for low- and moderate-income units, as required by RSIS, shall be located within 200 feet of the units serviced.

(iii) Each garage space shall be counted as 1.0 parking space. A one-car garage and driveway combination shall be counted as 2.0 parking spaces provided the driveway measures a minimum of 18 feet between the face of the garage door and the Internal roadway line. (RSIS §5.21-4.14(d)). Required visitor parking spaces for market rate units shall be provided within 200 feet of the units serviced.

(d) Definitions: The following definitions shall apply to the AH-6A Zone.

(i) Gross Development Site Area: The total gross acreage of a development within existing streets and/or property lines prior to development or subdivision, including streets, easements and common open space portions of the development.

(ii) Building Height: Irrespective of any other definition in Chapter 128, building height shall be defined as the vertical distance between the lowest proposed grade adjacent to the individual unit to the Mean Roof Ridge Elevation of said unit.

(iii) Mean Roof Ridge Elevation: Irrespective of any other definition in Chapter 128, Mean Roof Ridge Elevation shall be defined as the average grade between the eaves above the highest living floor and the highest roof ridge elevation.

(e) Density standards. A maximum of 80 multi-family residential units are permitted on Block 1903, Lot 7.

G. Affordable housing unit requirements.

1. Twenty percent (20%) of the total residential units shall be reserved for, and affordable to, low and moderate income households. For example, if 80 total units are constructed, 16 of those units shall be for low and moderate income housing units (8 affordable to low income households and 8 affordable to moderate income households). The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls.

2. Low- and moderate-income (Mount Laurel) housing requirements:

(a) Minimum low- and moderate-income housing units located on-site:

(i) The low- and moderate-income units required to be provided by the developer, as noted herein, shall be distributed among the townhouse buildings proposed. No townhouse building shall have more than 4 low- and moderate-income units within its structure; such affordable units may be designed as one-over-one apartment flats within a townhouse configuration.

(ii) All low- and moderate-income housing units shall be in conformance with the latest applicable rules for affordable housing as determined by the Council on Affordable Housing, the Courts or other applicable authority, as determined appropriate, including such issues as phasing of

building low- and moderate-income units in concert with market rate units.

- (b) Bedroom distribution of low- and moderate-income housing units. Subject to the most current applicable COAH or other rules, the bedroom distribution of low- and moderate-income units for affordable units constructed in the AH-6A Zone shall be as follows:
 - (i) No more than 20 percent of the units shall be efficiency or one bedroom units.
 - (ii) At least 20 percent of the units shall be three bedroom units.
 - (iii) At least 30 percent of the units shall be two bedroom units.
- (c) Low- and moderate- income unit split. The distribution of inclusionary affordable units to be provided as part of this development shall be in accordance with those requirements as set forth by COAH or otherwise deemed appropriate by the Court.
- (d) Procedures regarding affirmative marketing of low- and moderate-income units and other requirements of inclusionary development units are subject to and determined by COAH rules or other rules determined appropriate by the Court.
- (e) The affordable units shall be family affordable units.
- (f) All necessary steps shall be taken to make the affordable units provided creditworthy pursuant to applicable law.

H. Site standards.

1. Site standards for Block 1903, Lot 7.

- (a) Landscaping
 - (i) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be

considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged. Shade trees shall be provided a minimum of 50 feet on average along the public right-of-way. Any visitor parking areas visible from the public right of way shall be screened to a height of 6 feet.

- (ii) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
- (iii) Parking rows longer than 20 parking spaces shall have a six foot wide landscaped island to break the pavement.
- (iv) Shade trees shall be a minimum 2.5 inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
- (v) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
- (vi) Landscape Plantings. A minimum of 30 percent of the plantings proposed shall be indigenous to the region.
- (vii) Foundation Plantings. The landscape plan shall include foundation plantings that provide an attractive visual setting for the development. These plantings shall include species that provide seasonal interest at varying heights to complement and provide pedestrian scale to the proposed architectural design of the buildings. The foundation planting shall incorporate evergreen shrubs and groupings of small trees in order to provide human scale to building facades and winter interest.
- (viii) Landscaping of any new stormwater management facilities shall be as required by the development in accordance NJDEP Best Management Plan requirements. Non-structural facilities shall be considered in the design of the proposed stormwater system to the extent practical.
- (ix) Landscape Plan Content. A landscape plan prepared by a certified landscape architect certified by the New Jersey State Board of Landscape Architects, or other qualified individual, shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:

- a. Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
- b. Location of individual existing trees noted for preservation within the area of development and 30 feet beyond the limit of the disturbance. Trees 4 inches in diameter (measured 4 1/2 feet above the existing ground level) shall be located and identified by name and diameter unless the wooded area is shown with a specific limit line. In this case, specimen trees shall be located within thirty feet of the line. Indicate all existing vegetation to be saved or removed.
- c. Existing and proposed topography and location of all landscaped berms.
- d. Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
- e. A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.
- f. Planting and construction details and specifications.

(b) Lighting

- (i) All lighting fixtures and foot-candle standards for parking areas and recreation facilities should be consistent with the regulations of the Borough of Montvale.
- (ii) A lighting plan prepared by a qualified individual shall be provided with site plan applications.
- (iii) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the approving authority.

(c) Sidewalks:

- (i) In public rights of way: Sidewalks shall be required along adjoining public rights of way, as determined appropriate.
- (ii) The development's private internal road network shall comply with RSIS.

(d) Fences and walls.

- (i) To the extent possible, the use of retaining walls should be used in the form of terraces to accommodate severe grade changes, rather than single tall retaining walls. However, no retaining walls shall exceed a height of 6 feet. Where provided, retaining walls shall be screened with a variety of landscaping materials, in groupings, rather than utilizing hedges or uniform plant species and spacing.
- (ii) Ornamental walls utilizing loose laid stone may be provided throughout the site as appropriate, up to a height of four feet.
- (iii) Fences shall be installed along the tops of all retaining walls that exceed a height of three feet. Chain-link fencing, including vinyl-coated chain-link fencing, is prohibited.
- (iv) No fence on the site may exceed a height of six feet.

(e) Signage

- (i) Section 128-9.7A.1 through Section 128-9.7A.5, shall apply. The standards in Section 128-9.7A.8 through Section 128-9.7A.15 of Chapter 128 shall also apply.
- (ii) Signs permitted within the AH-6A Zone shall be only those specified in the table below.

Type	Location	Maximum Number	Maximum Area of any 1 Sign (sq. ft.)	Maximum Height (feet)	Required setback from Property Line (feet)	Maximum Letter Height (feet)
Entrance Monument	Driveway Entrance	1 at each location	36	6	5	-

- (iii) Only external illumination shall be permitted for all non-wall-mounted signage. Uplighting or other forms of external illumination shall be permitted on proposed entrance sign.
- (iv) The entrance monument sign shall be limited to the name of the development and developer name.
- (v) No individual sign may exceed three colors. If white or black is used in the sign it shall be counted as a color.
- (vi) Monument signs shall utilize a solid base surrounded by appropriate ornamental plantings. No monument sign shall be located in a sight triangle.

(f) Additional applicable provisions to the AH-6A District. The following sections of the Montvale Zoning Code (Chapter 128) shall apply to development in the AH-6A District.

- (i) Article X, Enforcement.
- (ii) Article XI, Interpretation.
- (iii) Article XIII, Violations and Penalties.
- (iv) Article XIV, Validity.
- (v) Article XVI, Effect.
- (vi) Article XVIII, Site Work Permit.

Section 3. The Official Map shall be amended to include the AH-6A District.

Section 4. Planning Board review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40:55D-26*.

Section 5. 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 6. Effective date.

This Ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated November 14, 2017, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Two Paragon Drive, LLC in the litigation *In re Montvale*, Docket No. BER-L-6141-15.

Section 7. 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.

MIKE GHASSALI, Mayor

ATTEST:

MAUREEN IAROSI-ALWAN, RMC, Borough Clerk
INTRODUCED: 11/28/2017

Councilmember	Yes	No
Arendacs	X	
Curry	X	
Gloeggler	X	
Koelling	X	
Lane	X	
Weaver	X	

ADOPTED:
APPROVED:

Introduced By:

Seconded By:

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, the Planning Board of the Borough of Montvale has adopted a Master Plan; and

WHEREAS, a document has been prepared entitled, "Borough of Montvale, 2017 Master Plan Amendment For Block 3302, Lot 1 & Block 1903, Lot 7, Known as 12 Van Riper Road & 2 Paragon Drive", respectively (hereinafter "the Amendment") prepared by Maser Consulting, P.A., dated November 22, 2017; and

WHEREAS, the Amendment is intended to guide the future development of the aforesaid parcels known as the Sony property (12 Van Riper Road) and A&P property (2 Paragon Drive) (hereinafter collectively, "the properties"); and

WHEREAS, the Amendment proposes the creation of a new AH-26 District for the Sony property which would permit a residential development of 26.4 units to the acre, with a maximum total of one hundred eighty-five (185)

multi-family residential units with a twenty (20%) percent set-aside, as well as other provisions intended to govern the AH-26 District; and

WHEREAS, the Amendment proposes the creation of an AH-6A District for the A&P property which would permit townhomes and flats as principal permitted uses and a maximum density of six (6) units per acre, with a maximum total of eighty (80) one-family residential units and a twenty (20%) percent affordable housing set-aside; and

WHEREAS, the Amendment is intended to provide low and moderate income units in furtherance of the Borough's goal of addressing its affordable housing obligation; and

WHEREAS, a public hearing has been held on the Amendment, with notice having been given pursuant to the provisions of *N.J.S.A. 40:55D-13*; and

WHEREAS, the Planning Board has considered the Amendment on the duly advertised and noticed date for the hearing of December 5, 2017; and

WHEREAS, the Planning Board has determined that the recommendations in the Amendment will advance certain goals and objectives of the Borough Master Plan, and in addition will provide an opportunity for the creation and development of affordable housing.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Montvale that it does hereby adopt the Amendment in its entirety; and

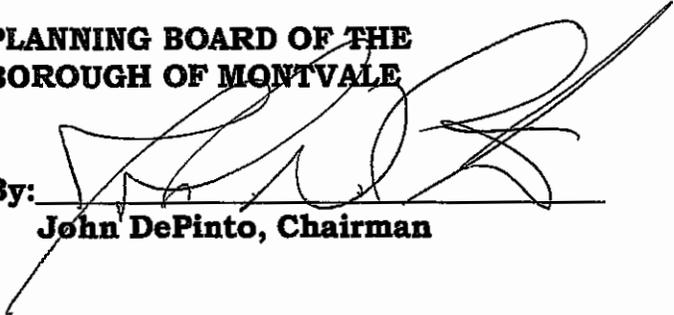
BE IT FURTHER RESOLVED that notice of this adoption shall be

given to the Clerks of adjoining municipalities and to the Bergen County Planning Board, with a copy of the Amendment as adopted being provided to the County Planning Board; and

BE IT FURTHER RESOLVED that the Board Secretary/Land Use Administrator be and is hereby authorized and directed to provide the aforesaid notices, as well as a copy of the within resolution to the Montvale Borough Clerk.

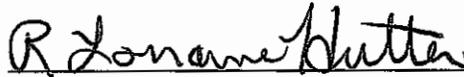
Dated: December 5, 2017

**PLANNING BOARD OF THE
BOROUGH OF MONTVALE**

By: 

John DePinto, Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, December 5, 2017.



**R. Lorraine Hutter, Secretary/Land
Use Administrator**

Introduced by:

Seconded by:

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, on November 28, 2017, the Mayor and Council passed on first reading Ordinance No. 2017-1437 ("the Ordinance") entitled, "An Ordinance of The Borough Of Montvale Amending And Supplementing Chapter 128 Of The Borough Code To Establish The AH-6A Development District And To Set Forth The Standards And Criteria Applicable Thereto"; and

WHEREAS, subsequent to the approval on first reading, the Mayor and Council forwarded to the Planning Board a copy of said Ordinance in order for the Board to provide a report to the Governing Body consistent with the provisions of *N.J.S.A. 40:55D-26*; and

WHEREAS, the Planning Board has reviewed the proposed Ordinance.

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

1. The Ordinance creates a new AH-6A Development District ("the AH-6A District) and provides that the following property is included therein: Block 1903, Lot 7 (also known as 2 Paragon Drive) ("the parcel" or "the property"). The Board initially notes that the creation of the AH-6A District was expressly recommended in a document entitled, "Borough of Montvale, 2017

Master Plan Amendment For Block 3302, Lot 1, & Block 1903, Lot 7 Known as 12 Van Riper Road & 2 Paragon Drive" ("the Amendment") which was adopted by the Planning Board on December 5, 2017.

2. Ordinance No. 2017-1437 is intended to implement the Settlement Agreement with the owner of the property previously approved by the Mayor and Council and Planning Board.

3. The AH-6A District provides for townhouse development on the property while addressing the Borough's affordable housing obligation. More particularly, a maximum of eighty (80) multi-family residential units are permitted on the property, with a requirement that twenty (20%) percent of the total residential units shall be reserved for affordable to low and moderate income households. The Ordinance details various affordable housing unit requirements, including bedroom distribution and the affirmative marketing of the affordable units.

4. The Ordinance also addresses various site standards, including landscaping, lighting, sidewalks, signage, as well as site plan standards.

5. The Ordinance is intended to implement the Master Plan Amendment and the Settlement Agreement and to guide the future use and development of the property, including the construction of the affordable housing component.

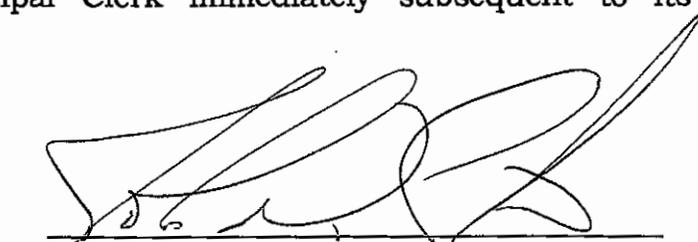
BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that based upon the foregoing findings of fact, that the

following conclusions are made and determined respecting the Ordinance's consistency with the Borough's Master Plan and Master Plan Amendment:

1. *N.J.S.A. 40:55D-62a* requires that a zoning ordinance amendment "shall be either substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements". The Board has carefully reviewed the Ordinance and has determined that the proposed Ordinance is consistent with the Master Plan and Master Plan Amendment adopted on December 5, 2017 and is intended to implement the recommendations detailed in the Master Plan Amendment and the aforesaid Settlement Agreement.

2. The Board finds that the Ordinance is substantially consistent with both the Master Plan and Master Plan Amendment and is intended to effectuate the goals, objectives and recommendations therein. Accordingly, the Board finds the Ordinance to be consistent therewith, as provided in *N.J.S.A. 40:55D-62*. This resolution shall constitute the Board's report on said Ordinance as required pursuant to *N.J.S.A. 40:55D-26*.

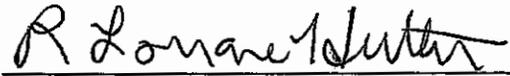
BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that a copy of this resolution shall be transmitted by the Planning Board Secretary to the Municipal Clerk immediately subsequent to its adoption.



JOHN DE PINTO, Chairman

Dated: December 5, 2017

Certified to be a true copy of a resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday December 5, 2017.



**R. LORRAINE HUTTER, Land Use
Administrator/Secretary**



BOROUGH
OF
MONTVALLE

2017 MASTER PLAN AMENDMENT

For Block 3302, Lot 1 & Block 1903, Lot 7

Known as 12 Van Riper Road & 2 Paragon Drive

Adopted by the Planning Board on December 5, 2017

November 22, 2017



2017 Master Plan Amendment

For Block 3302, Lot 1 & Block 1903, Lot 7
Known as 12 Van Riper Road & 2 Paragon Drive

Borough of Montvale

Bergen County, New Jersey

November 22, 2017

Prepared by:



Darlene A. Green, AICP, PP

NJ License # 33L100611400



The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

MC Project # MPP-014B

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I. INTRODUCTION

The purpose of this 2017 Master Plan Amendment is to set forth a proposed framework to guide the rezoning of two specific parcels within the community. The first site is Block 3302, Lot 1, known as 12 Van Riper Road and comprising approximately seven acres ("Sony"). This site is part of the former Sony campus, which straddles the municipal boundaries of Park Ridge, Woodcliff Lake and Montvale.

The second site is Block 1903, Lot 7, known as 2 Paragon Drive. This property contains 19.89 acres according to its tax card. Historically, 2 Paragon Drive served as the corporate headquarters for A&P since the building was constructed in the 1970s ("A&P").

This Amendment to the Borough's 2008 Master Plan contemplates rezoning the properties to permit multi-family residential uses. The following chapters of this Amendment detail the history of the subject sites, the need to modify the Borough's 2008 Master Plan, the planning justifications for a multi-family residential use of the properties and the zoning recommendations to facilitate said use.

II. HISTORY OF SUBJECT SITES

SONY

The seven-acre Sony site is located on the southern edge of Montvale, with the greater campus encompassing portions of Park Ridge (approximately 30 acres), Woodcliff Lake (less than one acre) and Montvale (see map on page 4). Within Montvale, Sony is located in the Borough's OR-4 District. The office building was constructed in 1981, according to online tax cards.¹

Sony was the sole tenant of the 220,000+ square foot building² from its construction until November of 2014, when the Sony Corporation of America placed the office building on the market. In March of 2015 Sony sold the campus, including the office building in Park Ridge, to Hornrock Properties.³

On September 23, 2015 a Motion to Intervene in the Borough's ongoing affordable housing litigation was filed by Hornrock Properties MPR, LLC ("Hornrock"). The motion was granted by Judge Toskos on October 13, 2015, which gave Hornrock "intervenor" status. The Borough met with Hornrock in January of 2016 to discuss the site and their intervenor status. During 2016 and 2017 several meetings and mediation sessions were held with Hornrock to discuss the Borough's affordable housing obligation and the developer's desire to construct multi-family housing that would contain a certain percent of affordable housing.

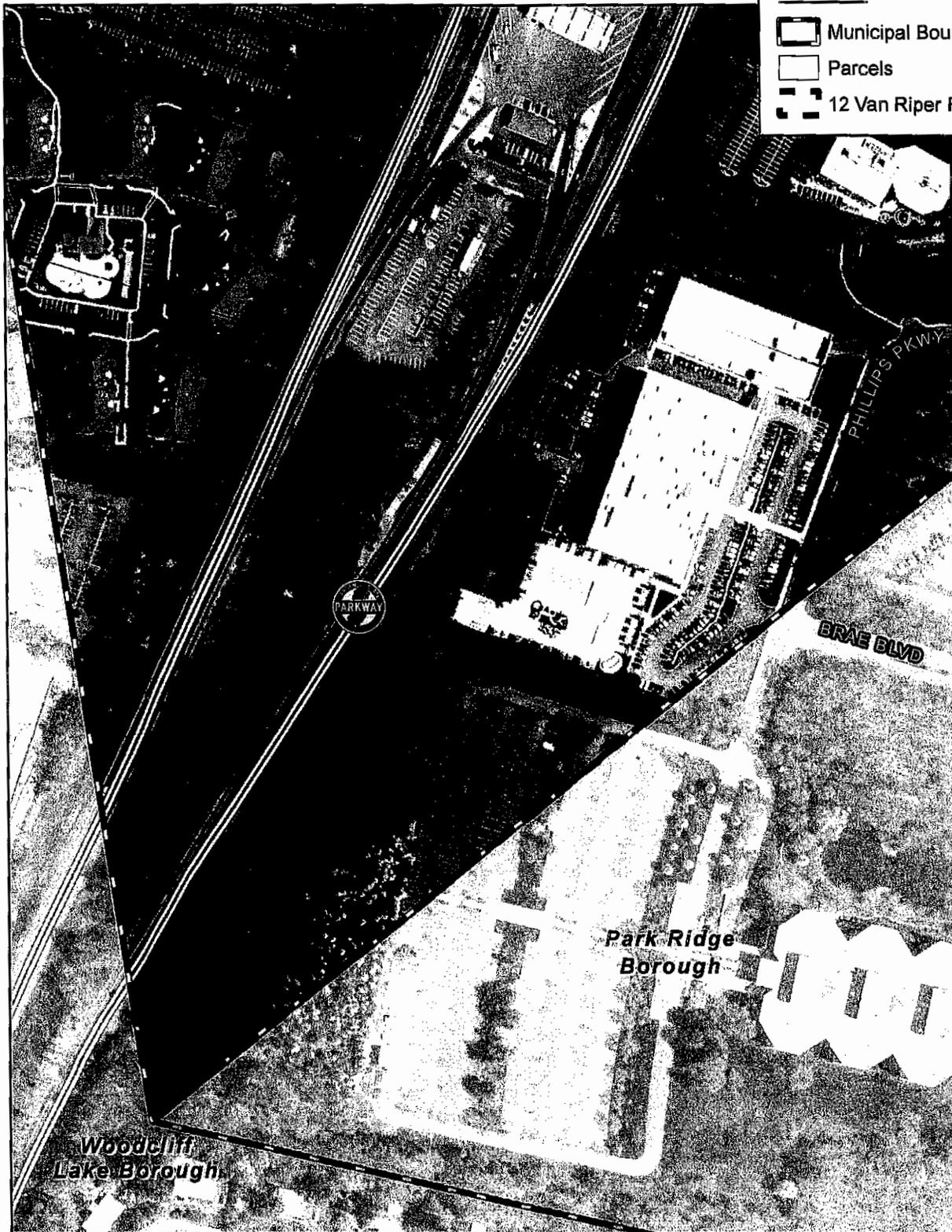
¹ <http://oprs.co.monmouth.nj.us/oprs/>

² <http://www.njbiz.com/article/20150317/NJBIZ01/150319815/sony-sells-leases-back-park-ridge-office-building-for-reported-168m>

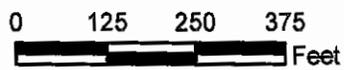
³ <http://www.northjersey.com/news/business/sony-sells-park-ridge-building-to-paramus-real-estate-firm-1.1290215>

LEGEND

-  Municipal Boundary
-  Parcels
-  12 Van Riper Road



\\hdas1survey\GIS\GISPRO\PROJECTS\Municipal\Map\17114_08_12_Van_Riper_Aerial.mxd



1 inch = 250 feet

AERIAL
BLOCK 3302 LOT 1
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY



NOVEMBER 2017

On November 14, 2017 the Mayor and Council approved Resolution 215-2017 entitled "Resolution Approving a Settlement Agreement with Intervenor Hornrock Properties MPR, LLC in Connection with the Borough's Affordable Housing Declaratory Judgment Action, and Authorizing a Request to the Trial Court to Hold a Fairness Hearing Concerning the Settlement Agreement". On November 21, 2017, the Planning Board authorized the execution of the same Settlement Agreement. This agreement permits a maximum of 185 multi-family residential units on the site with a 20% affordable housing set-aside.

A&P

The former A&P headquarters site is located at the intersection of Summit Avenue and Paragon Drive, in the OR-3 District. (See map on page 6.) The office building was constructed in two phases – the first phase in 1974 and the second phase between 1974 and 1979.⁴ A&P was the sole tenant of the 200,000+ square foot building.

On January 12, 2015 *The Record* reported that the A&P headquarters building was for sale. The grocery giant had filed for bankruptcy in 2010 and emerged from Chapter 11 bankruptcy protection in March of 2012 as a private company.⁵ A&P again filed for bankruptcy in July of 2015.⁶ A&P vacated the building in 2015.

In 2016 the owner of the A&P site approached the Borough about the possibility of rezoning the property for multi-family housing. Numerous discussions ensued that culminated in the execution of a settlement agreement. On November 14, 2017 the Mayor and Council approved Resolution 216-2017 entitled "Resolution Approving the Settlement Agreement with Prospective Intervenor 2 Paragon Drive, LLC to Partially Resolve the Borough's Affordable Housing Declaratory Judgment Action". On November 21, 2017, the Planning Board authorized the execution of the same Settlement Agreement. The agreement permits a maximum of 80 townhomes on the site with a 20% affordable housing set-aside.

III. NEED TO MODIFY THE 2008 MASTER PLAN

SONY

As noted in Chapter II, on November 14, 2017, the Borough and on November 21, 2017, the Planning Board authorized the execution of a settlement with Hornrock that permits the construction of 185 units of which 37 would be affordable family rental units; and further provides that if fewer than 185 units are approved the set-aside would be 20% of the number of units approved.

The agreement contemplates that the Borough would rezone the Sony property and amend the Master Plan consistent with the agreement and that the parties would return to litigation if, for any

⁴ <https://www.historicaerials.com/viewer>

⁵ <http://www.northjersey.com/news/business/a-38-p-headquarters-building-in-montvale-is-for-sale-1.1191487>

⁶ <http://www.njbiz.com/article/20150720/NJBIZ01/150729997/montvalebased-ap-files-for-chapter-11-bankruptcy>

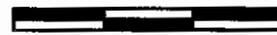
LEGEND

 Parcels

 2 Paragon Drive



\\ngas1\survey\GIS\GISPROJECTS\Municipal\14\November Maps\171114_apb_2_Paragon_Aerial.mxd

0 150 300 450
 Feet

1 inch = 300 feet

AERIAL

BLOCK 1903 LOT 7
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY



NOVEMBER 2017

reason, the property was not rezoned. Therefore, the Settlement Agreement with Homrock has created the need to modify the 2008 Master Plan.

A&P

As noted in Chapter II, on November 14, 2017, the Borough and on November 21, 2017, the Planning Board authorized the execution of a settlement with Two Paragon Drive, LLC that permits the construction of no more than 80 units of which 16 would be affordable family for-sale units. The agreement contemplates that the Planning Board would entertain the adoption of a resolution authorizing the Amendment of the Master Plan consistent with the Settlement Agreement in conjunction with a rezoning of the A&P site. Therefore, the Settlement Agreement with A&P has created the need to modify the 2008 Master Plan.

IV. PLANNING JUSTIFICATIONS FOR MULTI-FAMILY RESIDENTIAL

SONY

Since the affordable housing litigation commenced in July of 2015, the Borough has conducted a comprehensive evaluation of parcels within the community to determine which sites are appropriate for inclusionary multi-family development. Montvale has concluded that the Sony site presents a suitable opportunity for such development.

Furthermore, it should be noted that Montvale has adopted a holistic approach to planning for affordable housing. Sound planning supports the location of inclusionary neighborhoods that are located near services and enhanced transportation access. Sound planning also involves the conservation of neighborhood character, an objective achieved in part by maintaining the existing scale, density and character of the Borough's core single-family detached neighborhoods. This can be accomplished in part through a gradation of density across the Borough, maintaining higher densities and greater building heights further away from the core single-family detached residential zones within the Borough and requiring lower densities and lower permitted building heights as the properties approach the established core single-family detached zoning districts within the Borough.

The location of the property next to Lifetime Athletic will encourage healthy lifestyles and provide an important and easily accessible fitness opportunity for residents. The location of the site next to the Garden State Parkway eliminates any concern for impacts on other residential neighbors within the Borough. As a result, there will not be any detrimental impacts on light, air flows, viewshed and traffic.

A multi-family development on the Sony site serves as an effective transitional use between the core single-family residences within the Borough and the Garden State Parkway and the office uses to the north and east. The site contains significant existing wooded areas and natural screening and berming that minimize the visual impact upon Lifetime Fitness to the north and from vehicles traversing Sony Drive from the east.

Based on these reasons, the Borough believes that this site is unique and appropriate for a higher residential density than is characteristic in the Borough.

A&P

As noted above, the Borough has conducted a comprehensive evaluation of parcels within the community to determine which sites are appropriate for inclusionary multi-family development. Montvale has concluded that the A&P site presents a suitable opportunity for such development. Reasons for its suitability include the fact that it is adjacent to two inclusionary residential zones. The first is the AH-10A District to the southwest, which comprises the Valley View stacked townhome development. This multi-family development contains 128 units, of which 20% are affordable. The site has a noticeable topographic change, which was taken advantage of by constructing three-story buildings on the Craig Road side, which increase to four-story buildings on the A&P-facing façade.

To the north, across Summit Avenue, is the AH-6 District. This property is commonly referred to as the Del Ben property. Part of the larger property has been developed with an inclusionary housing development (called The Reserve at Montvale) that fronts on Upper Saddle River Road. The remainder of the site, which faces Summit Avenue, is vacant. The AH-6 District permits townhouses, townhouse-duplex buildings and apartment buildings at a maximum of six units per acre. It is anticipated that the remainder of the Del Ben site will submit an application for inclusionary development in the near future.

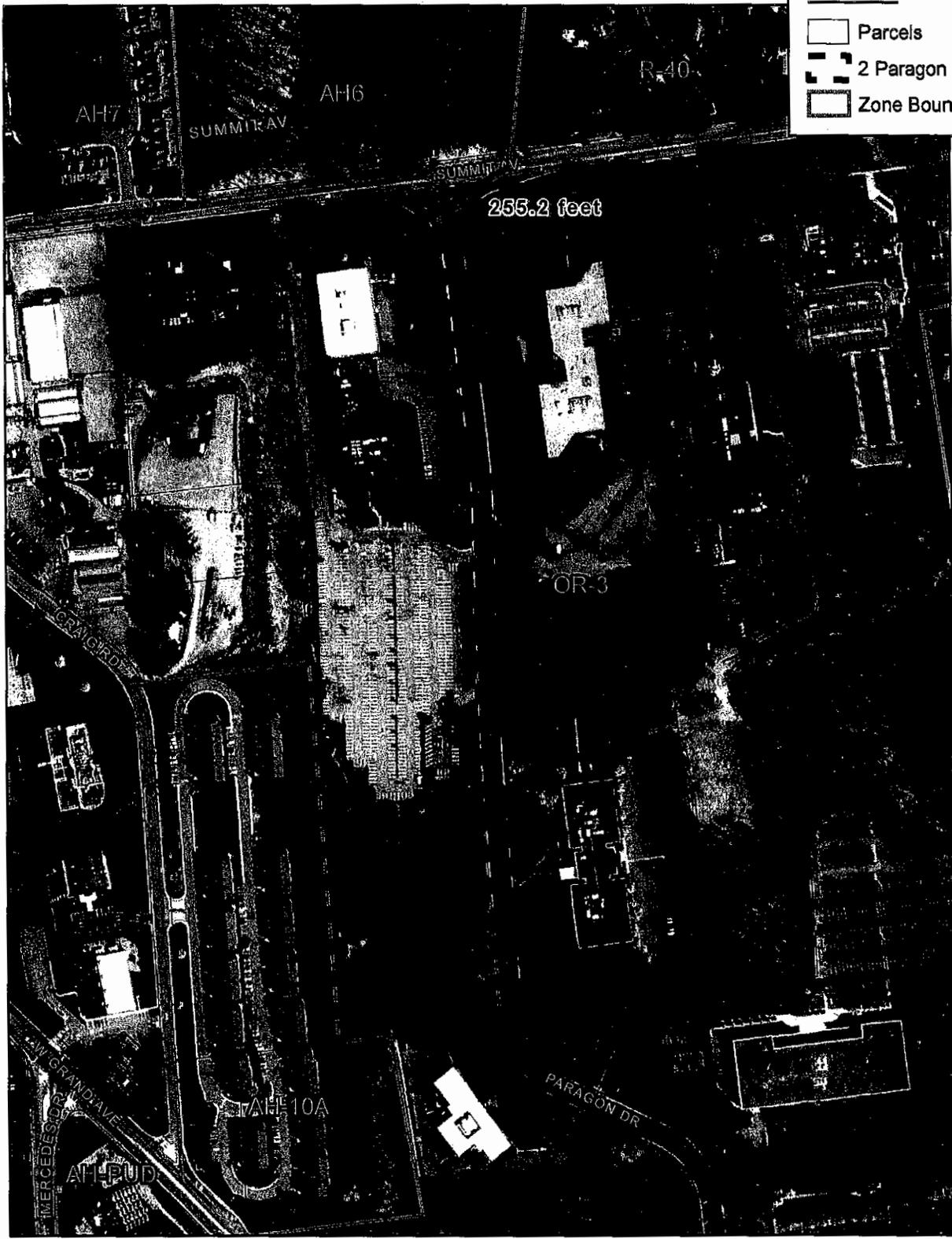
Finally, it should be noted that immediately adjacent to the Del Ben site and roughly 250 feet west of the A&P property is the AH-7 District, another inclusionary multi-family residential district. This district comprises the Summit Ridge development, which contains a 59-unit condominium complex with a 20% affordable housing set-aside.

In addition to the A&P site's proximity to existing inclusionary residential districts, it also follows Montvale's holistic approach to planning for affordable housing. The A&P site is less than a ten-minute walk to the Chestnut Ridge Road corridor, which contains shops and services. The potential rezoning of the site for multi-family residential also respects the planning principle of gradation of density across the Borough, maintaining higher densities and greater building heights further away from the core single-family detached residential zones within the Borough and requiring lower densities and lower permitted building heights as the properties approach the established core single-family detached zoning districts within the Borough.

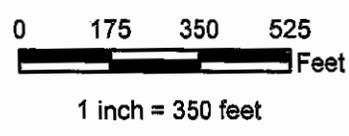
The vision for this site is a townhome complex at a density of roughly four units to the acre (this includes the contemplated open space acreage), which is less dense than both adjacent inclusionary multi-family zones. As shown by the map on page 9, the closest single-family residential zone is 255 feet away. Therefore, the site acts as a transition from the AH-10A District (at ten units to the acre) to the A&P's proposed four units to the acre to the nearby R-40 District, which requires 40,000 square feet per home.

LEGEND

-  Parcels
-  2 Paragon Drive
-  Zone Boundary



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**DISTANCE TO SINGLE-FAMILY
RESIDENTIAL ZONE
BLOCK 1903 LOT 7
BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY**



NOVEMBER 2017

V. ZONING RECOMMENDATIONS

SONY

A new zoning district is recommended for the Sony site to enable a multi-family residential use. Montvale currently has several multi-family inclusionary zones that range in density and unit type. These districts are called Affordable Housing District, or AH, followed by the permitted density. For example, the AH-6 District permits six units to the acre. A new AH District should be created to permit the development envisioned for the Sony site, which might be called AH-26 District.

As per the November 2017 Settlement Agreement, the AH-26 District should:

- Permit a maximum of 26.4 units to the acre, with a maximum total of 185 multi-family residential units
- Require a 20% affordable housing set-aside
- Permit a maximum of four residential stories over one level of parking
- Ensure the parking level is worked into the grade, so only a portion of the parking level is exposed when viewing the building(s)
- Measure all set back lines from the entire Sony Campus and not from the lot lines or municipal boundaries
- Establish a minimum lot size of seven acres

The new zoning district ordinance should include standards that address bulk parameters, architectural design, landscaping, signage, etc. The ordinance should also define permitted accessory uses for the zone.

A&P

A new zoning district is also recommended for the A&P site to enable multi-family residential uses. Montvale currently has a AH-6 District that can be used as a framework to craft standards for the A&P site. A new AH District should be established to permit the townhome development envisioned for the A&P site, which might be called AH-6A.

As per the November 2017 Settlement Agreement, the AH-6A District should:

- Allow townhomes and flats as principal permitted uses
- Permit a maximum of 6 units to the acre, with a maximum total of 80 multi-family residential units
- Require a 20% affordable housing set-aside
- Establish a minimum lot size, which is less than the total tract, recognizing the donation of the southern portion of the property for open space
- Permit a maximum of 3 stories
- Limit the length of a building and cap the number of units permitted to be in one building

The new zoning district ordinance should include standards that address bulk parameters, architectural design, landscaping, signage, etc. The ordinance should also define permitted accessory uses for the zone.

VI. CONCLUSION

This Amendment to the 2008 Master Plan, is necessary to implement the settlements with Hornrock and 2 Paragon Drive and to establish a foundation for rezoning the properties consistent with the Settlement Agreements. Although the zoning of the Hornrock site is atypically dense for the Borough, the site is unique and has characteristics that warrant a higher density and advances the resolution of the affordable housing litigation with Hornrock. Similarly, the lower density on the A&P site is warranted as well for the reasons set forth herein. In conclusion, the establishment of two new inclusionary multi-family residential zones (one for each site) is recommended.

**BOROUGH OF MONTVALE
ORDINANCE NO. 2017-1438**

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 11th day of December 2017, 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 26th day of December 2017 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 CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO ESTABLISH A NEW AH-26 AFFORDABLE HOUSING DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands comprised of approximately 7.043 acres within the OR-4 Office and Research District commonly referred to as Block 3302, Lot 1 are suited for inclusionary development; and

WHEREAS, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough wishes to foster development that provides an affordable housing set-aside; and

WHEREAS, the location of the site next to the Garden State Parkway and neighboring fitness facility eliminates any concern for impacts on residential neighbors within the Borough located to the west and north; and

WHEREAS, a residential apartment development serves as an effective transitional use between the core single-family residences within the Borough and the Garden State Parkway and office uses to the north and east; and

WHEREAS, the location of the site next to an existing fitness complex will encourage a healthy lifestyle and provide an important and easily accessible fitness opportunity for residents; and

WHEREAS, the site is located adjacent or nearby to existing structures with increased permitted heights; and

WHEREAS, the site contains significant existing wooded areas and natural screening and berming that minimize the visual impact of the development with respect to Sony Drive from the east.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Montvale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 128 of the Code of the Borough of Montvale, Section 128-2.1, "Classes of districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

§ 128-2.1 Classes of districts.

AH-26 Affordable Housing District

Section 2. AH-26 Affordable Housing District. Chapter 128 of the Code of the Borough of Montvale is hereby amended and supplemented by adding a new Section 128-5.17, "AH-26 Affordable Housing District" as follows:

§ 128-5.17. AH-26 Affordable Housing District. The following standards shall apply to development within the AH-26 District. All other provisions of Chapter 128, Zoning of the Montvale Borough Code shall apply to development in the AH-26 District only where specifically indicated as applicable in **§ 128-5.17** of the Montvale Code. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply.

A. **Purpose and planning rationale.** The purpose of the AH-26 District is to provide a realistic opportunity for the construction of affordable housing as part of a comprehensively planned inclusionary development, in conformance with the regulations of this chapter governing affordable housing. In addition, the Borough has determined that this site is specially and particularly appropriate for a higher residential density than is characteristic in the Borough substantially for the following reasons:

1. Sound planning supports a holistic approach to planning for affordable housing where inclusionary neighborhoods are located near services. Sound planning also involves the conservation of neighborhood character, an objective achieved in part by maintaining the existing scale, density and character of the Borough's core single-family neighborhoods. This can be achieved in part through a gradation of density across the Borough, maintaining higher densities and greater building heights further away from the core single-family residential zones within the Borough, and requiring lower densities and lower permitted building heights as the properties approach core single-family districts within the Borough;

B. **Definitions.** The following definitions shall apply only within the AH-26 District, shall supplement any non-conflicting definitions within Chapter 128 of the Borough Code, and shall supersede any conflicting definitions in the Borough Code:

(1) "*Building Height*" shall be defined as the vertical distance in feet between the average Ground Elevation around the foundation of the building and the elevation of the roof deck if the building is flat, or in the case of sloping roofs, to a point half the distance between the rafter plate and the uppermost point of the roof. Exclusions from the definition of Building Height shall include the following:

any parapet, structure, apparatus, amenities and/or equipment located on the roof.

- (2) "*Ground Elevation*" shall be the elevation of the property in its final/finished grade at building wall.
- (3) "*Story*" shall be defined as that portion of a building included between the surface of any floor and the surface of the floor above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. Any structures, apparatus, utilities, amenities, and equipment on the roof shall not constitute a Story. Any level of parking, structures, apparatus, utilities, amenities, and equipment that is below or partially below finished grade and underneath a residential story within the AH-26 District shall be explicitly excluded from being characterized as a Story, Basement, or Cellar, and shall not count towards the Building Height.
- (4) "*Tract*" shall be defined as contiguous parcels of land under common ownership, at least one of which is located within the AH-26 District. The parcels making up a Tract may be located within or without the Borough of Montvale.
- (5) "*Wall Sign*" shall be defined as all flat signs of duramesh, or windscreen which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure so that the display surface is parallel with the plane of the wall.

C. Application Requirements.

- (1) Any application for development for any portion or the entirety of the AH-26 District shall be submitted in accordance with the requirements of § 128-8.4 through § 128-8.9.
- (2) Contribution of the pro-rata share of off-site improvements shall be governed by § 128-8.15. Notwithstanding the foregoing, consistent with N.J.A.C. 5:93-10.1(b), no unnecessary cost generative provisions of the Montvale Borough Code shall apply to any proposed Inclusionary Development within the AH-26 District.

D. Permitted uses. In the AH-26 District, the following uses shall be permitted:

- (1) Permitted Principal Uses. Inclusionary multi-family residential development in accordance with the provisions below and the development standards enumerated in Subsection E:
 - a. All units within the Inclusionary Development shall be apartment-style units.

- (i) Residential market-rate units shall have the following minimum unit sizes:

One-bedroom – 700 square feet

Two-bedroom – 850 square feet

Three-bedroom – 1,100 square feet

(ii) A maximum of 10% of the market-rate units may be three-bedroom units.

b. Twenty (20) percent of all units shall be set aside for low- (including very-low-) and moderate-income households ("Affordable units").

c. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls in accordance with **§ 128-5.12(G)**.

d. The development, unit distribution and marketing of all Affordable units shall be undertaken consistent with the Uniform Housing Affordability Controls, **Section 5.12** of this Chapter, and all other applicable laws, rules and regulations, including applicable COAH regulations, the Fair Housing Act and its requirement that at least ten (10) percent of all affordable units associated with this project be made affordable to very-low-income households.

e. Developer shall be responsible for all costs associated with the initial rental of the affordable units, and for the continuing administration of the affordable units and the preservation of the creditworthiness of the units.

f. All uses not expressly permitted are deemed prohibited.

(2) Permitted Accessory Uses. In connection with a permitted principal use, the following may be permitted as an accessory use:

- a. Recreational facilities, lobbies, fitness facilities, outdoor barbecues, fire pits, gazebos, leasing and management offices, club rooms, lounges, libraries, business centers, game rooms, pool rooms, community gardens, rec rooms, children's play rooms, private theater rooms, community kitchens for tenant use, bath house, locker rooms, mail rooms, package storage areas, valet spaces, or related mechanical equipment, and similar interior tenant amenities
- b. Sports facilities, including but not limited to fields, courts, putting greens and swimming pools
- c. Playground facilities
- d. Dog park or dog run
- e. Dog spa or grooming facility, not including boarding or veterinarian services, only for the residents of the inclusionary multi-family residential development
- f. Storage spaces unattached to the units, but used by occupants of units, which are incorporated into the multi-family residential building
- g. Waste and recycling receptacles
- h. Parking structures incorporated into the multi-family residential building for storage of vehicles, and loading area spaces
- i. Any use customary and incidental to a permitted principal use
- j. Signs

k. Fences

l. Landscaping and buffering

E. Development standards.

(1) Area, Yard and Bulk Standards.

Requirement	AH-26 District Regulation
Minimum Lot Size	7 Acres
Minimum Setbacks	
Inter-Municipal Boundary Within a Tract	0 Feet
Garden State Parkway/Front Yard ¹	40 Feet
Rear Yard ²	30 Feet
Side Yard ³	30 Feet
From internal access road	0 feet
Maximum Building Height – Flat Roof (Feet)	59 Feet
Accessory Building Height (Feet)	14 Feet
Maximum Building Height (Story)	4 Stories
Maximum Number of Units per Acre	26.5 Units/Acre
Maximum Building Coverage (%)	45%
Maximum Lot Coverage (%)	60% (up to 70% with pervious materials)

(2) All setbacks shall be measured from the property lines of the entire Tract and not from zoning or lot lines that are established by municipal boundaries. No internal setbacks shall apply to any structure, parking, public or private street, driveway, or municipal boundary line internal to the Tract as a whole, except as required by New Jersey Building and/or Fire Codes. Retaining walls, sidewalks, walkways, fences, freestanding signs, above and below-ground storm water detention basins, and above-ground and underground utilities, shall be permitted within the setbacks.

(3) Signage. Within the AH-26 District, the following shall apply:

a. **§ 128-9.7A.1 through § 128-9.7A.4.**

¹ The portion of the property fronting on the Garden State Parkway shall be considered the "Front Yard" of the property located in the AH-26 Zone. Notwithstanding the foregoing, the property is only accessible via adjacent properties located in a neighboring municipality.

² In the event that any Rear Yard fronts upon an Inter-Municipal Boundary, the Inter-Municipal Boundary Minimum Setback shall supersede the Rear Yard Minimum Setback and control.

³ In the event that any Side Yard fronts upon an Inter-Municipal Boundary, the Inter-Municipal Boundary Minimum Setback shall supersede the Side Yard Minimum Setback and control.

- b. **§ 128-9.7A.8 through § 128-9.7A.15, except that § 128-9.7A.9A(1), § 128-9.7A.9A(3), § 128-9.7A.9A(6), § 128-9.7A.9C, § 128-9.7A.9G, § 128-9.7A.9N and § 128-9.7A.9Q shall not apply.**
- c. **Notwithstanding § 128-9.7A.3, the area of a sign face shall be computed by drawing a square or rectangle that encompasses the extreme limits of the verbiage, logo or emblem.**
- d. **Two (2) freestanding signs per parcel shall be permitted in accordance with the following:**
 - i. **One freestanding sign fronting along the Garden State Parkway shall be permitted, which may be a maximum of four (4) feet high. In addition, the sign may be placed atop a base that is a maximum of two (2) feet in height, or a maximum of three (3) feet in height in the event that landscaping is to be installed at the base. The maximum area of a sign fronting along the Garden State Parkway shall be sixty (60) square feet.**
 - ii. **One freestanding sign that does not front along the Garden State Parkway shall be permitted, which may have a maximum area of thirty-six (36) square feet and a maximum height of six (6) feet.**
 - iii. **Notwithstanding Section 128-9.7A.9J of the Borough Code, freestanding signs may include three colors, assuming one of the colors is white or black.**
 - iv. **No freestanding sign shall be located in a sight triangle.**
 - v. **External illumination shall be permitted for freestanding signs.**
- e. **Wall Signs.**
 - i. **On the building façade facing the Garden State Parkway, one Wall Sign is permitted, not to exceed one hundred forty-four (144) square feet.**
 - ii. **One (1) temporary Wall Sign is also permitted on one (1) façade of the building not facing the Garden State Parkway, which Wall Sign may not exceed one hundred forty four (144) square feet. Such temporary Wall Sign may remain for a six month period, which period may be extended for to two (2) additional six (6) month periods upon application to the Borough Planning Board.**
 - iii. **Notwithstanding Section 128-9.7A.9J of the Borough Code, Wall Signs may include three colors, assuming one of the colors is white or black.**
- f. **Wayfinding and directional signs, building identification signs, parking restriction and other community restriction signs shall be permitted throughout the AH-26 District, to the extent necessary.**

(4) Parking Requirements. The following parking requirements shall apply:

Requirement	AH-26 District Regulation
Parking Spaces	In accordance with Residential Site Improvement Standards (RSIS)
Parking Dimensions (Aisle Width)	Parallel Parking – 12 feet 30 degree angle – 12 feet 45 degree angle – 13 feet 60 degree angle – 18 feet Perpendicular Parking – 24 feet
Parking Dimensions (Parking Space)	9 feet x 18 feet
Parking Dimensions (Compact Parking Space)	8.5 feet x 16 feet

- a. Up to ten percent (10%) of parking spaces may be Compact Parking Spaces.
- b. The Planning Board may liberally grant de minimis waivers and exceptions from RSIS to facilitate the Inclusionary Development within the AH-26 District.

F. Site Standards.

(1) Circulation.

- a. Walkways shall link all residential buildings within the development.
- b. Where sections of walkways branch off or join up, a decorative marker, signpost, or circle is recommended. Where walkways traverse vehicular driveways, crosswalks shall be provided and marked with textured paving in a contrasting material and color.
- c. Benches are encouraged to be located throughout the development along the pedestrian walkway network.

(2) Retaining Walls. Notwithstanding anything to the contrary in Chapter 39, Section 2 of the Borough Code:

- a. To the extent possible, the use of retaining walls should be used in the form of terraces to accommodate severe grade changes, rather than single tall retaining walls. However, no retaining walls shall exceed a height of 15 feet. Where provided, retaining walls shall be screened with a variety of landscaping materials, in groupings, rather than utilizing hedges or uniform plant species and spacing.
- b. Ornamental walls utilizing loose laid stone may be provided throughout the site as appropriate, up to a height of four feet.
- c. Fences shall be installed along the tops of all retaining walls that exceed a height of four (4) feet. Chain-link fencing, including vinyl-coated chain-link fencing, is prohibited.
- d. No fence on the site may exceed a height of four feet, except for fences for the screening of loading areas, utility enclosures and dumpsters.

(3) Architecture.

- a. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- b. The maximum spacing between building wall offsets shall be 80 feet.
- c. The minimum projection or depth of any individual vertical offset shall be 1.0 feet.
- d. The maximum spacing between roof offsets shall be 80 feet.
- e. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- f. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- g. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- h. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties. Section 128-6.4, regarding satellite antennas, shall apply.
- i. All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- j. Placement of any packaged terminal air conditioner units within the façade is prohibited.
- k. Balconies are prohibited to be included on the outward facing sides of any building, except that all corner residential units may have balconies. Nonfunctional, decorative "Juliet" balconies, which cannot be accessed from the interior of a unit, shall be permitted on the outward facing sides of any building. Inward-facing balconies shall also be permitted.

(4) Trash.

- a. All trash/recycling storage areas shall be enclosed on all four sides and screened using wood fencing or other attractive material. Trash may be stored inside the buildings.

- (5) Lighting.
 - a. LED (light-emitting diode) light of the soft white category shall be incorporated into site, service and parking lot lighting.
 - b. All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.

- (6) Landscaping.
 - a. A mix of deciduous and evergreen trees and low ground cover landscaping shall be planted along the entire site perimeter, with the exception of any Inter-Municipal Boundary, in order to form an effective year-round screening. Tree spacing shall be 40 feet on center, or closer. In addition, where a row of parking stalls runs in a straight line for more than 20 spaces, landscaped islands shall be provided between every 15 parking spaces, planted with trees and low ground cover.
 - b. Eighty percent (80%) of the perimeter of the building(s) shall be surrounded on all sides by a landscaped, planted strip at least three feet in width. Paved walkways leading to pedestrian entrances may cross this landscape strip in a perpendicular fashion.
 - c. Use of berming, retaining walls, trees and other vegetation shall be utilized to the extent practicable in order to minimize the visual impact of the development on adjacent properties. Where possible to accommodate an inclusionary development, existing, mature trees shall remain in place in order to provide sufficient visual buffering.

G. Miscellaneous.

- (1) Consistent with N.J.A.C. 5:93-10.1(b), no unnecessary cost generative provisions of the Montvale Borough Code shall apply to any proposed Inclusionary Development within the AH-26 District.
- (2) Additional applicable provisions to the AH-26 District. The following sections of Chapter 128 of the Montvale Borough Code shall apply to development in the AH-26 District.
 - (1) **Article X, Enforcement.**
 - (2) **Article XI, Interpretation.**
 - (3) **Article XIII, Violations and Penalties.**
 - (4) **Article XIV, Validity.**
 - (5) **Article XVI, Effect.**
 - (6) **Article XVIII, Site Work Permit.**

Section 3. The Official Zoning Map shall be changed for Block 3302, Lot 1 from OR-4 Office and Research District to AH-26 Affordable Housing District.

Section 4. The Planning Board hearing an application for an Inclusionary Development within the AH-26 District shall be authorized to grant such variances, waivers, and exceptions as are necessary to facilitate the Inclusionary Development.

Section 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. Effective date. This Ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated November 14, 2017, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Hornrock Properties MPR, LLC in the litigation In re Montvale, Docket No. BER-L-6141-15.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Borough Clerk

INTRODUCED:

ADOPTED:

APPROVED:

**BOROUGH OF MONTVALE
ORDINANCE NO. 2017-1439**

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 11th day of December 2017, 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 26th day of December 2017 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 TO PROVIDE FOR THE PRESERVATION OF
TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF
MONTVALE AND CREATING A NEW CHAPTER 119A IN THE BOROUGH CODE
ENTITLED "TREES AND PLANTS"**

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 119A, "Trees and Plants," as follows:

**Chapter 119A
Trees and Plants**

Article 1 Tree Removal

- § 119A-1 Findings and purpose**
- § 119A-2 Tree removal permit required**
- § 119A-3 Exemptions**
- § 119A-4 Compensatory plantings**
- § 119A-5 Violations**

Article 2 Demolition

- § 119A-6 Tree removal during demolition**
- § 119A-7 Demolition permit required**
- § 119A-8 Exemptions**
- § 119A-9 Violations**

Article 3 Bamboo

- § 119A-10 Purpose**
- § 119A-11 Prohibition of the planting, growing or cultivating of bamboo**
- § 119A-12 Exemptions**
- § 119A-13 Complaint notice; order for removal and compliance**
- § 119A-14 Violations**

Article 1 Tree Removal

§ 119A-1 Findings and purpose

The Borough Council of the Borough of Montvale does find and determine that:

- A. Indiscriminate and uncontrolled tree removal upon lots and tracts of land within the Borough contributes to drainage problems, increased soil erosion and dust conditions tending to decrease property values and adversely affects the public health, safety and general welfare of the community.
- B. The Borough desires to control and regulate tree removal and to preserve the maximum number of trees during the course of development of lots or parcels of land.
- C. This ordinance is not intended to directly affect those property owners not involved in construction activities.

§ 119A-2 Tree removal permit required

- A. Tree removal as set forth in this Article shall be prohibited within the Tree Preservation Zone, which is defined as the area between the lot or parcel perimeter property lines and the front, side and rear building set-back lines as established in each zoning district. Notwithstanding the foregoing, the Tree Preservation Zone shall not include any area within 5 feet of the boundary of any dwelling structure on the property.
- B. Except as may be otherwise set forth in this Chapter, no applicant, developer, contractor or other person or entity shall cut down or remove trees of a caliper of six (6) inches or greater measured 4.5 feet above the high side of existing grade within the Tree Preservation Zone as part of a site plan, subdivision or building addition application without first obtaining a tree removal permit from the Construction Code Official in accordance with this Article.
- C. The Construction Code Official shall adopt a standard application form for use by applicants seeking a tree removal permit, whether such application is made to the Construction Code Official or to the reviewing Board.

- D. In the case of site plan and subdivision applications, the reviewing Board shall request recommendations from the Environmental Commission on tree removal prior to any Board decision. For applications not subject to Board review, the Construction Code Official shall request the recommendations of the Montvale Environmental Commission before issuing a tree removal permit.
- E. A site survey or other reasonably sufficient plan or drawing showing the tree removal limits shall be provided for review and approval with the tree removal application. In evaluating the application, the Environmental Commission shall consider the following;
1. Light and air flow
 2. Property screening, both from public roadways and neighboring properties
 3. Relative size and health of trees and benefits/detriments to removal
 4. Proposed distribution of tree species
 5. Potential safety hazards among existing trees
 6. Number and density of remaining trees
 7. Property circulation (walkways, driveways, etc.)
- F. The Montvale Environmental Commission shall submit a letter to the Construction Code Official, or the reviewing Board, as appropriate to the application, describing the Commission's recommendations as to permitted tree removal limits. The final determination on the tree removal permit shall be within the jurisdiction of the Construction Code Official or the reviewing Board, as appropriate to the application.
- G. In connection with the submission of a site plan, subdivision or building addition application, the applicant shall be required to detail any tree removal activities undertaken on the property within the past two (2) months. If any trees were removed during said two-month period that would have been impermissible under this Article as part of such application, the Montvale Environmental Commission shall review such activities and recommend compensatory plantings consistent with this Article.

§ 119A-3 Exemptions

The following shall be exempt from the requirements of this Article:

- A. Single or two-family residential lots containing an existing dwelling that are not subject of a site plan, subdivision or building addition application.
- B. Tree removal is permitted within the Tree Preservation Zone to allow for the following:
1. Driveway or roadway access from an existing road frontage.
 2. Land grading necessary to establish the appropriate proposed grade elevations to foster proper drainage and construction of the proposed building or buildings on a lot or parcel.

3. Construction or installation of underground utilities that serve the building or buildings.
4. Removal of trees that are dead, dying or diseased, or trees that have sustained significant storm damage, or trees that due to their location or physical condition render them a hazard to structures, vehicles and/or people.
5. Removal of any tree with a caliper below six (6) inches measured from 4.5 feet above the highest side of existing grade.
6. Any tree growing in the public right-of-way or on publicly-owned land or property.
7. Tree removal as part of a Municipal, County or State agency or authority improvement project.
8. Commercial nurseries, Christmas tree plantations and farming activities requiring tree removal.
9. Any trees hindering sight triangles from property or impeding proper sight distances.

§ 119A-4 Compensatory plantings

In the event that preservation of existing trees within any designated Tree Preservation Zone is impossible or impractical based on the proposed development, compensatory plantings shall be required for each live tree within the Tree Preservation Zone being removed. Compensation shall be planted on a one for one basis on the project lot or parcel with each compensatory tree being 2 inches caliper minimum. The Montvale Environmental Commission will review and recommend compensatory planting as a result of actions described in this Chapter.

§ 119A-5 Violations

- A. A fine of five hundred dollars (\$500) shall be imposed for each tree removed in violation of this Article.

Article 2 Demolition

§ 119A-6 Tree removal during demolition

The Borough Council of the Borough of Montvale does hereby find and determine that there is a desire to control and regulate tree removal as part of the demolition of buildings and structures, because uncontrolled demolition and clearing of land can be detrimental to the public safety, health and general welfare.

§ 119A-7 Demolition permit required

- A. Pursuant to the Borough Code, no applicant, developer, contractor or any other person or entity shall initiate or commence demolition or removal of any buildings or structures without first obtaining a demolition permit from the Construction Code Official.
- B. A site survey showing the limits of disturbance (defined as the foundation line of the structure being demolished plus an additional 20 feet in each direction) required to accomplish the demolition or removal shall be provided as part of the demolition permit application.
- C. Tree removal outside the approved limits of disturbance shall not be permitted without first obtaining a Tree Removal Permit pursuant to this Chapter, except as may be otherwise set forth herein.

§ 119A-8 Exemptions

- A. Tree removal is permitted outside the limits of disturbance as defined herein to allow for the removal of any tree with a caliper below six (6) inches measured 4.5 feet above the highest side of existing grade.
- B. Tree removal shall be permitted inside the limits of disturbance without regard to the size of the tree without obtaining a Tree Removal Permit.

§ 119A-9 Violations

- A. A fine of five hundred dollars (\$500) shall be imposed for each tree removed in violation of this Article.

Article 3 Bamboo

§ 119A-10 Purpose

The Borough Council of the Borough of Montvale does hereby find and determine that it is necessary and proper to control the planting, cultivating and/or growing of bamboo in the Borough of Montvale and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§ 119A-11 Prohibition of the planting, growing or cultivating of bamboo

Subject to certain exemptions set forth in this Article, no persons, residents, citizens, property owners, tenants or other entities shall plant, cultivate or cause to grow, any bamboo upon any lot and/or parcel of ground anywhere within the territorial boundaries of the Borough of Montvale.

§ 119A-12 Exemptions

The following shall be exempt from the requirements of this Article:

- A. Any existing bamboo plant located on any property within the Borough limits. Notwithstanding the foregoing, no portions of such bamboo shall be allowed to grow upon, extend roots across, or extend branches, stalks or leaves past the property boundary or onto any public right-of-way. Furthermore, the general prohibitions set forth in §119A-11 shall apply with respect to any bamboo plant whose presence on property located in the Borough does not pre-date the effective date of this Article.

- B. Any bamboo plant where the root system of such bamboo plant is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plant's root system beyond the container in which it is planted. Whether planted or growing in a container as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than ten (10) feet from any property line or public right-of-way.

§ 119A-13 Complaint notice; order for removal and compliance

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment or bamboo plants or roots onto the property of another land owner, the Borough shall cause Notice to be served on the owner of the offending property, according to the following procedure:

- A. The Notice shall specify the nature of the violation(s).

- B. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

- C. The Notice shall state that the violation(s) must be corrected within thirty (30) calendar days from the date of the Notice is received.
- D. If the violation is not remedied within the time frame set forth in the aforesaid Notice, the Borough is hereby authorized and empowered to remove or to have removed any encroaching bamboo and to take all reasonable steps to eradicate the re-growth of the bamboo on the public right-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- E. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail shall be deemed complete on the date of personal delivery, or the date the Certified Mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First Class mail shall be deemed delivered on the fifth calendar day after mailing by the Borough.

§ 119A-14 Violations

- A. Any person or entity determined by a court of competent jurisdiction to have violated any provision of this Article shall be subject to pay a fine of one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense for which an additional fine may be levied.
- B. In addition to any penalty imposed as set forth above, the cost of any action taken by the Borough to remove and/or eradicate any prohibited bamboo, together with legal fees and other costs incurred by the Borough shall be recoverable from the responsible party.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Borough Clerk

INTRODUCED:

ADOPTED:

APPROVED:

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:55pm. Adequate notification was published in the official newspaper of the Borough of Montvale.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry	Councilmember Lane
Councilmember Gloeggler	Councilmember Weaver

Also present: Mayor Mike Ghassali; Borough Engineer, Andy Hipolit; Borough Attorney, Joe Voytus; Municipal Clerk/Administrator, Maureen Iarossi-Alwan; Deputy Municipal Clerk, Fran Scordo

Presentation / Neile Weissman / Support the widening of bike paths for the George Washington Bridge - information included with original minutes

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2017-1436 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO
(public hearing 12/11/17)

A motion to Introduce Ordinance **2017-1436** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in the Bergen Record; seconded by Councilmember Koelling - A roll call was taken, Councilmembers Arendacs and Weaver voting No and Councilmembers Curry, Gloeggler, Koelling and Lane voting Yes.

Councilmember Weaver asked for clarification regarding the list of permitted uses such as a grocery store and pharmacy, with Wegmans right across the street; the attorney stated that it could be a permitted use.

INTRODUCTION ORDINANCE NO. 2017-1437 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE AH-6A DEVELOPMENT DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO
(public hearing 12/11/17)

A motion to Introduce Ordinance **2017-1437** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in the Bergen Record; seconded by Councilmember Curry - A roll call was taken - all ayes

PUBLIC HEARING OF ORDINANCE NO. 2017-1433 AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A LAND DONATION OF BLOCK 1505, LOT 1 AND BLOCK 713, LOT 12 IN THE BOROUGH OF MONTVALE

WHEREAS, Charlotte Kaczala ("Owner") is the owner of certain real property located in the Borough of Montvale (the "Borough" or "Montvale") designated as Block 1505, Lot 1, known as 6 Pennsylvania Avenue; and

WHEREAS, Charlotte Kaczala is the owner of certain real property located in the Borough of Montvale designated as Block 713, Lot 12, known as 9 Pennsylvania Avenue; and

WHEREAS, the Owner of 6 Pennsylvania Avenue and 9 Pennsylvania Avenue has offered to donate the two above-referenced parcels (the "Properties") to the Borough; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Borough is required to accept the Properties by adoption of an ordinance; and

WHEREAS, the Governing Body has determined that it is in the public interest to accept the donation of the Properties; and

WHEREAS, the Borough desires to accept the donation of the Properties, subject to due diligence regarding title, environmental or any other issues that may affect the Borough's acceptance and ownership of the Properties.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, County of Bergen, as follows:

Section 1. The Borough hereby accepts the land donation of Block 1505, Lot 1 and Block 713, Lot 12, from Charlotte Kaczala, contingent upon the Borough and/or its professionals conducting due diligence regarding title, environmental or any other issue that may affect the Borough's acceptance and ownership of the Properties and receiving adequate assurance that the Properties are free from any judgments, liens or other title issues, and from any environmental or other deleterious substances.

Section 2. The Mayor and Borough Clerk are hereby authorized to take all action necessary to effectuate the acquisition of the Properties, consistent with this Ordinance.

Section 3. 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 4. Effective date.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

Section 5. 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.

Ordinance No. **2017-1433** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only;

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Curry - all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --
- all ayes

The Engineer explained that this is currently vacant land.

PUBLIC HEARING OF ORDINANCE NO 2017-1434 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42 OF THE CODE OF THE BOROUGH OF MONTVALE IN ORDER TO REVISE THE FEES CHARGEABLE FOR INSPECTIONS AND PERMITS **BE IT ORDAINED**, by the Mayor and Council of the Borough of Montvale, as follows:

Section 1. The Code of the Borough of Montvale, Chapter 42, "Fire Prevention," is hereby amended by deleting the text of Code Section 42-24(E) in its entirety and replacing it with the following:

Additional locally required annual registration fees are as follows (Non-life-hazard):

RESIDENTIAL

Dwelling Units	Year and Fee (per dwelling unit)	
	2017	2018+
Each unit up to 20	\$55	\$55
Each unit above 20	\$15	\$15

The above fees shall be applicable to all multi-unit dwellings, including, without limitation, apartments, condominiums, and cooperative housing complexes, and all single-unit, non-owner-occupied dwelling units.

Section 2. The Code of the Borough of Montvale, Chapter 42, "Fire Prevention," is hereby amended by deleting the text of Code Section 42-24(F) in its entirety and replacing it with the following:

F. The following annual registration fees for nonresidential buildings and uses as authorized by the New Jersey Uniform Fire Code are as follows:

BUSINESS

Local Code	Area (square feet)	Year and fee	
		2017	2018+
U1	<1,000	\$65	\$65
U1A	1,001 – 2,500	\$115	\$115
U2	2,501 – 5,000	\$185	\$185
U3	5,001 – 10,000	\$365	\$365
U4	10,001 – 50,000	\$730	\$730
U5	50,001 – 100,000	\$1025	\$1025
U6	100,001 – 200,000	\$1400	\$1400
U7	200,001- 250,000	\$2050	\$2050
U8	250,000+	\$2,670	\$2,670

Section 3. The Code of the Borough of Montvale, Chapter 42, "Fire Prevention," is hereby amended by deleting the text of Code Section 42-38 in its entirety and replacing it with the following:

The fees for an inspection by the Fire Prevention Bureau for a Certificate of Smoke Detector Installation (CSDI) Smoke Detector Certificates shall be as follows:

Document	Year and fee	
	2017	2018+
Initial CSDI Inspection	\$125	\$100
Re-inspection (if required)	\$40	\$40

Section 4. Effect of invalidation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Repeal of inconsistent ordinances. All ordinances or parts of ordinances of the Borough of Montvale which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Effective date. This ordinance shall take effect immediately upon its passage and publication as required by law.

Ordinance No. **2017-1434** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Lane ; Clerk read by title only; Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Curry - all ayes

Jarett Schumacher

Ask for clarification as to what fees; the clerk explained this was for sheds and to clear up inconsistencies with prior ordinances

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Curry - all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes

PUBLIC HEARING OF ORDINANCE NO 2017-1435 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 54, "INSURANCE," FOR THE PURPOSE OF ESTABLISHING A SELF-INSURANCE FUND FOR GROUP HEALTH BENEFITS PURSUANT TO REGULATIONS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Governing Body of the Borough of Montvale has determined that providing for contributory or noncontributory self-funded or partially self-funded health benefits to eligible employees and/or their dependents will be an efficient and cost effective method of providing such benefits to its employees; and

WHEREAS, such a program is authorized by N.J.S.A. 40A:10-6e; and

WHEREAS, as part of the establishment of such a program it is required by N.J.S.A 40A:10-8 that a board of fund commissioners be created to oversee the safe and proper administration of such a fund.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Montvale, as follows:

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 54, "Insurance," as follows

**Chapter 54
Insurance**

Article I Self-Insurance Fund for Health Insurance Benefits

- §54-1 Establishment of fund.**
- §54-2 Insurance fund commissioners.**
- §54-3 Operation and management of fund.**

Article I Self-Insurance Fund for Health Insurance Benefits

§54-1 Establishment of fund.

There is hereby established a Trust Fund to be known as "The Self-Insurance Fund for Health Insurance Benefits" (hereinafter the "Fund") pursuant to N.J.S.A. 40A:10-1 et seq. and regulations established by the New Jersey Department of Community Affairs.

§54-2 Insurance fund commissioners.

- A. The Mayor shall appoint three Borough officials, who may be members of the governing body, to serve as Insurance Fund Commissioners. The Mayor shall appoint a person to serve as Secretary to the Board who shall serve at the pleasure of the Governing Body.
- B. The Commissioners shall hold office for two years or the remainder of their term of office as officials, whichever shall be less, and until their successors shall have been duly appointed and qualified. The Commissioners shall serve without compensation. The salary of the Secretary shall be set by the salary ordinance authorized by the Governing Body.
- C. Each year, the Commissioners shall elect among themselves a chairperson, who shall serve for a term of one year.
- D. All vacancies in the office of Insurance Fund Commissioner or in the office of Secretary shall be filled as set forth in N.J.S.A. 40A:10-8.

§54-3 Operation and management of fund.

- A. The Insurance Fund Commissioners shall have all powers and authority set forth in N.J.S.A. 40A:10-10.
- B. The Borough Chief Financial Officer shall be the Custodian of the Fund and shall bear responsibility for the Fund in the same manner and to the same extent as other public funds under his/her care. All interest earned on the Fund shall accrue to the Fund's principal.

- C. To the extent necessary, and subject to rules and regulations established by the Insurance Fund Commissioners:
1. The Borough Administrator and Chief Financial Officer shall annually estimate the probable maximum exposure of the Fund during the calendar year.
 2. The Borough Administrator and Chief Financial Officer shall include as part of the recommended annual operating budget, an amount, in his/her opinion, needed to adequately fully fund the employee health reimbursement account and responsibly estimate the costs associated with the calendar year.
 3. The Borough Administrator, upon the recommendation of the Borough's Risk Manager shall fix reasonable rates of reimbursements for all insurance carried by the Insurance Fund to be applied to the various covered persons and dependent categories, and shall effect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in the State of New Jersey.
 4. The Chief Financial Officer and/or Borough Treasurer shall collect and incorporate in the Fund employee and retiree contributions for health benefits which are made
 5. pursuant to applicable Borough ordinances and contracts or in accordance with Chapter 78, P.L. 2011.
- D. The Governing Body of the Borough of Montvale shall appropriate such funds as are necessary to accomplish the purposes for which the Self-Insurance Fund for Group Health Insurance Benefits is established.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2017-1435** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only;

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Curry - all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes

The borough attorney explained this has to do with the Health Savings Account established for the employees and that 2 councilmembers and someone from the finance department should be on the committee overseeing this account

RESOLUTIONS:

219-2017 Appointment Jr. Member / Montvale Fire Department / Corey Lydon

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and
WHEREAS, Corey Lydon of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Corey Lydon, as a Jr. Member of the Montvale Fire Department, is hereby approved.

Introduced by: Councilmember Lane; seconded by Councilmember Arendacs - All ayes

220-2017 Authorize Hiring / Part Time On Call / Crossing Guard / Pamela Gallagher

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,
WHEREAS, Pamela Gallagher has met the qualifications for this position, agrees to the terms and conditions of employment; and
NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed to the position of Part-time On Call Crossing Guard, effective November 28, 2017.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

221-2017 A Resolution Amending a Professional Services Contract to Jeffrey R. Surenian and Associates, LLC to Serve as Special Counsel in Connection with the Borough's Affordable Housing Litigation to Increase the Amount of the Contract

WHEREAS, the Governing Body previously adopted Resolution No. 155-2017, which awarded a professional services contract to Jeffrey R. Surenian, Esq. of Jeffrey R. Surenian & Associates, LLC, 707 Union Avenue, Suite 301, Brielle, New Jersey 08730, to represent the Borough of Montvale and to perform all services necessary and appropriate in connection with the Borough's affordable housing litigation, Docket No. BER-L-6141-15; and
WHEREAS, that contract included an initial "Not To Exceed" figure of \$25,000.00; and
WHEREAS, Mr. Surenian has advised that his firm is approaching the Not To Exceed figure and needs authorization from the Borough of Montvale to proceed with additional work; and
WHEREAS, the Governing Body previously adopted Resolution 200-2017, which amended the not to exceed amount to \$50,000; and
WHEREAS, the Governing Body is desirous of authorizing same; and
WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the professional services contract with Jeffrey R. Surenian and Associates, LLC is hereby amended to increase the "Not To Exceed" value to a total of \$75,000.00.

BE IT FURTHER RESOLVED that all other terms and conditions of said contract shall remain the same.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute an amended contract consistent with the provisions and intent of this Resolution, subject to approval of same by the Borough Attorney.

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes
 Councilmember Arendacs asked why the increase and if Mr. Surenian's services are still needed; the borough attorney stated his services are still needed for the fairness hearings that are scheduled in 2018

222-2017 Transfer of Appropriations

WHEREAS, certain transfer of funds for various 2017 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, *N.J.S.A. 40A:4-58* provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2016 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations		
Operations – Within "CAPS"		
Salary Adjustment Account	\$8,750.00	
Police:		
Salaries and Wages		\$8,750.00
Planning Board:		
Other Expenses	11,250.00	
Police:		
Salaries and Wages		11,250.00
Salary Adjustment Account	250.00	
Environmental Commission:		
Salaries and Wages		250.00
Salary Adjustment Account	1,000.00	
Senior Citizen:		
Salaries and Wages		1,000.00
Social Security System	3,000.00	
Municipal Court Administration:		
Other Expenses		3,000.00
General Appropriations		
Operations – Within "CAPS"		
Social Security System	3,000.00	
General Appropriations		
Operations – Excluded from "CAPS"		

Shared Service Agreements	
Municipal Court Administration:	
Other Expenses	3,000.00

	\$27,250.00
	=====
	\$27,250.00
	=====

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes

223-2017 A Resolution Approving an Amendment to the Settlement Agreement with Fair Share Housing Center

WHEREAS, in compliance with the New Jersey Supreme Court’s decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 6, 2015, the Borough filed an action with the Superior Court of New Jersey (“Court”), entitled In the Matter of the Application of the Borough of Montvale, County of Bergen, Docket No. BER-L-6141-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the “Compliance Action”); and

WHEREAS, in order to settle the Compliance Action, the Borough of Montvale and the Montvale Planning Board did approve a Settlement Agreement with Fair Share Housing Center (“FSHC”), at their public meetings of November 14, 2017 and November 21, 2017, respectively; and

WHEREAS, the Borough is desirous of executing an Amendment to the Settlement Agreement with FSHC to ensure that it is consistent with the settlement agreements with the other Intervenor in the Compliance Action.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor and Borough Clerk to execute the Amendment to the Settlement Agreement attached hereto as Exhibit A.
2. The Borough hereby directs its Special Affordable Housing Counsel to (a) file the fully-executed Amended Settlement Agreement with the Court for review and approval at a duly-noticed Fairness Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Amended Settlement Agreement, and (c) work towards ultimately securing judicial approval of the Borough’s Fair Share Plan, after it is drafted, adopted by the Borough’s Planning Board and endorsed by the Borough Council.
3. All other appropriate Borough officials are authorized and empowered to execute all documents and take all steps necessary and appropriate to effectuate the terms and purposes of this resolution and the Amended Settlement Agreement.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken with Councilmembers Arendacs and Weaver voting No and Councilmembers Curry, Gloeggler, Koelling and Lane voting yes; the borough attorney explained this was to match with the settlement agreement with Hekemian

224-2017 A Resolution Authorizing State Contract for Installing Various Technologies in the New Montvale Fire House

WHEREAS, The New Montvale Fire House is in need of the installation of various technologies as described in the State Contract #83927 and #83924, said detailed proposal dated October 2017 is attached to the original of this resolution submitted by Regional Communications, Inc.; and

WHEREAS, Based upon the recommendation of the John Descano, Project Manager of Robbie Conley Architect, LLC for this project it was determined during the Construction Documents phase, that it was best to have the audio/visual and securities systems performed by a separate specialized vendor; and

WHEREAS, The Montvale Fire Chief and Qualified Purchasing Agent has reviewed the proposal submitted and recommends award; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale hereby authorize said contract to Regional Communications, Inc. 64 East Midland Ave, Paramus, NJ 07653 the amount of \$47,976.30 for State Contract #83927 and \$42,395.00 for State Contract #83924 for a total of \$90,371.30; and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes
Councilmember Weaver asked if this was included with the original amount or is this an additional cost. The clerk stated this was included with original bond.

225-2017 Resolution In Support Of The Widening Of The George Washington Bridge Sidewalks

WHEREAS, the George Washington Bridges sidewalks are the only connection across the Hudson River between New York City and New Jersey for pedestrians, runners and bicyclists; and

WHEREAS, the paths are heavily used, with an average of 1,700 cyclists and 900 pedestrians crossing each day; and

WHEREAS, according to Federal Highway Administration guidelines, shared-use paths should be at least ten feet wide and up to fourteen feet wide if they are heavily used; and

WHEREAS, the sidewalks are currently ten feet wide except where the bridge's suspender ropes pass through, where they are even less than seven feet wide; and

WHEREAS, the Port Authority of New York and New Jersey is planning an extensive renovation that will replace all of the bridge's suspender ropes beginning in 2017 and lasting until 2024; and

WHEREAS, as part of the project the sidewalks will be replaced and new ramps that will provide access to the sidewalks will be constructed, but the sidewalks will not be widened; and

WHEREAS, the Port Authority's own Bicycle Policy states that its goals are to integrate "improved bicycle access: and "safe bike lanes" and to "promote the safe coexistence of motor vehicles, bicycles and pedestrians" at its facilities; and

WHEREAS, the width of the bridge's sidewalks do not meet federal standards for high pedestrian and bicycle paths; and

WHEREAS, the planned renovation project presents a unique opportunity to build sidewalks that would be able to safely and comfortably accommodate the increasing number of pedestrians and bicyclists expected to use the bridge in the decades to come.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Borough fully supports the widening of the George Washington Bridge Sidewalks.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes

226-2017 Resolution Awarding/Amending Contract to Robbie Conley Architect, LLC For Professional Services Related to their Contract For Reimbursable Expenses and Coordination Re-Design of the Radio Tower/New Montvale Firehouse

WHEREAS, on March 10, 2015 The Borough of Montvale awarded a professional service contract to Robbie Conley Architect, LLC, 596 Glassboro Road, Woodbury Heights, New Jersey 08097 for the various professional services related to the construction of a New Montvale Fire House; and

WHEREAS, in a letters dated December 8, 2015 and November 21, 2017 attached to the original of this resolution Robbie Conley Architects, LLC submitted certain fee increases for said services; and

WHEREAS, the Governing Body on November 28, 2017 approved said request; and **NOW THEFORE BE IT RESOLVED**, Robbie Conley Architect, LLC is approved for billing of these costs as per his November 21, 2017 letter.

Funds allocated Re-Design of Radio Tower	\$20,000.00
Reimbursable Expenses	<u>\$ 5,000.00</u>
	Total \$25,000.00

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

227-2017 Appointment Full Time Court Administrator/Pascack Joint Municipal Court/Ann Levitski

WHEREAS, the Pascack Joint Municipal Court is in need of a Court Administrator; and **WHEREAS**, Ann Levitzki meets the qualifications and has agreed to perform the duties of this position; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed Court Administrator for the Pascack Joint Municipal Court effective December 1, 2017.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes
Councilmember Weaver asked for clarification as to the hiring; the clerk explained that Montvale is the hiring authority

228-2017 Appointment Full Time Deputy Court Administrator/Pascack Joint Municipal Court/Shaka Lemoniaus

WHEREAS, the Pascack Joint Municipal Court is in need of a Deputy Court Administrator; and **WHEREAS**, Shaka Lemoniaus meets the qualifications and has been approved by the Assignment Judge to perform the duties of this position; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed Deputy Court Administrator for the Pascack Joint Municipal Court effective December 4, 2017.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Koelling - All ayes
Councilmember Weaver noticed that the Suez payment was for \$16,000 and didn't realize how much the borough pays.

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- This report is included with the original minutes;
- Jefferson Ave paving will cost \$12,000 not including additional engineering fees; a motion by Councilmember Lane; seconded by Councilmember Koelling to authorize paving - all ayes
- Councilmembers have concerns regarding the intersection of Woodland Road and Grand Ave; the engineer explained guide posts can be installed by the County; councilmembers authorized the engineer to call the County on their behalf
- Speeding on North Ave, a temporary speed hump can be installed, cost is approximately \$10,000
- Councilmember Weaver asks about the dirt pile on the corner of Grand and Philips; they are continuing to remove it in stages

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

- Working on the deed of easements for the homeowners with the bamboo issue; also working on a bamboo ordinance

UNFINISHED BUSINESS:

- a. Rob Hanrahan / Estimates / Tree Trimming and Removal center of town

After a brief discussion, the clerk will speak to Mr. Koenig for clarification on the specification of services needed;

NEW BUSINESS:

The administrator has started the budget process and that letters went out to all the professionals for their 2018 rates.

COMMUNICATION CORRESPONDENCE:

None.

MEETING OPEN TO THE PUBLIC:

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

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

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Curry – all ayes

Fire Chief Clint Miller

Was honored and humbled for the proclamation that was presented to him by the Mayor and Council; having some issues with Suez and the water main, have a meeting with them next week; ask for a list of names for the dedication plaque for the new firehouse, Councilmember Lane will coordinate that; added a few more Christmas decorations in the center of town and is asking for reimbursement of \$6,000;

Jarret Schumacher

How much did the borough spend on Jeff Surenian; his contract is not to exceed \$75,000

Jim Bauer - Spring Valley Road

With all the new development being proposed, what happens with all the traffic; the engineer stated that the train causes the traffic on the corner of Grand and Kinderkamack;

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Meeting adjourned at 9:32 pm

The next Meeting of the Mayor and Council will be held December 11, 2017 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 229-2017**

RE: Special Item Of Revenue And Appropriation - Chapter 159

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

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

WHEREAS, the Borough of Montvale has been awarded \$10,000.00 from KPMG and wishes to amend its 2017 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$10,000.00 which is now available as a revenue from:

Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Off-Set with Appropriations: Donation: Police – Other Expenses, and

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and hereby appropriated under the caption of:

General Appropriations (a)Operations Excluded from "CAPS"
Public and Private Programs Off-Set by Revenues: Donation: Police – Other Expenses

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

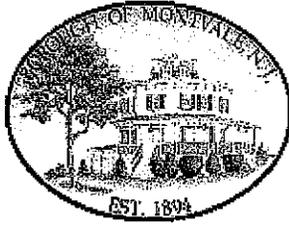
Adopted: December 11, 2017

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 230-2017**

RE: EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen with respect to the Current Fund of the Borough of Montvale, as a result of the increased development and traffic control, and no adequate provision was made in the 2017 municipal budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$425,000.00

and three percent of the total operations in the Current Fund budget for the year 2016 is \$436,183.53

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48,

- 1) An emergency appropriation be and the same is hereby made for:

General Appropriations
Operations – Within "CAPS"

Police:
Salaries and Wages \$175,000.00
=====

- 2) That said emergency appropriation shall be provided in full in the 2018 municipal budget.
- 3) That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

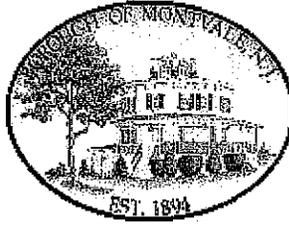
Adopted: December 11, 2017

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 231-2017**

RE: TRANSFER OF APPROPRIATIONS

WHEREAS, certain transfer of funds for various 2017 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2016 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations Operations – Within "CAPS"		
Administrative and Executive: Salaries and Wages	\$5,000.00	
Police: Other Expenses		\$5,000.00
Administrative and Executive: Other Expenses	5,000.00	
Road Repair and Maintenance: Other Expenses		5,000.00
	-----	-----
	\$10,000.00	\$10,000.00
	=====	=====

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

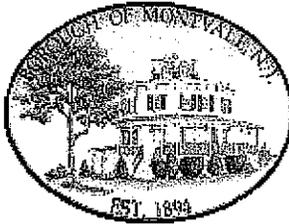
Adopted: December 11, 2017

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 232-2017**

RE: Awarding Professional Service Contract / Engineering Services / PSE&G Roadway Improvements/Tilcon New York, Inc./ Maser Consulting, LLC

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide Engineering Services of Construction Observation Services for the PSE&G services for the milling and paving for Spruce Street and a portion of Jefferson Place; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated November 21, 2017 to provide these services which is attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

NOW, THEREFORE BE IT RESOLVED by the Borough of Montvale as follows:

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Engineering Services/Construction Observation
- 3) The cost not to exceed shall be \$8,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

Adopted: December 11, 2017

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

400 Valley Road, Suite 304
Mount Arlington, NJ 07856
T: 973.398.3110
F: 973.398.3199
www.maserconsulting.com

November 21, 2017

Via Email

Maureen Iarossi-Alwan
Borough Clerk/Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: Proposal for Professional Engineering Services
PSEG Roadway Improvements/Tilcon New York, Inc.
Borough of Montvale, Bergen County, NJ
MC Proposal No. MVB-501

Dear Ms. Iarossi-Alwan:

Maser Consulting P.A. (Maser Consulting) is pleased to present this proposal for Professional Services for Construction Observation and project close-out services for milling and paving for Spruce Street and a portion of Jefferson Place. The anticipated schedule for milling and paving will be November 27 – November 30, 2017, weather permitting.

As you are aware, PSEG has an on-going program to replace their gas pipelines in the Borough on a regular basis. Portions of Spruce Street and Jefferson Place were disrupted in 2017, and during our site inspection with PSEG, we noted that gas lines were also replaced on a portion of Hemlock Street prior to 2017 with no road restoration. After discussions with PSEG and the Borough, it was determined that all of Spruce Street and a portion of Jefferson Place would be milled and paved by PSEG. Through their Contractor Tilcon New York, Inc., they provided a price to pave an additional section of Jefferson Place from Spruce Street to Hemlock Street in the area disrupted.

The following proposal presents our scope of services for Construction Observation for this project.

SCOPE OF SERVICES

TASK 1.0 CONSTRUCTION OBSERVATION SERVICES

Maser Consulting will provide construction observation services for the above PSEG Paving Project on Spruce Street and Jefferson Place.

Maser Consulting will provide the Borough with full-time, on-site observation services for the project. Maser Consulting will review and recommend contractor payments, as well as change orders (if necessary). If the contractor supplies unacceptable work or material, Maser Consulting will take an immediate course of corrective action on behalf of the Borough.



Prior to completion, a final site observation will be scheduled with the contractor to close out the project. Maser Consulting will prepare the paperwork for project close out and final payment to the contractor.

Task 2.0 Cost Not to Exceed Fee	<u>\$8,000.00</u>
<u>Total Professional Service Project Cost</u>	<u>\$8,000.00</u>

EXCLUSIONS

1. Field survey work;
2. Application for Environmental (NJDEP) Permitting;
3. Any other exclusions previously referenced in the scope of services.

CONCLUSION

If the Borough finds this proposal acceptable, please forward a copy of the Resolution authorizing the work to be performed.

If you have any questions pertaining to this matter, please do not hesitate to call me.

Thank you for the opportunity to submit this proposal to you.

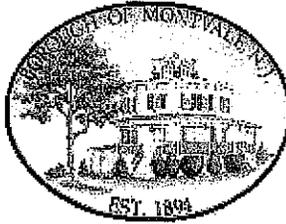
Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E.
Borough Engineer

ARH/cd



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 233-2017**

RE: Authorize Release of Escrow / Block 3101; Lot 2 / Collectis, Inc.

WHEREAS, Collectis, Inc. 430E 29th Street, New York, New York, 10016-8367 has requested release in escrow for Block 3101; Lot 2, for escrow posted for 100 Phillips Parkway; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$132.00 is hereby released to Collectis Inc.; and

BE IT FURTHER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

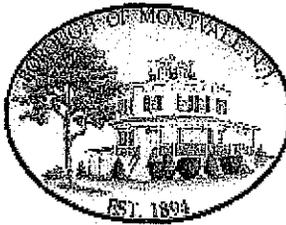
Adopted: December 11, 2017

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 234-2017**

RE: Authorize Release of Escrow / Block 1102; Lot 2.02 / Rockland Electric, Co.

WHEREAS, Rockland Electric Co., 390 West Route 59, Spring Valley, New York 10977 has requested release in escrow for Block 1102; Lot 2.02, for escrow posted for 110 Summit Avenue, Montvale ; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$10,520.26 is hereby released to Rockland Electric, c/o Gregory Eiband; and

BE IT FURTHER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Arendacs						
Curry						
Gloeggler						
Koelling						
Lane						
Weaver						

Adopted: December 11, 2017

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

RESOLUTION

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

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$2,845,858.55	Bill List Wire 12/11/17
	<u>297,397.63</u>	Wires/Manual Checks
Current TOTAL	3,143,256.18	
Escrow - Trust	51,941.06	Bill List Wire 12/11/17
Capital Fund	18,400.00	Bill List Wire 12/11/17
Open Space Trust	7.50	Bill List Wire 12/11/17

This resolution was adopted by the Mayor and Council of Montvale at a meeting held on 12/11/17

Introduced by: _____ Approved: 12/11/17

Seconded by: _____
Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
December 11, 2017

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		11/28/17	Payroll Account	191,519.22
WIRE		11/28/17	Salary Account	105,210.06
WIRE		11/28/17	FSA Account	<u>668.35</u>
	Total			<u>297,397.63</u>

P.O. Type: All
Range: First to Last
Format: Detail without Line Item Notes

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

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type Acct Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/void Date Invoice	1099 Excl
00043 NORTH JERSEY MEDIA GROUP											
	17-01371	12/06/17	ADV NOV 2017								
	1	ACCT# 1101718-	ADV NOV -CLERK	625.33	7-01-20-701-021	B ADVERTISING	R	12/06/17	12/07/17	NOV 2017	N
	2	ADV NOV -PLANNING	BRD	200.39	7-01-21-720-021	B ADVERTISING	R	12/06/17	12/07/17	NOV 2017	N
				<u>825.72</u>							
			Vendor Total:	825.72							
00050 DEPIERO'S FARM											
	17-01354	12/01/17	POINTSETTAS								
	1	POINTSETTAS		322.55	7-01-20-703-125	B MAYORS EXPENSES	R	12/01/17	12/07/17	4010	N
			Vendor Total:	322.55							
00057 ENFORSYS FIRE SYSTEMS, INC.											
	17-01231	10/31/17	MAINTENANCE COVERAGE/MODULES								
	1	MAINTENANCE COVERAGE/MODULES		525.00	7-01-25-753-108	B MAINTENANCE/RENTAL AGREEMENTS	R	10/31/17	12/07/17	ESP1712020	N
			Vendor Total:	525.00							
00064 MUNNOS ITALIAN DELI											
	17-01270	11/09/17	FOOD FOR POLL WORKERS ELECTION								
	1	FOOD FOR POLL WORKERS ELECTION		374.75	7-01-20-702-041	B MEAL REIMBURSEMENT	R	11/09/17	12/07/17	8186	N
			Vendor Total:	374.75							
00102 MGL PRINTING SOLUTIONS											
	17-01243	11/01/17	Time Cards								
	1	time cards		323.00	7-01-20-701-023	B PRINTING & BINDING	R	11/01/17	12/07/17	150386	N
			Vendor Total:	323.00							

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00104 MONTVALE BOARD OF EDUCATION													
	17-00019	01/04/17	2017 LOCAL SCHOOL TAX			B							
	15		2017 LOCAL SCHOOL TAXES/DEC.	1,291,288.00	7-01-55-207-000		B LOCAL SCHOOL TAXES	R	01/04/17	12/07/17		DECEMBER	N
Vendor Total:				1,291,288.00									
00108 MONTVALE HARDWARE & SUPPLY													
	17-01237	11/01/17	SUPPLIES FOR CONSTRUCTION DEP										
	1		SUPPLIES FOR CONSTRUCTION DEP	138.93	7-01-22-725-058		B OTHER EQUIPMENT & SUPPLIES	R	11/01/17	12/07/17		A135970	N
	17-01280	11/13/17	PD HARDWARE SUPPLIES										
	1		PD HARDWARE SUPPLIES	2.69	7-01-25-745-058		B OTHER EQUIPMENT & SUPPLIES	R	11/13/17	12/07/17		B102287	N
Vendor Total:				141.62									
00125 NORTHWEST BERGEN REGIONAL													
	17-00135	01/24/17	HEALTH SERVICES 2017			B							
	11		HEALTH SERVICES 2017/DEC.	4,660.30	7-01-27-785-029		B OTHER CONTRACTUAL ITEMS	R	04/28/17	12/07/17		0620-17/DEC.	N
Vendor Total:				4,660.30									
00137 PASCACK VALLEY REGIONAL HS DST													
	17-00020	01/04/17	REGIONAL SCHOOL TAX 2017			B							
	13		REGIONAL SCHOOL TAX 2017/DEC.	1,202,389.80	7-01-55-206-000		B REGIONAL SCHOOL TAX	R	01/04/17	12/07/17		DECEMBER/2017	N
Vendor Total:				1,202,389.80									
00139 MAUREEN TAROSI-ALWAN													
	17-01372	12/06/17	PETTY CASH YEAR END CLOSE OUT										
	1		PETTY CASH YEAR END CLOSE OUT	27.79	7-01-20-703-125		B MAYORS EXPENSES	R	12/06/17	12/07/17		PETTY CASH 2017	N
	2			7.65	7-01-25-753-042		B EDUCATION/TRAINING/SEMINARS	R	12/06/17	12/07/17		PETTY CASH 2017	N
	3			30.00	7-01-20-703-042		B EDUCATION/TRAINING/SEMINARS	R	12/06/17	12/07/17		PETTY CASH 2017	N
				65.44									
Vendor Total:				65.44									

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00151 LAMENDOLA, BRIAN											
	17-01363	12/04/17	CLOTHING REIMBURSEMENT								
	1		CLOTHING REIMBURSEMENT	31.97	7-01-25-745-262	B LAMENDOLA, BRIAN - CLOTHING	R	12/04/17	12/07/17	CLOTHING	N
Vendor Total:				31.97							
00164 STATELINE FIRE & SAFETY, INC											
	17-01208	10/25/17	GAS CYLINDER/GLOVE/CHARGES								
	1		GAS CALIRBRATION CYLINDER	180.00	7-01-25-752-102	B OXYGEN TANK/FIRE EXT - M & R	R	10/25/17	12/07/17	111883	N
	2		NITRILE GLOVES	78.00	7-01-25-752-102	B OXYGEN TANK/FIRE EXT - M & R	R	10/25/17	12/07/17	111883	N
	3		GA-PA-1-NA CHARGER	16.00	7-01-25-752-102	B OXYGEN TANK/FIRE EXT - M & R	R	10/25/17	12/07/17	111883	N
	4		GA-VPA-3 CHARGER	35.00	7-01-25-752-102	B OXYGEN TANK/FIRE EXT - M & R	R	10/25/17	12/07/17	111883	N
				309.00							
Vendor Total:				309.00							
00186 PRIMEPAY, LLC											
	17-00208	02/06/17	FSA FEES 2017			B					
	12		FSA FEES 2017	110.00	7-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	05/02/17	12/07/17	54669929/NOV.	N
Vendor Total:				110.00							
00215 TOWNSHIP OF RIVER VALE											
	17-00102	01/18/17	PASCACK VALLEY DPW 2017 SERVIC			B					
	12		PASCACK VALLEY DPW /NOVEMBER	128,170.00	7-01-37-850-029	B OTHER CONTRACTUAL - PASCACK VALLEY DPW	R	04/28/17	12/07/17	NOVEMBER 2017	N
	13		PASCACK VALLEY DPW /DECEMBER	128,170.00	7-01-37-850-029	B OTHER CONTRACTUAL - PASCACK VALLEY DPW	R	04/28/17	12/07/17	DECEMBER 2017	N
				256,340.00							
Vendor Total:				256,340.00							
00258 ROCKLAND ELECTRIC COMPANY											
	17-01353	11/30/17	ROCKLAND ELECTRIC CHARGES NOV.								
	1		0700055009 HUFF TER PUMP 57088	301.78	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N
	2		0052060009 30 CHESTNUT RDG TFL	30.38	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N
	3		1619931002 VALLEY VIEW SWR LFT	720.04	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N
	4		5208845000 159 CHETNUT RDG RD	105.62	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N
	5		5229845000 LA TRENTA FLD LTS	221.99	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N
	6		5985845006 CHESTNUT RDG MTLBX	47.36	7-01-31-825-071	B ELECTRICITY	R	11/30/17	12/07/17	NOVEMBER	N

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00258	ROCKLAND ELECTRIC COMPANY		Continued										
	17-01353	11/30/17	ROCKLAND ELECTRIC CHARGES NOV.			Continued							
	7	2397150008	SPRING VALLEY TFLT	45.81	7-01-31-825-071		B ELECTRICITY	R	11/30/17	12/07/17		NOVEMBER	N
	8	2310843006	ALAYNA HOMEOWN ASSO	46.43	7-01-38-854-029		B OTHER CONTRACTUAL ITEMS	R	11/30/17	12/07/17		NOVEMBER	N
				1,519.41									
	17-01365	12/04/17	ROCKLAND ELECTRIC CHARGES NOV.										
	1	01289-33004	KINDERKAMACK RD	338.46	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	2	0157026009	1 MEMORIAL LITE	20.65	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	3	0787127002	GRAND SO PK 75/77	29.31	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	4	1472933002	GRAND TFLT 1	58.51	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	5	1753077003	W GRAND AVE TFLT X	0.17	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	6	9767932024	CHESTNUT RIDGE TFLT	42.14	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	7	0897137012	MEMORIAL LITE FIELD	22.57	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	8	0716933005	MEMORIAL TENNIS CT	25.44	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	9	0758933005	1 MEMORIAL SHED 1	12.68	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	10	1451933002	1 MEMORIAL SHED 2	312.20	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	11	1908079006	MEMORIAL GATE TRFC	12.29	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	12	0195092007	GRAND SO PK 87/97	36.10	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	13	0357844001	SUMMIT OTHR UNMT	88.08	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	14	0563019009	GRAND SO PK 67/62	41.75	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	15	0611933003	MEMORIAL DPW	700.47	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	16	0653933003	GRAND OTHR MTLBX	24.81	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	17	4725845003	SUMMIT OTHR FIRE	12.25	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	18	5103845008	CHESTNUT TRAF/SUMT	129.74	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	19	9683932013	GRAND TFLT 57400/	37.38	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	20	9704932006	W GRAND OTH MTLBX	44.01	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	21	2413158015	13 W GRAND AVE	10.72	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	22	9494934001	S MIDLLTWN SWR LIFT	498.34	7-01-31-825-071		B ELECTRICITY	R	12/04/17	12/07/17		NOVEMBER	N
	23	9555848004	BORO STREET LITES	10,247.09	7-01-31-826-075		B STREET LIGHTING	R	12/04/17	12/07/17		NOVEMBER	N
	24	0674933003	1 MEMORIAL DR SR CT	365.35	7-01-31-825-086		B ELECTRICITY - 1 MEMORIAL	R	12/04/17	12/07/17		NOVEMBER	N
				13,110.51									
	17-01370	12/05/17	ROCKLAND ELECTRIC CHARGES NOV.										
	1	8822932014	12 MERCEDES DR	9,287.44	7-01-31-825-078		B ELECTRICITY - 12 MERCEDES	R	12/05/17	12/07/17		NOVEMBER	N
	17-01374	12/06/17	ROCKLAND ELECTRIC CHARGES/NOV										
	1	0632933003	W GRAND UNMTRD	12.25	7-01-31-825-071		B ELECTRICITY	R	12/06/17	12/07/17		NOVEMBER	N

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00532 ROBBIE CONLEY ARCHITECT, LLC														
	15-00538	05/07/15	PROFESSIONAL ARCHITECTURAL SV		B									
	32		PROFESSIONAL ARCHITECTURAL	3,650.00	C-04-55-405-A00			B CONSTRUCTION OF FIRE HOUSE	R	09/28/17	12/07/17		15003A.02	N
	Vendor Total:			3,650.00										
00730 BOGGIA & BOGGIA, ESQS.														
	17-00168	01/27/17	LEGAL FEES 2017		B									
	227		LEGAL SERVICE THROUGH 10/31/17	898.45	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28316	N
	228		CONSTRUCTION OF FIREHOUSE	224.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28317	N
	229		DPW FEDERAL ACTION	56.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28318	N
	230		ERUV ORGANIZATION	2,310.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28319	N
	231		BEAR-BAN BUILDER, LLC ET AL.	4,362.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28321	N
	232		MERCEDES REDEVELOPMENT	266.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28322	N
	233		MONT.INTERSECTION IMPROVEMENTS	1,050.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28323	N
	234		25 W. GRAND AVENUE	276.51	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28324	N
	235		MILLER V. WILSON, ET ALS.	1,059.40	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28325	N
	236		HORNROCK SETTLEMENT	98.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28326	N
	237		TWO PARAGON DRIVE	56.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28327	N
	238		TREE PROTECTION ORDINANCE	420.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28328	N
	239		6 AND 9 PENNSYLVANIA AVENUE	84.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28329	N
	240		BREA V MONTVALE	98.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28330	N
	241		BERGEN COUNTY TAX APPEALS 2017	1,372.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28331	N
	242		KPMG TAX APPEAL	560.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28332	N
	243		A & P TAX APPEAL	574.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28333	N
	244		HORNROCK PROP TAX APPEAL	616.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28334	N
	245		14 PHILIPS PKWY 2014 TX APPEAL	294.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28335	N
	246		140 HOPPER AVE TAX APPEAL	70.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28336	N
	247		301 W. GRAND AVE TAX APPEAL	154.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28337	N
	248		TWO PARAGON ORIVE TAX APPEAL	434.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28338	N
	249		JD MONTVALE 2017 TAX APPEAL	280.00	7-01-20-712-028			B OTHER PROF/CONSULTANT SERVICES	R	07/21/17	12/07/17		28339	N
	Vendor Total:			15,612.36										
00731 MASER CONSULTING P.A.														
	16-00489	04/21/16	COMPLIANCE W.AFFORDABLE HOUSIN		B									
	18		AFFORDABLE HOUSING SERVICES	3,956.00	6-01-21-720-028			B OTHER PROF/CONSULTANT SERVICES	R	10/18/17	12/07/17		431291	N

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00731 MASER CONSULTING P.A.											
	17-01184	10/23/17	ESCROW PAYMENT /QUEEN								
	1		RICHARD QUEEN 2408/26	560.00	E-08-00-217-04A	B RICHARD QUEEN 2408/26	R	10/23/17	12/07/17	382358	N
	17-01233	10/31/17	ESCROW PAYMENTS								
	1		MEMOR.SLOAN KETTER. 2601/32	3,409.00	E-08-00-215-05A	B Memorial Sloan Kettering (2601/32)	R	10/31/17	12/07/17	424747	N
	2		MEMOR.SLOAN KETTER. 2601/32	2,788.50	E-08-00-215-05A	B Memorial Sloan Kettering (2601/32)	R	10/31/17	12/07/17	429613	N
				6,197.50							
	17-01276	11/09/17	ESCROW PAYMENT								
	1		MICHELE ORIOLO 2411/7-9	485.00	E-08-00-215-15A	B Michele Oriolo (2411/6,7)or(7,8,9)	R	11/09/17	12/07/17	339511	N
	17-01284	11/13/17	ESCROW PAYMENTS								
	1		METROPOLITAN HOME DEVELOPM.	1,383.75	E-08-00-217-30A	B METROPOLITAN HOME DEVEL(403/1& 1103/5)	R	11/13/17	12/07/17	432444	N
	2		SLOAN KETTERING 2601/32	1,569.00	E-08-00-215-05A	B Memorial Sloan Kettering (2601/32)	R	11/13/17	12/07/17	432430	N
	3		MTVL DEV-HEKEMIAN 2802/2&3	3,211.50	E-08-00-213-07A	B MtvI Dev-Hekemian Group (2802/2&3)	R	11/13/17	12/07/17	432428	N
	4		K.HOV DEL BEN 302&1002/1,4,7	1,083.00	E-08-00-208-21A	B KHOV DELBEN II 302/1&4 - 1002/7	R	11/13/17	12/07/17	432427	N
				7,247.25							
	17-01285	11/13/17	ESCROW PAYMENTS								
	1		BANK OF AMERICA 2904/4	3,104.25	E-08-00-211-13A	B Bank of America 2904/4	R	11/13/17	12/07/17	432445	N
	2		TONELLI DEVELOP.CORP.2002/14	162.00	E-08-00-217-19A	B TONELLI DEV CORP (2002/14)	R	11/13/17	12/07/17	432447	N
	3		KPMG 2701/2	1,887.00	E-08-00-216-05A	B KPMG (2701/2) (old 3102/1.01)	R	11/13/17	12/07/17	432434	N
	4		LSREF 4 REBOUND 2002/3	648.00	E-08-00-215-13A	B LSREF4 REBOUND LLC (2002/3)	R	11/13/17	12/07/17	432433	N
	5		ROCKLAND ELECTRIC 1102/2.02	769.50	E-08-00-208-37A	B ROCKLAND ELECTRIC 1102/2.02	R	11/13/17	12/07/17	432425	N
				6,570.75							
	17-01293	11/14/17	ESCROW PAYMENTS								
	1		160 SPRING VALLEY LLC 301/2&3	15,322.50	E-08-00-217-11A	B 160 Spring valley LLC - 301/2&3	R	11/14/17	12/07/17	433728	N
	2		WOODLAND HGHTS	988.50	E-08-00-207-23A	B WOODLAND HGHTS 1301/24+-2204/39&40	R	11/14/17	12/07/17	429620	N
	3		WOODLAND HGHTS	573.50	E-08-00-207-23A	B WOODLAND HGHTS 1301/24+-2204/39&40	R	11/14/17	12/07/17	418338	N
	4		WOODLAND HGHTS	1,890.00	E-08-00-207-23A	B WOODLAND HGHTS 1301/24+-2204/39&40	R	11/14/17	12/07/17	423263	N
				18,774.50							
			Vendor Total:	43,791.00							

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01028 HAWKEN, CHRISTOPHER												
	17-01344	11/30/17	REIM CLOTHING	74.20	7-01-25-745-275	B HAWKEN, CHRISTOPHER - CLOTHING	R	11/30/17	12/07/17		CLOTHING	N
			1 REIM CLOTHING									
			Vendor Total:	74.20								
01134 RESERVE ACCOUNT												
	17-00103	01/18/17	REFILL POSTAGE METER 2017			B						
			8 REFILL POSTAGE METER 2017	1,000.00	7-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	09/25/17	12/07/17		DECEMBER	N
			Vendor Total:	1,000.00								
01211 TURN OUT UNIFORMS & CO.												
	17-01107	10/03/17	MCDOWELL UNIFORMS	235.56	7-01-25-745-263	B MC DOWELL, DOUGLAS R - CLOTHING	R	10/03/17	12/07/17		11/22/17	N
			1 MCDOWELL UNIFORMS									
	17-01180	10/20/17	SANFILIPPO UNIFORM	204.96	7-01-25-745-267	B SANFILIPPO, JOSEPH - CLOTHING	R	10/20/17	12/07/17		11/22/17	N
			1 SANFILIPPO UNIFORM									
			Vendor Total:	440.52								
01335 HACKENSACK UNIVERSITY MEDICAL												
	17-00308	03/07/17	HEALTH AWARENESS PROGRAM 2017			B						
			9 HEALTH AWARENESS PROGRAM 2017	715.50	7-01-27-785-029	B OTHER CONTRACTUAL ITEMS	R	06/21/17	12/07/17		B-1117-C/NOV.	N
			Vendor Total:	715.50								
01359 BSN SPORTS												
	17-01244	11/02/17	Outdoor Basketball Nets	7.50	T-14-56-286-001	B RESERVE FOR OPEN SPACE TRUST	R	11/02/17	12/07/17		900862431	N
			1 Outdoor Basketball Nets									
			Vendor Total:	7.50								
01409 NARITA MARAJ, LLC												
	17-00137	01/24/17	RECORDS MANAGEMENT SVS 2017			B						
			24 RECORD MANAGEMENT SERVICES	348.15	7-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	05/02/17	12/07/17		MTV-2017-020	N

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/void Date	Invoice	1099 Exc1
01409 NARITA MARAJ, LLC Continued												
	17-00137	01/24/17	RECORDS MANAGEMENT SVS 2017			Continued						
	25		RECORD MANAGEMENT SVS /ERUV	150.34	7-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	05/02/17	12/07/17		MTV-2017-ERUV	N
				498.49								
			Vendor Total:	498.49								
01462 MARSICO, WALTER												
	17-01377	12/07/17	REIMB CLOTHING									
	1		REIMB CLOTHING	448.94	7-01-25-745-265	B MARSICO, WALTER - CLOTHING	R	12/07/17	12/07/17		CLOTHING	N
			Vendor Total:	448.94								
01464 JEFFREY R. SURENIAN & ASSOC. LLC												
	17-00879	08/02/17	SPECIAL COAH COUNSEL			B						
	5		SPECIAL COAH COUNSEL	15,712.83	7-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	10/16/17	12/07/17		OCTOBER 2017	N
			Vendor Total:	15,712.83								
01471 RICCIARDELLA ELECTRIC INC.												
	17-01252	11/06/17	INSTALL WATERPROOF OUTLET									
	1		INSTALL WATERPROOF OUTLET	667.40	7-01-22-725-058	B OTHER EQUIPMENT & SUPPLIES	R	11/06/17	12/07/17		3220	N
	2		REPLACE SENSOR SWITCH	218.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	11/06/17	12/07/17		3220	N
				885.40								
			Vendor Total:	885.40								
01497 SALERNO, GERALD												
	17-00165	01/27/17	PUBLIC DEFENDER 2017			B						
	9		PUBLIC DEFENDER 2017	870.00	7-01-42-856-028	B OTHER PROF/CONSULTANT SERVICES	R	05/02/17	12/07/17		4TH QTR 2017	N
	10		PUBLIC DEFENDER 2017	942.50	7-01-41-252-028	B OTHER PROFESSIONAL/CONSULTANT SERVICES	R	05/02/17	12/07/17		4TH QTR 2017	N
				1,812.50								
			Vendor Total:	1,812.50								
01513 FLANAGAN PRODUCTIONS, LLC												
	17-00143	01/25/17	WEBSITE DESIGN,HOSTING &SUPPL			B						
	13		WEBSITE DESIGN,HOSTING &	1,530.00	7-01-20-701-028	B OTHER PROF/CONSULTANT SERVICES	R	05/02/17	12/07/17		3953/DECEMBER	N

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/void Date	Invoice	1099 Excl
01513 FLANAGAN PRODUCTIONS, LLC Continued												
	17-00251	02/16/17	ONLINE FORMS FOR RECREATION		B							
			12 ONLINE FORMS FOR RECREATION	49.00	7-01-28-795-029	B OTHER CONTRACTUAL ITEMS	R	02/16/17	12/07/17		INV-3967	N
Vendor Total:				1,579.00								
01557 RAYMOND BROTHERS LANDSCAPING												
	17-00656	06/05/17	LAWN MAINTENANCE 24 LADIK PL.		B							
			8 LAWN MAINTENANCE 24 LADIK PL.	200.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	06/05/17	12/07/17		187462	N
			9 LEAF REMOVAL	150.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	06/05/17	12/07/17		187462	N
			10 LEAF REMOVAL	200.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	06/05/17	12/07/17		187462	N
Vendor Total:				550.00								
01593 AMERICAN LAWN SPRINKLER CO.												
	17-01301	11/17/17	WINTERIZATION 2017									
			1 WINTERIZATION 2017	450.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	11/17/17	12/07/17		167652	N
Vendor Total:				450.00								
01643 LISA DENT												
	17-01366	12/04/17	Holiday Tree Lighting Supplies									
			1 Holiday Tree Lighting Supplies	100.01	7-01-28-795-068	B SPECIAL EVENTS	R	12/04/17	12/07/17		REIM SUPPLIES	N
Vendor Total:				100.01								
01680 WEGMANS BUSINESS												
	17-01358	12/04/17	Drinks for Holiday Party 2017									
			1 Drinks for Holiday Party 2017	52.73	7-01-20-703-125	B MAYORS EXPENSES	R	12/04/17	12/07/17		RCPT# 14500	N
Vendor Total:				52.73								
01716 DAKTRONICS												
	17-01059	09/21/17	ELECTRONIC SIGN FOR TOWN CTR									
			1 ELECTRONIC SIGN FOR TOWN CTR	14,750.00	C-04-55-413-C00	B IMPROVEMENT TO BUILDINGS AND GROUNDS	R	09/21/17	12/07/17		6760577	N
			2 5YR PLATINUM EXTENDED SVC	3,140.00	7-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	09/21/17	12/07/17		6760577	N

December 7, 2017
10:41 AM

Borough of Montvale
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
03785 NICOLE REPRODUCTIONS INC													
	17-01181	10/20/17	OEM FIELD DAY PRINT										
	1		OEM FIELD DAY PRINT	50.09	7-01-25-747-036		B OFFICE SUPPLIES	R	10/20/17	12/07/17		114944	N
	Vendor Total:			50.09									
03797 HUTTER, LORRAINE													
	17-01340	11/28/17	Holiday Decorations for party										
	1		Holiday Decorations for Party	103.17	7-01-20-701-036		B OFFICE SUPPLIES	R	11/28/17	12/07/17		REIM HOL PARTY	N
	Vendor Total:			103.17									
03852 LEPOSKY, MICHAEL													
	17-01327	11/22/17	NJLM TRAVEL EXPENSES NOV.2017										
	1		NJLM TRAVEL EXPENSES NOV.2017	495.85	7-01-20-710-045		B TRAVEL	R	11/22/17	12/07/17		NJLM TRVL.EXP.	N
	17-01378	12/07/17	MILEAGE REIMBURSEMENT 2017										
	1		MILEAGE REIMBURSEMENT 2017	358.07	7-01-20-710-045		B TRAVEL	R	12/07/17	12/07/17		MILE REIM 2017	N
	Vendor Total:			853.92									
<hr/>													
Total Purchase Orders:	78	Total P.O. Line Items:	172	Total List Amount:	2,916,207.11	Total Void Amount:	0.00						

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2016 BUDGET	6-01	3,956.00	0.00	3,956.00	0.00	0.00	3,956.00
CURRENT FUND 2017 BUDGET	7-01	2,841,902.55	0.00	2,841,902.55	0.00	0.00	2,841,902.55
CAPITAL FUND	C-04	18,400.00	0.00	18,400.00	0.00	0.00	18,400.00
BOA ESCROW ACCOUNTS	E-08	51,941.06	0.00	51,941.06	0.00	0.00	51,941.06
OPEN SPACE TRUST ACCT	T-14	7.50	0.00	7.50	0.00	0.00	7.50
Total of All Funds:		<u>2,916,207.11</u>	<u>0.00</u>	<u>2,916,207.11</u>	<u>0.00</u>	<u>0.00</u>	<u>2,916,207.11</u>



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December 7, 2017

VIA E-MAIL

Maureen Iarossi-Alwan
Borough Clerk / Borough Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: Proposal for Professional Environmental Services
NJDEP Air Quality Permitting
Boiler for the Municipal Building, 12 Mercedes Drive
Borough of Montvale, Bergen County, New Jersey
MC Proposal No. MVB-536P

Dear Ms. Iarossi-Alwan:

Maser Consulting P.A. (Maser Consulting) is pleased to provide this proposal for professional environmental services specific to applying for an air quality permit from the New Jersey Department of Environmental Protection (NJDEP) Air Quality Permitting Program. We understand that Borough Hall's boiler is currently permitted under NJDEP general permit GP-017, with an expiration date of February 2018, and that effective March 20, 2017 NJDEP has replaced general permit GP-017 with new general permit GP-017A for renewals of this permit.

Maser Consulting will also correct the Borough's air permit information contact for the boiler and for the two emergency diesel generators (EDGs) recently permitted under general permit GP-005A in August 2017. NJDEP's database erroneously lists Robert Culvert of Samuel S. Graham, Inc. (and not the Borough) as the point of contact.

Firm Experience and Qualifications

Maser Consulting's environmental services department has broad and extensive experience with environmental permitting and investigations. Maser Consulting has successfully completed NJDEP air permitting for several recent projects, including the Borough of Montvale's EDGs, the new Grainger Northeast Distribution Center (including three EDGs and 38 rooftop heating units), the S&P Global North Campus facility (including an EDG, a dual fuel boiler, and two single fuel boilers), and a methane gas management system at a closed municipal solid waste landfill. Our professionals include environmental and chemical engineers, geologists, environmental and ecological scientists. These professionals are assigned to projects based on the requisite expertise.

Donald Bowman, P.E., C.H.M.M., will be the project manager and lead professional for this project. Don has been conducting site remediation, environmental compliance assessment and environmental



permitting projects for over twenty years. Mr. Bowman is a licensed Professional Engineer in New Jersey. Mr. Robert Zelle, P.G., LSRP, who has over 30 years of experience and is Director of the firm's environmental services department, will be the principal in charge.

This proposal is divided into two sections as follows:

Section I – Scope of Services

Section II – Client Contract Authorization

The following scope of services has been separated into tasks so that it may be more easily reviewed. The order in which the phases are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Maser Consulting to meet project schedules.

SECTION I – SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:

TASK 1.0 NJDEP AIR QUALITY GENERAL PERMIT APPLICATION

Maser Consulting will correct the point of contact information for NJDEP Facility ID 02930 for this Borough facility, and then submit an application to NJDEP for an air quality general permit for the subject boiler. Prior to submission of the air quality permit application, the Borough shall provide necessary shop drawings, equipment specifications, installation date(s), operating scenarios, and facility contact information for the equipment to be used to Maser Consulting. This proposal does not include services required for amending the air quality permit application or the air permit in the event that alternative equipment is obtained by the Borough subsequent to submission of the initial permit application. The Borough must establish a "myNewJersey" account (<https://my.state.nj.us/>) in order to electronically certify the permit application. Not included in the lump sum fee is the permit fee of \$820 which the Borough shall submit to NJDEP for this general permit.

Task 1.0A Lump Sum Fee Not to Exceed	\$ 4,000.00
Permit Fee	<u>820.00</u>
Total Task 1 Fee	\$4,820.00

TASK 2.0 ADDITIONAL SERVICES

Services accomplished under this phase will be billed hourly in accordance with the Schedule of Hourly Rates in effect at the time the service is accomplished and will include revisions or extra services requested by the various review agencies and/or the client that differ from the original scope of service, or revisions required as conditions of approval and are not an error or omission on the part of Maser Consulting. Additional services will not be advanced without providing notice



to you of the need for additional services and obtaining your approval of the additional scope of services and fees.

Task 2.0 Fees

Hourly

SCHEDULE OF FEES

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

TASK 1.0	NJDEP AIR QUALITY GENERAL PERMIT APPLICATION	\$4,000.00
TASK 2.0	ADDITIONAL SERVICES	HOURLY

Maser Consulting will invoice this project at the hourly rates established in our 2017 Rate Schedule with the Borough.

PROJECT SCHEDULE

Maser Consulting anticipates completing Task 1.0 within one month of authorization by the Borough.

ADDITIONAL SERVICES

If additional services beyond the scope presented herein are required and authorized, then such work shall be provided. Additional services may include, but are not limited to, preparation of permit applications, reproduction costs for plans, additional specifications, reports, etc. Additional services may also include special studies not indicated herein as well as revisions and/or supplemental work, if required after review of the prepared documents by the Borough and review agencies.

EXCLUSIONS

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement, is deemed necessary, Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra work. All unanticipated additional work shall be in accordance with the Schedule of Hourly Rates for the number of hours performed. No extra work will be performed without authorization from the Borough.

SECTION II – CLIENT CONTRACT AUTHORIZATION

If you find this proposal acceptable, please forward a copy of the Resolution of Approval for this proposal to this office. This will constitute approval of the proposed services.



Ms. Maureen Iarossi-Alwan, Administrator
MC Proposal No. MVB-536P
December 7, 2017
Page 4 of 4

We appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'A. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E.
Borough Engineer

A handwritten signature in black ink, appearing to read 'K. Martin'.

Kurt A. Martin, P.G., LSRP
Principal Associate

ARH/KAM/dfb

cc: Robert L. Zelle, P.G., LSRP, Maser Consulting P.A. (via e-mail)

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December 7, 2017

VIA E-MAIL

Maureen Iarossi-Alwan
Borough Clerk / Borough Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: Proposal for Professional Environmental Services
Preparation of EPA SPCC Plan
Emergency Diesel Generators & Oil-Filled Transformer at the Municipal Building
12 Mercedes Drive
Borough of Montvale, Bergen County, New Jersey
MC Proposal No. MVB-537P

Dear Ms. Iarossi-Alwan:

Maser Consulting P.A. (Maser Consulting) is pleased to provide this proposal for professional environmental services for the Municipal Building. This proposal specifically addresses the Environmental Protection Agency's (EPA) requirements for spill prevention, control and countermeasure (SPCC) for oil-filled equipment at the subject facility, specifically:

- An emergency diesel generator (EDG) recently purchased by the Borough as backup power for the Municipal Building
- An existing EDG used as backup power for the Police Department wing of the Municipal Building
- An associated transformer for these EDGs, presumed to be oil-filled

The subject equipment collectively exceeds EPA's SPCC Plan regulatory threshold of 1,320 gallons of oil (aggregate aboveground storage capacity) in 40 CFR 112.

Firm Experience and Qualifications

Maser Consulting's environmental services department has broad and extensive experience with environmental permitting and investigations. Maser Consulting is the engineer-of-record for SPCC plans for four facilities in New Jersey: a large third-party specialty chemicals/fragrances warehouse, a large industrial park, a large industrial/commercial products warehouse, and a large third-party chemical storage warehouse. Our professionals include environmental and chemical



engineers, geologists, environmental and ecological scientists. These professionals are assigned to projects based on the requisite expertise.

Donald Bowman, P.E., C.H.M.M., will be the project manager and lead professional for this project. Don has been conducting site remediation, environmental compliance assessment and environmental permitting projects for over twenty years and is a licensed Professional Engineer in New Jersey. Mr. Robert Zelle, P.G., LSRP, who has over 30 years of experience and is Director of the firm's environmental services department, will be the principal in charge.

This proposal is divided into two sections as follows:

- Section I – Scope of Services
- Section II – Client Contract Authorization

The following scope of services has been separated into tasks so that it may be more easily reviewed. The order in which the phases are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Maser Consulting to meet project schedules.

SECTION I – SCOPE OF SERVICES

Based on our knowledge of the subject oil-filled equipment, we propose to complete the following:

TASK 1.0 EPA SPCC PLAN PREPARATION

Maser Consulting will review the layout of the subject oil-filled equipment, associated containment systems, site drainage systems and standard operating procedures (SOPs). We will then use this information to prepare an SPCC Plan required by EPA regulations (40 CFR 112), to be maintained by the Borough with Maser Consulting as the engineer-of-record.

The scope of the SPCC plan covers the above equipment only.

Task 1.0 Lump Sum Fee **\$ 6,500.00**

TASK 2.0 ADDITIONAL SERVICES

Services accomplished under this phase will be billed hourly in accordance with the Schedule of Hourly Rates in effect at the time the service is accomplished and will include revisions or extra services requested by the various review agencies and/or the client that differ from the original scope of service, or revisions required as conditions of approval and are not an error or omission on the part of Maser Consulting. Additional services will not be advanced without providing



notice to you of the need for additional services and obtaining your approval of the additional scope of services and fees.

Task 2.0 Fees

Hourly

SCHEDULE OF FEES

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

TASK 1.0	EPA SPCC PLAN PREPARATION	\$6,500.00
TASK 2.0	ADDITIONAL SERVICES	HOURLY

Maser Consulting will invoice this project at the hourly rates established in our 2017 Rate Schedule with the Borough.

PROJECT SCHEDULE

Maser Consulting anticipates completing Task 1.0 within one month of authorization by the Borough.

ADDITIONAL SERVICES

If additional services beyond the scope presented herein are required and authorized, then such work shall be provided. Additional services may include, but are not limited to, preparation of permit applications, reproduction costs for plans, additional specifications, reports, etc. Additional services may also include special studies not indicated herein as well as revisions and/or supplemental work, if required after review of the prepared documents by the Borough and review agencies.

EXCLUSIONS

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement, is deemed necessary, Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra work. All unanticipated additional work shall be in accordance with the Schedule of Hourly Rates for the number of hours performed. No extra work will be performed without authorization from the Borough.

SECTION II – CLIENT CONTRACT AUTHORIZATION

If you find this proposal acceptable, please forward a copy of the Resolution of Approval for this proposal to this office. This will constitute approval of the proposed services.



Ms. Maureen Iarossi-Alwan, Administrator
MC Proposal No. MVB-537P
December 7, 2017
Page 4 of 4

We appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'A. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E.
Borough Engineer

A handwritten signature in black ink, appearing to read 'K. Martin'.

Kurt A. Martin, P.G., LSRP
Principal Associate

ARH/KAM/dfb

cc: Robert L. Zelle, P.G., LSRP, Maser Consulting P.A. (via e-mail)

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December 7, 2017

VIA E-MAIL

Maureen Iarossi-Alwan, Borough Clerk/Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: Proposal for Professional Services
Storm Sewer Outfall & Detention Basin Inspections
Borough of Montvale, Bergen County, NJ
MC Proposal No. MVB-484P

Dear Ms. Iarossi-Alwan:

Maser Consulting PA (Maser Consulting) is pleased to submit this proposal for Professional Engineering Services associated with the inspection of approximately 124 stormwater outfalls within the Borough's jurisdiction and private detention basins within the Borough. This is a requirement of the Borough's Tier A – Stormwater General Permit.

The purpose of the inspections is to verify the physical condition of the outfalls (deterioration or scour) and to determine if there are any illicit connections (flow other than stormwater) into the Borough Storm Sewer System. The detention basin inspection is also to verify the physical condition of the basin, that it is functioning, and recommend required maintenance.

A report of the stormwater outfall structures and detention basins will be delivered to the Borough DPW Superintendent for immediate work orders in those locations that are failing or require debris and sediment removal. The report will be accompanied by commentary and photographs pertaining to the outfall and stream scouring remediation, illicit connection elimination (if any) which discharges into the water bodies and roadway erosion control, and detention basin identification. Where corrective action is required, Maser Consulting will advise the DPW of the necessary corrective work and maintenance. For those areas that the DPW cannot address, coordination with outside vendors and/or contractors may be required. Certain cleaning or maintenance activities conducted in New Jersey's streams and rivers require permits pursuant to the Freshwater Wetland (FWW) Protection Act Rules (N.J.A.C. 7:7A) and the Flood Hazard Area Control (FHA) Act Rules (N.J.A.C. 7:13), however, minor cleaning activities can be conducted without the need to obtain either permit. Unless necessary, the corrective work will pertain to minor cleaning activities as defined by NJDEP FHA and FWW regulations.



Coordination with site access may be necessary and temporary or permanent easements may be required.

As part of the Tier A Municipal Stormwater Permit requirements as designated by NJDEP, the Borough is responsible to identify and eliminate the illicit connections that currently discharge into the water bodies. During our investigation, should illicit connections be identified, they shall be noted and the appropriate documentation forms specific to the outfall will be prepared.

If the source of the illicit connection is not able to be immediately identified, then a separate agreement will be prepared to perform the additional engineering services needed to further investigate the source of the illicit connection and responsible party.

Maser Consulting will perform the Storm Sewer Outfall and Detention Basin Inspections for a cost not to exceed \$24,000.00. This cost does not include testing discharge (other than stormwater) from the outfalls, if required. If discharge other than stormwater is observed, we will obtain a proposal from a laboratory for the testing. Testing is required by the NJDEP if the source of the discharge (other than stormwater) cannot be determined visually.

ADDITIONAL SERVICES

If additional services beyond the scope presented herein are required and authorized, then such work shall be provided. Additional services may include, but are not limited to, preparation of permit applications, reproduction costs for plans, additional specifications, reports, etc. Additional services may also include special studies not indicated herein as well as revisions and/or supplemental work, if required, after review of the prepared documents by the client and review agencies.

All fees for additional work will be based on our current Schedule of Hourly Rates or a negotiated fee basis after specific scope of work for additional services has been defined.

EXCLUSIONS

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement, is deemed necessary, Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the additional work. All unanticipated additional work shall be in accordance with the Schedule of Hourly Rates for the number of hours performed. No additional work will be performed without authorization from the Borough.

If you find the proposal acceptable, please forward a copy of the Resolution of Approval for this proposal to this office. This will constitute approval of the proposed work.



Maureen Iarossi-Alwan
MC Proposal No. MVB-484P
December 7, 2017
Page 3 of 3

We thank you for the opportunity to submit this proposal and look forward to providing the services required. If you have any questions regarding this proposal, or if additional information is required, please do not hesitate to contact me.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'A. Hipolit', written over a horizontal line.

Andrew R. Hipolit, P.E., P.P., C.M.E.
Borough Engineer

ARH/cd

cc: Mayor and Council (via Clerk)