

REORGANIZATION & REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 15, 2013 at 7:30PM

Municipal Complex, 12 Mercedes Drive in Council Chambers

Please note: A curfew of 11:15 PM is strictly adhered to by the Board. No new matter involving an applicant will be started after 10:30 PM. At 10PM the Chairman will make a determination and advise applicants whether they will be heard. If an applicant cannot be heard because of the lateness of the hour, the matter will be carried over to the next regularly scheduled meeting.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS STATEMENT

ROLL CALL:

OATHS OF OFFICE:

ALL APPOINTMENTS MADE BY MAYOR FYFE ON 1/2/2013

- | | | |
|----|--|--------------------|
| 1) | Class III – 1 Year
Theresa Cudequest | 01/02/13– 12/31/13 |
| 2) | Class II-1 Year
Jeffrey Fette | 01/02/13-12/31/13 |
| 3) | Class IV-4 Years
John Culhane | 01/02/13-12/31/16 |
| 4) | Class II-3 years
Wolfgang Vogt | 01/02/13-12/31/15 |
| 5) | Class IV-Mayor’s Designee
Dante Teagno-1 Year | 01/02/13-12/31/13 |

REAPPOINTMENT OF R. LORRAINE HUTTER, BOARD SECRETARY FOR 2013

NOMINATION OF BOARD CHAIRMAN

- 1) Secretary to call for a motion to open nominations
- 2) Secretary to call for a motion to close nominations
- 3) Roll call vote

NOMINATION OF BOARD VICE-CHAIRMAN

- 1) Secretary to call for motion to open nominations
- 2) Secretary to call for motion to close nominations
- 3) Roll call vote

RESOLUTION TO APPOINT ANDREW R. HIPOLIT, PE, PP., CME OF MASER CONSULTING PA, AS PROFESSIONAL ENGINEERING CONSULTANT FOR 2013.

RESOLUTION TO APPOINT ROBERT T. REGAN, ESQ., TO CONTINUE AS PLANNING BOARD ATTORNEY FOR 2013

RESOLUTION TO APPOINT RICHARD PREISS, P.P., PHILLIPS PREISS GRYGIEL LLC., TO CONTINUE AS THE PROFESSIONAL PLANNER TO THE PLANNING BOARD FOR 2013.

RESOLUTION TO APPROVE THE PLANNING BOARD MEETING SCHEDULE: Meetings to be held on the first and third Tuesdays of the month, unless otherwise specified, convening at 7:30PM and to be adjourned subject to the call of the Chairman.

RESOLUTION TO APPROVE THE PLANNING BOARD BY-LAWS.

RESOLUTION TO DESIGNATE THE RIDGEWOOD NEWS AND THE BERGEN RECORD AS THE OFFICIAL NEWSPAPERS.

CHAIRMAN'S APPOINTMENT OF MEMBERS TO THE SITE PLAN REVIEW COMMITTEE.

CHAIRMAN'S APPOINTMENT OF LIAISON TO ENVIRONMENTAL COMMISSION.

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 15, 2013

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Roll Call:

MISC.MATTERS RAISED BY BOARD MEMBERS/BOARD ATTORNEY/BOROUGH ENGINEER:

ZONING REPORT:

ENVIRONMENTAL COMMISSION LIAISON REPORT:

MASTER PLAN COMMITTEE REPORT:

CORRESPONDENCE:

APPROVAL OF MINUTES: December 4, 2012, November 20, 2012, October 2, 2012 and June 5, 2012,

**DISCUSSION: Borough of Montvale Master Plan Amendment July 2012 Block 2802, Lots 2 and 3
Block 1002, Lots 3 and 5**

USE PERMITS:

1. **Block 1902 Lot 3-LTF Lease Company, LLC-295 West Grand Avenue-4,000 sq. ft.**
2. **Block 2405 Lot 4-BT Specialties/Bob Trophies-6 Hamilton Street-500 sq.ft.**

PUBLIC HEARINGS (new): Block 2408, Lot 3-Amazing Grace Partners, LLC-Amended Site Plan Application

PUBLIC HEARINGS (con't):

RESOLUTIONS:

1. **Pay to Play-**

Other Business

Open Meeting to the Public

Adjournment

Next Regular Scheduled Meeting: February 4, 2013

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD**

RESOLUTION APPOINTING PLANNING BOARD SECRETARY

BE IT RESOLVED by the Planning Board of the Borough of Montvale that R. Lorraine Hutter be and is hereby appointed as Secretary to the Planning Board/Land Use Administrator for the calendar year 2013

BE IT FURTHER RESOLVED that said compensation for said position shall be established by the Mayor and Council of the Borough of Montvale.

DATE: _____

Planning Board
Borough of Montvale

John DePinto, Planning Board Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Tuesday, January 15, 2013

Attest:

R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD**

RESOLUTION APPROVING PLANNING BOARD BY-LAWS

BE IT RESOLVED, by the Planning Board of the Borough of Montvale, N.J., that the By-Laws of the Board be approved annually and incorporated into the permanent records of the Planning Board minutes.

DATE: _____

Planning Board
Borough of Montvale

John DePinto, Planning Board Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Tuesday, January 15, 2013.

Attest:

R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD**

**AWARDING PROFESSIONAL SERVICES CONTRACT FOR
LEGAL SERVICES GENERAL – 2013**

WHEREAS, the Borough of Montvale, Planning Board requires professional legal services of a general nature for the period January 1, 2013 through December 31, 2013; and

WHEREAS, it is the desire of the Planning Board to appoint Robert Regan, Esq., 345 Kinderkamack Road, Westwood, NJ 07675 as Planning Board Attorney to provide general legal services for the Planning Board for this period; and

WHEREAS, it is necessary to establish a rate and method of payment; and

WHEREAS, the Planning Board has determined it is in the best interest of the Borough to enter into a contract with Robert T. Regan, Esq. Legal Counsel for general legal services as a Professional Service contract; and

WHEREAS, the terms and conditions of said contract are as follows:

- 1) For the annual sum of \$12,000 legal services shall be rendered for attendance at meetings of the Planning Board, essentially advice and consultation services regarding municipal matters to the appointed officials and staff of the Planning Board, said retainer to be paid quarterly during 2013.
- 2) For all required legal services which are not included in the above i.e. preparation of resolutions for applications, review of applications, the charge of an hourly rate of \$150.00, to be paid monthly, as billed.
- 3) For all required legal services provided to the Borough on any litigation, the charge of an hourly rate of \$150.00, to be paid monthly, as billed.
- 4) Reasonable costs for reimbursables as billed shall be paid by the Borough.

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available in the 2013 Budget for the retainer and litigated matters and funds for preparation of resolutions for applications, review of applications and preparation of Developer's Agreements shall be paid by the applicant/developer from escrow funds, same as appended to the original of this resolution; 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, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

WHEREAS, the appointee has filed the mandated business entity disclosure certification

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

- 1) That a contract for professional legal services be awarded to Robert T. Regan, Esq. for the period January 1, 2013 through December 31, 2013.
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.

- 3) The fees to be paid for such services are based upon rates as specified. The cost of the retainer portion of the contract for annual services is not to exceed \$12,000 unless an amendment revising that figure is approved by the Planning Board and funded by the Mayor and Council. In addition to said retainer, the Attorney shall be compensated at the rate of One Hundred Fifty (\$150.00) Dollars per hour for any litigation, plus disbursements incident thereto. The amount of the contract for all other legal services provided on an as needed basis in connection with review of developer's applications, preparation of memorializing resolutions, preparation of developer's agreements, correspondence and related matters, the attorney shall be compensated at the rate of One Hundred Fifty (150.00) Dollars per hour.
- 4) The line item appropriation or ordinance to be charged is Planning Board Other Expense – 2013 Budget and the appropriate Escrow Fund depending upon the development or application.
- 5) As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (a) General Liability; Certificate naming the Borough of Montvale required.
 - (b) Worker's Compensation: Statutory requirements to be met.
Certificate required.
 - (c) Auto Liability; Certificate required.
 - (d) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1, et seq.

BE IT FURTHER RESOLVED that a copy of this resolution be published in the official newspaper and will be on file, available for public inspection, in the office of the Secretary to the Montvale Borough Planning Board, 12 Mercedes Drive, Montvale, NJ 07645.

DATE: _____

Planning Board
Borough of Montvale

John DePinto, Planning Board Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Wednesday, January 15, 2013

Attest:

R. Lorraine Hutter, Land Use Administrator

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Kenneth Sesholtz, Chief Financial Officer of the Borough of Montvale, have ascertained, that funds are available in the 2013 Temporary Municipal Budget and subject to adequate appropriation in the 2013 Municipal Budget as finally adopted, to award a contract for professional legal services – Planning Board, to Robert Regan, Esq., Westwood, N.J. Funds for certification are therefore being made available and certified against the appropriation for Planning Board – Other Expenses.

Account Number: 3-01-21-720-028

Resolution Number: Planning Board

Dated: _____

Chief Financial Officer

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD
PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES – 2013**

WHEREAS, the Borough of Montvale Planning Board has deemed it necessary to engage the professional services of an Engineer for the year 2013, January 1 through December 31, to provide for contractual engineering services for application review; 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, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

WHEREAS, the appointee has filed the mandated business entity disclosure certification

WHEREAS, the Planning Board has determined to appoint Andrew R. Hipolit, P.E., P.P., C.M.E., Principal of Maser Consulting, PA ,200 Valley Road, Suite 306, Mount Arlington, NJ 07856 as Engineer for the Planning Board for the year 2013.

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

- 1) That the contract for professional general engineering services be awarded to Andrew R. Hipolit, P.E., C.M. E., Principal of Maser Consulting, PA
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
- 3) The line item appropriation or ordinance to be charged shall be the Escrow Fund as services for review of applications as paid for by the developer or applicant, or in the case where there is no developer or applicant, the Other Expense Portion of the 2013 Planning Board Budget.
- 4) As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- 5) The rates for said work are as outlined in the appropriate ordinance or agreement made with Mayor and Council of the Borough of Montvale in its award of the annual contract for services of Maser Consulting PA as the Planning Board Engineer for the borough of Montvale.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (a) General Liability; Certificate naming the Borough of Montvale required.
 - (b) Worker's Compensation: Statutory requirements to be met. Certificate required.
 - (c) Auto Liability; Certificate required.
 - (d) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1 at seq.

BE IT FURTHER RESOLVED that a copy of this resolution be published in The Ridgewood News, be on file, available for public inspection, in the office of the Secretary to the Planning Board, Borough Hall, 12 Mercedes Drive, Montvale, NJ 07645.

DATE: _____

John DePinto, Planning Board Chairman

Certified to be a true copy of a Resolution adopted on Tuesday, January 15, 2013.

Attest:

R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD
PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL
PLANNING SERVICES – 2013**

WHEREAS, the Borough of Montvale Planning Board has deemed it necessary to engage the professional services of a Planner for the year 2013, January 1 through December 31, to provide for contractual planning services for application review; 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, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

WHEREAS, the appointee has filed the mandated business entity disclosure certification

WHEREAS, the Planning Board has determined to appoint Richard Preiss, P.P. of **PHILLIPS PREISS GRYGIEL LLC/Planning and Real Estate Consultants,33-41 Newark Street /Third Floor, Suite D/Hoboken, NJ 07030**, as Planner for the Planning Board for the year 2013.

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

- 1) That the contract for professional general planning services be awarded to Phillips Preiss Grygiel LLC/Planning and Real Estate Consultants.
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
- 3) The line item appropriation or ordinance to be charged shall be the Escrow Fund as services for review of applications as paid for by the developer or applicant, or in the case where there is no developer or applicant, the Other Expense Portion of the 2013 Planning Board Budget.
- 4) As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- 5) The rates for said work are as outlined in the appropriate ordinance or agreement made with Mayor and Council of the Borough of Montvale in its award of the annual contract for services of Phillips Preiss Grygiel LLC as the Planning Board Planner for the Borough of Montvale.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (e) General Liability; Certificate naming the Borough of Montvale required.
 - (f) Worker's Compensation: Statutory requirements to be met. Certificate required.
 - (g) Auto Liability; Certificate required.
 - (h) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1 at seq.

BE IT FURTHER RESOLVED that a copy of this resolution be published in the official newspaper and be on file, available for public inspection, in the office of the Secretary to the Planning Board, Borough Hall, 12 Mercedes Drive, Montvale, NJ 07645.

DATE: _____

John DePinto, Planning Board Chairman

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Attest:

R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD**

RESOLUTION APPROVING THE PLANNING BOARD MEETING SCHEDULE

BE IT RESOLVED, by the Planning Board of the Borough of Montvale, that the combined executive sessions and regular public meetings of the Planning Board for the year 2013 be held on the first and third Tuesday of every month at 7:30 PM, except as otherwise noted, all as set forth in the attached meeting notice; and,

BE IT FURTHER RESOLVED, that the Secretary of the Planning Board post a schedule of meetings in the Municipal Building and send a copy to the official newspaper of the Borough of Montvale.

DATE:

Planning Board
Borough of Montvale

John DePinto, Planning Board Chairman

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Tuesday, January 15, 2013.

Attest:

R. Lorraine Hutter, Land Use Administrator

**MONTVALE PLANNING BOARD
2013 ANNUAL SCHEDULE OF MEETINGS**

NOTICE IS HEREBY GIVEN that regular meetings of the Montvale Planning Board will be held at 7:30 PM in the Municipal Complex Building, 12 Mercedes Drive, Montvale, New Jersey, on the dates hereinafter set forth:

Tuesday, January 15-Reorganizational and Regular Meeting

Tuesday, February 5

Tuesday, February 19

Tuesday, March 5

Tuesday, March 19

Tuesday, April 2

Tuesday, April 16

Tuesday, May 7

Tuesday, May 21

Tuesday, June 4

Tuesday, June 18

Tuesday, July 2

Tuesday, July 16

Tuesday, August 6

Tuesday, August 20

Tuesday, September 3

Tuesday, September 17

Tuesday, October 1

Tuesday, October 15

Tuesday, November 5-canceled- Election Day

Tuesday, November 19

Tuesday, December 3

Tuesday, December 17

By Order of the Montvale Planning Board
R. Lorraine Hutter
Land Use Administrator

The Bergen Record
The Ridgewood News
Bulletin Board

INTRODUCED BY:

SECONDED BY:

**BOROUGH OF MONTVALE
PLANNING BOARD**

BE IT RESOLVED, by the Planning Board of the Borough of Montvale, N.J., that the following newspapers are hereby designated as the official newspapers for advertising for the year 2013:

The Bergen Record - Hackensack, N.J.

The Ridgewood News – Ridgewood, N.J.

DATE:

Planning Board
Borough of Montvale

John DePinto, Planning Board Chairman

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Attest:

R. Lorraine Hutter, Land Use Administrator

EXHIBIT A
P.L. 1975, C. 127 (N.J.A.C. 17:27)
MANDATORY AFFIRMATIVE ACTION LANGUAGE
PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

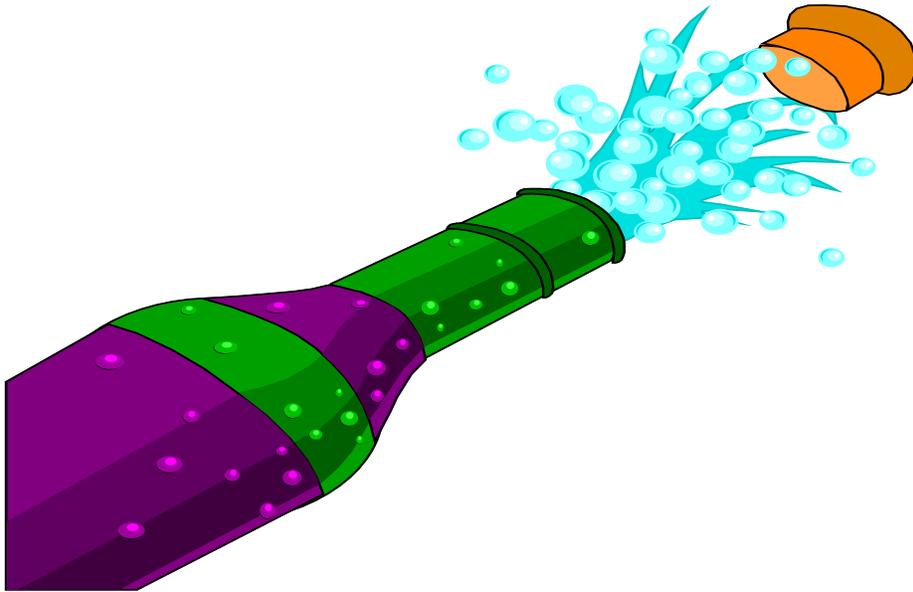
The contractor or subcontractor agrees to attempt to in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:2705.2 promulgated by the Treasurer pursuant to P.L.1975, c. 127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor union, that it does not discriminate on the basis of age, creed, color national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

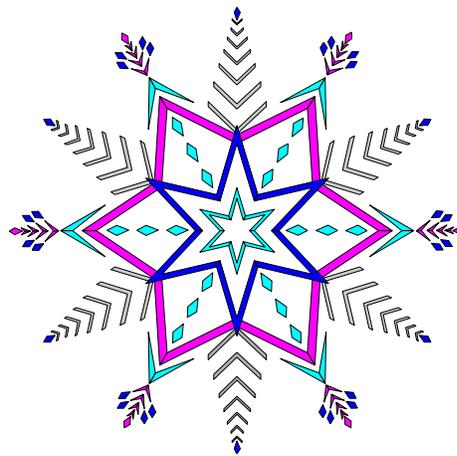
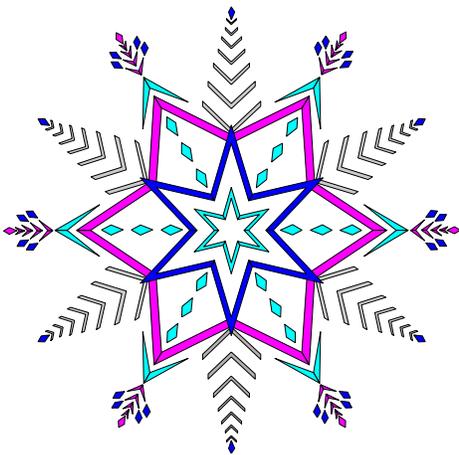
The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with applicable employment goals, consistent with the statues and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).



**THE REORGANIZATION MEETING WILL BEGIN AT
7:30PM.**



- **THERE IS SITE PLAN REVIEW AT 6:00 P.M.**