

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:36pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Veteran, John Wirth, led the Pledge of Allegiance to the Flag and roll call was taken

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 and Deputy Municipal Clerk, Fran Scordo

MONTVALE TV ACCESS

Discussion – Media Consultants LLC

Councilmember Gloeggler gave a brief overview about the needs of the TV studio and how Media Consultants can help with getting new equipment and training – after a brief discussion by councilmembers a motion to hire Media Consultants by Councilmember Lane; seconded by Councilmember Koelling – all ayes

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2017-1429 AN ORDINANCE AUTHORIZING THE BOROUGH OF MONTVALE TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS 25 WEST GRAND AVENUE, MONTVALE, NEW JERSEY, IDENTIFIED AS BLOCK 1601, LOT 1, PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1, ET SEQ.
(public hearing 7/13/17)

A motion to Introduce Ordinance **2017-1429** 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 Ridgewood News; seconded by Councilmember Curry - A roll call was taken – all ayes

Resolution 135A-2017 Capital Budget Amendment

Original resolution included with minutes

Introduced by: Councilmember Lane; seconded by Councilmember Curry - a roll call vote was taken - All ayes

INTRODUCTION OF BOND ORDINANCE NO 2017-1430 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

A motion to Introduce Ordinance **2017-1430** 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 Ridgewood News ; seconded by Councilmember Curry - A roll call was taken – all ayes

PUBLIC HEARING ORDINANCE NO. 2017-1428 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE BOROUGH CODE TO ESTABLISH THE MIXED-USE PLANNED UNIT DEVELOPMENT OVERLAY 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 Mercedes Benz USA, LLC and/or its subsidiaries or affiliates; and
WHEREAS, Mercedes has already vacated 1 Mercedes Drive and has indicated that it intends to vacate the remaining Mercedes Properties as it moves its operations to its new facility outside of Atlanta, Georgia, leaving three large vacant corporate facilities with no immediate prospect for office use or commercial occupancy; and

WHEREAS, in order to facilitate the development of the Mercedes Properties, the Borough of Montvale Planning Board did adopt a Master Plan Reexamination Report, prepared by Darlene A. Green, AICP, PP and Deborah Alaimo Lawlor, FAICP, PP, at its meeting held on April 4, 2017, and subsequently amended same at its meeting held on June 6, 2017; and

WHEREAS, the Master Plan Reexamination Report made certain findings and recommendations concerning the properties known as 1 and 3 Mercedes Drive and 1 Glenview Road; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the recommendations contained in the Master Plan Reexamination Report.

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 Overlay 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.

...

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 Overlay District,” as follows:

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

The following standards shall apply to development within the Mixed-Use Planned Unit Development Overlay District. All other provisions of Chapter 128, Zoning of the Montvale Code shall apply to development in the M-PUD Overlay 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 Overlay 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 Overlay 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 Overlay 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 Overlay 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 Overlay 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.
 - (b) Minimum of 40,000 to 50,000 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 50,000 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.

(2) Within the M-PUD Overlay 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.

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

- (a) Municipal buildings, libraries and essential municipal uses.
- (b) Playgrounds, parks, recreation and open space.
- (c) Affordable multi-family residential housing.

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) Grocery stores.
- (3) Gas stations.
- (4) 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.
- (5) Adult stores.
- (6) Discount/dollar stores.
- (7) Tattoo parlors.
- (8) 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 Overlay 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; however
a	maximum of two buildings may contain five stories and 75 feet ¹ , but the fifth story shall have a minimum setback of 120 feet from the centerline of the nearest public roadway.
Floor area ratio	65%
Building coverage	30%
Lot coverage (impervious surfaces)	50%
Lot coverage (including pervious surfaces) ²	65%

(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	20%
Lot coverage	60%

G. Multi-family residential standards.

(1) General standards.

- (a) A maximum of 300 multi-family residential units are permitted on Block 2702, Lot 1 and Block 2801, Lot 2.
- (b) No more than 275 of the total residential units may be market-rate on Block 2702, Lot 1 and Block 2801, Lot 2.

(2) Market-rate residential unit standards.

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 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.

- (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) A minimum of 8.3% of the total residential units shall be reserved for affordable housing, regardless of whether the units are rental or for-sale.
 - (b) The affordable housing units shall be integrated with the market-rate units.
 - (c) The affordable units shall have a minimum 30 year deed restriction.
 - (d) The units shall meet the bedroom distribution required by the Uniform Housing Affordability Controls.
 - (e) 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.
 - (f) The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense.
 - (g) The affordable units shall not be age-restricted.
 - (h) 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.
 - (i) The developer shall donate Block 3201, Lot 6 to the Borough, which will be utilized to provide for municipal facilities, parks and open space and/or affordable housing.

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 and Mercedes Drive 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 Overlay Zone:

BOROUGH OF MONTVALE**JUNE 27, 2017****Parking spaces****Use**

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 may be lowered by the Planning Board, based upon a shared parking analysis, which demonstrates 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] A park or plaza shall be provided that is at least 15,000 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 style, 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, porticos, 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.
 - [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.

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

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.

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.

Ordinance No. **2017-1428** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Lane; Clerk read by title only;

The Borough attorney explained that there was an amendment to the ordinance regarding height; a motion amend ordinance by Councilmember Lane; seconded by Councilmember Curry – all ayes

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

Several residents spoke opposing the adoption of the ordinance; some of their concerns consists of crowded schools, illegal apartments, stress on the infrastructure, more emergency personnel would be needed; more traffic; another hotel is not needed; wait and see what the impact of Wegmans will be before further development. Another resident spoke in favor of the ordinance and stated that the borough should listen to the current corporate tenants, they say they need another bank, and another hotel, and also if the trend continues as to the millennials not looking to buy homes but rather to rent then the borough should consider it for the future.

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

Councilmembers spoke about change has to happen, large corporations like Google and Facebook are not knocking on the door, concerns about the scope and density should be considered.

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

Arendacs - no

Curry - yes

Gloeggler - no

Koelling - yes

Lane - yes

Weaver – no

Mayor Ghassali broke the tie by voting – no, therefore, the ordinance was not adopted

MINUTES:June 13, 2017

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Koelling - all ayes

MINUTES CLOSED/EXECUTIVE SESSION:June 13, 2017

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Curry - all ayes

RESOLUTIONS:**135-2017 Granting Tenure / Fire Sub-Code Official / Charles Batch**

WHEREAS, Charles Batch, completed his first four year appointment as Fire Sub-Code Official with the Borough of Montvale on June 24, 2107; and

WHEREAS, his performance has been deemed satisfactory; and

WHEREAS, the position of Fire Sub-Code Official is required to be tenured in the State of New Jersey and is appointed for a term of four years.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that tenure be and is hereby granted to Charles Batch as Fire Sub-Code Official for the Borough of Montvale, effective June 24, 2017.

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

136-2017 Appointing / Probationary Montvale Police Officer / Joseph C. Werba III

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Joseph Werba, III be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and

BE IT RESOLVED, the effective date of employment is June 13, 2107.

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

137-2017 Group Affidavit Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of the N.J.S.A.40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S.52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled: General Comments – Recommendations:

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 10, 1968 and does here submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

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

138-2017 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2016 was received by the Borough of Montvale on May 17, 2017; and

WHEREAS, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

WHEREAS, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

WHEREAS, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2016.

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

139-2017 Authorize Release of Escrow/ Block 1703 ; Lot 2

WHEREAS, Jared Arcidiancono, 3 John Street, Block 1703, Lot 2 has requested release in escrow; and

WHEREAS, Engineer in a letter dated May 24, 2017 attached to the original of this resolution takes no exception to the release and other Borough professionals also take no exception to the release of escrow; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$62.75 is hereby released to Jared Arcidiancono, 2 John Street, Montvale, NJ 07645.

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

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

140-2017 Authorize Release of Escrow/ Block 2601 ; Lot 31

WHEREAS, Chestnut Ridge Exxon, 142 Chestnut Ridge Road, Block 2601, Lot 31 has requested release in escrow; and

WHEREAS, Engineer in a letter dated May 24, 2017 attached to the original of this resolution takes no exception to the release and other Borough professionals also take no exception to the release of escrow; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$ 169.75 is hereby released to Chestnut Ridge Exxon, 142 Chestnut Ridge Rd, Montvale, NJ 07645.

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

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

141-2017 Authorize Payment # 1 / Montvale Borough Hall Roof Replacement Project / Mak Group, LLC

WHEREAS, the Borough of Montvale awarded a contract on April 25, 2017 via resolution in connection with the Montvale Borough Hall Roof Replacement Project; and

WHEREAS, the original contract amount is \$216,310.00 via Resolution #93-2017; and

WHEREAS, the Borough Engineer in letter dated June 16, 2017 takes no exception to payment #1 in the amount of \$110,687.47 which is attached to the original of this resolution; and

WHEREAS, payment #1 is hereby authorized to be issued to Mak Group, LLC 40 Summit Ave., Clifton, NJ 07026; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

Total Contract Amount	\$216,310.00	Resolution # 93-2017
Payment #1	\$110,687.47	Resolution #141-2017
Less 2% Retainage	(\$2,258.93)	
Total Remaining:	\$103,363.60	

NOW THEREFORE BE IT RESOVED, by the Governing Body of the Borough of Montvale payment #1 in the amount of \$110,687.47 be and is hereby issued.

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

The engineer provided alternative infill options to councilmembers; the engineer would need 30 days to do further research on the alternative fields; it was also mentioned to arrange a meeting with the schools, the engineer and MAL to further discuss contributing towards funding; a motion to table both resolutions by Councilmember Gloeggler; seconded by Councilmember Curry – all ayes

142-2017 A Resolution Awarding a Contract to The LandTek Group, Inc. for the Fieldstone School Turf Replacement Project Base Bid Plus Alternate A

WHEREAS, the Borough has the need for services to remove and replace certain synthetic turf at the Fieldstone School field, the materials for which will be provided under a separate contract; and

WHEREAS, the Borough did publicly solicit bids for this project pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., with bids due on May 23, 2017; and

WHEREAS, in response to said solicitation, two bids were received; and

WHEREAS, the Borough Attorney has reviewed these bids for compliance with the bid specifications; and

WHEREAS, after review of these bids, it was determined that the lowest responsive and responsible bidder appears to be The LandTek Group, Inc.; and

BOROUGH OF MONTVALE**JUNE 27, 2017**

WHEREAS, Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract for the above-referenced project shall be awarded as follows:

Bidder

The LandTekGroup, Inc.
235 County Line Road
Amityville, New York 11701

In the amount of:

BASE BID: \$395,033.50
ALT A: \$ 14,913.75
TOTAL:\$409,947.25

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to effectuate the purpose of this Resolution, subject to approval by the Borough Engineer and Attorney.

Introduced by: Councilmember ; seconded by Councilmember

- All ayes

THIS RESOLUTION WAS TABLED FOR FURTHER INFORMATION**143-2017 A Resolution Awarding a Contract to FieldTurf for the Provision of Artificial Turf for Fieldstone Middle School Synthetic Turf Replacement Project Through a Cooperative Purchasing Agreement with the Keystone Purchasing Network**

WHEREAS, the Borough of Montvale has a need for goods in the form of Artificial Turf in connection with the Fieldstone Middle School Synthetic Turf Replacement Project; and

WHEREAS, consistent with P.L. 2011, c.139, and N.J.S.A. 52:34-6.2(b), the Borough is desirous of awarding this contract through a national cooperative purchasing agreement; and

WHEREAS, the Borough Engineer did solicit a quote from FieldTurf under the Keystone Purchasing Network, which the Borough had previously joined as a member; and

WHEREAS, FieldTurf submitted a proposal for the Base Bid plus Alternates A1-A6 in the amount of \$438,782.28, which includes a credit for the reuse of existing turf materials; and

WHEREAS, it was also determined that FieldTurf had submitted all required documentation for this solicitation; and

WHEREAS, consistent with P.L. 2011, c.139, the Borough Engineer did conduct a cost savings determination justifying the award of this contract under a national cooperative contract; and

WHEREAS, FieldTurf will be required to submit to the Borough a copy of its New Jersey Business Registration Certificate, Statement of Corporate Ownership, and Public Contract EEO Compliance, as well as all required political contribution disclosure forms, prior to execution of a contract; and

WHEREAS, the Borough provided notice to the public and potential bidders of its intention to make this award by way of a Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement, a copy of which notice is on file with the Borough Clerk, in advance of this award; and

WHEREAS, the Mayor and Council, in consultation with the Borough Engineer, have determined that sufficient funds are available to perform the work included in Base Bid plus Alternates A1 through A6; and

WHEREAS, FieldTurf's proposal was within the funds allocated for this project and within the Engineer's revised estimate for this work; 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 by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

Bidder

FieldTurf
 7445 Cote-de-Liesse Road
 Montreal, Quebec H4T 1G2

In the amount of:

Base Bid:	\$ 495,794.00
Alt A1:	\$ 5,698.21
Alt A2:	- \$104,879.50
Alt A3:	\$ 6,129.65
Alt A4:	\$ 1,317.58
Alt A5:	\$ 32,334.40
Alt A6:	\$ 2,387.94

TOTAL: \$438,782.28

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to effectuate the purpose of this Resolution, subject to approval by the Borough Engineer and Attorney.

Introduced by: Councilmember ; seconded by Councilmember - All
 ayes

THIS RESOLUTION WAS TABLED FOR FURTHER INFORMATION

144-2017 A 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

WHEREAS, Hornrock Properties, MPR, LLC is the current owner of property that consists of a total of approximately thirty-seven (37) acres and which property formerly served as corporate headquarters for Sony, Inc. (the "Sony Campus"); and

WHEREAS, approximately thirty (30) of the thirty-seven (37) acres that comprise the Sony Campus are located in the Borough of Park Ridge on property that is identified on the Park Ridge tax maps as Block 301, Lot 1 (hereinafter, the "Park Ridge Property"); and

WHEREAS, the remaining approximately seven (7) acre portion of the Sony Campus is located on property within the Borough of Montvale (the "Borough" or "Montvale"), which property is identified on the Borough tax maps as Block 3302, Lot 1 (the "Property"), and on a small piece of property within the Borough of Woodcliff Lake, which property is identified on the Woodcliff Lake tax maps as Block 204, Lot 2 (the "Woodcliff Lake Parcel"); and

WHEREAS, the Property located in the Borough of Montvale must be accessed through the Park Ridge Property, approval of which access must be obtained from the Borough of Park Ridge; and

WHEREAS, pursuant to the Mount Laurel Doctrine as expressed in Southern Burl. Co. NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. and applicable regulations promulgated by the Council on Affordable Housing pursuant to the FHA, the Borough has a constitutional obligation to provide its fair share of the region's need for affordable housing; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), establishing a process whereby the New Jersey trial courts would assume jurisdiction over municipal compliance with the Mount Laurel Doctrine; and

WHEREAS, pursuant to the direction of the Mount Laurel IV decision, the Borough initiated a declaratory judgment action captioned IN THE MATTER OF THE PETITION FOR APPROVAL OF THE HOUSING ELEMENT AND FAIR SHARE PLAN AND SPENDING PLAN PURSUANT TO THE FAIR HOUSING ACT, N.J.S.A. 52:27D-313, AND THE NEW JERSEY CONSTITUTION, BY THE BOROUGH OF MONTVALE, a municipal Corporation of the State of New Jersey, Docket No.: L-6141-15 in an effort to establish the Borough's compliance with its Third Round Mount Laurel obligation (the "Borough Compliance Action"); and

WHEREAS, Hornrock sought and was granted intervention into the Borough Compliance Action to ensure the Borough's satisfaction with its Third Round Mount Laurel obligation, which obligation would be determined by the trial court; and

WHEREAS, the trial court and the court-appointed Special Master, Frank Banisch, encouraged the Borough and Hornrock to engage in mediation and settlement discussions in order to determine whether an amicable settlement could be reached on a potential inclusionary development on the Property that would be fair and reasonable to the region's low- and moderate-income households and acceptable to both the Borough and Hornrock; and

WHEREAS, the Borough was represented in these negotiations by the Borough Attorney and the Borough Planner, with additional consultation and input received from the Planning Board Attorney and the Borough Engineer; and

WHEREAS, the Borough and Hornrock have negotiated the terms of a Settlement Agreement that is acceptable to Hornrock and its representatives; and

WHEREAS, the Settlement Agreement establishes a process for a potential Master Plan Reexamination and Master Plan Amendment, followed by a potential Zoning Amendment for the Property, which would permit the development of 160 multi-family residential units, inclusive of a 15% affordable unit set-aside, along with other terms and conditions that are set forth at length in the proposed Settlement Agreement; and

WHEREAS, the Borough's professionals have recommended the approval of the proposed Settlement Agreement by the Mayor and Council; and

WHEREAS, upon approval of the Settlement Agreement, same will be subject to a Fairness Hearing before the trial court upon notice to the protected class and the general public, to determine whether the terms of the Settlement Agreement are fair and reasonable to the region's low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), affd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and

WHEREAS, the Settlement Agreement is contingent upon the trial court's approval of the Settlement Agreement following said Fairness Hearing.

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

All of the recitals above are expressly incorporated as if set forth herein at length.

The Mayor and Borough Clerk are hereby authorized and empowered to execute the Settlement Agreement in substantially the form provided, subject to approval of any non-substantive changes by the Borough Attorney.

Upon execution of the Settlement Agreement, the Borough Attorney is authorized to request a date from the trial court for a Fairness Hearing as contemplated therein.

All Borough officials are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the terms of this Resolution and the Settlement Agreement.

Introduced by: Councilmember Lane; seconded by Councilmember Curry – a roll call vote was taken with all councilmembers voting no

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Koelling - All ayes

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

The pre-construction meeting for the road program has been scheduled and will have a report for next meeting;

A meeting was held in regards to Memorial Field, the borough and the school have an agreement that the borough maintains the fields; upon inspection of the fields, it appears most of the fields are in good condition; the fencing around all the fields are not up to code standards and should be replaced; Councilmember Gloeggler stated that the fields have not been properly maintained and that going forward it needs to be discussed by all parties involved; a meeting will be scheduled to go over the proposal.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

- a. Authorization / Appraisal proposals / 14 N Kinderkamack Rd and 22 Railroad Ave

A motion to authorize an appraisal to be done for the two properties in question by Councilmember Lane; seconded by Councilmember Curry – all ayes

UNFINISHED BUSINESS:

- a. Police Chief Recommendations / Akers Ave / Discussion /Captain Sanfilippo will attend
After a brief discussion by councilmembers and some residents, it was decided the possible options would be stickers for residents and post signs stating No Parking; the Police Chief will give his final recommendation.

NEW BUSINESS:

- a. Street Renaming of Mercedes Drive / Recommendation from Planning Board

A representative from Coning stated that the borough should re-consider changing the street name because of the effects and cost to do an address change; this will be discussed further at a later date.

- b. Request Hiring Special Police Officers / Captain Sanfilippo will attend

The Police Chief is asking to hire a special police officer to replace the officer that resigned; a motion to hire by Councilmember Lane; seconded by Councilmember Curry – all ayes

COMMUNICATION CORRESPONDENCE:

- a. NJDOT Letter of Denial / Grant for Edgren Way

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

Carole Adams

Just wanted to bring attention to residents about a sink hole she discovered in her yard that is very deep; she encouraged residents that if your home was built before the 1970's to check for soft spots;

Antonio Vozzolo

Started the petition about the turf field; wanted to mention about rubber fill turf and its possible link to cancer; encouraged council to look into alternatives

Kari Solomon

Agreed with council about tabling the resolutions and to look into alternatives;

Debra McGauley, President of BOE,

Commends council for tabling the resolutions and looking into alternative turf fields; that the school is willing to further discuss the options

Jaret Schumacher

Encouraged councilmembers going forward to have a plan; to consider the aging infrastructure like the sewer system; don't be quick to decide without concrete studies before making a decision on the turf

Jason Stephans

There are no studies that show the carcinogens are being removed from the rubber turf; encouraged council to look into other options

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

ADJOURNMENT:

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

Meeting adjourned at 11:06pm

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

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk