

**MINUTES WORK
SESSION**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:38pm. Adequate notification was published in the official newspaper of the Borough of Montvale. 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 Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

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

Dedication Of Montvale Basketball Courts: Drew Bloodworth

Motion to approve the re-naming of the basketball courts at Memorial Field to the Drew Bloodworth Basketball Court by Councilmember Roche; seconded by Councilmember Cudequest
- a roll call vote was taken – all ayes

PRESENTATION: Nouvelle, LLC Luciano Bruni Affordable Housing Developments/Veterans

Power point presentation included with original minutes

A motion to proceed with the project by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2022-1526 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS

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

Section 1. Chapter 400, "Zoning," Article XII, "Site Plan Review," is hereby removed from Chapter 400 and transferred to a new Chapter 326, "Site Plans." The sections of said Article shall be renumbered and the Article shall read as follows:

CHAPTER 326

Article I
Site Plan Review

- § 326-1 Authority and scope.**
- § 326-2 Title.**
- § 326-3 Purposes.**
- § 326-4 Definitions.**
- § 326-5 Review required.**
- § 326-6 Fees and deposits.**
- § 326-7 Application procedure.**
- § 326-8 Presubmission conference.**
- § 326-9 Formal site development plan filing procedure.**
- § 326-10 Final site plan submission requirements.**
- § 326-11 Approval or disapproval of site development plan.**
- § 326-12 Performance standards.**
- § 326-13 Public hearings.**
- § 326-14 Effect of approval.**
- § 326-15 Exceptions; simultaneous review and approval.**
- § 326-16 Off-tract improvements.**
- § 326-17 Expiration of site plan approval.**
- § 326-18 Enforcement.**
- § 326-19 Interpretation.**
- § 326-20 Repealer.**
- § 326-21 When effective.**
- § 326-22 (Reserved)**
- § 326-23 (Reserved)**

Article II
Site Plan Waiver Requirements and Use Permits

- § 326-24 Purpose and intent.**
- § 326-25 Standards applicable to site plan waivers.**
- § 326-26 Application procedures for use permits.**
- § 326-27 Standards for granting use permits.**
- § 326-28 Violations and penalties.**
- § 326-29 (Reserved)**
- § 326-30 (Reserved)**

Article I - Site Plan Review

- § 326-1 Authority and scope.**

This Article consists of an ordinance establishing rules, regulations and standards governing site plan review within the Borough of Montvale, pursuant to the authority as set forth in the Municipal

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Land Use Law, N.J.S.A. 40:55D-1 et seq., and amendments and supplements thereto, setting forth the procedure to be followed in applying and administering these rules, regulations and standards, and providing penalties for the violations thereof.

§ 326-2 Title.

This Article of this Chapter shall be known as "Site Plan Review."

§ 326-3 Purposes.

The regulations set forth in this Article are deemed necessary to achieve the following purposes:

- A. Promote orderly development. To protect the character and to maintain the stability of all areas within the community and to promote the orderly and beneficial development of such areas.
- B. Promulgate rules and regulations. To provide rules, regulations and procedures where applicable and to the extent the same have not been otherwise promulgated by ordinance in the Borough of Montvale which will guide the appropriate development of the lands within the Borough in a manner which will promote the public health, safety, morals and general welfare.
- C. To protect against hazards and danger. To secure safety from fire, flood, panic and other natural and man-made disasters.
- D. Design standards. To encourage the design and location of streets which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion.
- E. Creative development techniques. To promote a desirable physical environment through creative development techniques, design and arrangement.
- F. Open spaces. To promote the conservation of open space and to protect the natural resources and to prevent overcrowding through improper land use.

§ 326-4 Definitions.

- A. Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "used" includes the words "arranged, designed, constructed, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional; and the word "may" is permissive.

ADMINISTRATIVE OFFICER

The Secretary to the Montvale Planning Board for any application before the Planning Board.

APPLICANT

A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

APPROVING AUTHORITY

The Planning Board of the Borough of Montvale.

BOARD

The Planning Board of the Borough of Montvale.

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

An open space area within or related to a site designated as a development or designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL

Development other than planned development.

COUNTY MASTER PLAN

A composite of the Master Plan for the physical development of Bergen County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Bergen County Planning Board pursuant to N.J.S.A. 40:27-2 and 40:27-4, as the same may be amended or supplemented.

DAYS

The number of calendar days for the purposes of this Chapter.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill and any use or change in the use of any building or other structure or use or extension of use of land, for which permission may be required.

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, including the control of runoff, to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

ENVIRONMENTAL COMMISSION

A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FINAL APPROVAL

The official action of the approving authority taken on a preliminary approved site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

GOVERNING BODY

The Mayor and Borough Council of the Borough of Montvale.

HISTORIC SITE

Any building, structure, area or property that is significant in the history, architecture, archeology or culture of this state, its communities or the nation and which has been so designated.

INTERESTED PARTY

For the purpose of this chapter, any person, whether residing within or without the Borough of Montvale, whose right to use, acquire or enjoy property is or may be affected by any action taken

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under this chapter, or whose rights to use, acquire or enjoy property under this chapter, or under any other law of this state or the United States have been denied, violated or infringed by an action or failure to act under this Code.

LAND

Includes improvements and fixtures on, above or below the ground surface.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY

Security, other than cash, which may be accepted by the Borough of Montvale for the maintenance of any improvements required by this chapter.

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the Borough of Montvale, adopted by the Montvale Planning Board.

MINOR APPLICATION

Any application, other than for subdivision, where the aggregate estimated cost of improvements to the land, inclusive of site improvements, where necessary, do not exceed \$500.

OFFICIAL COUNTY MAP

The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of Bergen County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP

A map and accompanying ordinance adopted by the governing body of the Borough of Montvale pursuant to law. Such a map shall be deemed to be conclusive with respect to the location and width of streets and public drainageways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

OFF SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is part) which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OFF TRACT

Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

ON SITE

Located on the lot in question.

ON TRACT

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for use and enjoyment by owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PERFECTED APPLICATION

For the purpose of this Chapter, one that is submitted in a proper and complete form, including all required application forms and maps, all required fees are submitted and filed within the appropriate time schedules, and proof is included that no taxes or assessments for local improvements are due or delinquent on the property for which approval is sought.

PERSON

Any individual, firm, association, partnership, corporation, syndicate, copartnership, trust or other legal entity.

The provisions for development of a planned development, including a plat of the subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public or private streets, driveways and parking facilities; open space and public facilities.

PLANNED RESIDENTIAL DEVELOPMENT

An area with a specified minimum of five acres of contiguous land to be developed as a single entity according to a plan containing one or more residential clusters and which may include public or quasi-public uses, all for the primary benefit of the residential development.

PLAT

A map or maps of a subdivision or site plan pursuant to the provisions of this article and/or Chapter 350, Subdivision of Land, of the Borough of Montvale.

SIGHT TRIANGLE

As defined in § 400-8 of this Code.

SITE PLAN

A development plan of one or more lots on which is shown:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
 2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices.
 3. Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter.
- B. All other terms used in this Chapter not herein defined shall be accorded the meaning afforded them by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

§ 326-5 Review required.

- A. Except as hereinafter expressly provided, no building or land shall be used, and no building or structure shall be built, altered, erected or used, and no other land shall be cleared or graded, nor any building permit or certificate of occupancy issued as a matter of right, but such shall be granted on application and approval of the Planning Board of the Borough of Montvale, as may in the case be the appropriate authority, in accordance with the provisions as embodied in this Article and Article XIII of Chapter 400. Development plan approval shall be required for all cases except those specifically excepted from the provisions of this chapter.
- B. Notwithstanding the provisions of this article, no site plan approval shall be required prior to the issuance of a building permit or certificate of occupancy for any new building or addition to an existing building if such building or addition is used or is intended to be used solely as a single-family detached dwelling or as an accessory thereto.
- C. Applications satisfying the conditions set forth in Article II of this Chapter shall be exempt, to the extent set forth therein, of the provisions of this Chapter.

§ 326-6 Fees and deposits.

- A. Unless otherwise provided by law or elsewhere by ordinance, the nonrefundable fees and the deposits in connection with site development applications or the rendering of any services by the Planning Board shall be as set forth in this section and on Schedule A, adopted by ordinance and on file with the Land Use Administrator. In the event of a conflict between the fees in this section and those set forth on Schedule A, the fees on Schedule A shall apply.
- B. Escrow fees.
- (1) In addition to the required application fees established herein, the applicant shall be required to establish one or more escrow accounts with the Borough of Montvale to cover the

reasonable costs of professional review and consultation.

(2) Said escrow fees shall be required for preliminary site plan approval, final site plan approval and any site plan requiring conditional use approval, any site plan requiring subdivision approval and any site plan requiring a variance of any type.

C. Such additional deposits to be paid to the Borough Treasurer at the time of submission of a development plan are as follows:

(1) Three thousand dollars for the 40,000 square feet of land or part thereof included within the site development.

(2) An additional sum computed at the rate of \$150 per 1,000 square feet of land or part thereof in excess of 40,000 square feet of land.

(3) A sum computed at the rate of \$60 per 100 square feet for the first 30,000 square feet of building floor area or part thereof included within the site development plan.

(4) An additional sum computed at the rate of \$30 per 100 square feet for each square foot of building floor area in excess of 30,000 square feet.

D. Use of deposits; reimbursement of professionals and consultants.

(1) Funds on deposit shall be expended to reimburse the municipality and approving authority in accordance with P.L. 1995, c. 54, for monies paid to professionals and consultants engaged by them on account of the reasonable cost to their services rendered with reference to the application for which the deposit has been established. Upon receipt of sufficient funds for the escrow account, the administrative officer shall notify the professionals and other consultants of the approving authority that all appropriate examinations and reviews may be undertaken.

(2) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be by a voucher from the professional, including municipal employees who may render such services. This voucher shall identify the personnel performing the service and, for each date the services performed, the hours spent to one-fourth-hour increment, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Treasurer of the Borough of Montvale on a monthly basis. The professional shall send an informational copy of all vouchers or statements sent to the Treasurer of the Borough simultaneously to the applicant. The Treasurer of the Borough shall prepare and send to the applicant a statement which shall include an accounting of funds, listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.

(3) If an escrow account or deposit contains insufficient funds to enable the Borough to perform required application reviews or improvement inspections, the Treasurer of the Borough shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall forthwith post a deposit to the account in an amount to be agreed by the Borough or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

(4) Upon final approval of and receipt of the signed site plan, the applicant shall send written notice by certified mail to the Treasurer of the Borough, the approving authority and to the relevant Borough professional that the application is completed. After receipt of such notice, the professional shall render a final bill to the Treasurer of the Borough within 30 days and shall send a copy simultaneously to the applicant. The Treasurer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with P.L. 1985, c. 315, shall be refunded to the developer along with the final accounting.

E. The applicant shall, prior to the signing of an approved plan, deposit with the Borough of Montvale for the purpose of reimbursing the municipality or approving authority for disbursements

made to its professionals subsequent to the approval on account of the application a sum equal to 3% of the estimated cost of the site improvements, which sum shall not be less than \$200.

F. As a further condition to approval and the issuance of a building permit, the applicant shall be required to enter into a developer's agreement with the Borough of Montvale, as drawn by the Planning Board Attorney, detailing the conditions of approval and the nature and scope of the work to be performed by the applicant.

G. The installation of all improvements shall be required prior to the issuance of a certificate of occupancy; provided, however, that in lieu of the completion of certain improvements deemed nonessential to the use and occupancy of the premises, the Mayor and Council may, for good cause shown, in their discretion, permit upon proof by the applicant that no substantial hazard or detriment will be created, the posting of performance guaranties in appropriate form with sufficient

securities in a form satisfactory to the governing body and in an amount sufficient to ensure completion of the said improvements.

H. The application fee for approval by the approving authority of a certificate of occupancy or change in use, ownership or occupancy for an existing building where no improvements or variances are to be required shall be \$225, payable to the Borough of Montvale. In addition, where the approving authority has granted an approval upon which conditions are imposed, the approving authority may, in its discretion, require the applicant to deposit with the Borough of Montvale, for the purpose of reimbursing the municipality or approving authority for disbursements made to its professionals for the preparation of a memorializing resolution of approval and/or required inspections related thereto, a sum equal to 3% of the estimated cost of meeting the conditions, which sum shall not be less than \$200. All other procedures and requirements of this § 326-6 relating to escrow deposits shall also apply in the case of any deposit required by this subsection.

I. Appeals.

(1) An applicant shall notify, in writing, the governing body, with copies to the Treasurer of the Borough, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements or other charges made pursuant to the provisions of P.L. 1975, c. 291. The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals any charge to an escrow account or a deposit by the Borough professional or consultant pursuant to the procedures set forth in P.L. 1995, c. 54.

(2) During the pendency of any appeal, the Borough or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course. Further, the Borough or approving authority shall not withhold, delay or deny reviews, inspections, signing of site plans, the reduction or the release of performance or maintenance guaranties, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Treasurer of the Borough may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Treasurer shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount of the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

§ 326-7 Application procedure.

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

A. The applicant shall submit five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or

thumb drive) of a completed application form, and all other required documentation in this section.

B. In addition to the filing of an application and copies thereof as provided herein, the applicant shall file a sketch plat for the purpose of preliminary review or proceed immediately to file a formal site development plan as is provided for in § **326-109** of this chapter. In the event that the applicant elects to file a sketch plat with the approving authority, copies thereof shall be provided simultaneously with the application to those persons and agencies provided in § **326-109** of this chapter.

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

- (1) Lot and block designation(s) of the property and the development name.
- (2) Property address.
- (3) Name and address of the applicant and record owner of the property, if other than the applicant.
- (4) Name, phone number, email address, license number, and seal of the person, firm, or organization preparing the sketch plat and for whom the sketch plat has been prepared.
- (5) Name, phone number, email address, license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
- (6) Date prepared with all subsequent revisions noted on the sketch plat and dated.
- (7) North arrow, written and graphic scales, and reference meridian.
- (8) A key map showing the location of the property with reference to the surrounding area showing the lot and block number(s) of the property, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of not less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.
- (9) The location, names, and existing widths of the adjacent streets, rights-of-way, and curblines.
- (10) Names of all owners of record of adjacent properties within 200 feet of the tract, together with the lot and block numbers of the properties as shown on the most recent municipal tax records.
- (11) The existing zoning of the property and on all adjacent lands.
- (12) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk regulations shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).
- (13) List of all variances and waivers/exceptions being sought by the applicant.
- (14) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, wooded areas, marshes, and any other significant environmentally sensitive or natural terrain features as may be determined by survey.
- (15) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow within 200 feet of the tract.
- (16) Location of uses and outline of structures including walls, fences, culverts, underground storage tanks, bridges, and roadways presently located on the subject property and on properties immediately adjacent thereto for a distance of 200 feet.
- (17) Location of existing wells and septic systems on site and within 100 feet of the property.
- (18) Location of paved areas, sidewalks, vehicular accesses, and circulation elements between the property and public streets.
- (19) Location of any existing sewers, culverts, or water lines.
- (20) The location of existing and proposed buildings with front, rear, and side yard setback dimensions and structural improvements.
- (21) Location and area of proposed sidewalks, driveways, loading areas, off-street parking, or other paved areas.
- (22) Any proposed grading, including the locations of proposed streets.
- (23) Any proposed utilities, including stormwater drainage.

(24) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.

(25) Location of all lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the property. A table shall accompany the map that provides existing and proposed steep slopes on the property in both square feet and percent.

(26) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified and provided in tabular format with size (dbh) and species.

(27) Landscape plan illustrating the location illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.

(28) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil moving permit and information in accordance with § 329-4 shall be submitted.

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

§ 326-8 Presubmission conference.

A. Prior to the approval of the sketch plat, the applicant shall, if required, meet in person with the approving authority or its designated representatives. The purpose of the conference shall be to discuss the proposed uses of the development, to review the application and sketch plat submitted therewith and to determine what additional information should be supplied to conform with the detailed filing of the site development plan provided for under § 326-7 of this chapter.

B. The presubmission conference required herein shall be held within 30 days of the receipt of the application and sketch plat by the designated officials. The approving authority or its duly-designated representatives may within 10 days of the date of the presubmission conference submit their reports, comments and recommendations to the applicant.

§ 326-9 Formal site development plan filing procedure.

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

A. Preliminary site plan and copies.

(1) File five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of the site development plan and related information with the Secretary of the Board.

(2) Said plan and copies shall be submitted to the Board Secretary at least 21 days prior to the Board meeting at which approval is requested and shall be accompanied by the fees and deposits in the amounts herein set forth in this chapter referable to the site development plan review.

B. An application shall be considered perfected and filed when the application forms have been duly submitted, the fees and deposits paid, and the Borough Engineer and the Borough Planner shall have certified that the site development plan has been drawn in accordance with § 326-9 of this Chapter and is otherwise in a form required for the formal action of the Board.

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

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

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(1) Scale and dimensions. The map shall be at a scale of 10, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension in excess of 900 feet, a scale of 50 feet to the inch may be used.

(2) Description data.

(a) Lot and block designation(s) of the property and title of development.

(b) Address of the property.

(c) Name and address of the record owner of the property and applicant, if other than the record property owner.

(d) Name, address, license number, and seal of the person, firm, or organization preparing the plan and for whom the plan has been prepared.

(e) Date prepared with all subsequent revisions shall be noted on the plan.

(f) North arrow, written and graphic scales, and reference meridian.

(g) Sufficient description or information to designate precisely the boundaries of the property bearings which begin to the nearest 10 seconds or closer. The error of closure shall not exceed

one in 10,000.

(h) The location, names, and existing widths of adjacent streets, rights-of-way, and curblines.

(i) A key map showing the location of the property with reference to the surrounding area, showing the lot and block number(s) of the property, address, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.

(j) An aerial photograph with the property boundaries to evaluate effects upon existing vegetation and surrounding land uses.

(k) Names of all owners of record of adjacent properties within 200 feet of the site, together with the lot and block numbers of the subject premises as shown on the most recent municipal tax records.

(l) Location, width, and purpose of all existing and proposed easements, including, but not limited to, utility, drainage, sight, and access easements, within or joining the property.

(m) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk requirements shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).

(n) List of all variances and waivers/exceptions being sought by the applicant.

(o) Approval block for signatures of the Board Chairperson, Board Secretary, Borough Engineer, and any outside agencies required to approve the proposed development.

(3) Natural features.

(a) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid bold lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.

(b) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, marshes, wooded areas, and any other environmentally sensitive or natural terrain features as may be determined by survey.

(c) Location of any wetland areas and wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes and bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.

(d) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow, including a metes and bounds description of the same, within 200 feet of the site.

(e) All lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the site. The applicant shall provide a breakdown of existing and proposed steep slopes on the property in square feet and percent.

(f) All trees exhibiting a diameter of four inches or more measured 12 inches above the

BOROUGH OF MONTVALE

NOVEMBER 29, 2022

ground shall be specifically located, and all trees proposed to be removed shall be specified. The applicant shall present a table of existing and proposed trees to be removed by size (dbh).

(4) Existing structures and utilities.

(a) Location of all uses, buildings, and structures drawn to scale on and within 100 feet of the subject property. All structures, including walls, fences, culverts, bridges, roadways, and underground storage tanks, that are existing and proposed to remain shall be indicated with spot elevations. Structures to be removed shall be indicated by dashed lines.

(b) Location of all paved areas, sidewalks, vehicular access, and circulation elements, including rights-of-way, traffic control, directional signage, and railroads, between the site and public streets.

(c) Location, dimensions, grades, and flow direction of existing streets, culverts, and water lines, as well as other underground and aboveground utilities, including sanitary sewer, water, stormwater management, telephone, electric, gas, and cable TV, within and adjacent to the property.

(d) Any existing buildings, structures, and walls that are of historic importance or are of

important archaeological, cultural, scenic or architectural significance on the subject property or within 200 feet of the property shall be so noted on the plans.

(e) Location and details of existing signage, lighting, landscaping, and solid waste areas to remain.

(f) The location of existing wells and septic systems on site and within 100 feet of the site.

(5) Proposed development.

(a) The applicant shall set forth in detail the exact use to be made of the property and the buildings and structures thereon, including, but not limited to, required yard and setback areas, lot coverage and building coverage calculations, and building height in feet and stories.

(b) The location of the proposed buildings or structural improvements with spot elevations at each corner of the proposed buildings. Floor space of all buildings, number of employees, housing units or other capacity measurements, where required, shall be so indicated.

(c) Survey of the site signed and sealed by a licensed professional land surveyor.

(d) Location, size, and details of all proposed signs.

(e) Lighting plans, including location, type, wattage, height, direction, power, time of use, construction details, isolux lines, and location of security lighting, if proposed.

(f) Preliminary architecture plans prepared by a licensed professional architect which include floor plans and building elevations illustrating floor area and room divisions, building height, facade design, and roof-mounted equipment, if applicable.

(g) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.

(h) Details of traffic control devices with direction of traffic flow.

(i) Location of fire lanes and other parking restrictions.

(j) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil movement permit and information in accordance with § 329-4 shall be submitted.

(k) The location, arrangement, and construction of proposed sidewalks, driveways, loading areas, off-street parking areas, bicycle parking areas, solid waste and recycling disposal areas, fences, retaining walls, outdoor storage areas, or other paved areas. Improvements such as roads, parking areas, sidewalks, and other design details shall be indicated, including dimensions of parking stalls, access aisles, curb radii and traffic flows, and handicapped persons access facilities shall be provided.

(l) Any proposed grading shall be illustrated at an interval of not less than two feet.

(m) Location and design of proposed utility structures and lines, on-tract stormwater drainage with manholes, inlets, pipe sizes, grades, invert, and flow directions, telephone, electric, water, gas, sanitary sewer, and cable TV lines.

- (n) Location of proposed area(s) to be used for snow equipment staging and/or the temporary storage of snow.
- (o) Location of any contemplated public improvements on or adjoining the property as indicated by the Borough Engineer.
- (p) If the site development plan is to be developed in phases, a phasing plan shall be submitted.
- (q) A garbage and refuse recycling plan providing for an area reserved for the separation of garbage and recyclable materials, inclusive of provisions for the storage of recyclable and nonrecyclable waste and areas reserved for the pickup of such.
- (r) Appropriate details to the Borough, county, and state standards, including sidewalks, curbs, paving, street signs, drainage, etc.
- E. An outline of any existing and proposed deed restrictions or covenants.
- F. Name, phone number, email address, and license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
- G. Environmental impact statement in accordance with Article XIII of Chapter 400.
- H. Copies of completed and submitted applications to the Bergen County Planning Board and Bergen County Soil Conservation District, if applicable.
- I. Stormwater management plan, if applicable, three copies.

§ 326-10 Final site plan submission requirements.

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

- A. In addition to the requirements provided in § 326-9, five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF (via email, CD, or thumb drive) of the following information shall be submitted for all final major site plans:
 - (1) The preliminary site plan resolution of approval along with all proposed additions, modifications, or departures from said approval, if applicable.
 - (2) Final construction documents, including:
 - (a) Final site plans prepared by a licensed professional engineer for development, including construction details and engineering data.
 - (b) Final architecture plans prepared by a licensed professional architect, detailing the proposed floor plans and building elevations and the size, materials, colors, and textures of the building façade.
 - (c) Final landscape plans substantially conforming to the preliminary landscape plan and detailing specifications for all landscape improvements, planting details, and irrigation and maintenance details.
 - (3) Certification and will-serve letters from water, sewer, electric, and gas utilities.
 - (4) Four copies of all deeds with metes and bounds description for proposed easement dedications including dedication of additional road right-of-way.

§ 326-11 Approval or disapproval of site development plan.

- A. The approving authority shall take action under this section within the time periods provided in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- B. The action of the approving authority shall be in such form and on such notice as is required by Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- C. Final plans and working drawings should not be submitted until after approval of the site

development plan.

D. Amendments to the site development plan as approved shall be acted upon in the same manner as the original plan.

§ 326-12 Performance standards.

As a prerequisite to the issuance of any building permit or certificate of occupancy for any use in the nonresidential districts, the applicant shall be required to demonstrate the following:

A. Fire and explosion hazards. All activities of operation involving fire or explosive hazards shall be carried on in conformity with the provisions of Chapter 203, Fire Prevention, of the Code of the Borough of Montvale.

B. Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use.

C. Liquid or solid waste. No use or occupancy shall discharge industrial waste of any kind into any reservoir, pond, pool or other body of open water. The discharge of untreated industrial waste into a stream shall be approved by the Borough and New Jersey State Health Departments.

Effluence from a treatment plant shall at all times comply with the standards and requirements of Chapter 457, Sanitation and Health, of the Code of the Borough of Montvale.

D. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which use is conducted.

E. Glare. There shall be no direct, sky-reflected glare exceeding 0.5 footcandle measured at the property line of the lot occupied by such use. This regulation shall not apply to light used at the entrance and exits of service drives leading to a parking lot.

F. No uses shall be permitted which are violative of any of the provisions of this chapter of the Borough of Montvale, including but not limited to the ordinances of the Board of Health. There shall be no vehicular access to any use established in nonresidential districts from any street that primarily serves residential neighborhoods.

G. Signs. All signs shall comply with Article IX, Signs, of Chapter 400 of the Code of the Borough of Montvale.

H. All buildings shall have adequate fire protection facilities and equipment and shall comply in all respects with Chapter 203, Fire Prevention.

I. Landscaping.

(1) Effective landscaping, including the placement of trees, shrubs and grass, shall be provided in order to ensure the harmonious development of the area wherein a site is located and the attractiveness of the subject premises and to protect the natural resources of the premises. Landscaping plans shall be submitted to the Planning Board, which may be referred to the Environmental Commission for its recommendations. The above-mentioned landscaping plan shall include screening as is otherwise required by this chapter.

(2) It is the intention of this section to provide appropriate screening to conserve the existing natural resources and to develop a natural environment in harmony with the surrounding areas.

J. Waste disposal.

(1) Each site shall provide an area or areas internal of any principal building to be constructed, or external, provided that the same is concealed from parking areas, other properties and semipublic areas on the site with suitable vegetative material.

(2) Said areas shall be located at a place where they may be easily accessed without interfering with the general traffic circulation plan intended for the property.

(3) Areas so reserved shall include provision for the separation of the nonrecyclable and recyclable waste, as well as provision for the storage of each classification of material.

(4) The area reserved for the storage of such materials shall not be less than that as recommended or directed by the New Jersey Board of Public Utilities or the Bergen County Utility Authority; provided, however, that in the absence of any such recommendation or regulation, the

areas reserved shall be sufficient in size to accommodate the storage of separated waste materials based on the maximum building occupancy, as limited by the Uniform Construction Code adopted by the Borough of Montvale, times 1.5 pounds of waste per day.

K. Tree removal. No trees four inches or larger in diameter measured 12 inches above the ground shall be removed from the property unless the same shall interfere with the construction of buildings or utilities. In addition, no tree which, if removed, will impair growth and development of remaining trees on the property of the applicant or adjacent properties and/or cause erosion of soil, impair existing drainage, lessen property values in the neighborhood or impair the aesthetic values of the area shall be removed.

L. Any deviation from the standards set forth in this Section shall require a variance pursuant to §400-52.

§ 326-13 Public hearings.

A. A public hearing shall be required for the following applications:

- (1) Site plan approval.
- (2) For any site plan requiring conditional use approval or the grant of any variance.
- (3) For any site plan requiring subdivision (major) approval.
- (4) For any site plan requiring planned residential development approval.

(5) For any site plan requiring a variance of any type.

B. Availability of maps and documents prior to hearing. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of hearing at normal business hours, in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

C. Rules regulating the conduct of hearings. The procedure applicable to public hearings required pursuant to this section shall be in accordance with Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-14 Effect of approval.

The approval granted by the approving authority as above provided for shall be considered preliminary, which approval shall be deemed final upon application of the developer to the approving authority and upon the latter's final determination that all of the conditions of the preliminary approval, including the site development work, have been completed and are so certified by the Borough Engineer to the approving authority and the governing body.

§ 326-15 Exceptions; simultaneous review and approval.

A. The approving authority, when acting upon an application for preliminary site plan approval, shall have the power to grant such exceptions from the requirements of the design standards required for site plan approval as may be reasonable and within the general purpose and intent of the provisions of site plan review, if the literal enforcement of one or more provisions of this chapter is impracticable or will effect undue hardship because of peculiar conditions pertaining to the land in question.

B. The approving authority shall have the power to review and approve or deny under appropriate circumstances and within the power vested in it by the acts of the legislature, applications for subdivisions, site plans and variances and conditional uses where permitted simultaneously.

§ 326-16 Off-tract improvements.

As a condition for approval of a site plan, the approving authority may require the developer to pay his pro rata share of the costs of providing reasonable street improvements and water, sewerage and drainage facilities and easements therefor, located outside the property limits of the

development but necessitated or required by the construction of improvements within the development; provided, however, that this section shall in no way obligate the municipality to install such improvements in order to facilitate development, nor shall the approving authority approve a development requiring capital expenditure without appropriate action by the governing body.

§ 326-17 Expiration of site plan approval.

All site plan approval shall remain in effect for the period stated in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-18 Enforcement.

This article shall be administered and enforced by the Building Code officials, police or Fire Marshal and approving authority.

§ 326-19 Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare.

§ 326-20 Repealer.

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

§ 326-21 When effective.

This article shall take effect immediately after final passage and publication as provided by law.

§ 326-22 (Reserved)

§ 326-23 (Reserved)

Article II

Site Plan Waiver Requirements and Use Permits

§ 326-24 Purpose and intent.

§ 326-25 Standards applicable to site plan waivers.

§ 326-26 Application procedures for use permits.

§ 326-27 Standards for granting use permits.

§ 326-28 Violations and penalties.

§ 326-29 (Reserved)

§ 326-30 (Reserved)

Article II

Site Plan Waiver Requirements and Use Permits

§ 326-24 Purpose and intent.

The intent of this Article is to reduce the cost and time usually associated with the development review process for certain applications, to encourage economic growth, and to streamline smaller commercial development applications. The procedures applicable to this Article are intended primarily to address changes in occupancy to existing structures that have already obtained Site Plan approval from the Planning Board.

§ 326-25 Standards applicable to site plan waivers.

A. Consistent with §326-5 of this Chapter, applications that satisfy the following criteria shall be eligible for a Use Permit and shall be exempt from the requirement of obtaining full Site Plan approval:

Change in use of existing space within a building

Existing Site Plan approval for the property

No changes to building footprint

No external construction work

Sufficient parking provided on existing Site Plan for the additional parking requirement per Borough Code for the newly-occupied space

B. Applications for Use Permits shall be submitted to the Planning Board in accordance with §326-26 of this Chapter.

§ 326-26 Application procedures for use permits.

An applicant for Use Permit approval shall comply with the following:

The applicant shall submit three (3) completed applications with original signatures on each, along with seventeen (17) copies of the completed and signed application.

The applicant shall submit the applicable filing fee adopted by the Planning Board.

After submission, the applicant will be advised by the Board as to when the matter will be heard by the Planning Board. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed New Jersey attorney is required.

Taxes must be current on the property in question.

A list of employee zip codes (or the name of the town of employee origin) must be included with the application.

§ 326-27 Standards for Granting Use Permits.

The Planning Board shall issue a Use Permit if the applicant demonstrates to the satisfaction of the Board that:

The proposed use is permitted within the zoning district in which the property is located

No external construction is required

There is no change proposed to the building footprint

The proposed use would not create a need for additional parking spaces beyond what is already provided for on an approved site plan

The proposed use would not have a detrimental impact on the health, safety or welfare of the public

The proposed use would not impair the purpose and intent of the Zoning Ordinance

After receiving a Use Permit from the Planning Board, the applicant shall be required to obtain a CCO and/or a Resale/ New Tenant Certificate, as appropriate, from the Building Department in accordance with §170-14 of the Borough Code.

§ 326-28 Violations and penalties.

A. Any person, persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity who in any manner knowingly fails to fully comply with

the terms and covenants of this chapter shall be subject to the penalties provided herein.

B. Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, Article I, General Penalty.

§ 326-29 (Reserved)

§ 326-30 (Reserved)

Section 2. Chapter 400, "Zoning," Section 52 is hereby renamed "Performance standards," and shall read as follows:

§400-52 Performance standards.

The requirements set forth in §326-12, "Performance standards," shall be deemed to be zoning requirements, and compliance with said standards shall be required by all applicants for zoning approval. Any deviation from the requirements of this Section and §326-12 shall be deemed to require a zoning variance.

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.

Section 6. 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.

A motion Introduced for second reading **Ordinance No. 2022-1526** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

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

NO PUBLIC COMMENT

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Cudequest; Clerk read by title only. - All ayes on a roll call vote

PUBLIC HEARING ORDINANCE NO. 2022-1527 AN ORDINANCE OF THE BOROUGH OF MONTVALE ADDING A NEW CHAPTER 5 TO THE BOROUGH CODE ENTITLED "BUSINESS AND INSURANCE REGISTRY" PURSUANT TO N.J.S.A. 40A:10A-2

WHEREAS, on August 5, 2022, Governor Murphy signed Senate Bill S1368 into law as P.L. 2022, c.92, now codified at N.J.S.A. 40A:10A-2 (the "Law"); and

WHEREAS, the Law requires all business owners and rental unit owners to maintain a minimum of \$500,000 of liability insurance, and owner-occupied multi-family dwellings with four units or fewer must maintain a minimum of \$300,000 of liability insurance; and

WHEREAS, pursuant to the Law, municipalities are required to establish a business insurance registry for all business and rental unit owners; and

WHEREAS, pursuant to the Law, businesses and rental unit owners are required to provide municipalities with a certificate of insurance annually to establish compliance with the Law; and

WHEREAS, municipalities are permitted to charge an administrative fee in connection with such registration; and

WHEREAS, municipalities are permitted to enforce the provisions of the Law by imposing penalties; and

WHEREAS, the Borough of Montvale is desirous of establishing a business and insurance registry as required by the Law.

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 5 entitled "Business and Insurance Registry," as follows:

CHAPTER 5 BUSINESS AND INSURANCE REGISTRY

§5-1 Purpose

§5-2 Insurance required.

§5-3 Business insurance registration.

§5-4 Certification of registration.

§5-5 Penalties.

§5-1 Purpose

N.J.S.A. 40A:10A-1, et seq. requires all business owners, owners of rental units, and owners of a multi-family home of four or fewer units, one of which is owner occupied, to maintain certain levels of liability insurance. That law further requires municipalities to establish a registry of all such individuals and entities and to annually collect proof of compliance with the provisions of the law. The purpose of this Chapter is to implement the requirements of the law within the Borough of Montvale.

§5-2 Insurance required.

Except as provided in Section 5-2B herein, business owners and owners of rental units located in the Borough of Montvale must maintain liability insurance for negligent acts and omissions in an

amount not less than \$500,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

Owners of multi-family dwellings with four or fewer units, one of which is owner-occupied, must maintain liability insurance for negligent acts and omissions in an amount not less than \$300,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

§5-3 Business insurance registration.

Owners of businesses or rental units subject to the minimum liability insurance requirements set forth in this Chapter must annually register with the Borough of Montvale and provide a compliant certificate of insurance issued by the owner's insurance company. To complete the annual registration, the owner must file with the Municipal Clerk a completed registration, along with a copy of the required insurance certificate and an administrative fee of \$50. The registration shall be in such form and shall include such information as is required by the Municipal Clerk. Annual registrations shall be due by January 31 of each calendar year, or within 30 days of registering the business or obtaining ownership of the rental units.

§5-4 Certification of registration.

Upon satisfaction of the registration requirements in Section 5-3 hereof, the Municipal Clerk shall

issue a certificate of registration to the owner in a form approved by the Municipal Clerk. This certificate of registration shall act as proof of compliance with this Chapter. A certificate of registration shall be valid for the calendar year in which it is issued.

§5-5 Penalties.

If an owner fails to maintain the required level of insurance, or fails to file an annual registration, the owner shall be subject to penalties of \$500 for a first offense, \$1,000 for a second offence, and \$2,000 for a third or subsequent offense. This penalty may be collected through a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-110, et seq. Each year that an owner fails to register or fails to maintain adequate insurance shall be deemed a separate offense.

Section 2. 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 3. Effective date.

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

Section 4. 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.

A motion Introduced for second reading **Ordinance No. 2022-1527** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

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

NO PUBLIC COMMENT

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote

MINUTES:

November 10, 2022

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

CLOSED/EXECUTIVE MINUTES:

November 10, 2022

A motion to accept the closed session minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

RESOLUTIONS: (CONSENT AGENDA*)

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

171-2022 Refund Tax Overpayment / Block 2509; Lot 32 / 16 Arthur Court

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for

Block 2509; Lot 32, 16 Arthur Court; and

WHEREAS, an erroneous payment was made by the homeowner resulting in an overpayment in the amount \$41.64; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund Sherry Silk, 238 Tampa Ave W., Apt 217, Venice, FL 34285 in the amount of \$41.64.

172-2022 Authorize Purchase NJ State Contract / Borough Administration And Pascack Joint Court Equipment / Dell Technologies

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

WHEREAS, the Borough of Montvale hereby approves the following computer purchases; and

WHEREAS, the Borough of Montvale will exceed the bid threshold with this purchase from this vendor based on prior purchases from the Dell Technologies; and

NOW THEREFORE BE IT RESOLVED, the details of the purchase from Dell Technologies Quote No. 3000137157671.1 / State Contract #19-TELE-00656 amount \$1,390.64 is attached to the original of this resolution for Pascack Joint Court; and

NOW BE IT FURTHER RESOLVED, the details of the purchase from Dell Technologies Quote No. 3000136866398.1 / State Contract #19-TELE-00656 amount \$1,305.34 is attached to the original of this resolution for Administration.

173-2022 Transfer of Appropriations

WHEREAS, certain transfer of funds for various 2022 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 2022 budget appropriations as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
General Appropriations		
Operations - Within "CAPS"		
Construction Official:		
Other Expenses	\$2,000.00	
Electrical Subcode Official:		
Salaries and Wages		\$2,000.00
Stormwater Management:		
Other Expenses	20,000.00	
Electricity		20,000.00
	<u>\$22,000.00</u>	<u>\$22,000.00</u>
	=====	=====

174-2022 Authorization to Submit a Grant Application to the BMED Gateway Fund to Participate in the Fund's Health & Wellness Program for the year 2023

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Borough of Montvale authorizes the submission of a grant application to the BMED Gateway Fund to enable their participation in the Fund's Health and Wellness Program for the 2023 calendar year.

175-2022 Authorization of Stipend for Coordinator and Incentives for Participation in BMED Fund Health & Wellness Program for the year 2022

WHEREAS, the Borough of Montvale has participated in the BMED Fund Health & Wellness Program for the year 2022; and

WHEREAS, the coordinator shall receive a stipend not to exceed \$500.00; and

WHEREAS, eligible employees that participated and met all requirements shall receive not to exceed \$300; and

NOW THEREFORE BE IT RESOLVED that the Borough of Montvale authorizes the Treasurer to remit payment accordingly.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - a roll call was taken - all ayes

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Roche - all ayes

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

There are some concerns from the senior club about the bocce ball courts stating that they are too soft; Andy suggested to add playground sand; it would have to be monitored to see if the sand worked; a motion by Councilmember Lane; seconded by Councilmember Roche to order 40 bags of sand – all ayes

MAL has the desire to add a batting cage at LaTrenta field, Andy suggested the location can be near the third base line; the approximate cost would be \$30,000 - \$60,000

The t-ball field will be completed before Spring; the pee-wee field has some pooling of water issues around the pitchers mound, it needs to be raked after every use.

A portable bathroom trailer requires water and electric hook up; will speak to the school

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

Councilmember Cudequest asked for a follow up to not having the flu clinic next year; Mr. Voytus stated that the borough has no obligation to have a flu clinic

UNFINISHED BUSINESS:

Update – Municipal Parking Lot

Councilmembers agreed to sell the parking lot – a motion to have borough attorney set up the auction process for the selling of the lot by Councilmember Koelling; seconded by Councilmember Arendacs – all ayes

NEW BUSINESS:

- a. Determination of Date/Time Re-Organization Meeting/January 2023/Suggestion Sun. 1/1/23 @ 6:00/7:00 p.m./Mon. 1/2/23 @ 7:30 p.m.

Councilmembers agreed to have the re-organization meeting on January 1 at 12:00

- b. Request Memorial Bench/Huff Park/Lamendola

Councilmembers all approved

Councilmember Arendacs asked if the Police Commissioner can add to the monthly report any complaints received at dispatch

The municipal clerk asked councilmembers if they would like to have budget meetings on Zoom – councilmembers agreed to have the budget meetings on Zoom and will be scheduled for Mondays at 6pm

Councilmember Roche mentioned it was brought to his attention regarding feeding wildlife on private property – Councilmember Cudequest will bring it to the Board of Health

COMMUNICATION CORRESPONDENCE:

No

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 Roche – all ayes

NO PUBLIC COMMENT

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

ADJOURNMENT:

Motion to adjourn by Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang – all ayes

Meeting adjourned at 8:44pm

BOROUGH OF MONTVALE

NOVEMBER 29, 2022

The next Regular Meeting of the Mayor & Council will be held on December 13, 2022

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk