REORGANIZATION & REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 2, 2024 at 7:30PM Municipal Complex, 12 DePiero Drive in Council Chambers

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

PLEDGE OF ALLEGIANCE OPEN PUBLIC MEETINGS STATEMENT ROLL CALL:

OATHS OF OFFICE:

ALL APPOINTMENTS MADE BY MAYOR GHASSALI ON 1/1/2024

1)	Class III – 1 Year Dieter Koelling, Councilmember	1/1/2024-12/31/2024
2)	Class II-1 Year Chris Gruber	1/1/2024-12/31/2024
3)	Class IV-1 Year Joseph Puglisi, 2 nd Alternate	1/1/2024-12/31/2024
4)	Class IV-4 Year William Lintner	1/1/2024-12/31/2027
5)	Class IV-4 Year Frank Stefanelli	1/1/2024-12/31/2027
5)	Class 1-Mayor's Designee-1 Year John Ryan	1/01/2024-12/31/2024
6)	Class IV-3Year-Environmental Commission Sherwin Tsai, 1st Alternate	1/01/2024-12/31/2026

REAPPOINTMENT OF R. LORRAINE HUTTER, BOARD SECRETARY FOR 2024

NOMINATION OF BOARD CHAIRMAN

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

NOMINATION OF BOARD VICE-CHAIRMAN

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

RESOLUTION TO APPOINT ANDREW R. HIPOLIT, PE, PP., CME OF COLLIERS ENGINEERING & DESIGN PA, AS PROFESSIONAL ENGINEERING CONSULTANT FOR 2024.

RESOLUTION TO APPOINT ROBERT T. REGAN, ESQ., TO CONTINUE AS PLANNING BOARD ATTORNEY FOR 2024

RESOLUTION TO APPOINT DARLENE GREEN, COLLIERS ENGINEERING & DESIGN, AS THE PROFESSIONAL PLANNER TO THE PLANNING BOARD FOR 2024

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

RESOLUTION TO APPROVE THE PLANNING BOARD BY-LAWS.

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

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

CHAIRMAN'S APPOINTMENT OF LIAISON TO ENVIRONMENTAL COMMISSION.

INTRODUCED BY:	
SECONDED BY:	
	GH OF MONTVALE ANNING BOARD
RESOLUTION APPOINTI	NG PLANNING BOARD SECRETARY
•	of the Borough of Montvale that R. Lorraine Hutter be Planning Board/Land Use Administrator for the calendar
BE IT FURTHER RESOLVED that said com Mayor and Council of the Borough of Monty	npensation for said position shall be established by the vale.
DATE:	
	Planning Board Borough of Montvale
	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Tuesday, January 2, 2024.	
	Attest:
	R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:
SECONDED BY:
BOROUGH OF MONTVALE PLANNING BOARD
RESOLUTION APPROVING PLANNING BOARD BY-LAWS
BE IT RESOLVED, by the Planning Board of the Borough of Montvale, N.J., that the By-Law of the Board be approved annually and incorporated into the permanent records of the Planning Board minutes.
DATE:
Planning Board
Borough of Montvale
John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting on Tuesday, January 2, 2024.
Attest:

R. Lorraine Hutter, Land Use Administrator

SECONDED BY:

BOROUGH OF MONTVALE PLANNING BOARD

AWARDING PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES GENERAL – 2024

WHEREAS, the Borough of Montvale, Planning Board requires professional legal services of a general nature for the period January 1, 2024 through December 31, 2024; and

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

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

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

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

- 1) For the annual sum of \$20,000 legal services shall be rendered for attendance at meetings of the Planning Board, essentially advice and consultation services regarding municipal matters to the appointed officials and staff of the Planning Board, said retainer to be paid quarterly during 2024.
- 2) For all required legal services which are not included in the above i.e. preparation of resolutions for applications, review of applications, the charge of an hourly rate of \$195.00, to be paid monthly, as billed.
- For all required legal services provided to the Borough on any litigation, the charge of an hourly rate of \$195.00, to be paid monthly, as billed.
- 4) Reasonable costs for reimbursable as billed shall be paid by the Borough.

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available in the 2024 Budget for the retainer and litigated matters and funds for preparation of resolutions for applications, review of applications and preparation of Developer's Agreements shall be paid by the applicant/developer from escrow funds, same as appended to the original of this resolution; and

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

WHEREAS, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

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

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

- 1) That a contract for professional legal services be awarded to Robert T. Regan, Esq. for the period January 1, 2024 through December 31, 2024.
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.

- The fees to be paid for such services are based upon rates as specified. The cost of the retainer portion of the contract for annual services is not to exceed \$15,000 unless an amendment revising that figure is approved by the Planning Board and funded by the Mayor and Council. In addition to said retainer, the Attorney shall be compensated at the rate of One Hundred and Seventy Five (\$175.00) Dollars per hour for any litigation, plus disbursements incident thereto. The amount of the contract for all other legal services provided on an as needed basis in connection with review of developer's applications, preparation of memorializing resolutions, preparation of developer's agreements, correspondence and related matters, the attorney shall be compensated at the rate of One Hundred and Seventy Five (\$175.00) Dollars per hour.
- 4) The line item appropriation or ordinance to be charged is Planning Board Other Expense 2024 Budget and the appropriate Escrow Fund depending upon the development or application.
- As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (a) General Liability; Certificate naming the Borough of Montvale required.
 - (b) Worker's Compensation: Statutory requirements to be met. Certificate required.
 - (c) Auto Liability; Certificate required.
 - (d) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1, et seq.

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

DATE:	
	Planning Board Borough of Montvale
	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolution adopted by Reorganization Meeting on Tuesday, January 2, 202	the Planning Board of the Borough of Montvale at its 4.
	Attest:
	R. Lorraine Hutter, Land Use Administrator

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Matt Cavallo, Chief Financial Officer of the Borough of Montvale, have ascertained, that funds are available in the 2024 Temporary Municipal Budget and subject to adequate appropriation in the 2024 Municipal Budget as finally adopted, to award a contract for professional legal services – Planning Board, to Robert Regan, Esq., Westwood, N.J. Funds for certification are therefore being made available and certified against the appropriation for Planning Board – Other Expenses.

Account Number:	0-01-21-720-028
Resolution Number:	Planning Board
Dated:	Chief Financial Officer

SECONDED BY:

BOROUGH OF MONTVALE PLANNING BOARD PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES – 2024

WHEREAS, the Borough of Montvale Planning Board has deemed it necessary to engage the professional services of an Engineer for the year 2024

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

WHEREAS, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

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

WHEREAS, the Planning Board has determined to appoint Andrew R. Hipolit, P.E., P.P., C.M.E., Principal of Colliers Engineering & Design, PA, 200 Valley Road, Suite 306, Mount Arlington, NJ 07856 as Engineer for the Planning Board for the year 2024.

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

- 1) That the contract for professional general engineering services be awarded to Andrew R. Hipolit, P.E., C.M. E., Principal of Colliers Engineering & Design, PA
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
- The line item appropriation or ordinance to be charged shall be the Escrow Fund as services for review of applications as paid for by the developer or applicant, or in the case where there is no developer or applicant, the Other Expense Portion of the 2024 Planning Board Budget.
- As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- The rates for said work are as outlined in the appropriate ordinance or agreement made with Mayor and Council of the Borough of Montvale in its award of the annual contract for services of Colliers Engineering & Design PA as the Planning Board Engineer for the borough of Montvale.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (a) General Liability; Certificate naming the Borough of Montvale required.
 - (b) Worker's Compensation: Statutory requirements to be met. Certificate required.
 - (c) Auto Liability; Certificate required.
 - (d) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1 at seq.

BE IT FURTHER RESOLVED that a copy of this resolution be published in The Ridgewood News, be on file, available

for public inspection, in the office of the Land Use Administrator to the Planning Board, Borough Hall, 12 DePiero Drive, Montvale, NJ 07645.

DATE:	
	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolution adopted on Tuesday, Januar	y 2, 2024
Attest:	
R. Lorraine Hutter, Land U	Jse Administrator

SECONDED BY:

BOROUGH OF MONTVALE PLANNING BOARD PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL PLANNING SERVICES - 2024

WHEREAS, the Borough of Montvale Planning Board has deemed it necessary to engage the professional services of a Planner for the year 2024 January 1 through December 31, to provide for contractual planning services for application review; and

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

WHEREAS, section N.J.S.A. 19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

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

WHEREAS, the Planning Board has determined to appoint Darlene Green, of Colliers Engineering & Design, PA, 53 Frontage Road Suite 110, Hampton, NJ 08827 as Planner for the Planning Board for the year 2018.

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

- 1) That the contract for professional general planning services be awarded to Colliers Engineering & Design, PA.,
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonably capable of being reduced to specification.
- 3) The line-item appropriation or ordinance to be charged shall be the Escrow Fund as services for review of applications as paid for by the developer or applicant, or in the case where there is no developer or applicant, the Other Expense Portion of the 2024 Planning Board Budget.
- 4) As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c.127, which is attached to this resolution as Exhibit A.
- 5) The rates for said work are as outlined in the appropriate ordinance or agreement made with Mayor and Council of the Borough of Montvale in its award of the annual contract for services of Maser Consulting, PA, as the Planning Board Planner for the Borough of Montvale.
- 6) The Professional shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (e) General Liability; Certificate naming the Borough of Montvale required.
 - (f) Worker's Compensation: Statutory requirements to be met. Certificate required.
 - (g) Auto Liability; Certificate required.
 - (h) Professional Errors and Omissions.
- 7) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1 at seq.

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

DATE:	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolution Tuesday, January 2, 2024.	adopted by the Planning Board of the Borough of Montvale at its Reorganization Meeting or
Attest :	R. Lorraine Hutter, Land Use Administrator

INTRODUCED BY:	
SECONDED BY: INTRODUCED BY:	
SECONDED BY:	
	BOROUGH OF MONTVALE PLANNING BOARD
RESOLUTION APPR	OVING THE PLANNING BOARD MEETING SCHEDULE
	ard of the Borough of Montvale, that the combined executive sessions and regular for the year 2024 be held on the first and third Tuesday of every month at 7:30 forth in the attached meeting notice; and,
BE IT FURTHER RESOLVED, that the Building and send a copy to the official n	e Secretary of the Planning Board post a schedule of meetings in the Municipal sewspaper of the Borough of Montvale.
DATE:	
	Planning Board Borough of Montvale
	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolutio Reorganization Meeting on Tuesday, Jan	on adopted by the Planning Board of the Borough of Montvale at its nuary 2, 2024
	Attest:
	R. Lorraine Hutter, Land Use Administrator

MONTVALE PLANNING BOARD

SECONDED BY:

2024 ANNNUAL SCHEDULE OF MEETINGS

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

Tuesday, January 2-Reorganizational and Regular Meeting

Tuesday, January 16

Tuesday, February 6

Tuesday, February 20

Tuesday, March 5

Tuesday, March 19

Tuesday, April 2

Tuesday, April 16

Tuesday, May 7

Tuesday, May 21

Tuesday, June 4

Tuesday, June 18

Tuesday, July 2

Tuesday, July 16

Tuesday, August 6

Tuesday, August 20

Tuesday, September 3

Tucsuay, coptember o

Tuesday, September 17

Tuesday, October 1

Tuesday, October 150

Tuesday, November 5-Election Day -cancelled

Monday, November 19

Tuesday, December 3

Tuesday, December 17

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

INTRODUCED BYBY:	
SECONBEBBY:	
ВО	ROUGH OF MONTVALE PLANNING BOARD
	ning Board of the Borough of Montvale, N.J., that the following e official newspapers for advertising for the year 2024:
The Bergen Record - Ha	ckensack, N.J.
The Ridgewood News –	Ridgewood, N.J.
DATE:	
	Planning Board
	Borough of Montvale
	John DePinto, Planning Board Chairman
Certified to be a true copy of a Resolut Montvale at its Reorganization Meeting	ion adopted by the Planning Board of the Borough of g on Tuesday, January 2, 2024.
	Attest:
	R. Lorraine Hutter, Land Use Administrator

SECONDED BY:

EXHIBIT A

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

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

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

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

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

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

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

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

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

SECONDED BY:

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

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

SECONDED BY:

REGULAR MEETING OF THE MONTVALE PLANNING BOARD

Tuesday, January 2, 2024

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

ROLL CALL:

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

ZONING REPORT:

ENVIRONMENTAL COMMISSION LIAISON REPORT:

SITE PLAN COMMITTEE REPORT:

MASTER PLAN COMMITTEE REPORT:

CORRESPONDENCE:

APPROVAL OF MINUTES: November 19, 2023

DISCUSSION:

USE PERMITS:

PUBLIC HEARINGS (NEW):

 Block 1903, Lots 2,3,4, and 5-Estate of Elaine DePiero-Application for Minor Site Plan Review and Variance Application
 Craig Road

PUBLIC HEARINGS (CONT):

RESOLUTIONS:

- 1. Pay to Play-
- 2. Proposal for Professional Planning Services OR Zones Permitted Use & Bulk Standards Analysis Proposal No.: MPP-0226P
- 3. Block 2802 Lot 2- RESOLUTION GRANTING A USE VARIANCE, WAIVER, AND A USE PERMIT TO NAVA HEALTH MD, INC. FOR PREMISES DESIGNATED AS BLOCK 2802, LOT 2 (COO1A)
- 4. Block 2702, Lot 1.01 C3002-Sweetgreen Sign Variance-Resolution Granting a Use Variance, Waiver, and an Additional Sign

Other Business Open Meeting to the Public Adjournment Next Regular Scheduled Meeting: January 16, 2024 AT 7:30PM