



Borough of Montvale

12 DePiero Drive
Montvale, NJ 07645
(201) 391-5700 ext. 242
www.montvale.org

Planning Department

Zoning Variance Application

R. Lorraine Hutter, *Šæ åÁV^ÁŒ{ ã ã dæŒ !*

All Zoning applicants must obtain a letter of DENIAL from the Construction Department (Ext. 222 or 223) prior to completing the application and submission for consideration and scheduling by the Land Use Administrator.

INSTRUCTIONS

1. The following must be submitted with application fee prior to placement on a specific agenda date:
 - a. One (1) original set and seventeen(17) copy sets of pages 2, 3, 4, 5, 7 or 8, and J, and Letter of Denial from Construction Department.
 - b. Seventeen (17) copies of the plans (i.e.diagram/survey/architectural rendering/building plan) showing dimensions of existing and proposed structures (including alterations) and distances to lot lines.
 - c. Corporate Applicants are to include seventeen (17) copies of a diagram of properties within 200 feet of subject property are to be submitted. (**Plans must be folded.**)
2.
 - a. A **certified list of property owners** within 200 feet of a subject site in the Borough of Montvale must be obtained from the Land Use Administrator by written request, with a non-refundable \$10.00 fee for each block and lot, check payable to "Borough of Montvale".
 - b. NJ State Statute **requires** that the **Notice of Public Hearing** (page 9) must be served upon all property owners (in person or by certified mail) within 200 feet of the applicant's property, including those in neighboring municipalities, if applicable, at least 10 days prior to the hearing.
If **Notice of Public Hearing** is served in person, you must obtain a signature and date from each property owner.
 - c. **Notice of Public Hearing** must appear in **THE BERGEN RECORD** or **THE RIDGEWOOD NEWS** at least 10 days prior to the hearing. (see page 9)
 - d. Applicants must confirm meeting date with the Secretary prior to service upon neighboring property owners and publication of **Notice of Public Hearing**.
3. One (1) copy each of the following are to be submitted to the Land Use Administrator one week prior to the scheduled meeting: Pages 6 & 9, the original U.S. Post Office dated certified mail receipts, and original notarized Affidavit of Publication obtained from the newspaper. The *Šæ åÁV^ÁŒ{ ã ã dæŒ !* will review for accuracy and place in the applicant's file.
If these items are not submitted, the application will be withdrawn from the agenda.
4. An applicant may appear pro se or may be represented by an attorney. An attorney must represent all corporate applications and no broker, architect, planner, builder, engineer or other non-attorney may represent any applicant, although such persons may be called as witnesses on behalf of applicants.
5. All property taxes must be current in order to be scheduled to be heard.

**Borough of Montvale
Planning Board**

Zoning Variance Application

Date: _____

Application is hereby made for variance from the zoning ordinance. If additional relief is sought; e.g. subdivision, site plan approval, appeal from administrative office, provide appropriate details.

1. Applicant's name, address, phone number and email address:

2. Is the above listed applicant:

- ☐ an individual
- ☐ a partnership
- ☐ a corporation
- ☐ or other _____

3. If partnership or corporation, state the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership, as the case may be:

4. If applicant is represented by a NJ Attorney, state the Attorney's name, firm address, phone number and email address:

5. To whom should correspondence and notices be sent?

6. Montvale Tax Assessment Map description of land involved:

Block(s): _____ Lot(s): _____

P.O. Street Address: _____

Nearest Cross Streets: _____

Zone District: _____

Size of Tract: front _____ rear _____ sides _____

7. If applicant is not the record owner of the land described in number 6 above, state applicant's legal interest:

☐ Contract purchaser

☐ Contract tenant

☐ Attorney for record owner

☐ Other: Describe: _____

8. Give size of proposed building or addition:

☐ House _____

☐ Garage _____

☐ Room _____

☐ Other: Describe: _____

Height of building _____ No. of Stories _____

Type of Construction ☐ Frame ☐ Brick ☐ Other _____

9. Purpose of application: (Give a detailed description of the use of the property, present and proposed:

10. Check and give full description of variance(s) requested

(residents see 'Letter of Denial' from Construction Department):

☐ Width ☐ Depth ☐ Area ☐ Front Yard ☐ Rear Yard

☐ Side Yards ☐ Accessory Building ☐ Height of Structure

☐ Use (specify below) ☐ Other (specify below)

11. With respect to each variance requested, set forth in detail the requirement(s) of the zoning ordinance and the extent to which the proposed structure or use fails to comply therewith.

12. To your knowledge, has any previous application involving the subject premises been taken to the Board of Adjustment or the Planning Board?

☐ Yes ☐ No

If yes: (a) by whom filed _____ (b) date filed _____

(c) nature of application _____

(d) result _____

Sworn and subscribed to _____ I
Before me this _____ day _____ I
of _____ 20____ I

Signature(s) of Applicant(s)

Notary Public of New Jersey

Date: _____

I, _____ Tax Collector of the Borough of
Montvale, hereby certify that the property taxes on the property known as
Block(s) _____, Lot(s) _____, as shown on the Borough Tax
Assessment Maps, have been paid through the _____ quarter and that the
taxes on the aforementioned property are not past due nor are there any
penalties, assessments, or interest due or outstanding as of this date.

Signature of Tax Collector

AFFIDAVIT OF SERVICE

Property Address _____

STATE OF NEW JERSEY) ss:
COUNTY OF BERGEN)

_____, being duly sworn according to law, upon his/her oath deposes and says:

1. I served notice of the time and place appointed for the hearing of the above application upon all property owners within 200 feet of the subject property by mailing same to them at their address as shown on the current tax duplicate by certified mail, postage prepaid, at the United State Post Office, _____ N.J., and/or by serving said notice upon them personally. A copy of said notice is attached hereto.
2. Said notice was served by certified mail upon the attached list of property owners on the dates indicated thereon.
3. Said notice was served personally upon the attached list of property owners on the dates indicated thereon.
4. In addition, service of said notice was made on _____(date) by certified mail/personally (strike one) upon the Borough Clerk of _____ and upon the Secretary of the Bergen County Planning Board.
(note: Complete this paragraph only where applicable.)

Sworn and subscribed to _____)
Before me on this _____ day)
Of _____, 20 ____)

A Notary Public of the State of New Jersey

* Residents seeking a Plain Variance need not complete Item #4.

OWNER'S AFFIDAVIT/AUTHORIZATION - INDIVIDUAL

STATE OF NEW JERSEY) ss:
COUNTY OF BERGEN)

_____, of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I (we) am (are) the owner(s) of premises in the Borough of Montvale known as _____ and also known as Block _____ Lot _____ on the current official tax map.

2. Complete below if application is to be made by other than owner(s):

My (our) ☐ contract purchaser ☐ attorney ☐ tenant, is hereby authorized and empowered to make application to the Planning Board of the Borough of Montvale on my (our) behalf, and I (we) agree to be bound by the decision of the Board, including all terms and conditions made a part hereof.

Sworn and subscribed to)
Before me on this _____ day)
Of _____, 20____)

A Notary Public of the State of New Jersey

OWNER'S AFFIDAVIT/AUTHORIZATION - CORPORATE

STATE OF NEW JERSEY) ss:
COUNTY OF BERGEN)

_____, of full age, being duly sworn according to law, upon his/her oath deposes and says:

1. I am (office) _____ of _____
a corporation of the State of _____
with its principal office at _____.
2. I am, by virtue of my office, authorized to bid said corporation to the representations and agreements contained in this affidavit.
3. Said corporation is the owner of premises in the Borough of Montvale known as _____ also known as
Block _____ Lot(s) _____ on the current official tax map.
4. Said corporation has authorized _____ as
☐ contract purchaser ☐ attorney ☐ tenant to make the foregoing application to the
Planning Board of the Borough of Montvale and has agreed to be bound by the decision of the
Board including all terms and conditions made a part thereof.
5. Said corporation has not authorized any other person to make such application on its behalf.

Sworn and subscribed to)
Before me on this ____ day)
Of _____, 20____)

A Notary Public of the State of New Jersey

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that an application has been made by

_____ for a variance from the requirements of the
zoning ordinance to the Montvale Planning Board as to property known as Block _____,
Lot(s) _____ on the current official tax assessment map of the Borough of Montvale, also known as

(street address)

The purpose of the application is to _____

(Set forth specific relief requested; for example "to erect an open deck at the rear of the applicant's residence, thereby reducing the 30 foot required rear yard to 18 feet.)

TAKE FURTHER NOTICE that a public hearing has been ordered for Tuesday

_____, 20____ at 7:30pm before the Planning Board of the Borough of
Montvale, at the Municipal Building, 12 DePiero Drive, Montvale, NJ. When this case is called, you
may appear either in person or by attorney and present any opinion, which you may have with
regard to the granting of the application.

The complete application is on file and is available for your inspection at the office of the Land Use
Administrator at the Montvale Municipal Building on any business day between 8:30am to 4:30pm

Applicant's Name _____

Street Address _____

Municipality & Zip Code _____

Date of this Notice _____

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	<input type="checkbox"/> Exempt from backup withholding
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN).
However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
			+		+			
or								
Employer identification number								
	+							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
2. I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign
Here

Signature of
U.S. person ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Foreign person. If you are a foreign person, use the appropriate Form W-8 (see **Pub. 515**, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a **nonresident alien or a foreign entity** not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments (29% **after** December 31, 2003; 28% **after** December 31, 2005). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will **not** be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate **Instructions for the Requester of Form W-9**.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note: *You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).*

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note: *If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.*

Exempt payees. Backup withholding is **not required** on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2);
2. The United States or any of its agencies or instrumentalities;
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities;
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities; or
5. An international organization or any of its agencies or instrumentalities.

Other payees that **may be exempt** from backup withholding include:

6. A corporation;
7. A foreign central bank of issue;
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States;

9. A futures commission merchant registered with the Commodity Futures Trading Commission;
10. A real estate investment trust;
11. An entity registered at all times during the tax year under the Investment Company Act of 1940;
12. A common trust fund operated by a bank under section 584(a);
13. A financial institution;
14. A middleman known in the investment community as a nominee or custodian; or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, **1** through **15**.

If the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13 . Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt recipients 1 through 7 ²

¹ See **Form 1099-MISC**, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are **not exempt** from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a Federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner **LLC** that is disregarded as an entity separate from its owner (see **Limited liability company (LLC)** on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note: See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office or get this form on-line at www.ssa.gov/online/ss5.html. You may also get this form by calling 1-800-772-1213. Use **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS Web Site at www.irs.gov.

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 3, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see **Exempt from backup withholding** on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA or Archer MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or single-owner LLC	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ **You must show your individual name**, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: *If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.*

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or Archer MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, or to Federal and state agencies to enforce Federal nontax criminal laws and to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 30% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



ESCROW AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20____, between _____ hereinafter referred to as “Applicant”, and the Planning Board of the Borough of Montvale, hereinafter referred to as “Board”, and the Council of the Borough of Montvale, hereinafter referred to as “Borough”.

WHEREAS, the Applicant is proceeding under the Zoning Ordinance/Land Development Ordinance for approval of a _____; and

WHEREAS, the Ordinance requires the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid for by the Applicant as required under the provisions of the Ordinance cited above; and

WHEREAS, both parties feel that it is appropriate to reduce this understanding to written form.

WITNESSETH: IT IS mutually agreed between the parties that:

Section 1. Purposes

The Board authorizes its professional staff to review, inspect, report and study all plans, documents, statements, improvements, and provisions made by the Applicant in conforming to the requirements of the Ordinance cited and referred to above. The Board directs its professional staff to make all oral and/or written reports to the Board of its conclusions and findings derived from the review, study, and investigation and like or similar duties performed as elsewhere authorized. The Applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of the duties outlined above.

Section 2. Escrow Established

Applicant, Borough, in accordance with the provisions of this agreement, hereby create an escrow to be established with the Treasurer of the Borough of Montvale and to be maintained in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits.

Section 3. Escrow Funded

Applicant by execution of this agreement shall pay to the Borough, to be deposited in the depository referred to in Section 2, such sums as are required by the Zoning Ordinance/Land Development Ordinance. The applicant shall be notified by the Borough in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. Execution of this agreement by the Borough acknowledges receipt of the sums referred to under this paragraph.

Section 4. *Increase in Escrow Fund*

If during the existence of this agreement the funds held by the Borough shall be insufficient to cover any voucher or bills submitted by the professional staff and reviewed and approved by the Board, Applicant shall within fourteen (14) days from the date of receipt of written notice deposit additional sums with the Borough to cover the amount of the deficit referred to above. During this period the professional staff shall cease all review activities. The written notice shall be sent by the Treasurer setting forth the amount of the deficit and the member or members of the professional staff to whom the additional sums are due. Unless otherwise shown, receipt shall be presumed to have occurred within three (3) days after mailing.

Section 5. *Submission of Vouchers by Professional Staff*

The professionals referred to in this agreement, upon the completion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Borough for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the total of all fees and costs incurred as a result of the services set forth under Section 1 of this agreement and shall contain a brief description of the services including the Block and Lot, and name of application, which have been rendered by the professional concerning the applicant's application.

Section 6. *Board Review*

The Treasurer shall review all vouchers to determine whether they have been submitted in the appropriate form. If the Treasurer determines that the vouchers are in the appropriate form then the vouchers shall be submitted to the Land Use Administrator for review to determine whether the services have been performed in the manner and to a degree required by this agreement. The Treasurer shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Borough. Following the determination by the board that services have been performed properly, the Treasurer shall mail a copy of each approved voucher to the Applicant. At the conclusion of this processing the amounts specified in said vouchers shall be deducted by the Borough from the escrow established pursuant to the agreement.

Section 7. *Applicant's Objection*

It is expressly agreed by the Applicant that the right to object to the payment of any voucher is hereby expressly waived unless written notice is received by the Land Use Administrator by certified mail no later than three (3) days prior to the next regularly scheduled Board meeting following the meeting in which the contested voucher of vouchers had been approved. The writing notice shall have accompanying it a copy of each voucher being objected to. The standard of review to be utilized by the Land Use Administrator and Planning Board Chairman in determining whether the payment of any voucher is proper is whether the fees incurred are reasonable and whether the work has been performed properly. It is furthermore understood that the Applicant shall have the right to make periodic inspections of the records maintained by the Borough during normal office hours to determine the status of the escrow account.

Section 8. *Interest Allocations*

Except as otherwise set forth hereinafter all interest earned on money deposited pursuant to this agreement which shall be held in escrow shall become the property of the Borough as compensation for administrative services rendered in connection with this agreement. An Applicant shall be entitled to payment of interest whenever the Applicant shall have deposited an amount of money in excess of \$5,000.00 and the amount of interest paid on that money shall exceed \$100.00 for the year. If the amount of interest exceeds \$100.00, that entire amount shall belong to the Applicant and shall be refunded by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be, i.e., for professional services rendered to review applications for development, for municipal inspection fees pursuant to N.J.S.A. 40:55D-53 or to satisfy the guarantee requirements of 40:55D-53.a., however at that time the Borough shall deduct 33 1/3% of the interest for administrative and custodial expenses incurred by the Borough in fulfilling its obligations pursuant to this agreement.

Section 9. *Refund*

In the event that the escrow sums posted are more than those required, or in the event that the Applicant shall abandon the application, excess funds shall be returned to the Applicant within ONE HUNDRED AND TWENTY(120) days of the issuance of the final certificate of occupancy for the project which is the subject of the application or receipt of written notice of the abandonment of the application. Prior to the issuance of the final certificate of occupancy for any project for which Board approval has been received or upon receipt of written notice of abandonment of an application, the Treasurer shall determine from the professional staff whether there are any additional sums required to be paid from the escrow fund. In the event that there are, monies will be held by the Treasurer until notice is received by the professionals, Environmental Commission, Land Use Administrator and Construction Code Official that work has been completed.

Section 10. *Failure to Maintain Escrow Fund*

In the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 then the Board shall cease further consideration of the application or of any other then pending application of the Applicant until the additional sum is given to the Treasurer for deposit into the escrow fund. The Applicant hereby expressly consents to a continuance of the statutorily mandated period for completion of Board review pursuant to the Municipal Land Use Law for a period of forty-five (45) days from the date of the notice from the Land Use Administrator and hereby expressly consents to an automatic rejection of Applicant's application without prejudice and without any further action by the Board if within said period the additional sum has not been given to the Treasurer.

Furthermore, in the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 and Board review of the application has been completed, the Applicant is hereby placed on notice that the Borough

will not cause certificates of occupancy to be issued and may take such further action including, but not limited to, refusing to perform any and all further inspection, issuance of stop work orders and other relief as may be necessary, including a lien on the subject property.

Section 11. Performance Escrow – Inspections

The provisions of this agreement shall apply to the performance escrow for inspection to be paid to the Borough. The performance escrow shall be posted prior to construction of an onsite, offsite, on-tract or off-tract improvement. The amount of the escrow shall be 10% of the cost of improvements as calculated by the Board’s Engineer.

The Applicant hereby agrees that the Board Engineer will be notified in writing forty-eight (48) hours prior to the start of any construction. Failure of the Applicant to provide such notice may result in additional inspection costs.

Section 12. Addresses to which Notices are to be Sent

All notices required by this agreement in writing shall be sent to the following addresses:

Borough of Montvale
Treasurer and Land Use
Administrator
12 DePiero Drive
Montvale, NJ 07645
201-391-5700

Address of Applicant:

<hr/>		
NAME		
<hr/>		
ADDRESS		
<hr/>		
MUNICIPALITY	STATE	ZIP CODE
<hr/>		
TELEPHONE NUMBER		

above.