MINUTES

Combined Meeting of the Mayor and Council

Tuesday, November 10, 2020

7:00 PM

CONFERENCE CALL PHONE NUMBER 1-646-307-1479, GUEST PASSCODE 476570

CALL THE MEETING TO ORDER

Mayor Marana called the meeting to order at 7:00 PM via telephone conference call.

STATEMENT

Mayor Marana read the "Sunshine Statement" into the record as follows:

"This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official Newspapers of the Borough, filed with the Acting Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings."

SALUTE TO THE FLAG AND SILENT PRAYER

Mayor Marana asked all to join in a Salute to the Flag. He also asked everyone for a moment of silent prayer for Tanya Berghuys a longtime resident and mother of Police Officer Corey Berghuys who passed away on November 6th.

ROLL CALL

Name	Present	Absent
Mayor Marana	\boxtimes	
Councilman Argiro	\boxtimes	
Councilman DeLisio	\boxtimes	
Councilman Devlin	\boxtimes	
Councilman McGuire	\boxtimes	
Councilman Shepard	\square	
Councilman Sotiropoulos	\square	

OTHER OFFICIALS IN ATTENDANCE

Also present: Ms. Deena Rosendahl, Borough Attorney, Ms. Marie Raffay, Borough Engineer, Ms. Frances Weston, Acting Borough Clerk

APPROVAL OF MINUTES

Combined Meeting of October 14, 2020

Motion	Second	Name
\square		Councilman Argiro
	\boxtimes	Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\boxtimes			

Closed Session Minutes of October 14, 2020

Motion	Second	Name
		Councilman Argiro
		Councilman DeLisio
\boxtimes		Councilman Devlin
	\boxtimes	Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\square			

Special Meeting Minutes of October 20, 2020

Motion	Second	Name
	\boxtimes	Councilman Argiro
\boxtimes		Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard				\boxtimes
Councilman Sotiropoulos	\square			

Special Meeting Closed Session Minutes of October 20, 2020

Motion	Second	Name
		Councilman Argiro
	\boxtimes	Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
\square		Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard				\boxtimes
Councilman Sotiropoulos	\square			

APPOINTMENTS & PERSONNEL CHANGES

AWARDS & PROCLAMATIONS

MONTHLY CORRESPONDENCE

The following reports are on file in the Borough Clerk's office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Building Department - October Fire Department Fire Prevention - October Recreation Minutes Tax Collector Grantswriter - October

CORRESPONDENCE

- Letter Florio, Kenny, Raval, LLP October 12, 2020 Re: S.C. Construction Corp/S&R Costa Realty
- Letter Donald M. Onorato, Attorney at Law October 30, 2020 Re: Paris Square Homeowners Association

RESOLUTION #2020-113

TITLE: APPROVE THE LOSAP QUALIFIERS FOR THE YEAR 2019 FOR THE FIRE DEPARTMENT AND AMBULANCE CORPS.

Motion	Second	Name
	\boxtimes	Councilman Argiro
\square		Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

WHEREAS, the Volunteer Fire Department and Ambulance Corps have notified the Borough Clerk of the LOSAP Qualifiers for the year 2019 in writing; and

WHEREAS, the Plan Administrator/Borough Clerk is satisfied that the substantiated information has been provided;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the qualifiers for LOSAP for the year 2019;

BE IT FURTHER RESOLVED that the Plan Administrator/Borough Clerk prepare the necessary paperwork and voucher in the amount of \$48,742.02.

FIRE DEPARTMENT

	NAME	AMOUNT
1.	Charles J. Amorosso	917.98
2.	Charles S. Amorosso	917.98
3.	Gregory Amorosso	917.98
4.	Jason Banzaca	31.05
5.	Ashley Bodrato	917.98
6.	Briant Bodrato	917.98
7.	Christopher Bodrato	917.98
8.	Peter Briscoe	886.93
9.	Robert Brondi	917.98
10.	Vincent Carney	917.98
11.	S. Cooke	917.98
12.	Wayne Degen	917.98
13.	Francis Devlin	917.98
14.	Brian England	917.98
15.	Frank Ferraro	917.98
16.	Dakota Firenze	917.98
17.	Scott Firenze	917.98
18.	Raymond Frosco	917.98
19.	Michael Gaggin	917.98
20.	Thomas Gannon	917.98
21.	Thomas Gaspari	917.98
22.	Edward Giannotti	917.98
23.	Edward Kammer	917.98
24.	Robert Kilpatrick	917.98

25.	Myung Kim	31.05
26.	Gerard Marsh	917.98
27.	Christopher McGuire	31.05
28.	William McGuire	917.98
29.	Devon Modery	904.49
30.	Howard Ostrow	13.49
31.	Corey Patullo	917.98
32.	Michael Pizzi	917.98
33.	Edward Rejmaniak	917.98
34.	Richard Remy	13.49
35.	C. Renner	917.98
36.	William Sillery	917.98
37.	Chris Smithson	917.98
38.	G. Smithson	917.98
39.	G. Thompson	31.05
40.	Y. Trela	13.49
41.	Anthony Ubl	917.98
42.	Edward Witkowski	917.98
43.	C. Amorosso	917.98

AMBULANCE CORPS

	NAME	AMOUNT
44.	Mary Beth Craven	917.98
45.	Abbey Fallon	917.98
46.	Theresa Frohlich	917.98
47.	Julie Haffler	917.98
48.	Zachary Hine	917.98
49.	James Ippolito	917.98
50.	Henry Kowal	917.98
51.	Thea McDaniell	917.98
52.	Samantha McKinley	917.98
53.	Kara McMorrow	917.98
54.	Kyle Rusch	917.98
55.	Peter Sotiropoulos	917.98
56.	Vincent St. Angelo	917.98
57.	Kevin Trainor Sr.	917.98
58.	Taylor Verdigi	917.98
59.	Joe Visconi	917.98
60.	John McGuire	886.93
	TOTAL	\$48,742.02

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin				\boxtimes
Councilman McGuire				\boxtimes
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos				\boxtimes

Councilmen Devlin, McGuire, and Sotiropoulos abstained. Mayor Marana voted Yes. Resolution approved by majority present.

RESOLUTIONS – Consent Agenda

"All items are considered to be non-controversial by the Council and will be approved by on motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business"

Motion	Second	Name
	\boxtimes	Councilman Argiro
\boxtimes		Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

RESOLUTION #2020-131

TITLE:APPROVE RAFFLE LICENSE #RL 215 FOR NORTHVALEVOLUNTEER FIRE ASSOCIATION

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME:	Northvale Volunteer Fire Association
ADDRESS:	204 Washington Street
LOCATION OF RAFFLE:	204 Washington Street
HOURS:	1:00 PM – 5:00 PM
DATE OF RAFFLE:	June 27, 2021
ID #:	353-9-29752
RAFFLE LICENSE #:	RL 215

BE IT FURTHER RESOLVED, that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

RESOLUTION #2020-132

TITLE: APPROVE RAFFLE LICENSE #RL 216 FOR KNIGHTS OF COLUMBUS, 50/50 RAFFLE

BE IT HEREBY RESOLVED, that the following license to conduct a 50/50 Raffle be issued to:

NAME:	Knights of Columbus
ADDRESS:	211 Summit Street, Norwood
LOCATION OF RAFFLE:	199 Walnut Street, Northvale
HOURS:	7:00 – 11:00 PM
DATE OF RAFFLE:	December 11, 2020
ID #:	355-6-42364
RAFFLE LICENSE #:	RL 216

BE IT FURTHER RESOLVED, that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Councilman McGuire abstained.

RESOLUTION #2020-133

TITLE: AUTHORIZING APPROVAL OF SETTLEMENT FOR S.C. CONSTRUCTION CORP AND S&R COSTA REALTY, 227 UNION STREET, BLOCK 602, LOT 5

WHEREAS, S.C. CONSTRUCTION CORP was the record owner of property situated at Block 602, Lot 5, with a street address of 227 Union Street located in the Borough of Northvale, New Jersey during years 2013 and 2014, and

WHEREAS, S&R COSTA REALTY, LP, a related entity, acquired the above-described property on November 25, 2014, and

WHEREAS, S.C. CONSTRUCTION CORP and S&R COSTA REALTY, LP are the Plaintiffs in legal actions against the Borough of Northvale in the Tax Court of New Jersey, specifically Docket Nos.: 001744-2013, 006105-2014, 000786-2015, 001280-2016, 004521-2017, 004726-2018, 001478-2019, 005039-2020, challenging the actions of the Borough with respect to the assessment of its property, and

WHEREAS, the parties now wish to amicably resolve the outstanding issues regarding the assessment of the property and settle the lawsuits between them pending in the Tax Court of New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Borough of Northvale, is hereby authorized to execute on behalf of the Borough of Northvale, a Stipulation of Settlement resolving the Complaints filed by:

1) S.C. CONSTRUCTION CORP, for property situated at Block 602, Lot 5, 227 Union Street, Northvale, New Jersey for tax years 2013 and 2014; and

2) S&R COSTA REALTY, LP, for property situated at Block 602, Lot 5, 227 Union Street, Northvale, New Jersey for tax years 2015 through 2020; and

Block: 602

Lot: 5

Street Address: 227 Union Street

Tax Years 2013 through 2017 (Assessment Reduced)

	<u>Original</u>	<u>County Board</u>	Requested Tax
	<u>Assessment</u>	<u>Judgment</u>	<u>Court Judgment</u>
Land	\$445,500	N/A	\$445,500
Improvements	<u>\$2,084,900</u>	N/A	<u>\$1,904,500</u>
Total	\$2,530,400	N/A	\$2,350,000

Tax Years 2018 through 2020 (Assessment Reduced)

Original	County Board	<u>Requested Tax</u>
Assessment	Judgment	Court Judgment

Land	\$445,500	N/A	\$445,500
Improvements	<u>\$2,084,900</u>	N/A	<u>\$2,004,900</u>
Total	\$2,530,400	N/A	\$2,450,400

Interest on any refund due is waived; provided the refund is made within 60 days of the date judgment is issued by the Court.

RESOLUTION #2020-134

TITLE:AUTHORIZE THE ACTING BOROUGH CLERK TO ADVERTISE FORRFQ'S FOR PROFESSIONALS FOR THE YEAR 2021

WHEREAS, the Borough of Northvale, a body corporate and politic and a political subdivision of the State of New Jersey, seeks qualifications and proposals from qualified professionals to provide essential services for the Borough's operations and functions pursuant to N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, the Borough of Northvale seeks to employ a 'Fair and Open Process' as defined in N.J.S.A. 19:44A-20.4, 20.5 <u>et seq.</u> for the purpose of soliciting qualified professionals to provide services as required by the Borough for the year 2021.

NOW, THEREFORE BE IT RESOLVED this 10th day of November 2020, that the Acting Borough Clerk is hereby authorized to take, or cause to be taken, all acts necessary to publish the Legal Notice required to solicit for professional qualifications for all professional positions required by the Borough in the usual course of business pursuant to N.J.S.A. 19:44A-20.4, 20.5 <u>et. seq</u> in a newspaper of general circulation for the Borough of Northvale, and/or on the Borough of Northvale website, <u>www.boroughofnorthvale.com</u>.

RESOLUTION #2020-135

TITLE: AUTHORIZE THE ADOPTION OF COVID-19 SAFETY POLICIES

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), Governor Murphy issued Executive Order No. 103 on March 9, 2020, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, and 191 (2020), issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, and October 24, 2020, respectively, Governor Murphy declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, through Executive Order 192, Governor Murphy required every business, non-profit, and governmental or educational entity (hereinafter collectively referred to as "employers" or "employer"), that requires or permits its workforce, whether in part or as a whole, to be physically present at a worksite to perform work is required to abide by certain requirements, at minimum, to protect employees, customers, and all others who come into physical contact with its operations; and

WHEREAS, in order to comply with Executive Order 192, the Borough of Northvale has created certain Employment Policies (annexed hereto) to ensure the safety and well-being of all Borough employees and to ensure compliance with Governor Murphy's Executive Orders, all New Jersey State Laws, and all Federal Laws; and

WHEREAS it is in the best interest of the Borough to adopt the annexed Employment Policies.

NOW, THEREFORE BE IT RESOLVED that the Employment Policies in response to the COVID-19 pandemic are hereby adopted and shall be distributed to all Borough employees; and

BE IT FURTHER RESOLVED, that any amended policies which are created during the COVID-19 pandemic intended solely to ensure continued compliance with these adopted policies and any newly issued executive orders or newly passed State or Federal Laws are hereby adopted and shall be distributed to all Borough employees.

RESOLUTION #2020-136

TITLE: RESOLUTION AUTHORIZING TASK 1.0 AND TASK 2.0 PAYMENT FOR ANNUAL REPORT AND PERMIT UPDATES AND ORDINANCE AND OPERATIONAL UPDATES RELATIVE TO ENGINEERING AGREEMENT WITH MASER CONSULTING, P.A. FOR MUNICIPAL MS4-TIER PERMITTING

WHEREAS, by letter agreement dated October 13, 2020 Maser Consulting, P.A. presented the Borough with an Engineering Agreement for Professional Services identified as Municipal MS4-Tier A Permitting, Proposal number NVB-010P (the "Agreement") and

WHEREAS, the Agreement provides for services to be rendered in connection with implementing new conditions of the Tier "A" Municipal Storm Sewer Systems ("MS4") and New Jersey Pollutant Discharge Elimination System ("NJPDES") permit; and

WHEREAS, the new Tier "A" permit was implemented on January 1, 2018 and expires on January 1, 2023; and

WHEREAS, Task 1.0 Annual Report and Permit Updates - Maser Consulting will review past operational procedures and verify documentation of completed permit responsibilities; and

WHEREAS, Task 2.0 Ordinance and Operational Updates - Maser Consulting will review the various Municipal Ordinances for consistency with the current Tier A Permit requirement as well as the SPPP and MSWMP and identify sections which require updates to the Stormwater Control Ordinances; and

WHEREAS, Task 1.0 shall be performed for a flat fee not to exceed \$7,500 and Task 2.0 shall be performed for a flat fee not to exceed \$12,500;

WHEREAS, it is in the best interest of the Borough to enter into the agreement with Maser Consulting, P.A. and to authorize the payment referenced herein for completion of Task 1.0 and Task 2.0.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Borough enter into the Agreement, the Mayor is authorized to execute all necessary documents effectuating same and to authorize the payment to Maser Consulting, P.A. in an amount not to exceed Twenty Thousand and 00/100ths (\$20,000.00) Dollars.

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\square			
Councilman Sotiropoulos	\boxtimes			

OPEN MEETING TO PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on the consent agenda items only.

CLOSE MEETING TO THE PUBLIC

There being no questions or comments from the public, Mayor Marana closed the meeting to the public.

RESOLUTION #2020-137

TITLE: PAYMENT OF BILLS

Motion	Second	Name
		Councilman Argiro
	\boxtimes	Councilman DeLisio
		Councilman Devlin
\boxtimes		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2019)	
Current Fund Appropriations (2020)	\$866,700.214
General Capital Fund	\$72,519.22
Grant Fund	\$1,230.60
Police DEA Trust	\$15,042.00
Animal Trust	\$1.20
Food Trust	
Escrow Trust	\$6,247.50
Recreation Trust	\$546.93
Summer Recreation Trust	
TOTAL	\$962,287.59

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

WHEREAS, claims have already been paid in the following amounts for the purpose specified below during the course of the year:

Payroll – Salaries & Wages	10-02-2020	\$164,000.68
Payroll – Salaries & Wages	10-16-2020	\$154,309.78
Payroll – Salaries & Wages	10-30-2020	\$147,855.32
Health Benefits	October 2020	\$49,825.72
School Taxes – Local	September 2020	\$843,293.75
School Taxes – Regional	September 2020	\$609,611.20
TOTAL		\$1,968,896.45

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling **\$2,931,184.04** and ratified respectively.

ON THE QUESTION: Councilman McGuire asked if the bills list could not be sent the day of the meeting. Mayor Marana will speak with Mr. Firozvi and have him send the bills list the Friday before the meeting.

Mayor Marana explained the \$13,365 bill from TMS was for the new wifi and new wiring for the Borough Hall offices. It also included setting up the electronic sign which was not set up properly. This invoice will be submitted to the Cares Act for reimbursement.

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\boxtimes			

ORDINANCES – 2ND READING

ORDINANCE #1025-2020

AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED "ZONING", ARTICLE III "REGULATIONS AND RESTRICTIONS", ARTICLE IV "MULTIPLE-FAMILY HOUSING DISTRICTS, AND ARTICLE VIII "SIGNS", AND CHAPTER 159 "SITE PLAN REVIEW"

Motion	Second	Name
		Councilman Argiro
	\boxtimes	Councilman DeLisio
\boxtimes		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

WHEREAS, the Borough adopted a Master Plan & Development Regulations Reexamination on March 4, 2020; and

WHEREAS, the Reexamination details a number of recommended changes to the Borough's Zoning Ordinance; and

WHEREAS, the recommend changes include revisions to Sections 200-6, 200-9, 200-10, 200-13, 200-14, 200-16, 200-19, 200-19.1, and 200-28; and site plan submission requirements in Chapter 159; and

WHEREAS, the Borough is desirous of adopting an Ordinance intended to implement the recommended Zoning Ordinance for these particular sections.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Northvale, as follows:

Section 1. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 6 entitled "R 12.5 and R 7.5 Residential Zones" is hereby amended and supplemented by adding the following <u>underlined</u> text and deleting text in strikeout

- A. In the R 12.5 and R 7.5 Residential Zoning Districts, the following uses are hereby expressly permitted, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:
 - (2) Accessorial uses.

(a) Home offices and occupations.

- (a) (b) Garages, maximum four vehicles of the passenger type, in accordance with Section 200-10.
- (b) (c) Off-street parking.
- (c) (d) Swimming pools.
- (d) (e) Tennis courts.
- (e) (f) Greenhouses.
- (f) (g) Residential agriculture.
- (g) (h) Storage sheds.
- (h) (i) Fences or fence walls.
- (i) (j) Signs.

(3) Conditional uses.

- (a) The following conditional uses are permitted:
 - [2] <u>Home occupations as an accessory use, subject to the following conditions:</u>
 - [a] No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation.
 - [b] The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation.
 - [c] There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one wall sign which may be a maximum of three-square feet.
 - [d] The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building.
 - [e] There shall be no on-site sales in connection with such professional service or office.
 - [f] No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office.
 - [g] No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - [h] No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

(i) A "home occupation," as defined herein, does not include a veterinarian, construction or repair contractor, a real estate or insurance agent, a

carpenter, cabinetmaker or furniture repairman, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary or beauty or barber shop.

Section 2. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 9 entitled "Provisions applicable to all zones" is hereby amended and supplemented by adding the following <u>underlined</u> text and deleting text in strikeout:

- B. Prohibited uses. The following uses are expressly prohibited in all zones in the Borough of Northvale:
 - (2) Drive-in facilities, except in the C-2 Zone where restaurants with drive-in facilities shall be permitted.

Section 3. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 10 entitled "General design standards", is hereby amended and supplemented by adding the following <u>underlined</u> text and deleting text in strikeout:

- B. Home occupations. The following design standards apply:
 - (1) No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation.
 - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation.
 - (3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign which shall be erected in compliance with the relevant provisions of Article VIII, Signs, of this chapter.
 - (4) The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building.
 - (5) There shall be no on-site sales in connection with such professional service or office.
 - (6) No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office.
 - (7) No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - (8) No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - (9) A "home occupation," as defined herein, does not include a veterinarian, construction or repair contractor, a real estate or insurance agent, a carpenter,

cabinetmaker or furniture repairman, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary or beauty or barber shop.

- B. C. Restaurants. The following design standards shall apply:
 - (1) Location; <u>fF</u>rontage and depth; conflicting provisions.
 - (a) Any part of the lot upon which the proposed restaurant is to be situated cannot be within a radius of 1,000 feet of the property line of another restaurant.
 - (a) (b)The minimum frontage of the lot of a restaurant shall be 200 feet, and the minimum depth shall be 200 feet.
 - (b) (c)This subsection shall take precedence over any conflicting provisions set forth in the Limiting Schedule which are hereby adopted and made a part of this chapter.
 - (2) In order to assure compliance with the requirement that a restaurant have as its primary function the preparation and serving of food and drink on the premises and for on-site consumption, the following <u>design standards applyrequirements are hereby imposed</u>:
- <u>C.</u> D. Shopping Centers. The following design standards shall apply:
- <u>D.</u> E. Commercial and light industrial buildings. The following design standards shall apply:
- <u>E.</u> F. Occupancy limitation in multidwelling units.
- F. Trash and recyclable containers. The following design standards shall apply:
- (1) Trash and recyclable containers shall not be visible from any public street and shall be located in the rear half of the side yard or rear yard only.
- (2) All trash and recyclable containers shall be enclosed by a solid fence or masonry on three sides and a solid, heavy-duty gate on the fourth side.

Parking lot landscaping. For every surface parking lot containing 20 or more parking spaces, the following design standards shall apply:

- <u>G.</u> Parking lot landscaping. For every surface parking lot containing 20 or more parking spaces, the following design standards shall apply:
- (1) For every 20 parking spaces, at least one landscape island, containing at least 162 square feet shall be provided within the parking area.
- (2) Half of the landscape islands shall contain shade trees, while the remainder shall contain shrubs.
- (3) Shade trees shall be planted with a caliper of at least three inches and shrubs shall be planted with a height of at least two feet.

Section 4. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 13 entitled "Off-street parking", is hereby amended and supplemented by adding the following <u>underlined</u> text and deleting text in strikeout:

G. All <u>non-residential</u> off-street parking areas adjacent to any residential zone and used by more than three vehicles shall be screened by a <u>six-foot-tall solid fence or a five-foot-wide</u> <u>landscaping</u> <u>buffer</u> strip <u>containing evergreen trees in a staggered row planted at a</u> <u>minimum height of six feet to screen vehicles from adjacent residential properties.im</u> accordance with the requirements of this chapter.

- I. The Board is hereby authorized to establish the required number of parking spaces for any nonresidential use erected or to be erected pursuant to this chapter. In establishing the required number of parking spaces for any use, the Board shall use the following standards:
 - (1) <u>Retail All commercial</u> and office uses <u>-</u> in any zone shall be required to provide one parking space for every 300 square feet of floor area or any part thereof.
 - (2) <u>Restaurants one parking space for every three seats and one space for every two</u> <u>employees during the maximum shift.</u>
 - (3) <u>Medical offices and personal service establishments one parking space for every</u> 200 gross square feet.
 - (4) <u>Exercise studio one parking space for every 120 square feet of public area for students/customers.</u>
 - (5) <u>Laundromats one parking space for every 200 gross square feet.</u>
 - (6) <u>Dog-kennels three parking spaces.</u>
 - (7) All industrial uses in any zone shall be required to provide one parking space for every 600 square feet of floor area <u>or one parking space for every employee during</u> <u>the maximum shift.or any part thereof.</u>
 - (8) Places of worship in any zone shall be required to provide one parking space for every three permanent or fixed seats based on seating capacity. Places of worship with no permanent or fixed seating shall provide one parking space for every three persons based on the maximum capacity of the facility, which shall be calculated by taking the total square footage of the space and dividing it by the square footage of space allotted to each person in attendance as determined by application of the Fire Department Occupancy Load Code.

Section 5. Chapter 200 of the Code of the Borough of Northvale, Article III entitled "Regulations and Restrictions", Section 14 entitled "Off-street loading.", is hereby amended and supplemented by adding the following <u>underlined</u> text:

A. No <u>retail, industrial, manufacturing, warehousing, or wholesale distribution</u> building shall be used, erected or expanded unless off-street loading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicles shall in any manner use public streets, sidewalks or rights-of-way for loading or unloading operations except for access to the lot.

Section 6. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled "Multiple-Family Housing Districts", Section 16 entitled "Affordable Housing Community Commercial District", is hereby deleted in its entirety and replaced with "Reserved".

Section 7. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled "Multiple-Family Housing District", Section 19 entitled "AH-2 Affordable Senior Housing District", subsection I entitled "Affordable housing regulations" is hereby deleted in its entirety.

Section 8. Chapter 200 of the Code of the Borough of Northvale, Article IV entitled "Multiple-Family Housing District", Section 19.1 entitled "Paris Avenue Inclusionary Overlay", is hereby amended and supplemented by deleting text in strikeout:

- C. Permitted accessory uses.
 - (5) Tenant amenities including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.

Section 9. Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled "Signs", Section 26 entitled "Definitions" shall be amended and supplemented by adding the following <u>underlined</u> text, deleting text in strikeout, and inserting the terms alphabetically

FREESTANDING SIGN

A sign which is supported by poles, pylons, or other structural components so that the bottom edge of the sign face is six feet or more above grade.

GROUND SIGN

<u>A sign in which the entire bottom is in contact with or is close to the ground and is</u> <u>independent of any other structure.</u> Includes any sign supported by uprights or braces placed upon the ground and not attached to any building.

Section 10. Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled "Signs", Section 28 entitled "Permitted Signs" shall be amended and supplemented by adding the following <u>underlined</u> text and deleting text in strikeout:

- B. Business and industrial districts.
 - (1) All signs as permitted in Residential A or B Districts shall be permitted, with the limitation as to size, number and type for the use permitted therein.
 - (1) (2) In addition to the foregoing, there shall be permitted for any use. The following signs shall be permitted:
 - (a) <u>One gGround signs per street frontage</u> with an overall width of not more than six feet and an overall height not exceeding <u>sixeight</u> feet above ground. The bottom of the facing of any ground sign shall be at least three feet above the ground. Ground signs may be internally illuminated.
 - (b) <u>One w</u>Wall signs per establishment per street frontage. Said sign shall be not more than two feet high nor more than 24 square feet in area. <u>Wall signs shall not project more than six inches from the façade of the building.</u>

(3) There shall be permitted no more than a total of one ground sign or a total of three signs of all types for each applicant.

- (4) No more than two wall signs advertising the name, products, and seal of an industry will be allowed, provided that they comply with the following specifications:
 - (a) Signs shall be attached to the main building and are limited to one per façade.

(b) Signs must be permanently attached to or constructed with the building and shall not extend more than six inches from the façade of the building.

- (2) 5) Illumination of signs shall be in such a manner as to cause no glare or blinding light to adjacent properties or roadways.
- (3) (6)—All signs shall be set back a minimum distance of 20 feet from the edge of the right-of-way or any public road and 10 feet from any side lot line and shall not be located so as to interfere with the view of adjacent properties.
- (4) (7) Customary warning, trespassing and posted signs shall be allowed.

- C. Shopping center developments.
 - (1) In shopping center developments, one freestanding sign shall be permitted, advertising the name of the shopping center, as defined in this chapter, or the uses found within; provided, however, that they meet the following specifications:
 - (d) <u>The freestanding sign shall be internally illuminated</u> Floodlights shall be so located and shielded as to prevent any glare or blinding effect upon any adjacent property or roadways.

Section 11. Chapter 159 of the Code of the Borough of Northvale entitled "Site Plan Review", Section 3 entitled "Site plan approval required; application information" shall be amended and supplemented by the following <u>underlined</u> text:

- A. In each case where an application for a zoning or building permit is made, a site plan, drawn to scale of not smaller than one inch equals 50 feet and showing the following in information shall be submitted (no fewer than 10 copies) with the application.
 - (18) <u>Architectural plans illustrating the existing and proposed floor plans and existing and proposed building elevations.</u> A list of the proposed exterior materials and proposed <u>exterior material colors.</u>
 - (19) (18)Such other information and data as may be required by the approving authority in order to determine that the details of the site plan are in accord with the standards of the zoning ordinances and other ordinances of the Borough of Northvale and, further, that the building or use will not be detrimental to the public interest.

Section 12. All other sections of this Ordinance shall remain in full force and effect.

Section 13. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section 14. This Ordinance shall take effect immediately upon passage and publication as required by law.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1025-2020 only.

CLOSE MEETING TO THE PUBLIC

There being no comments or questions from the public, Mayor Marana closed the meeting to the public.

ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\boxtimes			

ORDINANCES – 1ST READING

ORDINANCE #1026-2020

AN ORDINANCE OF THE BOROUGH OF NORTHVALE ADOPTING A NEW ZONING MAP AND REVISING THE BOROUGH CODE CHAPTER 200 ZONING TO INCORPORATE SAID ZONING MAP

Motion	Second	Name
		Councilman Argiro
	\boxtimes	Councilman DeLisio
		Councilman Devlin
		Councilman McGuire
		Councilman Shepard
\square		Councilman Sotiropoulos

WHEREAS, the Borough adopted a 2020 Land Use Plan Element Amendment on July 15, 2020; and

WHEREAS, the 2020 Land Use Plan Element Amendment makes several recommendations including zoning changes to parcels along Chestnut Street, Walnut Street, and Veterans Drive; and

WHEREAS, the Mayor and Council have reviewed the2020 Land Use Plan Element Amendment and its recommendations for zoning changes and agree with the recommended zoning modifications.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Northvale, as follows:

SECTION 1. Chapter 200 of the Code of the Borough of Northvale, Article II entitled "Districts" is hereby amended and supplemented by adding the following <u>underlined</u> text and by removing text in strikeout:

C. Zoning Map. The zoning districts as set forth in this chapter are bounded and defined as shown on the map entitled the "Borough of Northvale Zoning Map 11/11/09," <u>dated October 2020</u>, which map, with all explanatory matter thereon, and properly certified by the Borough Clerk of the Borough of Northvale, is hereby made a part of this chapter.

SECTION 2. The Township Code, Chapter 95 Land Use and Zoning, Attachment 2 shall be deleted in its entirety and replaced with the attached Zoning Map, entitled "Zoning Map, Borough of Northvale, Bergen County, New Jersey," dated July 2020.

SECTION 3. All other sections of this Ordinance shall remain in full force and effect.

SECTION 4. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

SECTION 5. This Ordinance shall take effect immediately upon passage and publication as required by law.

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	X			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\boxtimes			

ROLL CALL VOTE

OPEN MEETING TO PUBLIC

John M. Hogan – thanked everyone for all of their congratulations and is looking forward to working with everyone.

CLOSE MEETING TO PUBLIC

There being no questions or comments, Mayor Marana closed the meeting to the public.

MAYOR AND COUNCIL REPORTS

Councilman Sotiropoulos – reported on the Police activity for the month of October. There were 5 new COVID cases in the month of October. He also read from an article in AdvisorSmith naming Northvale as the 6th safest small towns in New Jersey. Good job by Northvale Police Department in keeping us safe. The DPW has been picking up leaves, installed streetpoles for signs, fixed the apron at the Firehouse and are preparing for winter snow storms. The Ambulance Corps. would like to thank the DPW for fixing the flagpole at their building. They also would like to thank Chief Ostrow for the PPE. Also, thank you to the Mayor & Council for supporting them with funding. He congratulated Tom and John M. Hogan on winning the election.

Councilman McGuire – reported that the Demarest high school has gone to all remote learning through November 18th as there were 2 positive COVID cases. Old Tappan high school will continue with in person. Northvale School is doing very well. He asked for a moment of silence for Paul Latouche who passed away at 94 years old.

Councilman Argio – reported on the Library expanding their hours. They had 1,943 items taken out or renewed for October. Jennifer Kelemen has resigned and Emily Pepe will step in as Acting Library Director. Recreation wrapped up their soccer season. Ken and Mario did a nice job. He also congratulated John M. Hogan.

Councilman DeLisio – reported on Open Space Grants. We received \$20,000 approval for Hogan Park improvements. The pending grants are upgrades at the Library, butterfly garden at Veterans Park, and Clinton Avenue Resurfacing. He will be attending the Northern Valley Greenway meeting after this meeting. He also congratulated Tom Argiro who is a real asset and welcomed John M. Hogan.

Councilman Shepard – reported that fire prevention had 55 inspections. The Fire Department had 19 alarms. The Firemen Exempt Christmas dinner has been cancelled this year. He also congratulated Tom and John.

Councilman Devlin – congratulated Tom and John. The Senior Center and Golden Age are closed. There was a Board of Health meeting in October but he was unable to attend. He reported on various applications that came before the Planning Board. The boiler at the Borough Hall has been replaced.

Mayor Marana – reported that the County will be coming late November to pave Livingston Street, date may still change. The Building Department fees collected for October were \$5,650. They are under budget but are hoping to have a boost next month. The work on the new Clinton Avenue railroad crossing signals and gates was performed last week and this week. The Project Manager estimates up to 30 days for completion. There will be a very low key Veteran's Day ceremony in front of the American Legion tomorrow at 11:00 am. The annual luncheon will not take place. He will be starting to put together a bond ordinance. The DPW need a new truck.

BOROUGH ENGINEER REPORT

Ms. Raffay – reported that the inspectors are going around accessing the outfalls. She gave an update on various other projects.

BOROUGH ATTORNEY REPORT

Ms. Rosendahl – reported that she attended a zoom meeting with Fran for MEL updates for changes to the employee handbook. She will be updating the handbook and will submit for review in a month or so.

ADJOURNMENT – TIME: 7:45 PM

Motion	Second	Name
		Councilman Argiro
\boxtimes		Councilman DeLisio
	\boxtimes	Councilman Devlin
		Councilman McGuire
		Councilman Shepard
		Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	\boxtimes			
Councilman DeLisio	\boxtimes			
Councilman Devlin	\boxtimes			
Councilman McGuire	\boxtimes			
Councilman Shepard	\boxtimes			
Councilman Sotiropoulos	\boxtimes			

Patrick J. Marana Mayor

ATTEST:

Frances M. Weston

Frances M. Weston Acting Borough Clerk

Approved: December 9, 2020