



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES**

**June 6, 2016
8:00 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo asked for a roll call. Council members Chiavelli, Gadaleta, Hayes, Herrington and Panso were present. Borough Attorney Ron Dario was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Council President Belgiovine arrived at 8:20 PM.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

CERTIFICATE OF ACHIEVEMENT

- Pascack Hill Freshmen Baseball Team

APPROVAL OF MINUTES

Motion to approve the Minutes of May 16, 2016 (Closed) was made by Councilwoman Gadaleta, seconded by Councilwoman Herrington and approved by Councilwoman Chiavelli, Councilwoman Gadaleta, Councilwoman Hayes, Councilwoman Herrington and Councilman Panso. Council President Belgiovine arrived at 8:20 PM.

Motion to approve the Minutes of May 16, 2016 (Open) was made by Councilman Panso, seconded by Councilwoman Gadaleta and approved by Councilwoman Chiavelli, Councilwoman Gadaleta, Councilwoman Hayes, Councilwoman Herrington and Councilman Panso. Council President Belgiovine arrived at 8:20 PM.

FIRE DEPARTMENT APPOINTMENTS

- Appointment of Alberto Figueroa as a member of the Woodcliff Lake Fire Department
- Appointment of Kyle Hammalian as a junior member of the Woodcliff Lake Fire Department

MAYOR'S COMMENTS

Mayor Rendo stated that he attended a presentation by Montvale to view concept plans for the Mercedes Benz property in Montvale. It was held at the Community Center and it was a packed house. The developer made a presentation that consisted of 300 rental apartments, 2 office buildings and a hotel. The general consensus of the public was that it was too large of a development. Woodcliff Lake needs to be aware of the development going on around us because it will affect us. It will impact our high school, our community with traffic and congestion. We need to be on top of this development. Mayor Rendo stated that he reached out to the Mayors in Montvale and Park Ridge to see if we could have a symposium with all three towns to discuss the future impacts.

ADMINISTRATOR'S REPORT

Administrator Padilla stated that at our last Mayor and Council meeting, former Mayor Jeffrey Goldsmith inquired about the shared services study that we had done with Hillsdale last year. The Borough and the Council went into that study to see how it would enhance our own DPW and also explore any opportunity for shared services. As we know, our DPW is probably the one entity that services every one of our residents. Part of the overall assessment was to look at a sweeper truck and a flusher truck. As you know, the Administrations changed in Hillsdale as well as Woodcliff Lake so there has been transition going on especially on the part of Hillsdale. Our DPW does a lot of borrowing from neighboring towns.

Administrator Padilla stated that there have been meeting with the Board of Education, Council members and our attorney regarding the extension of our current Inter-local Agreement. The current Inter-local Agreement was done in 1996 and is set to expire at the end of this month. The recommendation that the Council will be voting on tonight is to extend it for up to 2 years. During this time, the Board of Education and the Borough will be having much more active meetings in order to have a long term Agreement in place.

The second reading on the Solicitation Ordinance will take place tonight. One of the reasons it was delayed was to allow us to add within that Ordinance the ability for our residents to purchase a sticker for \$1.00 to put on their door if they desire. We will still have a "Do Not Knock List" in place but if residents want to take an extra step to purchase a sticker they may do so. Another reason we postponed the public hearing portion is because we felt it would be best if this was registered at the Woodcliff Lake police department.

Mayor Rendo stated that there are some other Ordinances on the agenda as well where we are taking action.

ENGINEER'S REPORT

(Please see attached report)

NEW BUSINESS

- Park and Recreation Update, led by Councilwoman Thomas Panso

Councilwoman Panso stated that he would like to address an issue that came up over the weekend concerning our pool. There was an article in the Pascack Press that came out on Saturday that really concerned a lot of our residents and people that use our pool. Woodcliff Lake Council had made a concerted effort to invest in our infrastructure which has been approximately \$50,000.00 in our pool alone that needed repairs and improvements. This is a valuable asset and an important part of Woodcliff Lake. The article stated that at the Montvale Council meeting they decided not to spend the money for immediate repairs to their facility and their pool will be closing. As of this weekend, we have signed up over 770 members and of those 770 members 150 were non-resident members of our pool. Our rate schedule is fair to the residents and non-residents alike. There is no reason to alter that schedule at this time. When speaking with our Parks and Recreation Director and looking at all the numbers, Mr. Panso believes we could offer up to 50 non-sponsored memberships without creating an overcrowding situation at our facility. When the Council meets later in closed session to discuss this for the first time tonight, I will assure you that any decision will be made in the best interest of the town, the residents and pool membership.

Mayor Rendo stated that Montvale pool is not run by Montvale, but run by a non-profit organization. This was not a decision of the Mayor and Council but a decision of the organization.

Councilwoman Chiavelli stated that Woodcliff Lake had a great opening weekend and it was really discouraging to come off that great weekend and have an inaccurate article come out that threw our pool members off kilter as well as our liaisons. Mrs. Chiavelli stated that she wanted to clear up some information since she sees some people here tonight that had concerns. The paper quoted 90 families that would be coming to our pool. We have not settled on anything yet, but 3 times we verified with Montvale Swim Club and 21 family memberships are currently set up with Montvale Swim Club, 3 family plus babysitter and 1 senior single. These are the numbers that the people are very interested in coming to our pool according to the Montvale Pool Director. Additionally, there was a rumor that Woodcliff Lake was going to match Montvale's rate of \$545 for non-residents and this is not true. Woodcliff Lake has not had discussions on this topic. Councilwoman Chiavelli stated that we cannot pick and choose one town over another and who we can charge a different rate. Our bordering towns can join our pool but you do need to be sponsored. We would happily waive the sponsorship but the non-resident rate will remain the same. Council will also meet to discuss having a senior non-resident rate because we currently do not have one. Councilwoman Chiavelli had someone mention to her that perhaps Montvale could help subsidize the members that are already enrolled. The differential between the two membership rates is \$280.00.

Mayor Rendo stated that the newspaper should have checked with Woodcliff Lake to see if that was the case and we never agreed to 90 people coming over or having anyone at the \$545.00 rate.

Councilman Panso stated that the pool opening was a success. There was great feedback on the side gate entrance from the seniors and handicapped people. The DPW stepped up big time with the mulching and planting of flowers. The pool has never looked better. Many thanks to them. New chairs, umbrellas and tables came in. We have a new cleaning service for the Borough and they also will do the field house bathrooms and the pool house bathrooms during the season. Big Daddy's house account swipe system at the snack bar is in place. You don't need cash. You can set up an account with them and use the swipe system.

- Fire Department Update, led by Councilwoman Gadaleta and Councilwoman Herrington

Councilwoman Gadaleta stated that she remembers when our pool was being redone, she is almost positive that other towns gave us some sort of a discount for the summer that we didn't have a pool.

Councilwoman Gadaleta stated that on May 26, 2016 the Woodcliff Lake Fire Department was dispatched for a reported smoke in a house. First arriving units confirmed the smoke condition and after a quick investigation determined that there was a fire in the attic. A second alarm was sounded bringing in units from Park Ridge, Montvale, Hillsdale, Westwood and the Tri-Boor Ambulance squad. The fire was quickly knocked down and the scene under control in approximately 40 minutes. No family members were hurt and one firefighter was transported to the hospital for a minor head injury. Councilwoman Herrington and Councilwoman Gadaleta are very proud of our firemen and firewomen who are volunteers and rose to the situation and helped this family in distress.

Councilwoman Herrington stated that this is a perfect scenario when there are so many community members who will come together to help out a family. Mrs. Herrington stated that the family appreciated every outreach from the community from a place to stay, to clothes and diapers the family was thankful.

Councilwoman Herrington stated that she wanted to remind everyone about the Run for Education that is taking place this weekend. Please come on out to run, walk or pay to dunk Mayor Rendo.

Mayor Rendo stated that he wanted to recognize the Woodcliff Lake Police Department because they were the first ones on the scene, saw the smoke, called it into the Fire Department and got the family out.

PUBLIC HEARING - FIELD LIGHTS AT DORCHESTER SCHOOL

MOTION to open to the public regarding the field lights was made by Council President Belgiovine, seconded by Angela Hayes and unanimously approved.

Josephine Higgins, Woodcliff Lake, asked if the times were going to be changed. Borough Attorney Dario stated that the times were going to be changed, not the lights. Council President Belgiovine stated that it currently states that we can use the lights from August to November and we would like to change it to April to November to extend the season.

MOTION to close to the public was made by Council President Belgiovine, seconded by Councilwoman Gadaleta and unanimously approved.

ORDINANCES

Introduction Ordinance 16-08
"An Ordinance Amending Chapter 380: Zoning by Adding Article XVI Entitled
"Short Term Vacation Rentals Of/In Residential Properties Prohibited"

Borough Attorney Dario stated that there was going to be two changes, on the third page, under enforcement, first paragraph add or. The second change will be page 3, section B, Violations, \$750.00 should read seven hundred fifty.

MOTION to introduce Ordinance 16-08 was made by Council President Corrado Belgiovine, seconded by Councilman Panso and unanimously approved.

Introduction Ordinance 16-09
"An Ordinance Amending Chapter 380: Zoning By Adding Article XVII Entitled
"Unlawful Residential Units"

MOTION to Introduce Ordinance 16-09 was made by Council President Belgiovine, seconded by Councilman Panso, and unanimously approved.

Introduction Ordinance 16-10
Ordinance Governing the Broadway Corridor Project

MOTION to Introduce Ordinance 16-10 was made by Councilman Panso, seconded by Council President Belgiovine, and unanimously approved.

Introduction Ordinance 16-11
"An Ordinance Amending the Definition of Boardinghouse Contained in Chapter
380-6(A)"

MOTION to Introduce Ordinance 16-11 was made by Council President Belgiovine, seconded by Councilman Panso, and unanimously approved.

Public Hearing Ordinance 16-06
"An Ordinance Amending Chapter 255: Peddling and Soliciting"

MOTION to introduce Ordinance 16-06 as amended was made by Council President Belgiovine and seconded by Councilwoman Chiavelli.

MOTION to open to the public was made by Councilman Panso, seconded by Councilwoman Hayes and unanimously approved.

Cheryl Dispoto, Woodcliff Lake, stated that she was getting a lot of questions from residents if they wanted to be put on the "No Knock List" if there is a form they need to fill out. Borough Clerk Dakin replied that the application is on the website. Mrs. Dispoto asked how a resident would check if they are on the list. Administrator Padilla stated that we have a list and it is going to be transferred over to the police department once this Ordinance become effective. This will be policed by the police. If you are not sure, you can fill out the form or call the police department and they would let you know.

Administrator Padilla stated that the stickers are not available yet. We had to wait until this Ordinance was approved before we could order them.

Don Columbo, Woodcliff Lake, stated that the Ordinance as drafted includes real estate agents and states mail and phone. If someone sends you a mailer in the mail about real estate sales or listing, will this then be enforced by the police? Mr. Columbo asked the Council is this is how they want it to read. Administrator Padilla stated that the police is not going to enforce anything unless there is a complaint.

Councilwoman Herrington stated that she agrees that this is a valid point. You would not know by sending out mailers if they are on the "No Knock List". Attorney Dario suggested we amend the Ordinance to take out the word "mail".

MOTION to close to the public was made by Council President Belgiovine, seconded by Councilman Panso and unanimously approved.

PUBLIC COMMENT

Motion to open to the public was made by Councilwoman Gadaleta, seconded by Council President Belgiovine and unanimously approved.

John Glaser, Woodcliff Lake, thanked the Administrator for forwarding him some information about the test well. Mr. Glaser asked if the pressure test was done. Administrator Padilla replied that what was relayed to him was that the test pump would be installed today or tomorrow. He

did not get a chance to go up there to see if it was installed and the water would be tested June 9, 2016. This is the information that he relayed to Mrs. Miller. Mr. Glaser asked if someone was going to follow up with the property owners and what the story is of the adjacent commercial property owner for relocating the well. Mr. Padilla stated that he asked Mrs. Miller for a couple of dates so that there could be a meeting with the property owners in the area but he had not heard back from her. Council President Belgiovine stated that there will be a meeting when they have more information. Mr. Dario's office has been in consistent contact with the commercial property owner but there have been some hurdles. Council President Belgiovine stated that we will deal with the commercial property owner once we know if the well is feasible and going to happen.

Josephine Higgins, Woodcliff Lake, asked when the public hearing on the budget was going to be. Administrator Padilla replied June 15, 2016 at 7:00 PM. Mrs. Higgins asked where it was going to be held and Mr. Padilla replied at Borough Hall. Mrs. Higgins asked if a notice was going to be sent out regarding the hearing. Administrator Padilla replied that it is on the website and has been published in the newspaper.

Don Columbo, Woodcliff Lake, stated that there are a lot of potholes on Woodmont. Councilwoman Chiavelli asked him to please send her an e-mail. Mr. Columbo stated that he appreciates all the work that is being done at the pool. Mr. Columbo also stated that there should be an Advisory Committee or Membership Committee for the pool. Councilwoman Chiavelli replied that we already have a Committee in place and we have regular scheduled meetings. Mr. Columbo asked if an Executive Summary of the budget will be placed on the website.

Kelly Kosoff, Woodcliff Lake, stated that she is a member of the Pool and Tennis Committee. Ms. Kosoff asked why a veterinary practice or animal hospital is a prohibited use in the Broadway Corridor Ordinance. Council President Belgiovine stated that it is a recommendation from the Board. Councilman Panso stated that when we have a presentation on this Mr. Reiner will be present and he will explain the reason why. Mrs. Kosoff stated that she was at the pool all day and heard many things about Montvale coming to Woodcliff Lake pool. Mrs. Kosoff stated that at a recent Zoning Board meeting they spoke about traffic reports on Overlook Drive and how could she obtain a copy of those reports. She was told at the Zoning Board meeting that she had to address the Mayor and Council about that otherwise she would have to wait until the end of the Zoning Board hearing to address it. Councilman Panso asked her to send him an e-mail stating what information she is looking for and he would obtain it from Chief Jannicelli.

Cheryl Dispoto, Woodcliff Lake, stated that she saw that Galaxy Gardens was on the closed session again. She asked this Governing Body 2 months ago about the status and was told that we were close and she is getting a lot of pressure from the residents about an update. What update can she send to the residents about the status of Galaxy Gardens? Mayor Rendo stated that we have closed session tonight. We hired new attorneys at the last meeting and Councilwoman Hayes will give us an update at closed session. How long before the public hears something about Galaxy Gardens. Borough Attorney Dario stated that this is potential litigation and that is why we are discussing it during closed session.

Councilwoman Chiavelli replied that we are still taking this matter seriously. We had new Council members this year and we had to bring them up to speed. We are very lucky that they both bring something to the table. Councilwoman Hayes has been instrumental in helping us with this issue. She is also an engineer so that has been very helpful. Mrs. Dispoto stated that in the newspaper it said that Montvale had no interest in spending the money to fix up their pool and Woodcliff Lake's Council decided to spend the money to upgrade our pool. The Council needs to remember that when talking about reducing the rate for Montvale residents. Mrs. Dispoto also commented that on the Broadway Corridor Ordinance there was no specific definition for restaurants and the types of restaurants and drive-thru restaurants or drinking establishments.

Josephine Higgins, Woodcliff Lake, asked for a list prioritizing the Capital Budget items. Mrs. Higgins stated that any revised drawings regarding the Chabad needs to go before the Shade Tree Committee so there is no clear cutting of the trees.

MOTION to close to the public was made by Councilwoman Hayes, seconded by Council President Belgiovine and unanimously approved.

CONSENT AGENDA

Councilwoman Herrington stated that she had a question regarding the Fixed Asset Inventory. Mrs. Herrington asked what the total cost would be. Mr. Padilla replied \$1,800.00 with the tags over a certain threshold. Mrs. Herrington also had a question regarding the money that will be donated from the recycling of books. Mr. Padilla replied that it would be going to the Woodcliff Lake Education Foundation.

Councilman Panso asked how many hours it would take for Deena Rosendahl to represent former Mayor Jeffrey Goldsmith in depositions. Mr. Dario replied that it might take 4-5 hours. Mrs. Rosendahl is willing to do it for the hourly rate of \$125.00. Councilman Panso asked if there is a conflict of interest since Mr. Kaufman's office represented the Borough in 2012 when the BMW litigation was going on. Mr. Dario replied that Mr. Porro is representing the Borough and Ms. Rosendahl is simply accompanying Mr. Goldsmith in a deposition. She has done it in the past and Mr. Goldsmith feels comfortable with her.

Mayor Rendo stated that in the past we managed to cap the number of hours working on a deposition. Is it possible to cap this to 3 hours? Mr. Dario replied that it would be hard to cap since it is not our deposition.

Councilwoman Hayes stated that there is a perception out there that this is a conflict.

Kenneth Porro, Esq. stated that he represents the Borough and he does not see a conflict in this matter. Mr. Porro stated that if he were to represent prior Mayor Goldsmith it would be a conflict. The Mayor is not a party to the suit. It is very limited because we are taking about a tax appeal.

MOTION to approve the Consent Agenda was made by Councilwoman Hayes, seconded by Councilman Panso and unanimously approved. Councilwoman Herrington abstained from Resolution No. 16-150.

RESOLUTION

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

**Resolution No. 16-132
June 6, 2016**

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to the provisions of N.J.S.A. 10:4-12(b), may meet in closed session; and

WHEREAS, the following are the subject matters to be discussed in closed session:

1. BMW Litigation
2. Montvale Shared Services - Pool
3. Galaxy Gardens

WHEREAS, these Minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

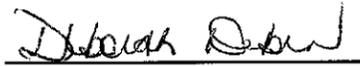
NOW THEREFORE BE IT FURTHER RESOLVED that formal action may be taken at the Meeting.

ROLL CALL:

Introduction: Mrs. Hayes
Second: Mr. Belgiovine
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington,
Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.



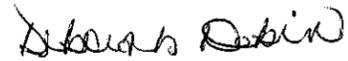
**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

ADJOURNMENT

Motion to adjourn was made by Council President Belgiovine, seconded by Councilwoman Gadaleta and unanimously approved by voice call vote.

Meeting was adjourned at 11:45 PM.

Respectfully submitted,



**Deborah Dakin, RMC, CMR
Borough Clerk**

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-06

“AN ORDINANCE AMENDING CHAPTER 255: PEDDLING AND SOLICITING”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough Mayor and Council of the Borough of Woodcliff Lake wishes amend Chapter 255, Peddling and Soliciting.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, County of Bergen, as follows:

Section 1: Chapter 255-2 shall be amended to revise the definition of “Solicitor” which shall read as:

SOLICITOR

A person who goes from house to house or from place to place selling merchandise by sample or by taking orders for future delivery, with or without accepting advance payments for the goods, regardless of whether the solicitation is made by mail, telephone or personal contact. The provisions of this chapter shall apply to the person who comes in personal contact with the buyer, whether he obtains the order, delivers the goods or accepts money in payment for them. Solicitor shall also mean any person who goes from house to house or from place to place for the purpose of offering services, makes inquires concerning real estate, obtaining alms, contributions or subscriptions or who does research analyses, makes surveys or opinion polls, obtains rating data or similar information or who engages in any similar work which involves a door-to-door or place-to-place activity.

Section 2: Chapter 255-4 subchapter A shall be struck in its entirety so as to no longer exempt any person licensed by the Commissioner of Banking and Insurance or the Real Estate Commission of the State of New Jersey. The remaining subsections shall be renumbered in the appropriate manner.

Section 3: Chapter 255-7 shall be amended and shall read as:

§255-7 Investigation of applicant.

Applicant shall apply to the Borough of Woodcliff Lake Police Department, which shall immediately institute whatever investigation of the applicant's business responsibility and moral character it considers necessary for the protection of

the public. It shall communicate its findings, in writing, together with a recommendation that the application be granted or denied, to the Mayor and Council within a reasonable time. The Mayor and Council shall consider the application at their next regular meeting after receiving the report of the investigation. If, based upon the information contained in the application and the investigator's report, the Mayor and Council decide that the applicant's character, ability or business responsibility are unsatisfactory or that the products, services or activities are not free from fraud, they shall disapprove the application and refuse to issue the license and so notify the applicant. Otherwise, the Mayor and Council shall approve the license and the Borough of Woodcliff shall then issue the license immediately, provided that the required license fees have been paid.

Section 4: Chapter 255-25 shall be amended in title and body and shall read as

§ 255-25 Entering on non-solicitation listed and/or on posted property or properties prohibited.

No trade solicitor or canvasser shall enter onto any property on the non-solicitation list and/or displaying the Borough issued non-solicitation list decal or on which is located a sign or signs stating "no solicitors" or carrying a similar message forbidding the entry of any persons onto the property.

Section 5: Chapter 255-26 shall be amended in title and body and shall read as

§ 255-26 Collection, preparation and maintenance of a non-solicitation list.

- A. Collection, preparation and maintenance of a non-solicitation list. The Borough of Woodcliff Lake Police Department shall collect, prepare and maintain a regularly updated list of addresses of those premises where the owner and/or occupant has notified the Police Department that soliciting and canvassing is not permitted on his/her premises. To be included on the non-solicitation list, residents shall complete a form supplied and maintained by the Borough at no cost. A non-solicitation list decal for the resident to display shall be available at a cost of \$1.00. With the adoption of this section, the Borough of Woodcliff Lake Police Department shall make the form available to all residential property owners or occupants and may distribute same thereafter in any manner directed by the governing body.
- B. A version of the non-solicitation list which omits the names of those listed and contains only the addresses of listed properties, shall be distributed to all applicants seeking a license to solicit or canvass pursuant to the provisions of this chapter. The applicant shall acknowledge, in writing, receipt of this list as part of the application process. The licensee shall not solicit or canvass at any address on the non-solicitation list.

C. Any solicitor or canvasser violating the provisions of this section as described above shall be punishable by a fine and/or imprisonment as prescribed in § 255-24.

Section 6: All ordinances of the Borough of Woodcliff Lake which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 8: This ordinance shall take effect upon passage and publication according to law.

Attest: **DEBORAH DAKIN**
BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey**

ORDINANCE NO. 16-08

**“AN ORDINANCE AMENDING CHAPTER 380: ZONING BY ADDING ARTICLE XVI
ENTITLED “SHORT TERM VACATION RENTALS OF/IN RESIDENTIAL PROPERTIES PROHIBITED”**

WHEREAS, the Borough’s primary housing goals including preserving its housing stock and preserving the quality and character of its existing neighborhoods. In order to continue to flourish, the Borough must preserve its available housing stock and the character and charm which result, in part, from cultural, ethnic and economic diversity of its resident population; and

WHEREAS, the Borough must also preserve its unique sense of community which it derives, in large part, from residents’ active part participation in civic affairs, including local government, cultural events, and educational endeavors; and

WHEREAS, operations of vacation rentals, where residents of the Borough rent-out entire dwellings or portions thereof to visitors are detrimental to the community’s welfare and are prohibited by local law, because occupants of such vacation rentals do not have any connections to the Borough community and to the residential neighborhoods in which they are visiting; and

WHEREAS, the presence of such visitors within the Borough’s residential neighborhoods can sometimes disrupt the residential character of the neighborhoods and adversely impact the community; and

WHEREAS, judicial decisions have upheld local governments’ authority to prohibit vacation rentals, boarding houses and rooming houses; and

WHEREAS, the Board of Commissioners of the Borough of Woodcliff Lake finds it to be in the best interest of the Borough and its citizens to adopt an ordinance to prohibit such short-term vacation rentals in residential properties that may jeopardize the community’s welfare and degrade the quality of life within the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter 380 entitled Zoning of the Borough of Woodcliff Lake is hereby amended and revised to add and create a new Article XVI entitled, "Short Term Vacation Rentals in Residential Properties - Prohibited" and new Section beginning at §380-112 entitled "Short Term Vacation Rentals in Residential Properties – Prohibited" to read as follows:

ARTICLE XIV: Short Term Vacation Rentals in Residential Properties - Prohibited

§380-112 DEFINITIONS.

- a. **HOSTING PLATFORM.** A market place in whatever form or formal which facilitates the Vacation Rental, through advertising, match-making or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the market place.
- b. **VACATION RENTAL.** Rental of any dwelling unit, in whole or in part, within the Borough of Woodcliff Lake, to any person(s) for exclusive or partial transient use of thirty (30) consecutive days or less, whereby the dwelling is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of dwellings within the Borough approved hotels, motels and bed and breakfasts shall not be considered Vacation Rentals.

§380-113 PROHIBITIONS.

- a. No person, including any Hosting Platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any Vacation Rental activity that does not comply with this Code.

§380-114 REGULATIONS.

- a. The Mayor and Council of the Borough may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation.
- b. The Mayor and Council of the Borough may establish and set by Resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter.

§380-115 ENFORCEMENT.

- a. Violation of any provision of this chapter shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, Health Officer.
- b. Violation of the provisions of this chapter shall be punishable as a minimum fine of two hundred fifty (\$250.00) dollars and a maximum of one thousand (\$1000.00) per day of the violation for first time offenders. Second and subsequent offenders Violation of the provisions of this chapter shall be punishable as a minimum fine of two hundred fifty (\$750.00) dollars and a maximum of one thousand (\$1000.00) per day of the violation. All fines shall be payable through the Municipal Court Violations Bureau.
- c. Any person convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil case brought by a law enforcement agency shall be ordered to reimburse the Borough and other participating law enforcement agencies their full investigative costs and remit all illegally obtained rental revenue to the Borough so that it may be returned to the victims of legal short term rental activities.
- d. Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.
- e. The remedies provided in this section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Date: June 6, 2016

Attest: **DEBORAH DAKIN**
BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey**

ORDINANCE NO. 16-09

**“AN ORDINANCE AMENDING CHAPTER 380: ZONING BY ADDING ARTICLE XVII
ENTITLED “UNLAWFUL RESIDENTIAL UNITS”**

WHEREAS, The Mayor and Council hereby determines that the use and occupancy of illegal residential apartments, as set forth above, are detrimental to the general health, safety and welfare of the Borough, and that such illegal occupancies generate the utilization of Borough services, including fire, police, sanitation, public works and general administration, and further generate the use of motor vehicles which take parking spaces and create traffic, while escaping real estate taxation. The Borough finds this to be an unfair and inequitable situation; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake finds it to be in the best interest of the Borough and its citizens to adopt an ordinance to prohibit such units and related provisions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter 380 entitled Zoning of the Borough of Woodcliff Lake is hereby amended and revised to add and create a new Article XVII entitled, “Unlawful Residential Units” and new sub article sections beginning at §380-116 to read as follows:

ARTICLE XIV: UNLAWFUL RESIDENTIAL UNITS

§ 380-16. Use, Rental or payment for use prohibited.

- A. No person, group, corporation and/or institution, shall permit the use or occupancy of any premises within the Borough of Woodcliff Lake which is used or occupied in violation of the Zoning Ordinance of the Borough of Woodcliff Lake.
- B. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any premises within the Borough of Woodcliff Lake which is used or occupied in violation of the Zoning Ordinance of the Borough of Woodcliff Lake. Each such charge, demand, receipt or acceptance of such rent or other payment in violation hereof shall constitute a separate offense.
- C. No person, specifically including but not limited to those persons commonly known as "real estate agents," "brokers" or "salespersons," shall assist, aid or facilitate in the rental, sale, use or occupancy of any

residential premises within the Borough of Woodcliff Lake which is used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Woodcliff Lake. For purposes of this article, the acts of listing for rental or sale, advertising or otherwise offering for rent, lease or sale any residential premises within the Borough of Woodcliff Lake which are used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Woodcliff Lake shall be deemed to constitute a violation of this article. Any person who is to receive a commission, profit or other form of remuneration or emolument as a result of a rental, lease or sale of residential premises shall have a duty to make reasonable inquiry to determine whether or not the use or occupancy or intended use or occupancy is or will be in violation of the Zoning Ordinance of the Borough of Woodcliff Lake.

§ 380-17. Notification of occupants.

Within 10 days following receipt of a notice to abate an unlawful occupancy in violation of the Zoning Ordinance of the Borough of Woodcliff Lake or within 10 days following receipt of a summons for violation of this article or the Zoning Ordinance of the Borough of Woodcliff Lake or prior to the institution of dispossess proceedings to correct an illegal occupancy, whichever first occurs, the owner of residential premises within the Borough of Woodcliff Lake shall serve upon all of the unlawful occupants using or occupying said residential premises a copy of this article and shall post a copy of this article in a common area of the premises accessible to all the occupants thereof for inspection.

§ 380-18. Violations and penalties.

- A. Any person violating any provision of this article shall be subject to a fine of not less than \$500 nor more than \$2,000 or by imprisonment for a term not exceeding 90 days, or both, for each separate violation of same.
- B. In addition to requiring reimbursement from the owner-landlord of the structure for relocation assistance paid to a displaced tenant, and notwithstanding the provisions of Subsection A of this section, the Court may impose an additional fine for zoning or housing code violation for an illegal occupancy up to an amount equal to 6 times the monthly rental paid by the displaced person to be paid to the municipality by the owner-landlord of the structure pursuant to the provisions of N.J.S.A. 2A:18-61.1g(c). Notwithstanding the penalties provided above, a second or subsequent violation for an illegal occupancy as provided in this subsection by any owner-landlord for a second or subsequent violation, the Court may impose a fine equal to the annual tuition costs of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action

by a summary proceeding in the name of the municipality pursuant to Penalty Enforcement Law of 1999, (N.J.S.A. 2A:58-10 et seq.). The Municipal Court and the Superior Court shall have jurisdiction of the proceedings for the enforcement of the penalty provided by this section. The tuition costs shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A:38-19, and the payment of the fines shall be remitted to the appropriate school district.

- C. In those instances where a violation of this section is based on the maintenance of residential dwelling units above the number of units permitted by the Zoning Ordinance on a particular parcel of land (e.g., the maintenance of a structure with two residential dwelling units in a zoning district where single family homes are permitted or in a premises that does not permit residential use), the defendant who is the owner of a property shall be required to permanently remove the kitchen, bathroom, bedroom, point of entrance/egress or any other offending illegal structure, appliance or fixture. The Borough Construction Official or his designee shall inspect the premises to insure that said removal is accomplished within 30 days of the date of the entry of the judgment of conviction by the Municipal Court.

§ 380-19. Costs of moving to be borne by violator.

- A. Any tenant who receives a notice of eviction pursuant to the provisions of N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activity for an illegal occupancy shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.
- B. The Borough of Woodcliff Lake may pay relocation assistance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to Subsection A. All relocation assistance costs incurred by a municipality pursuant to this subsection shall be repaid by the owner-landlord of the structure to the municipality in the same manner as relocation costs are billed and collected under the provisions of N.J.S.A. 20:4-4.1 and N.J.S.A. 20:4-4.2.

§ 380-20. Finder's fee authorized.

The Mayor and Council are authorized to enact, by adopting an appropriate resolution, a program whereby any person providing information which leads to the discovery of, and elimination of, a violation of § 380-16 of this article be paid

a finder's fee not to exceed \$500. If such a program is established by the Mayor and Council, by duly adopted resolution, the resolution shall establish the amount of the finder's fee, which shall not exceed the amount specified in this article, as well as the terms, conditions and provisions of how same is to be paid.

§ 380-21. Restitution to Borough.

The Mayor and Council hereby determines that the use and occupancy of illegal residential apartments, as set forth above, are detrimental to the general health, safety and welfare of the Borough, and that such illegal occupancies generate the utilization of Borough services, including fire, police, sanitation, public works and general administration, and further generate the use of motor vehicles which take parking spaces and create traffic, while escaping real estate taxation. The Borough finds this to be an unfair and inequitable situation. The Borough further determines that the harm and detriment to the Borough is difficult to measure and hereby determines that the most reasonable way to calculate the damage and detriment caused to the Borough by illegal occupancies is by calculating same as a percentage of the rental payment charged by the owner to the occupant on account of the illegal occupancy. The Borough determines that a percentage of 10% of the rent to be fair and reasonable as a measure of the damage and detriment caused to the Borough, and the Mayor and Council may authorize the Borough Attorney to recover from any person who charges, demands, receives or accepts rent or payment for such an illegal occupancy to make restitution to the Borough for the damage and detriment caused to the Borough during a period of illegal occupancy.

§ 380-22. Findings and declarations.

The Mayor and Council hereby finds and declares that there has been a proliferation of what are commonly known as "illegal apartments", meaning residential dwelling units which are occupied in violation of zoning laws. Most typically, these illegal apartments manifest themselves as a second residential unit in a building in a one-family zone, and a third residential unit in a building in a two-family zone. The Mayor and Council hereby further finds and declares that such illegal units have a deleterious effect on the quality of life of Borough residents, require the provision of Borough services, generate young people who attend Borough schools, increase the utilization of Borough programs and services, contribute to the costs of the Borough by increasing the generation of refuse (garbage) and sewer flow, contribute to overcrowding, generate traffic within the Borough, generate automobiles which contribute to parking shortages throughout the Borough and lead to the maintenance of dwelling units which often fail to meet health, safety and building code standards. By their nature, such units generally escape taxation as their maintenance and existence is normally hidden and not used for tax assessment purposes. The use and maintenance of said illegal apartments is also unfair to the vast majority of Borough residents who abide by zoning laws.

§ 380-23. Declarations of policy.

The Borough of Woodcliff Lake hereby declares it to be the policy of the Borough to eliminate all illegal dwelling units within the Borough of Woodcliff Lake and prevent them from reoccurring.

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Date: June 6, 2016
Attest: **DEBORAH DAKIN**
BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE,
Bergen County, New Jersey**

ORDINANCE 16-10

ORDINANCE GOVERNING THE BROADWAY CORRIDOR PROJECT

Located Under Article VI. Business Districts (B-1, B-2, B-3, SBC)

Article VI: BROADWAY CORRIDOR South (BC-S) DISTRICT

§ 380-047.01 Permitted Uses:

- A. Within the Broadway Corridor South (BC-S) District, no building, structure, area, lot or land shall be used in whole or in part for anything other than one or more of the permitted uses expressly set forth herein or accessory uses subordinate to the permitted uses and conditional uses expressly set forth herein.
- B. Any use not expressly identified as a permitted use is expressly prohibited in this Article. Permitted uses include the following:
- 1) Retail / Commercial / Office:
 - a) Stores including restaurants, eating and drinking establishments, cafes, general stores, shops, drinking establishment, bakery, delicatessen, grocer store / supermarket, book and stationery, florist, as freestanding structures or as a liner around parking structures
 - b) Shops for personal service and repairs, including beauty and barber shops, health clubs, day spa, shoe repair, appliance repair, locksmiths, and photography establishments.
 - c) Businesses including professional and executive offices and personal business service establishments such as travel agencies and real estate sales offices.
 - d) Professional and Business Office including general office, medical, physical therapy, outpatient care facilities, permitted as freestanding structures or as a liner around or over a parking structure;
 - e) Banks and similar financial institutions.
 - f) Nursery schools and day-care centers.
 - g) Retail / Commercial / Office Space is required on the first floor
 - 2) Residential:
 - a) Multi-family, apartments, residential over retail/commercial, residential lining or over parking;
 - b) Live work studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, antique dealers and designers of ornamental and precious jewelry are permitted on the first floor only;
 - 3) Parks and Open Space:
 - a) Parks, playgrounds, public schools and other municipal governmental services or uses.
 - b) Reservoir and water sheds.
 - c) Lands owned by a public or privately owned utility and maintained in a natural, vegetated state in connection with a public water supply on which no other use or structure is located which is not directly related to the maintaining of such public water.
- C. Other Provisions:
- 1) Any use not specifically stated as a Permitted Use is not permitted in the BC-S District.
 - 2) Retail/Commercial/Office uses are required to front on Broadway.
 - 3) Residential units are not permitted on the first floor.
 - 4) All buildings shall be designed with a flat roof.

- 5) Three bedroom units are not permitted.
- 6) Existing nonconforming uses or structures are permitted to continue as per N.J.S.A. 40:55D-68.

§ 380-047.02 Accessory Uses:

- A. An accessory use shall be permitted, provided that:
 - 1) The use is incidental and subordinate to the main permitted use; and
 - 2) Not in violation of the provisions set forth hereafter.
- B. Parking as an accessory use to a permitted uses in the BC-S District shall be screened of view from Broadway per the Design Standards of this section;
 - 1) Parking shall not be permitted between the principal or conditional use and Broadway;
 - 2) Parking located on the side of a principal or conditional use shall be screened from Broad way per the design standards of this section;
- C. Lobbies on the ground floor providing access to residential, commercial or office uses on the upper floors;
- D. Loading spaces and docks, recycling and refuse storage areas;
- E. Residential, Commercial, Office and service uses shall be permitted provided they are subordinate to the principle permitted use including;
 - 1) Management Offices;
 - 2) Conference Center / Meeting Rooms;
 - 3) Fitness Center;
 - 4) Walk-up ATM;
- F. Accessory structures shall comply in all respects with the requirements of the principle structure;
 - 1) No accessory structure shall be located closer to the street right of way line than the required front yard setback of the principle use;
 - 2) No portion of an accessory structure shall include living quarters;
- G. When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements applicable to the principal structure;
- H. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot;
- I. In no event shall the height of an accessory structure exceed the height of the principal building;

§ 380-047.03 Conditional Uses:

The following conditional uses shall be subject to site plan approval by the Planning Board:

- A. Houses of worship and related religious uses, subject to the following standards:
 - 1) Minimum lot size: Three (3) acres
 - 2) Lot width: 400 feet
 - 3) Front yard setback: 50 feet each
 - 4) Side yard setback: 50 feet each; 100 feet both
 - 5) Rear yard: 50 feet
 - 6) Height: 2 1/2 stories or 30 feet
 - 7) Max. building coverage: 15%
 - 8) Max. impervious surface coverage: 30%
 - 9) Parking: one space for each three seats, plus one space for each staff member.

§ 380-047.04 Prohibited Uses:

Any uses other than those permitted by **§ 380-047.01** are prohibited. Without in any manner limiting the generality and prohibition of this section, nothing contained in this section shall be construed to permit any of the following uses in the BC-S District:

- A. Automotive uses, such as body and fender shops, automobile glass shops, radiator repair shops, muffler shops, transmission repair shops, new and used car lots, junkyards and automobile wrecking yards;
- B. Car washing establishments;
- C. Commercial amusements, either as a principal or accessory use, except as permitted in Chapter 92
- D. Amusement Devices, of the Code of the Borough of Woodcliff Lake;
- E. Commercial storage or warehouses;
- F. Discount stores and auction houses;
- G. Dog kennels, veterinary practices or animal hospitals;
- H. Funeral parlors;
- I. Hotels or motels;
- J. Manufacture, assembly or treatment which is not clearly incidental to a permitted retail business use conducted on premises;
- K. Massage parlors, saunas or steam baths and health spas;
- L. Motorcycle and motorbike sales and service establishments;
- M. Moving and storage warehouse establishments;
- N. Parking or storage of trailers, trucks and maintenance vehicles of any type;
- O. Parking located on the property between the principal use and Broadway;
- P. Repair or machine shops, unless clearly accessory to a permitted retail use conducted on premises;
- Q. Residential three bedroom units
- R. Residential uses on the first floor other than those permitted as accessory uses;
- S. Processing, assembling, servicing or storage of materials, merchandise, supplies or displays shall be prohibited in front, side or rear yards or any area of open space, including any aisle, sidewalk, walkway, driveway or accessway;
- T. Self-operated and coin-operated dry-cleaning establishments and laundromats, and any other self-operated establishment;
- U. Service stations (gasoline) for motor vehicles;
- V. Stone yard or monument works;
- W. Woodworking or metalworking shops;
- X. Airplane and helicopter takeoff and landing areas;
- Y. Any business involving the sale of fuel;
- Z. Lots used for drive-through access;

§ 380-047.05 Dimensional Requirements:

- A. All parcels, lots and structures in the BC-S District shall conform to the following requirements:
 - 1) Minimum Frontage on Broadway: 200 feet
 - 2) Minimum Lot Depth: 100 feet
 - 3) Minimum Lot Area: 21,780 square feet
 - 4) Maximum Building Coverage: 60%
 - 5) Maximum Lot Coverage: 90%
 - 6) Maximum Density: 18 units per acres
 - 5) Minimum Building Stories / Height: 1 story / 24 feet
 - 6) Maximum Building Stories / Height: 3 stories / 42 feet
 - 7) Minimum First Floor Height: 16 feet
 - 8) Minimum Setback Requirements:
 - a) Front Yard: 36 feet from centerline of Broadway to the building facade
 - b) Rear Yard: 5 feet
 - c) Side Yard: 0 feet

§ 380-047.06 Parking Requirements:

A. The minimum parking requirements which meet the Density, Area, Yard and Height Requirements for the Rehabilitation Area are as follows:

<u>Use</u>	<u>Parking Ratio</u>
Residential:	Refere to NJ RSIS
Retail / Commercial:	4.0 sp/1,000 GFA*
Restaurant:	6.0 sp/ 1,000 GFA*
Medical Office:	4.0 sp/1,000 GFA
General Office:	3.5 sp/1,000 GFA
Civic, Cultural, Institutional:	1.0 sp/4.0 seats

1) Notes:

- a) When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required;
 - b) Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure;
 - c) Up to 10% of the required parking stalls may be designated for compact cars;
 - d) Off-street tandem parking is prohibited;
 - e) Outdoor seating areas do not count toward the required parking ratios;
 - f) Accessory uses do not require parking;
 - g) All surface parking shall be screened based on the Design Standards indicated in the Streetscape section of this Redevelopment Plan;
 - h) For Civic Uses without seating, the Retail/Commercial parking requirements shall apply;
 - i) Outdoor patio / decks for seating does not count toward the required parking ratio;
 - j) Restaurants with under 800 square feet of seating area do not require parking;
- B. Shared Parking: Joint use of up to 50 percent of required parking spaces for the secondary use, may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. Any shared parking shall require a Shared Parking Analysis based on the ULI Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer;
- C. On-Street Parking Spaces: In the event on-street parking is provided along Broadway, on-street parking spaces located along the portion of a public street(s) abutting the use may be counted toward the minimum number of parking spaces for the retail / commercial uses only as required by this ordinance;
- a) On-street parking spaces must be located on the same side(s) of the street as the use and have a dimension of at least 22' feet in length;
- D. For all other parking provisions not identified in this section refer to Chapter 292 of the Borough of Woodcliff Lake Zoning Ordinance;

§ 380-047.07 Screening Requirements:

The provisions of this section shall be met at the time land is developed or the land and structures are redeveloped. For any screening requirements not identified in this section refer to the Borough of Woodcliff Lake Zoning Ordinance.

- A. Off Street Parking: All proposed off street parking areas with twenty five (25) spaces or more, shall be screened from all public streets with the following criteria:
- 1) A four foot (4'-0") minimum planting strip shall be located between the back of the public sidewalk and the parking area.
 - 2) The planting strip shall be planted with evergreen shrubs at least three feet high (3'-0") at the time of planting which are a species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height.

- 3) Perimeter trees shall be planted at no greater than twenty five foot (25'-0") on center based on the perimeter length of the parking area and should be trimmed up to eight feet 8'-0" in height at the time of planting.
- B. Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 4" caliper tree for every eight parking spaces which include perimeter trees.
- 1) Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - 2) Each such tree shall be located in a planting island with a minimum area of 150 square feet of pervious surface;
 - 3) The following distribution of trees shall apply:
 - a) Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - b) No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area.
- C. Required Screening: The following uses must be screened from abutting property and view from a public street:
- 1) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - 2) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - 3) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - 4) Outdoor storage of materials, stock and equipment; and
 - 5) Any other uses for which screening is required under these regulations.
- D. Installation Requirements: The following contains standards to be used in installing screening:
- 1) Trees must be installed with a minimum 4" caliper and must be large deciduous or evergreen species which have a minimum growth height of 25'-0"; (See Section 3: Design Standards for minimum street tree requirements.)
 - 2) Trees should be trimmed up eight feet (8'-0") at the time of planting;
 - 3) Shrubs used in any screening or landscaping must be evergreen, at least three feet (3'-0") tall with a minimum spread of two feet (2'-0") when planted and no further apart than four feet (4'-0"). They must be of a variety and adequately maintained so that an average height of three to four feet (3'-0" to 4'-0") could be expected as normal growth within four years of planting. Shrubs and trees shall be on the approved plant list for the Borough "Approved Plant Species" list;
 - 4) Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
 - 5) A chain link, wood, plastic, or metal fence cannot be used and does not satisfy the requirements of this section;
 - 6) The maximum height for a wall or fence is four feet (4'-0").

§ 380-047.08 Streetscape Requirements:

- A. The streetscape for the Broadway Corridor South District should be designed with a similar palette of materials and standards in order to portray a cohesive district.
- B. Streetscape Elements shall be provided by the developer per this section of the Design Standards which include:
 - 1) Street trees;
 - 2) Lighting;
 - 3) Street Furniture;
 - 4) Landscape and Hardscape;
- C. Street Trees: Street trees shall be planted in either grates or open landscape areas equivalent to 30' on center along all public street frontage for any new project/development.

- 1) Street trees shall be planted with a minimum four inch 4" caliper, shall be trimmed up to 8'-0" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen;
- D. Sidewalks: Sidewalks shall be a minimum of 6'-0" in width;
- E. Street Lighting:
- All street lighting in the Broadway Corridor shall be shielded from second floor uses and shall be a maximum of 16' in height, located on center between street trees 1'-0" from the back of curb at a maximum of 90'-0" on center;
 - Street light specifications and locations shall be submitted for review and approval prior to installation;
 - Luminaires should be translucent or glare-free using opaque glass or acrylic lenses;
 - Diffusers and refractors should be installed to reduce unacceptable glare; particularly adjacent to residential areas.

§ 380-047.09 Design Standards:

The design standards in this section provide the criteria for proposed development in the Broadway Corridor South BC-S Zone in order to promote a high quality, pedestrian friendly, mixed use environment. Any future development is subject to these provisions and should be built in accordance with the minimum design standards specified in this section. These standards promote:

A. Building Architectural Character:

All buildings shall reinforce pedestrian scale.

- 1) All buildings shall be designed with a flat roof;
- 2) The base of buildings shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
- 3) Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
- 4) For commercial and retail uses 75% of the first floor facing Broadway shall be designed with glass as a transparent wall;
- 5) Special attention must be given to the design of windows at the base of buildings. Ribbon windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged;
- 6) Building facades in excess of 50'-0" in length shall be designed to avoid a monolithic appearance through the use of different façade materials and at least one building change in the building plane;
 - a) For buildings in excess of 36'-0" in length a vertical demarcation should be included at a minimum of every 18'-0" of building façade;
- 7) Primary building materials shall include: brick, stone, and/or glass which cover a minimum of 75% percent of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 25% percent for each building façade;
 - a) Vinyl siding of any type or grade is strictly prohibited on any portion of building façade in the redevelopment area;
 - b) Stucco is permitted as an accent material on facades that do not face a public street;
- 8) Generic national branding architecture for freestanding retail / commercial buildings unless it meets the requirements of this section is prohibited;
- 9) Storefront design should reflect the individual tenant's brand identity;
 - a) First level facades should be varied and avoid monolithic appearance;

B. Building Orientation:

- 1) All buildings shall be oriented toward Broadway;
- 2) All new development shall have a 16'-0" minimum first floor height;
- 3) Outdoor patios and dining areas are permitted to face Broadway;

C. Building Entrances:

Building entrances should be easily identifiable and feature large, open and transparent windows with unique and interesting signage.

- 1) Commercial and retail entrances are required to front on Broadway. Secondary entrances are permitted on the sides and rear of buildings.
- 2) Entrances for residential, office and uses other than commercial and retail should be separate and distinct;

D. Building Storefront Components:

The following components are encourage for the building facades that front Broadway:

- 1) **Entries & Doors:** The placement of doors and their design are an integral part of the storefront because they establish a clear point of entry to the store. Creative uses for entry doors should be explored as a connection to the street. Restaurants especially should use doors to open interior seating spaces to the outside café seating on the sidewalk;
- 2) **Canopies & Awnings:** An awning or canopy emphasizes the store or restaurant's entrance, provides shade for a café, and can carry part of a tenant's identity. It can also add texture to the streetscape, and add interest and variety to the building façade;
- 3) **Windows & Glazing:** The use of glazing in retail storefronts creates an important connection between the interior and exterior environment, and allows for effective window shopping and merchandising opportunities. Glazing elements also play a key role in establishing the quality of public space. Carefully conceived glazing design will benefit retailers, consumers and the public environment establishing an atmosphere of transparency and vibrancy.

E. Storefront Materials:

The approach to storefront design should be to create the highest quality level possible with an emphasis on user-friendly materials. The overall objective in developing the exterior storefront design is to specify "real" materials at the pedestrian level. A variety of masonry materials such as brick, stone and pre-cast are suitable. Masonry detailing, molding, finished metals, glass enhancements and high quality paint treatments will contribute to a successful retail environment. The minimum recommendations below, outline some of the specifics when considering materials for storefronts:

- 1) The following materials are not permitted for new development without a variance on storefronts:
 - a) Plastic and metal laminates
 - b) Acrylic
 - c) Plastics
 - d) Smoked or tinted glass
 - e) Anodized or mill finish aluminum
 - f) Simulated materials
 - g) Interior grade materials and wall coverings
 - h) Distressed or sandblasted woods
 - i) Rough-sawn woods and shakes
 - j) Mirror
 - k) EIFS

F. Street Level Frontage / Uses:

- 1) Residential uses are not permitted on the first floor of any building in the BC-S Zone;
 - a) Residential lobbies and entrances however, are permitted on the first floor on Broadway and should be distinct and separate from the entrances of all other first floor uses;
- 2) For retail and commercial uses, outdoor dining and seating is encouraged on Broadway;
- 3) Seating is encouraged to be designed either along the building façade or at the back of the curb. These areas should be clearly identified with either temporary, semi permanent barriers that are removed at the end of each night or permanent barriers;

G. Canopies and Balconies:

Canopies, awnings, and similar architectural accents are encouraged at entrances to buildings. Such features may be constructed of rigid or flexible material designed to complement the tenant's identity at the street level.

H. Mechanical Equipment Screening:

The screening of rooftop mechanical equipment is required.

- 1) All rooftop mechanical equipment shall be screened from view from all adjacent public streets, open spaces and parks in all directions and elevations to minimize the negative impact from any public street, neighborhood or adjacent building;

- 2) Screening materials shall be consistent with the architectural detail, color and materials of the building;
 - a) Wire mesh screening is not permitted;
- 3) All roof and HVAC systems must be set back a minimum of 15' from Broadway and 10' from any other public street or public open space from the building edge and screened as to not be visible from any adjacent public street or public property;
- 4) Any wall pack ventilation unit facing a public street must match the adjacent material color.

i. Building Service Locations:

All service locations for new development shall be provided at the rear or side of the building and shall not be permitted directly on Broadway.

- 1) Existing service locations on Broadway are permitted with designated service drop off areas only. Service vehicles are not permitted to stop in the street and must use a designated service drop off area.

Chapter 380. Zoning
Article IV. Residential Districts

§ 380-11. Principal uses.

[Amended 12-2-1991 by Ord. No. 91-17; 11-8-1995 by Ord. No. 95-13; 9-6-2005 by Ord. No. 05-10]

Within any residential district, except for the BC-N, AH-2 and ARHO Districts, no building structure or lot shall be used in whole or in part other than for single-family dwellings designed and used for occupancy exclusively by one family, and for no other principal use or purpose, and any use not set forth below is expressly prohibited. Within the AH-2 District, no building, structure or lot shall be used in whole or in part for any use other than multifamily residential dwelling(s) containing low- and moderate-income restricted units, and for no other principal use or purpose, and any use not set forth below is expressly prohibited.

Within the Broadway Corridor North (BC-N) Zone, both single-family dwellings designed and used for occupancy exclusively by one family and for no other principal use or purpose and multi-family residential dwellings containing low and moderate income restricted units and for no other principal use or purpose are permitted. Any other use not set forth below is expressly prohibited in the BC-N Zone.

- A. Single-family dwellings shall be designed and used for occupancy exclusively by one family and may be located upon property with one accessory structure.

[Amended 10-16-2006 by Ord. No. 06-08]

- B. Accessory garages. Every dwelling erected shall have at least a one-car garage attached to, detached from or constructed beneath said dwelling. Detached garages shall constitute an accessory structure and accessory garages shall be further subject to the following:

[Amended 10-16-2006 by Ord. No. 06-08]

1. An accessory garage may be erected and used only upon a lot containing a dwelling.
 2. No detached accessory garage may be erected unless all of the following conditions are observed:
 - a. That it shall not be closer in distance to any front, side or rear property line than the minimum requirements for the zone district in which it is located.
 - b. That it shall not exceed 15 feet in height.
 - c. That it shall be a minimum of 20 feet from all other structures.
 - d. That it shall not exceed 800 square feet in area.
 3. Any accessory garage shall be limited to the following stated uses: storage of private motor vehicles owned or operated for their personal use by the occupants of the dwelling, storage of household effects, tools and such other items of equipment as are directly related to the care, use and upkeep of the dwelling, the buildings, the lot or the permitted motor vehicles.
 4. Nothing contained herein shall be construed as permitting any detached accessory garage to be used for human habitation or any business or commercial activity.
- C. Hotheuses or greenhouses. A hothouse or greenhouse may be constructed as an accessory structure to the dwelling, provided that it may be used only for raising or growing of horticultural or agricultural products to be used on the premises and not sold therefrom and must meet all front, side and rear yard requirements of the zone district in which it is erected and shall not exceed 12 feet in height or yard requirements of the zone district in which it is erected and shall not exceed 12 feet in height or exceed 300 square feet in area.
- D. Additional residential accessory uses. The following additional residential accessory uses shall be permitted:
1. Concrete and/or paved patios (maximum of 12 inches high) and wood decks (maximum of 12 inches high), whether attached to a principal structure or freestanding; swimming pools and/or whirlpools (hot tubs) above or in the ground, when designed for use exclusively for private purposes, shall be a minimum of 20 feet from a side or rear lot line. Cabanas over 100 square feet in area should be limited to a maximum area of 300 square feet and 15 feet high. They shall be considered a structure and must comply with the building setbacks in their respective zones.

[Amended 1-2-2001 by Ord. No. 00-7; 6-19-2001 by Ord. No. 01-4; 12-2-2002 by Ord. No. 02-15; 10-17-2005 by Ord. No. 05-15; 10-16-2006 by Ord. No. 06-08]

- a. The pool and all mechanical equipment and accessory equipment shall be located to the rear or side of the dwelling and shall also comply with the minimum setback of 20 feet from rear and side lot lines.
- b. The aforementioned items shall meet the requirements of this chapter for a front yard setback for both streets, in the case of a corner lot. In no event shall they extend beyond the front building line of the house located on such corner lot.
- c. The provisions in this subsection for minimum setbacks for swimming pools and accessory equipment shall also apply to cabanas, up to a maximum 100 square feet in area and a maximum ten-foot height. Larger cabanas shall be subject to the setbacks required for a principal structure in the zone district.
- d. Patios and decks having a maximum vertical face greater than 12 inches above the level of the ground which fall into the definition of "building and/or structure" shall meet the setback required for a principal building in the zone district.

2. Tool sheds and garden sheds.

[Amended 1-2-2001 by Ord. No. 00-7]

- a. Tool sheds and garden sheds (sheds) when designed for use exclusively for private purposes, provided that they shall be located in the rear yard, as defined in this chapter, and to the rear of the principal building, not greater than 100 square feet in area nor 10 feet in height, shall be a minimum distance of 10 feet from any lot line.

[Amended 12-2-2002 by Ord. No. 02-15]

- b. All sheds not otherwise specified herein, and all sheds greater than 10 feet in height, or larger than 100 square feet in area, shall be limited to the maximum size as set forth below and shall be considered a structure and must be located in the rear yard within allowable zoned setbacks between the rear setback line and rear face of the dwelling.

[Amended 10-16-2006 by Ord. No. 06-08; 6-6-2011 by Ord. No. 11-04]

1. In the Residential Zone R-15, the maximum shed size permitted shall be 150 square feet, with a maximum height of 12 feet.
2. In the Residential Zone R-22.5, the maximum shed size permitted shall be 200 square feet, with a maximum height of 12 feet.
3. In the Residential Zone R-30, the maximum shed size permitted shall be 200 square feet, with a maximum height of 12 feet.
4. Regardless of size, only one shed is permitted as an accessory structure on any residential property.
5. Nothing in this subsection shall be deemed as removing a shed from the definition of "structure" as used in this chapter unless specifically excluded from such definition under the Uniform Construction Code. In addition, all measurements for height and area shall be determined by measuring the outside of the roof or walls of the structure.

- c. Nothing in this subsection shall be deemed as removing a shed from the definition of "structure" as used in this chapter unless specifically excluded from such definition under the Uniform Construction Code. In addition, all measurements for height and area shall be determined by measuring the outside of the roof or walls of the structure.

E. Farms. Lots in a residential zone may be used as a farm. Such lot or adjoining lots shall have a minimum area of five acres and does not include the processing or manufacturing of any products for resale on the lot or from the lot.

F. Farm accessory buildings. The following accessory uses or structures may be permitted on lots used as a farm (provided that no sales, retail or wholesale, are made from such farm accessory buildings):

1. Accessory garages, but subject to the same limitations and specifications as hereinabove set forth.

- 2. Hothouses or greenhouses for raising or growing of agricultural or horticultural products and barns and stables to house animals and store implements, equipment and supplies, which structures shall meet all front, side and rear yard requirements of the zone district in which it is erected.
 - 3. A roadside stand, provided that it is located at least 100 feet from the center line of the road, has adequate provision for off-street parking and turning around of automobiles as determined by the appropriate governmental authority and sales therefrom are limited to farm, garden or orchard products raised on the lot or adjoining lots constituting the farm.
- G. Reservoir and water sheds. Lands owned by a public or privately owned utility and maintained in a natural, vegetated state in connection with a public water supply on which no other use or structure is located which is not directly related to the maintaining of such public water.
- H. Municipal governmental uses. Parks, playgrounds, public schools and other municipal governmental services or uses.
- I. Satellite receiving antenna. See Chapter 275, Satellite Earth Station Antennas.

§ 380-12. Lots used for drive-through access prohibited.

No lot or parcel of land shall be used for the purpose of access to, or a drive-through driveway for or parking for the benefit of any adjoining lot, either within or without the Borough of Woodcliff Lake.

§ 380-13. Conditional uses.

The following conditional uses shall be subject to site plan approval by the Planning Board:

A. Houses of worship and related religious uses, subject to the following standards:

- 1. Minimum lot size: three acres.
- 2. Lot width: 400 feet.
- 3. Front yard setback: 50 feet each.
- 4. Front yard setback: 50 feet each.
- 5. Side yard setback: 50 feet each; 100 feet both.
- 6. Rear yard: 50 feet.
- 7. Height: 2 1/2 stories or 30 feet.
- 8. Maximum building coverage: 15%.
- 9. Maximum impervious surface coverage: 30%.
- 10. Parking: one space for each three seats, plus one space for each staff member.

B. Community residences; permit.

[Amended 10-7-1996 by Ord. No. 96-7]

- 1. Community residence for the developmentally disabled or for persons with head injuries or community shelters for victims of domestic violence shall require a conditional use permit from the Planning Board where such housing shall provide for more than six persons, excluding residential staff. The Planning Board shall permit such use subject to the following standards:
 - a. Parking: one space for each one resident plus one space for each staff member.
 - b. No signs shall be permitted on the residence designating or showing it to be a residence for the developmentally disabled, persons with head injuries or for victims of domestic violence.
 - c. The character of a single-family residence dwelling shall be maintained and conforming with other residences in that area.
 - d. The driveway shall be in conformity with other driveways permitted in the area.
 - e. The Planning Board may apply other standards and specifications related to these shown above or as shall be reasonably related to the health, safety and welfare of the residents of said district.

- f. Throughout all residential districts of the municipalities, not more than 15 residents, excluding resident staff members, shall be permitted in each such dwelling unit.
 - g. The application for such conditional use permit shall be accompanied by an application for site plan approval under the provisions of Chapter 292, Site Plan Review, of the Code of the Borough of Woodcliff Lake.
2. No permit shall be issued if:
- a. The proposed residence is located within 1,500 feet of an existing such residence or shelter.
 - b. The total number of residents in such existing community residences and community shelter exceeds 50 persons or 1/2 of 1% of the total population of the municipality, whichever is greater.
 - c. The proposed residence or shelter would be nonconforming in the district where proposed.
 - d. The proposed residence or shelter does not comply with other applicable provisions under this chapter.
- C. Incidental home profession or occupation. Incidental home profession or occupation shall be permitted in R-30, R-22.5 or R-15 Zones, subject to the following standards:
- 1. No individual not a resident of the premises shall conduct the business or profession therein.
 - 2. Only one person who is not a resident of the premises is permitted to be employed by the home
 - 3. Only one person who is not a resident of the premises is permitted to be employed by the home profession or occupation.
[Amended 12-2-2002 by Ord. No. 02-15]
 - 4. No more than 25% of the total floor area of the residence shall be occupied by the business or profession.
 - 5. No display, no stock and trade nor commodities shall be sold upon the premises.
 - 6. No mechanical equipment not customary in the home shall be used.
 - 7. No sign other than a nameplate sign shall be displayed and no larger than one foot by two feet.

§ 380-14. Lot dimensions; supplemental regulations.

- A. R-30 Residential One-Family District.
- 1. Each lot shall have a minimum area of 30,000 square feet.
 - 2. Each lot shall have a minimum frontage at the street line of 150 feet.
 - 3. Each lot shall have a minimum depth of 150 feet.
 - 4. Each lot shall have a maximum building coverage of 15% and maximum total surface coverage of 30%.
 - 5. No building exceeding 2 1/2 stories shall be erected on any lot, and in no event shall the height of any building exceed 35 feet, and in no event shall the vertical distance of any side of a building from the lowest natural grade adjacent to the perimeter of the highest point exceed 37 feet from the natural grade.
[Amended 7-1-1996 by Ord. No. 96-3; 6-6-2011 by Ord. No. 11-02]
 - 6. Each lot shall have the following minimum yards.
 - a. Front: 50 feet.
 - b. Side:
 - One side: 20 feet.
 - Both sides: 60 feet total.
 - c. Rear: 50 feet.
- B. R-22.5 Residential One-Family District.
- 1. Each lot shall have a minimum area of 22,500 square feet.
 - 2. Each lot shall have a minimum frontage at the street line of 150 feet.
 - 3. Each lot shall have a minimum depth of 125 feet.
 - 4. Each lot shall have a maximum building coverage of 15% and maximum total surface coverage of 30%.
 - 5. No building exceeding 2 1/2 stories shall be erected on any lot, and in no event shall the height of any building exceed 33 feet, and in no event shall the vertical distance of any side of a building from the lowest

natural grade adjacent to the perimeter of the highest point of the building exceed 35 feet from the natural grade.

[Amended 7-1-1996 by Ord. No. 96-3; 6-6-2011 by Ord. No. 11-02]

6. Each lot shall have the following minimum yards:

- a. Front: 35 feet.
- b. Side:
 - One side: 20 feet.
 - Both sides: 60 feet total.
- c. Rear: 40 feet.

C. R-15 Residential One-Family District.

1. Each lot shall have a minimum area of 15,000 square feet.
2. Each lot shall have a minimum frontage at the street line of 100 feet.
3. Each lot shall have a minimum depth of 100 feet.
4. Each lot shall have a maximum building coverage of 15% and maximum total surface coverage of 40%.
5. No building exceeding 2 1/2 stories shall be erected on any lot, and in no event shall the height of any building exceed 30 feet, and in no event shall the vertical distance of any side of a building from the lowest natural grade adjacent to the perimeter of the highest point of the building exceed 35 feet from the natural grade.

[Amended 7-1-1996 by Ord. No. 96-3; 6-6-2011 by Ord. No. 11-02]

6. Each lot shall have the following minimum yards:

- a. Front: 35 feet.
- b. Side:
 - One side: 20 feet.
 - Both sides: 40 feet.
- c. Rear: 30 feet.

D. R-8.15 Residential One-Family District.

[Added 7-6-1993 by Ord. No. 93-7]

1. Each lot shall have a minimum area of 8,150 square feet.
2. Each lot shall have a minimum frontage at the required setback line of 75 feet and at the street line of 50 feet.
3. Each lot shall have a minimum depth of 95 feet.
4. Each lot shall have a maximum building coverage of 35% and a maximum impervious coverage of 50%. Wooden raised decks shall not count toward impervious coverage.
5. The maximum floor area ratio (FAR) for each lot shall be 0.5, exclusive of all garage space. "FAR" shall be defined as the total habitable area divided by the lot area. Notwithstanding the FAR above, the maximum habitable floor area of any lot shall not exceed 4,500 square feet.
6. No dwelling exceeding 2 1/2 stories or 30 feet in height as measured from the lowest point of the frame/sill to the highest point of the roof, but in any event not to exceed 35 feet from the grade adjacent to the base to the highest point of the roof, shall be erected on any lot.
7. Each lot shall have the following minimum yards:
 - a. Front (measured from right-of-way line): 25 feet.
 - b. Side: a minimum total of 20 feet; provided, however, that each side yard shall be a minimum of 10 feet and the minimum distance between principal structures on adjacent lots shall be 20 feet.
 - c. Rear: 25 feet or 25% of the lot depth, whichever is greater for principal structures, and 15 feet for decks.
8. Supplemental regulations for R-8.15 Residential One-Family District.
 - a. Notwithstanding § 292-26B, parking shall not be permitted within five feet from the street right-of-way line.

- b. Notwithstanding § 292-26C(2), an off-street parking stall shall measure at least nine feet in width and 18 feet in length.
- c. Notwithstanding § 292-26C(4)(b), no driveway on a corner lot shall be located closer than 30 feet to the closest curblineline of the intersecting street. Only one driveway shall be permitted per lot.
- d. Notwithstanding § 380-11B(2), no detached garage shall exceed 600 square feet.
- e. Two garaged, off-street parking spaces shall be required for each residential unit.
- f. Notwithstanding § 332-31L, no dead-end street (cul-de-sac) shall be longer than 1,100 feet.

E. R-1511 Residential One-Family District.

[Added 7-6-1995 by Ord. No. 93-7]

- 1. Each lot shall have a minimum area of 15,000 square feet.
- 2. Each lot shall have a minimum frontage line of 45 feet at the right-of-way line.
[Amended 8-2-1993 by Ord. No. 93-8]
- 3. Each lot shall have a minimum depth of 100 feet.
- 4. Each lot shall have a maximum building coverage of 15% and maximum total surface coverage of 40%.
- 5. No building exceeding 2 1/2 stories or 30 feet in height shall be erected on any lot.
- 6. Each lot shall have the following minimum yards:
 - a. Front: 35 feet.
 - b. Side:
 - One side: 20 feet.
 - Both sides: 40 feet.
 - c. Rear: the greater of 30 feet or 35% of the lot depth and, for principal structures, the lesser of 30 feet or 35% of the lot depth for decks.
- 7. A fifteen-foot landscaped buffer shall be provided on each perimeter which abuts a lot in a zone other than the R-1511 Residential One-Family Zone and shall be in the form of a dedication contained on any subdivision plat. A landscaping plan for each required buffer shall be submitted and approved as part of any site plan approval. Recreational uses and driveways subject to the requirements of this chapter shall be permitted in such buffer, provided that such permitted recreational use and driveway shall not alter or require changes to the approved landscaping plan without site plan approval thereon.
[Amended 8-2-1993 by Ord. No. 93-8]

F. AH-1 Affordable Housing 1 District.

[Added 12-6-1993 by Ord. No. 93-12; amended 2-22-1994 by Ord. No. 94-1]

- 1. Each lot shall have a minimum area of 3,000 square feet.
- 2. Each lot shall have a minimum frontage of 27 feet, measured at the street line.
- 3. Each lot shall have a minimum depth of 79 feet.
- 4. Each lot shall have a maximum building coverage of 24% and a maximum impervious coverage of 39%. Wooden raised decks shall not count towards impervious coverage.
- 5. No dwelling exceeding 2 1/2 stories or 30 feet in height as measured from the grade adjacent to the base to the highest point of the roof shall be erected on any lot.
- 6. Each lot shall have the following minimum yards: front, 20 feet; side, one side eight feet, one side zero feet, both sides a minimum total of eight feet, provided that the minimum distance between structures on adjacent lots shall be 16 feet; and rear, 25 feet or 25% of the lot depth, whichever is greater, and, provided further, that a minimum of 25 feet setback shall be provided on each perimeter which abuts a lot in an EAO Zone or in an R-8.15 Zone and a minimum of a thirty-foot setback shall be provided on each perimeter which abuts a lot in an R-30 Zone.
- 7. A ten-foot landscaped buffer shall be provided on each perimeter which abuts a lot in a residential zone other than the AH-1 District and shall be in the form of a dedication contained on any subdivision plat. A landscaping plan for each required buffer shall be submitted and approved as part of any site plan approval.

8. Notwithstanding § 292-31B, right-of-ways shall be not less than 30 feet in width, and the roadways shall be improved at not less than 25 feet in width, provided that any improved roadway leading from a fifty-foot right-of-way to a thirty-foot right-of-way shall be improved at not less than 30 feet in width and provided that at each junction of improved roadways, there shall be improved a turning area with a forty-foot radius and there shall be provided a right-of-way surrounding the center point of such radius of 42.5 feet.
9. Each lot shall have two off-street parking stalls, one of which shall be located in a garage.
10. Notwithstanding § 292-26C(2), off-street parking stalls shall measure at least nine feet in width and 18 feet in length.
11. Notwithstanding § 292-26C(4)(b), no driveway on a corner lot shall be located closer than 10 feet to the closest curblineline of the intersecting street. Only one driveway shall be permitted per lot.
12. Notwithstanding § 292-26B, on-street parking shall be permitted within 18 feet from the right-of-way.
13. Any parking stall situated parallel to a right-of-way shall measure not less than 9 feet by 22 feet, and any parking stall situated perpendicular to a right-of-way shall measure not less than 9 feet by 20 feet.
14. Roadways terminating in dead ends shall be permitted, provided that there is an adequate backup area for driveways accessing onto said dead-end street.
15. Twenty-two units shall be developed in the AH-1 District. The bedroom mix of low- and moderate income units shall be as follows:

<i>Number of Bedrooms Per Unit</i>	Type of Unit	
	<i>Low Income</i>	<i>Moderate Income</i>
2	2	12
3	0	8
Total	2	20

16. All affordable units shall be affirmatively marketed in accordance with COAH regulations. All affordable units shall be sold in accordance with COAH regulations.

G. AH-2 Affordable Housing 2 District.

[Added 11-8-1995 by Ord. No. 95-13]

1. Each lot shall have a minimum area of one acre.
2. Each lot shall have a minimum frontage of 300 feet, measured at the street line.
3. Each lot shall have a minimum depth of 100 feet.
4. Each lot shall have a maximum building coverage of 40% and a maximum impervious coverage of 85%. Eaves and roof overhangs shall not be included for purposes of computing maximum building or impervious surface coverage.
5. Each lot shall have not more than three principal structures.
6. No structure exceeding 2 1/2 stories or 30 feet in height as measured from the grade adjacent to the base to the highest point of the roof shall be erected on any lot.
7. Each lot shall have the following minimum yards: front, 20 feet; side, one, a minimum of 4 1/2 feet, both, a minimum total of 9 1/2 feet; rear, five feet. Accessory structures shall be permitted in the rear yard. Parking may be located in any side or rear yard. Notwithstanding § 380-84E, eaves, open porches and roof overhangs may project into any required side yard and may project not more than two feet into any required front yard or setback. Retaining wall structures may be located in any required yard to setback.
8. One off-street parking space located in a garage or in the principal structure shall be provided for each dwelling unit; one off-street visitor parking space shall be provided for each six dwelling units; additionally, one handicapped parking space shall be provided for each nine dwelling units.
9. Notwithstanding Chapter 292, Site Plan Review, off-street parking stalls, except for handicapped spaces which shall comply with all regulations pertaining thereto, shall measure at least nine feet in width and 18 feet in length.

10. Notwithstanding Chapter 292, Site Plan Review, the minimum aisle (interior driveway) width shall be 18 feet.
11. Notwithstanding Chapter 292, Site Plan Review, the minimum width of a driveway connection to a public street at a ninety-degree angle shall be 21 feet.
12. Eighteen dwelling units shall be located in the AH-2 District. All dwelling units shall be low-income dwelling units and shall consist of one-bedroom units. Two-thirds of the total dwelling units located in the AH-2 District shall be restricted to senior citizen occupancy only. The term "senior located in the AH-2 District" shall be restricted to senior citizen occupancy only. The term "senior citizen," for purposes of this section, shall be defined as someone who is age 55 years or over at the time of occupancy of such a restricted dwelling pursuant to a written lease therefor or such other age as shall be required by any statute or regulation that may be applicable to such dwelling unit by reason of any governmental grant or loan in connection with the development of a lot in the AH-2 District.
13. All units shall be affirmatively marketed in accordance with COAH regulations. All rental units shall be rented in accordance with COAH regulations.

H. BC-N Broadway Corridor North.

1. Each lot shall have a minimum area of 21,780 square feet.
2. Each lot shall have a minimum frontage at the street line of 100 feet.
3. No minimum lot depth is required.
4. Each lot shall have a maximum building coverage of 30% and a maximum impervious coverage of 75%. Eaves and roof overhangs shall not be included for purposes of computing maximum building or impervious surface coverage.
5. Each lot shall have not more than two principal structures.
6. No structure exceeding 2 1/2 stories or 30 feet in height as measured from the grade adjacent to the base to the highest point of the roof shall be erected on any lot.
7. For projects that abut a single family R District, each lot shall have the following minimum yards:
 - a. Front: 35 feet.
 - b. Side:
 - One side: 20 feet.
 - Both sides: 60 feet total.
 - c. Rear: 40 feet.
8. For projects that do not abut a single family R District each lot shall have the following minimum yards: front, 20 feet; side, one, a minimum of 4 1/2 feet, both, a minimum total of 9 1/2 feet; rear, five feet. Accessory structures shall be permitted in the rear yard. Parking may be located in any side or rear yard. Notwithstanding § 380-84E, eaves, open porches and roof overhangs may project into any required side yard and may project not more than two feet into any required front yard or setback. Retaining wall structures may be located in any required yard to setback.
9. One off-street parking space located in a garage or in the principal structure shall be provided for each dwelling unit; one off-street visitor parking space shall be provided for each six dwelling units; additionally, one handicapped parking space shall be provided for each nine dwelling units.
10. Notwithstanding Chapter 292, Site Plan Review, off-street parking stalls, except for handicapped spaces which shall comply with all regulations pertaining thereto, shall measure at least nine feet in width and 18 feet in length.
11. Notwithstanding Chapter 292, Site Plan Review, the minimum aisle (interior driveway) width shall be 18 feet.
12. Notwithstanding Chapter 292, Site Plan Review, the minimum width of a driveway connection to a public street at a ninety-degree angle shall be 21 feet.
13. Eighteen dwelling units shall be located in the AH-2 District. All dwelling units shall be low-income dwelling units and shall consist of one-bedroom units. Two-thirds of the total dwelling units located in the AH-2 District shall be restricted to senior citizen occupancy only. The term "senior located in the AH-2 District" shall be restricted to senior citizen occupancy only. The term "senior citizen," for purposes of this section,

shall be defined as someone who is age 55 years or over at the time of occupancy of such a restricted dwelling pursuant to a written lease therefor or such other age as shall be required by any statute or regulation that may be applicable to such dwelling unit by reason of any governmental grant or loan in connection with the development of a lot in the AH-2 District.

14. All units shall be affirmatively marketed in accordance with COAH regulations. All rental units shall be rented in accordance with COAH regulations.
15. All screening and streetscape requirements as well as all design standards in the BC-S District shall apply to the BC-N District.

**BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey**

ORDINANCE NO. 16-11

**“AN ORDINANCE AMENDING THE DEFINITION OF BOARDINGHOUSE CONTAINED
IN CHAPTER §380-6 (A)”**

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake finds it to be in the best interest of the Borough and its citizens to clarify the definition of Boardinghouse contained in chapter §380-6 (a).

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter 380-6 (a) which gives the definition of the term “Boardinghouse” for the Zoning Code of the Borough of Woodcliff Lake is hereby amended and revised to read as follows:

A. BOARDINGHOUSE

— Any building, together with any related structure, accessory building, any land appurtenant thereto and any part thereof which contains:

1. two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel or established guesthouse wherein a minimum of 85% of the units of dwelling space are regularly offered to the general public for limited tenure only.
2. any resource home as defined in Section 1 of P.L. 1962, c. 137 (N.J.S.A. 30:4C-26.1)
3. any community residence for the developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2)
4. any dormitory owned or operated on behalf of any private corporation
5. any dormitory owned or operated on behalf of any nonprofit institution
6. any dormitory owned or operated on behalf of any primary, secondary, higher or other education for the use of its students

7. any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education
8. any facility or living arrangement operated by or under contract with any state department or agency, upon the written authorization of the Commissioner.

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

DATE: June 6, 2016

Attest: **DEBORAH DAKIN**
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

Resolution No. 16-132

June 6, 2016

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to the provisions of N.J.S.A. 10:4-12(b), may meet in closed session; and

WHEREAS, the following are the subject matters to be discussed in closed session:

1. BMW Litigation
2. Montvale Shared Services - Pool
3. Galaxy Gardens

WHEREAS, these Minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT FURTHER RESOLVED that formal action may be taken at the Meeting.

ROLL CALL:

Introduction: Mrs. Hayes
Second: Mr. Belgiovine
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

Deborah A. Dakin

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. 16-133

June 6, 2016

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 5/31/2016 - \$161,722.09

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	\$ 1,064,203.16
Animal Control:	\$ 845.00
Trust Other:	\$ 325.25
Capital:	\$ 3,356.08
Escrow:	\$ 5,177.31

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington,
Mr. Panso

Nays: None

Abstain: None

Absent: None

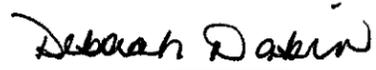
CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING YEARLY CONTRIBUTION TO TRI-BORO AMBULANCE FOR LOSAP

RESOLUTION NO. 16-134

JUNE 6, 2016

WHEREAS, the Borough of Montvale, Park Ridge and Woodcliff Lake have each adopted a shared cost program for the services of the Tri-Boro Ambulance Corps.; and

WHEREAS, Woodcliff Lake, Montvale and Park Ridge have each agreed to share equally in the cost of this Tri-Boro Ambulance service; and

WHEREAS, the total cost of contribution for LOSAP for 2015 has been calculated to equal \$34,932.40; and

WHEREAS, \$34,932.40 divided by the three (3) Boroughs equals a cost per Borough of \$11,644.13.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that Woodcliff Lake bill the respective towns which have members of the Tri-Boro Ambulance Corps. for their respective shares.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Boroughs of Park Montvale and Park Ridge.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

RESOLUTION NO. 16-135

June 6, 2016

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

**FEINSTEIN
60 Blueberry Drive
Woodcliff Lake, New Jersey
Escrow Refund: \$933.00**

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$933.00 in connection with the aforementioned.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

RESOLUTION NO. 16-136

June 6, 2016

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

**14 VALLEY VIEW DRIVE, LLC
14 Valley View Drive
Woodcliff Lake, New Jersey
Escrow Refund: \$1,770.00**

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$1,770.00 in connection with the aforementioned.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES

RESOLUTION NO. 16-137

June 6, 2016

WHEREAS, the property tax on the following parcel were overpaid by mortgage company; and

WHEREAS, this has resulted in the overpayment of property tax on this parcel by \$2,356.53; and

WHEREAS, the mortgage company of the property listed have requested a refund of overpayment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of \$2,356.53 to the mortgage company listed below:

B/L	OWNER	AMT.	REASON
2703/10	Yannelli #1700030630	\$2,356.53	DUPLICATE PAYMENT

PAYMENT TO:

Oritani Bank
370 Pascack Road
Township of Washington, NJ 07676

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

EMERGENCY TEMPORARY BUDGET APPROPRIATION

201-391-4977
Fax 201-391-8830

RESOLUTION NO. 16-138

June 6, 2016

WHEREAS, an emergent condition has arisen with respect to various Appropriations listed below and no adequate provision has been made in the 2016 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, said total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$1,500,000.00.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. The following temporary appropriations be and the same are hereby made for:

Administration – Other Expenses	\$ 15,000.00
Finance – Salaries and Wages	5,000.00
Information Technology – Other Expenses	3,000.00
Tax Assessment – Other Expenses	5,000.00
Legal – Other Expenses	15,000.00
Group Health Insurance for Employees	20,000.00
Police – Salaries and Wages	55,000.00
Shade Tree – Other Expenses	5,000.00
Solid Waste – Salaries and Wages	12,000.00
Sewer – Other Expenses	10,000.00
Bergen County Utilities – Sewer Charges	<u>45,000.00</u>
Total	\$ 190,000.00

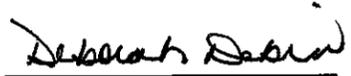
2. That said emergency temporary appropriations will be provided for in the 2016 budget under the various titles listed above.

ROLL CALL:

Introduction: Mrs. Herrington
 Second: Mr. Panso
 Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
 Nays: None
 Abstain: None
 Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor

Tomas J. Padilla, Borough Administrator

201-391-4977

Fax 201-391-8830

RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

RESOLUTION NO. 16-139

June 6, 2016

WHEREAS, due to the County Board of Taxation unable to certify a tax rate due to various issues at the state level and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis, it has become necessary to issue estimated tax bills for the 3rd Quarter of 2016; and

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated levies.

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY ON 6TH DAY OF JUNE 2016 AS FOLLOWS:

1. The Borough of Woodcliff Lake Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2016 taxes. The Tax Collector shall proceed and take such actions as necessary.
2. The entire estimated levy for 2016 is hereby set at \$41,310,435.00 for an estimated tax rate of \$2.152.
3. In accordance with law, the third installment of 2016 shall not be subject to interest until the later of August 10, 2016. Any payment received after August 10, 2016 shall have interest calculated from August 1, 2016.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington,
Mr. Panso

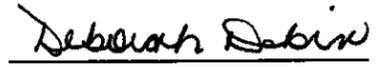
Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

RESOLUTION NO. 16-140

June 6, 2016

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

DAVID BERGER
36 Springhouse Road
Woodcliff Lake, New Jersey
Escrow Refund: \$862.50

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$862.50 in connection with the aforementioned.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING SOLICITORS LICENSE TO ZACHARY ZEBEDE, TRAVIS DE LA ROSA AND MICHAEL MOLLIKA OF POWER HOME REMODELING GROUP

June 6, 2016
RESOLUTION NO. 16-141

WHEREAS, Zachary Zebede, Michael Mollica and Travis De La Rosa of Power Home Remodeling Group have applied to the Borough Clerk's Office for a solicitor's license to inform homeowners that Power is doing work in the area and giving free estimates on more energy efficient windows, siding and roofing; and

WHEREAS, the Police Department has stated that there is no reason to deny this application; and

WHEREAS, the applicants have been advised of the rules and guidelines established in the Borough of Woodcliff Lake and strict adherence to this policy must be followed.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to issue a solicitors license to Zachary Zebede, Michael Mollica and Travis De La Rosa of Power Home Remodeling Group.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

201-391-4977
Fax 201-391-8830

RESOLUTION NO. 16-142 June 6, 2016

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

**NANCY TESTA
57 Indian Drive
Woodcliff Lake, New Jersey
Escrow Refund: \$466.25**

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$466.25 in connection with the aforementioned.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION APPOINTING COMMUNITY DEVELOPMENT COOPERATIVE AGREEMENT ANNUAL APPOINTMENTS

**Resolution No. 16-143
June 6, 2016**

WHEREAS, the Community Development Cooperative Agreement calls for annual appointments to the committee; and

WHEREAS, the appointments for the year 2016 are as follows:

Borough Representative: Tomas Padilla
Alternate: Deborah Dakin

Governing Body: Councilwoman Kristy Herrington
Alternate: Councilman Thomas Panso

NOW THEREFORE BE IT RESOLVED that the Mayor and Council approve these appointments.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original Resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF WOODCLIFF LAKE AND THE COUNTY OF BERGEN FOR THE SNOW PLOWING OF COUNTY ROADS WITHIN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-144

June 6, 2016

WHEREAS, *N.J.S.A. 40A:65-1 et seq.*, the "Uniformed Shared Services and Consolidation Act," authorizes contracts between municipalities for the sharing of services within their respective jurisdictions; and

WHEREAS, the governing bodies of the County of Bergen and Woodcliff Lake deem it to be in the best interests of the people in their respective communities to enter into such an agreement for the snow plowing of county roads located within the Borough for the 2016-2018 seasons pursuant to the terms of the Contract attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF WOODCLIFF LAKE, Bergen County, New Jersey, pursuant to the provisions of *N.J.S.A. 40A:65-1 et seq.*, that the Mayor or Administrator is hereby authorized to execute, and the Borough Clerk to attest, to a Shared Services Agreement between the Borough of Woodcliff Lake and the County of Bergen, for the sharing of services of the snow plowing of county roads located within the Borough for the 2016-2018 seasons pursuant to the terms of the Contract attached hereto a copy of which shall be on file in the office of the Borough Clerk, and available for public inspection.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

RESOLUTION AUTHORIZING CONTRACT FOR FIXED ASSET INVENTORY IN THE BOROUGH OF WOODCLIFF LAKE

201-391-4977
Fax 201-391-8830

RESOLUTION NO. 16-145

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake is required to undergo a fixed asset inventory of all municipal assets; and

WHEREAS, AM Consultants, a New Jersey corporation with offices at 107 Pinebrook Road, Montville, New Jersey 07045 has the expertise, equipment and experience necessary to provide this service for the Borough; and

WHEREAS, AM Consultants has provided a proposal for such service dated May 18, 2016 and attached hereto; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts that fall below the bidding threshold without competitive bids.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor or Administrator to execute and the Clerk to attest to any documentation to contract with Am Consultants to perform a fixed asset inventory of all municipal assets pursuant to their May 18, 2016 proposal.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE

RESOLUTION NO. 16-146

June 6, 2016

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

PEREZ
4 Benjamin Court
Woodcliff Lake, New Jersey
Escrow Refund: \$339.77

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$339.77 in connection with the aforementioned.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

RESOLUTION NO. 16-147

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A83453 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Borough of Woodcliff Lake.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The surplus personal property is no longer needed for public use.
- (4) The sale is being conducted pursuant to Local Finance Notice 2008-9 and 2008-21.
- (5) The terms and conditions of the agreement entered into with the vendor are available on the vendor's website and available in the Borough's Clerk office.
- (6) A list of the surplus property to be sold is as follows:

- | | | |
|----|--------------------------|------------------------|
| 1) | 2001 GMC W4500 | VIN# J8DC4B14811701163 |
| 2) | 1997 Ford F-350 | VIN# 1FDKF38F9VEC44513 |
| 3) | 2006 Ford Crown Victoria | VIN# 2FAHP71WX6X158629 |
| 4) | 2005 Ford Crown Victoria | VIN# 2FAHP71W06X104367 |

- | | | |
|----|--------------------------|------------------------|
| 5) | 2009 Ford Crown Victoria | VIN# 2FAHP71V79X111697 |
| 6) | 2003 Ford Crown Victoria | VIN# 2FAFP71W93X124703 |
| 7) | 2002 Ford F-250 | VIN # 1FTNW2172EC27250 |

(7) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(8) The Mayor and Council of the Borough of Woodcliff Lake reserves the right to accept or reject any bid submitted.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

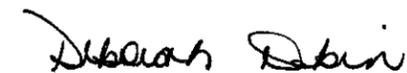
Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF WOODCLIFF LAKE AND THE WOODCLIFF LAKE BOARD OF EDUCATION FOR THE USE OF CERTAIN FIELDS WITHIN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-148

June 6, 2016

WHEREAS, *N.J.S.A. 40A:65-1 et seq.*, the "Uniformed Shared Services and Consolidation Act," authorizes contracts between municipalities for the sharing of services within their respective jurisdictions; and

WHEREAS, the governing bodies of the Woodcliff Lake Board of Education and the Borough of Woodcliff Lake deem it to be in the best interests of the community to extend the Shared Service agreement between the parties for the use of certain recreational fields up to two (2) years pursuant to the terms of the original 1996 Contract attached hereto;

WHEREAS, within this two (2) year time period the governing bodies of the Woodcliff Lake Board of Education and the Borough of Woodcliff Lake will work to create a long term Shared Service agreement between the parties to govern the use of the fields.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF WOODCLIFF LAKE, Bergen County, New Jersey, pursuant to the provisions of *N.J.S.A. 40A:65-1 et seq.*, that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, to a Shared Services Agreement between the Borough of Woodcliff Lake and the Woodcliff Lake Board of Education for the use of certain recreational fields pursuant to the terms of the 1996 Contract attached hereto a copy of which shall be on file in the office of the Borough Clerk, and available for public inspection.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington,
Mr. Panso

Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION APPOINTING DEENA B. ROSENDAHL, ESQ. AS SPECIAL COUNSEL IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-149
June 6, 2016

WHEREAS, the Borough of Woodcliff Lake wishes to appoint Deena B. Rosendahl, Esq. of the law firm Kaufman, Semeraro & Leibman, LLP as special counsel to represent the interest of former Mayor Jeffrey Goldsmith during his deposition appearance in connection with the BMW litigation at a rate of \$125.00 per hour; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permit authorizing the award of contracts for "Professional Services" without competitive bid.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake that the Mayor or Administrator is authorized to execute and the Clerk shall attest to any documentation necessary to appoint Deena B. Rosendahl, Esq. of the law firm of Kaufman, Semeraro & Leibman, LLP as special counsel to represent the interest of former Mayor Jeffrey Goldsmith during his deposition appearance in connection with the BMW litigation.

ROLL CALL:

Introduction: Mrs. Herrington
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso
Nays: None
Abstain: None
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING THE CONTRACT FOR THE RECYCLING OF BOOKS IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-150

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake has identified the benefits of offering the residents of the Borough a drop box for a "book drop" as a place for individuals to donate books; and

WHEREAS, the Borough of Woodcliff Recycling Coordinator has identified the corporation of BETTER WORLD BOOKS of Alpharetta, Georgia as having the expertise, equipment and experience necessary to perform this service for the Borough ; and

WHEREAS, BETTER WORLD BOOKS has supplied a proposal for such services on April 29, 2016; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts that fall below the bidding threshold and/or because of their dealing with recyclables materials to be done without competitive bids and provides that the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the execution of the contract between the Borough and BETTER WORLD BOOKS of Alpharetta, Georgia to maintain and empty a book drop pursuant to their April 29, 2016 proposal.

ROLL CALL:

Introduction: Mr. Belgiovine
Second: Mr. Panso
Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mr. Panso
Nays: None
Abstain: Mrs. Herrington
Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING A CONTRACT FOR GENERATOR MAINTENANCE IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-151

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake wishes to utilize grant monies from the Federal Emergency Management Agency under grant number HMGP-DR-4086-0415-F to connect the Borough's Fire House of the to a backup electrical generator; and

WHEREAS, to facilitate such undertaking a trench is necessary to be excavated, than backfilled and restored to its previous asphalted manner; and

WHEREAS, the Borough Administrator having sought and received three (3) quotes for such work and Dutra Excavating & Sewer Inc a New Jersey corporation with offices at 10 Stone Hollow Road Montvale, NJ 07645 being the lowest quote received and having the expertise, equipment and experience necessary to provide this service for the Borough; and

WHEREAS, Dutra Excavating & Sewer Inc has provided a proposal for such service in the amount of \$12,900.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts that fall below the bidding threshold without competitive bids.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor to execute and the Clerk to attest to any documentation to contract with Dutra Excavating & Sewer Inc to perform such services as stated above and pursuant to their proposal.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

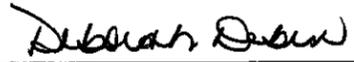
Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Acting Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Councilman
201-391-4977
201-391-8830

RESOLUTION AUTHORIZING A CONTRACT WITH ACADEMY ELECTRIC CONTRACTORS INC. IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-152

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake wishes to utilize grant monies from the Federal Emergency Management Agency to connect the Borough's Fire House to a backup electrical power generator; and

WHEREAS, the Borough Administrator having sought and received three (3) quotes from electricians to perform such work and Academy Electrical Contractors Inc. a New Jersey corporation with offices at 17a Palisades Avenue, Emerson, NJ 07630 being the lowest quote received and having the expertise, equipment and experience necessary to provide this service for the Borough; and

WHEREAS, Academy Electrical Contractors Inc. has provided a proposal for such service in the amount of \$26,526.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts that fall below the bidding threshold without competitive bids.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor to execute and the Clerk to attest to any documentation to contract with Academy Electrical Contractors Inc. to perform such services as stated above and pursuant to their proposal.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

Nays: None

Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Acting Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING A CONTRACT FOR GENERATOR MAINTENANCE IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-153

June 6, 2016

WHEREAS, the Borough of Woodcliff Lake wishes enter into a agreement for the maintenance of the Borough's municipal generators; and

WHEREAS, the Borough Administrator having identified Electrical Contractors Inc. a New Jersey corporation with offices at 17a Palisades Avenue, Emerson, NJ 07630 being the lowest quote received and having the expertise, equipment and experience necessary to provide this service for the Borough; and

WHEREAS, Electrical Contractors Inc. has provided a proposal dated June 6, 2016 for such service in the amount of \$3,230.98 ; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits the awarding of contracts that fall below the bidding threshold without competitive bids.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor to execute and the Clerk to attest to any documentation to contract with Electrical Contractors Inc. to perform such services as stated above and pursuant to their proposal.

ROLL CALL:

Introduction: Mrs. Herrington

Second: Mr. Panso

Ayes: Mr. Belgiovine, Mrs. Chiavelli, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington
Mr. Panso

Nays: None

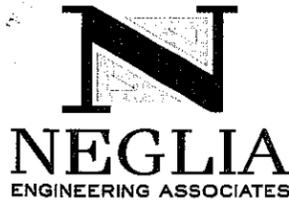
Abstain: None

Absent: None

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 6, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



Joseph E. Neglia, PE, PP, PLS
CEO, Chairman of the Board

Michael J. Neglia, PE, PP, PLS
President

Gregory Polyniak, PE, PP

Michael F. Berliner

Thomas R. Solfaro, PE, CME

Daniel Kaufman, PE, PP

Brian Intindola, PE

Civil Engineering

Municipal Engineering

Landscape Architecture

Traffic Engineering

Planning

Land Surveying

Construction Management

Locations:

■ 34 Park Avenue
P.O. Box 426
Lyndhurst, NJ 07071
Tel: 201.939.8805
Fax: 201.939.0846

■ 1119 Raritan Road
Suite 2
Clark, NJ 07066
Tel: 732.943.7067
Fax: 732.943.7249

www.negliaengineering.com

AGREEMENT FOR PROFESSIONAL SERVICES

DATE: June 6, 2016

TO: Mayor and Council
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake, NJ 07677

FROM: Michael J. Neglia, P.E., P.L.S., P.P. – Borough Engineer
Joseph R. Vuich, P.E. – For the Borough Engineer

RE: Proposal for Professional Surveying, Engineering, and
Construction Management Services of
2016 Municipal Road Program
Borough of Woodcliff Lake, Bergen County, New Jersey
WDLAMUN16.010

Neglia Engineering Associates has received a request to provide Professional Surveying, Engineering, and Construction Management Services for the above referenced project.

Description of Services

See attached Scope of Services.

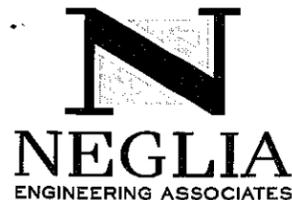
This agreement, when approved by the Borough of Woodcliff Lake, will be completed as follows:

1. On a **lump sum basis** for a cost of **Thirty-Two Thousand Four Hundred Forty Dollars and Zero Cents (\$32,440.00)** representing Professional Services for surveying, engineering design, bidding and contract preparation.
2. On a **time and material basis** in accordance with our attached schedule of fees for a cost not to exceed **Thirty-Six Thousand Dollars and Zero Cents (\$36,000.00)** representing construction management services.
3. On a **time and material basis** in accordance with our attached schedule of fees for an anticipated cost of **One Thousand Three Hundred Dollars and Zero Cents (\$1,300.00)** representing reimbursable expenses.

This document constitutes an agreement for services that will be provided subject to the attached Standard Terms and Conditions. Please sign and date this agreement and return to our office to serve as our notice to proceed or provide a resolution of approval which accepts the terms of this proposal.

I. BACKGROUND

Neglia Engineering Associates has prepared this proposal to provide Professional Surveying, Engineering, and Construction Management Services for the above referenced project. The proposed improvements include milling and paving, striping, roadway reconstruction, concrete curb repair and catch basin repair on various municipal roadways.



Our office understands that the Borough has made a capital budget appropriation of approximately \$550,000 for both construction costs and professional services related to roadway repairs in 2016. The Borough has also received a \$150,000 grant award from NJDOT toward the resurfacing of Harriet Drive. In total, the project budget is \$700,000. To date, preliminary project planning has been coordinated by Neglia Engineering Associates with the Borough of Woodcliff Lake in order to assess roadway conditions and identify the roads that are to be resurfaced. This effort has been invoiced separately under the annual General Engineering Services Agreement.

The following roads have been selected for inclusion in the base bid of the 2016 Municipal Road Program; Harriet Drive, Woodland Drive, Dorchester Road, Thomas Court, Heather Hill cul-de-sac, and the Borough Pool Filter House Lot. The Program anticipates a project construction cost of approximately \$600,000.

The following secondary grouping of roads was surveyed, designed, and bid as alternate bids during last year's road program; Daniel Court, Fern Street, and Balsam Road. At the discretion of the Council, these roads can be included as alternate bids once again in the 2016 Municipal Road Program at no additional cost for professional services.

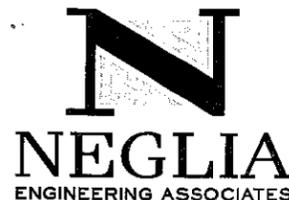
II. SCOPE OF SERVICES AND BUDGET

Phase I – Surveying, Design, & Bidding Services:

Neglia Engineering Associates will perform the following surveying, design and bidding services as they relate to the above mentioned roadway improvement project on various municipal roadways;

1. Perform the necessary field and office work required to establish locations in connection with the above listed roadway sections. Said work to include the reviewing of file maps and any other documents of record, and performing field survey in areas where the proposed improvements will be undertaken if necessary. We anticipate utilizing tax maps for any existing boundary / right-of-way information.
2. Hold the necessary meetings and research required to coordinate the Municipal Departments.
3. Perform final design and prepare Final Plans and Construction Specifications in such a form and manner that they will meet with Municipal, County, State and Federal requirements. Said plans shall be in such a form that they are suitable for public bidding.
4. Prepare a final estimate of the construction cost.
5. Accept, review, tabulate and make recommendations to the Governing Body regarding the acceptance of bids and awarding of contract.

This phase of the project will be billed on a Lump Sum Basis for a cost of Thirty-Two Thousand Four Hundred Forty Dollars and Zero Cents (\$32,440.00).



Phase II – Construction Management:

Neglia Engineering Associates will provide the following engineering services as they relate to the above mentioned roadway improvement project on various municipal roadways:

1. Coordinate and attend a Pre-Construction meeting and prepare meeting minutes for distribution.
2. Review and distribute submittals for the appurtenant construction materials.
3. Issue a Notice to Proceed and perform a site walk through with the Contractor and appropriate officials.
4. Provide video and preconstruction photos within the contract limits.
5. Provide part-time construction observation, including site visits by a Principal from Neglia Engineering Associates.
6. Maintain progress photos and inspection reports on a daily basis.
7. Attend progress meetings if required by the Borough of Woodcliff Lake.
8. Issue the appropriate correspondence to the Contractor which, if required, will consist of non-conformance matters, delays, traffic issues, resident complaints, etc.
9. Monitor and certify quantities for payment, which includes preparation the appropriate Payment Certifications.
10. Negotiate Change Orders, if applicable, and prepare the necessary documents for such.
11. Perform a walk through with the appropriate officials upon substantial completion, and prepare a punch list.
12. Perform a final inspection of the punch list, and prepare the necessary close out documents.
13. Submit close out documentation to the appropriate agencies, if applicable.

Be advised that site safety is the sole responsibility of the Contractor. However, should Neglia Engineering Associates observe conditions that are a detriment to vehicular and pedestrian traffic, we will advise the Contractor accordingly.

This phase of the project will be billed on a Time and Material Basis in accordance with our attached schedule of fees for a cost not to exceed Thirty-Six Thousand Dollars and Zero Cents (\$36,000.00).



Reimbursable Expenses:

Reimbursable expenses will be required for this project. They include but are not limited to reproductions for public bidding, municipal and regulatory review submittals, express mailings, mileage, and courier service. We have provided an estimated budget for reimbursable expenses for this project which are inclusive to the anticipated grand total project budget as illustrated on page one of this proposal. If additional reimbursable expenses are required, we will invoice the Borough on an as needed basis without further authorization required. Should any sub-consultants be required for this project, Neglia Engineering Associates will invoice your office at cost plus ten percent. The ten percent cost adjustment has been provided as a maintenance, overhead, and profit fee for the hired sub-consultant. Please be aware that detailed invoices for reimbursable expenses will not be provided but are available upon request. All filing, review, processing, and application fees will be provided separately by the Borough of Woodcliff Lake.

III. DELIVERABLES

Deliverable associated with the design phase of the project will include a submission of all bidding documents to Woodcliff Lake Borough Hall prior to public bidding for review. We will also submit copies of field notes, meeting minutes and preliminary design documents upon request.

Deliverables associated with construction management of this project include preparation and submission of Engineer's Certificates, Payment Vouchers, and Change Orders to Woodcliff Lake Borough Hall for review and processing. We will also submit copies of field notes, meeting minutes and preliminary design documents upon request.

IV. TIMEFRAME

Neglia Engineering Associates is prepared to initiate services upon receipt of a signed and sealed copy of an Award of Resolution. Contract documents will be ready for public bids within six (6) weeks from approval of this proposal (pending prevailing weather conditions).

V. PAYMENTS AND COST OF SERVICES

Invoices will be submitted to your attention on a monthly basis to monitor the progress of the project.

Phase I – Surveying Services	\$ 12,780.00
Phase I – Design of Plans & Specifications	\$ 16,320.00
<u>Phase I – Bidding Services</u>	<u>\$ 3,340.00</u>
Phase I [Lump Sum] Sub Total	\$ 32,440.00



<u>Phase II – Construction Management Labor</u>	\$ 36,000.00
Phase II [Time & Material] Sub Total	\$ 36,000.00
Reimbursable Expenses – Phase I	\$ 900.00
<u>Reimbursable Expenses – Phase II</u>	\$ 400.00
Reimbursable Expenses [T&M] Sub Total	\$ 1,300.00
 PROJECT GRAND TOTAL	 \$ 69,740.00

VI. CONDITIONS AND EXCLUSIONS

This proposal does not include any other site / civil design aspects other than those design items mentioned above. It assumes that off-site utility work / design will not be required for the project and that off-site utilities have sufficient capacity. The proposal does not include any survey and off-site survey, boundary survey, wetland delineation and wetland surveying services, construction stakeout or construction management service, as-built survey work and / or subdivision plat preparation unless otherwise included within the Scope of Services section of this proposal.

This proposal does not include the structural design of retaining walls, bridges, culverts, or any other proposed modified structure not mentioned within the scope unless specifically mentioned above. It also does not include irrigation design and plans unless specifically mentioned above.

This proposal does not include geotechnical engineering studies / services which include but are not limited to soil borings, test pits and percolation tests, phase one audit, environmental impact statement or assessment, threatened and endangered species studies, flood studies, foundation design, professional planning services, Phase I and Phase II environmental investigations / studies, archeological studies, buoyancy calculations, visual impact assessment, underground garage structure design, environmental remediation, mitigation, UST remediation, asbestos removal, septic system design, holding tank design, pump station design, or other environmental concerns. This proposal does not include air quality studies or glare and noise studies. This proposal does not include any permitting other than those permits mentioned above. In addition, this proposal does not include fire flow test and / or study, any traffic / transportation studies, planning studies and / or testimony, and NJDOT permitting unless otherwise mentioned within the Scope of Services section of this proposal. The proposal has been prepared assuming that your project attorney will prepare all applications excluding those listed above.

Any deviation from the scope of work outlined in this proposal once the detailed engineering work has commenced will be immediately brought to your attention and a separate budget will be provided to you. In addition, revisions to the plans based on input received from public agencies, officials, adjacent property owners, your office, etc. through the course of the project are unforeseen and the extent is outside of our control. Revisions are also generated from input by the project team and possibly your construction manager. For this reason, revisions will not



be completed unless a change order contract is reviewed and approved. In addition, Neglia Engineering Associates cannot guarantee the approval of any submitted application or package to review agencies or municipal boards.

VII. GENERAL TERMS AND CONDITIONS

ARTICLE I - METHOD OF CHARGING AND PAYMENT CONDITIONS:

Compensation for the engineering and related Services ("Services") to be provided by Neglia Engineering Associates ("Neglia") shall be based on the Schedule of Fees and Charges identified in the Proposal. Neglia periodically shall submit invoices to the Client. Client shall pay each invoice within thirty (30) days of the date of the invoice. However, if Client objects to all or any portion of any invoice, Client shall so notify Neglia in writing of the same within fifteen (15) days from date of invoice, give reasons for the objection, and pay that portion of invoice not in dispute. Client shall pay an additional charge of one and one-half percent (1 1/2%) of the amount of the invoice per month for any payment received by Neglia more than thirty (30) days from the date of invoice. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal. The additional charge shall not apply to any disputed portion of any invoice resolved in favor of Client. In the event of a legal action brought by Neglia against Client for invoice amounts not paid, Attorneys' Fees, Court Costs, and other related expense shall be paid to the prevailing party by the other party.

ARTICLE II - PROFESSIONAL RESPONSIBILITY:

Neglia represents that Services shall be performed, within the limits prescribed by Client, in accordance with the 'Scope of Services' contained in the Proposal and in a manner consistent with that level of care and skill ordinarily exercised by other comparable professional engineering firms under similar circumstances at the time the Services are performed. No other representations to Client, expressed or implied, and no warranty or guarantee is included or intended, hereunder, or in any report, opinion, document, or otherwise.

ARTICLE III - LIMITATIONS OF LIABILITY:

The liability of Neglia, its employees, agents, and subcontractors (hereinafter for purposes of this Article III referred to collectively as "Neglia"), for Client's claims of loss, injury, death, damage or expense, including, without limitation, Client's claims of contribution and indemnification with respect to third party claims relating to the Services or to obligations imposed, hereunder, (hereinafter, "Client's Claims") shall not exceed the aggregate: (1) the total sum of Neglia's fee or \$ 50,000.00, whichever is greater, for Client's Claims arising out of professional negligence, including errors, omissions or other professional acts, and including unintentional breach of contract; or (2) the total sum of \$ 250,000 for Client's Claims arising out of negligence, or other causes for which Neglia has any legal liability, other than as described in (1) above.



In no event shall either Neglia or Client be liable for consequential or indirect damages, including, without limitation, loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such damages are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them.

ARTICLE IV - INDEMNIFICATION:

If any claim is brought against Neglia, its employees, agents or subcontractors (hereinafter for purpose of this Article IV referred to collectively as "Neglia") and/or Client by a third party, relating in any way to the Services, the contribution and indemnification rights and obligations of Neglia and Client, subject to the limitations of liability under Article III above, shall be determined as follows: (1) if any negligence, breach of contract, or willful misconduct of Neglia caused any damage, injury or loss claimed by the third party, then Neglia and Client shall each indemnify the other against any loss of judgment on a comparative responsibility basis under comparative negligence principles (Client responsibility to include that of its agents, employees and other contractors); and (2) unless Neglia was guilty of negligence, breach of contract, or willful misconduct which in whole or in part caused damage, injury or loss asserted in the third party claim, Client shall indemnify Neglia against the claim, liability, loss, legal fees, consulting fees and other costs of defense reasonably incurred.

ARTICLE V - INSURANCE:

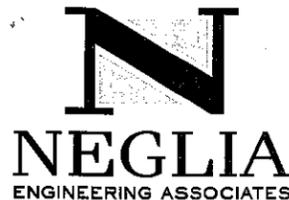
Neglia agrees to maintain (1) Statutory Workers' Compensation; and (2) Comprehensive General and Automobile Insurance Coverage in the sum of not less than \$ 1,000,000.

ARTICLE VI - FORCE MAJEURE:

Neither party shall hold the other responsible for damages or delays in performance caused by force majeure, acts of God, or other events beyond the control of the other party or that could not have been reasonably foreseen and prevented. For this purpose, such acts or events shall include, but not be limited to, unusual weather affecting performance of the Services, floods, epidemics, war, riots, strikes, lockouts, or other industrial disturbances, protest demonstrations, unanticipated site conditions, and inability, with reasonable diligence, to supply personnel, equipment or material for the Services. Should such acts or events occur, both parties shall use their best efforts to overcome the difficulties and to resume as soon as reasonably possible the normal pursuit of the Services.

ARTICLE VII - TERMINATION AND SUSPENSION OF WORK:

The obligation to provide further Services under this Agreement may be terminated by either party upon fourteen (14) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of termination, Neglia shall be paid for all services rendered up to and including the date of



termination. The parties agree that Neglia may elect to suspend providing services under this Agreement if payment of any invoice is not made within thirty (30) days of the date of the invoice as provided in Article I. In the event that the termination was initiated by the Client, Client agrees to pay Neglia Engineering Associates an additional ten percent (10%) of the total fee earned by Neglia Engineering Associates.

ARTICLE VIII - REUSE OF DOCUMENTS:

All documents, including Drawings and Specifications prepared by Neglia pursuant to this Agreement, are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Client or others on extensions of the Project or on any other Project. Any reuse, without written verification of adaptation by Neglia for the specific purpose intended, will be at Client's sole risk and without liability or legal exposure to Neglia; and Client shall indemnify and hold harmless Neglia from all claims, damages, losses and expenses including Attorneys' fees arising out of or resulting there from. Any such verification or adaptation will entitle Neglia to further compensation at rates to be agreed upon by Client and Neglia.

ARTICLE IX - CONTROLLING LAW:

Any element of this Agreement held to violate a law or regulation, or whose insurability cannot be confirmed by design professional, shall be deemed void, and all remaining provisions shall continue in force. However, client and design professional will in good faith attempt to replace any such voided element with one that is enforceable and/or insurable, and which comes as close as possible to expressing the intent of the original provision.

ARTICLE X - SUCCESSORS AND ASSIGNS:

Client and Neglia each bind themselves and their Partners, Successors, Executors, Administrators, Assigns, and Legal Representatives to the other party to this Agreement and to the Partners, Successors, Executors, Administrators, Assigns, and Legal Representatives of such other party in respect to all covenants, agreements, and obligations of this Agreement. Neither Client nor Neglia shall assign, sublet, or transfer any rights under, or interest in, this Agreement without the written consent of the other party, except as set forth below. Unless specifically stated to the contrary, in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Neglia from employing such independent consultants, associates, and subcontractors, as it may deem appropriate, to assist in its performance of services, hereunder. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than Client and Neglia.



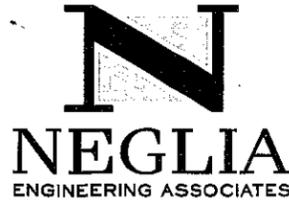
ARTICLE XI - ARBITRATION:

All claims, counterclaims, disputes and other matters in question between the parties, hereto arising out of or relating to this Agreement or the breach thereof, will be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. This Agreement to arbitrate and any other agreement or consent to arbitrate entered into will be specifically enforceable under the prevailing arbitration law of any court having jurisdiction. Notice of demand for arbitration must be filed in writing with the other parties to this Agreement and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand for arbitration be made after institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

All demands for arbitration and all answering statements thereto, which include any monetary claim, must contain a statement that the total sum or value in controversy as alleged by the party making such demand or answering statement is not more than \$ 200,000.00 (exclusive of interest and costs.) The arbitrators will not have jurisdiction, power or authority to consider, or make findings (except in denial of their own jurisdiction) concerning any claim, counterclaim, dispute or other matter in question where the amount in controversy thereof is more than \$ 200,000.00 (exclusive of interest and costs) or to render a monetary award in response thereto against any party which totals more than \$ 200,000.00 (exclusive of interest and costs.)

No arbitration arising out of, or relating to, this Agreement, may include, by consolidation, joinder, or in any other manner, any person or entity who is not a party to this Agreement.

The award rendered by the arbitrators will be final, not subject to appeal, and judgment may be entered upon it in any court having jurisdiction thereof.



GENERAL TERMS

1. Client agrees to assist Neglia Engineering Associates (NEA), by placing to NEA disposal, all available information pertinent to the Project including previous reports, maps, deeds, surveys, easement descriptions and any other data relative to design or construction of the Project.
2. Client will arrange for access to and make all provisions for NEA to enter upon public and private property, as required for NEA to perform services.
3. Client shall be responsible for such legal services as Client may require or NEA may reasonably request with regard to legal issues pertaining to the Project.
4. In any dispute involving the accuracy of surveying services, NEA will have no liability to anyone if referenced points set by NEA have not been preserved. NEA field notes will govern in any dispute.
5. Client understands that NEA cannot, and does not, assure favorable action or timely action by any governmental entity.
6. Client agrees that any work not specifically included in this proposal or work beyond the scope of this proposal will be classified as extra work. If additional services are required from NEA by the Client, fees for such services will be incurred on the basis of either time and material or on terms that the parties mutually agree upon. N.E.A. will provide the client with an estimate of the amount anticipated for the extra, prior to commencing any extra work.
7. Suspension of work on this project in excess of 60 days (if directed by Client) will cause NEA to sustain unexpected costs to resume work. Client agrees that additional compensation, as agreed by the parties, will be paid to NEA before such work resumes. The fee for uncompleted portions of the work is subject to re-negotiation after a suspension period of 120 days.
8. The individual(s) executing this contract, if acting on behalf of a municipality, municipal authority, corporation, or funding agency, represent that they have the authority to do so.
9. This proposal is good for sixty (60) days from the submission date.
10. This proposal is subject to a six (6%) percent annual inflation adjustment every January 1st.



Thank you for affording us the opportunity to be of service. We look forward to working with you on this project. Please call if there are any questions, or if we can be of further assistance.

Very truly yours,
Neglia Engineering Associates

Very truly yours,
Neglia Engineering Associates

A handwritten signature in black ink that reads "Michael J. Neglia".

Michael J. Neglia, P.E., P.L.S., P.P.
Borough Engineer
Borough of Woodcliff Lake

A handwritten signature in black ink that reads "Joseph R. Vuich".

Joseph R. Vuich, P.E.
For the Borough Engineer
Borough of Woodcliff Lake

Attachments

Municipal Rates – 2016
Project Budget Worksheet

Accepted this _____ day of _____ 2016
(OR RETURN RESOLUTION OF APPROVAL)

By: _____

Title: _____



**NEGLIA ENGINEERING ASSOCIATES
2016 MUNICIPAL
HOURLY BILLING RATES**

PRINCIPAL	\$170.00
PRINCIPAL ENGINEER / PRINCIPAL MANAGER	\$160.00
DIRECTOR/SENIOR PROJECT MANAGER	\$155.00
PROFESSIONAL ENGINEER / PROJECT MANAGER	\$150.00
SENIOR ENGINEER	\$145.00
DESIGN ENGINEER	\$115.00
ENGINEERING ASSISTANT	\$ 90.00
PROFESSIONAL PLANNER	\$150.00
PROFESSIONAL LANDSCAPE ARCHITECT	\$125.00
LANDSCAPE DESIGN	\$100.00
COMPUTER AIDED DESIGNER	\$ 90.00
CONSTRUCTION MGMT / PROJECT COORDINATOR	\$120.00
TECHNICAL OBSERVATION LEVEL 1	\$100.00
TECHNICAL OBSERVATION LEVEL 2	\$ 90.00
PRINCIPAL SURVEYOR	\$150.00
PROFESSIONAL SURVEYOR / PROJECT MANAGER	\$145.00
SURVEY ANALYST	\$125.00
3 MAN SURVEY CREW	\$190.00
2 MAN SURVEY CREW	\$155.00
1 MAN SURVEY CREW (GPS)	\$135.00
CERTIFIED WETLAND DELINEATOR	\$145.00
LICENSED COLLECTION SYSTEM OPERATOR	\$120.00

REIMBURSABLE EXPENSES

PAPER PRINTS (All Sizes)	\$ 2.00/sheet
MYLARS	\$15.00/sheet
COLOR PRINTS	\$53.00/sheet
PHOTOCOPIES (Black & White)	\$.15/page
PHOTOCOPIES (Color)	\$.25/page
MILEAGE	\$.55/mile
SUB-CONSULTANTS	10% administrative fee

Rates Effective January 01, 2016

2016 Municipal Project Hourly Billing Rates

Project Name:	<u>2016 Municipal Road Program</u>	Principal Name:	<u>Michael J. Neglia</u>
Project Number:	<u>WDLAMUN16.010</u>	Project Manager:	<u>Joseph R. Vuich</u>
Client Name:	<u>Borough of Woodcliff Lake</u>	Client Phone #:	<u>201-391-4977</u>
Client Address:	<u>188 Pascack Road</u>	Client Fax #:	<u>201-391-8830</u>
City/State/Zip:	<u>Woodcliff Lake, NJ 07677</u>	Job Description:	<u>surveying, engineering, & construction management of 2016 Municipal Road Program</u>

Phase I - Task 1 - Surveying Services [Lump Sum]

Hours not to exceed

Billing Level	Service	Phase	Hours	Hourly Rate	Amounts	Hours not to exceed	
P1		1	Principal	2	\$ 170.00	\$ 340.00	
PE		1	Principal Engineer / Principal Mgr.		\$ 160.00	\$ -	
SM		1	Director / Senior Project Manager		\$ 155.00	\$ -	
EP		1	Professional Eng. / Project Mgr.	6	\$ 150.00	\$ 900.00	
E3		1	Senior Engineer		\$ 145.00	\$ -	
E2		1	Design Engineer		\$ 115.00	\$ -	
EA		1	Engineering Assistant		\$ 90.00	\$ -	
PP		1	Professional Planner		\$ 150.00	\$ -	
LA		1	Professional Landscape Architect		\$ 125.00	\$ -	
L1		1	Landscape Design		\$ 100.00	\$ -	
CA		1	Computer Aided Designer	40	\$ 90.00	\$ 3,600.00	
CM		1	Construction Mangement		\$ 120.00	\$ -	
I1		1	Technical Observation Level 1		\$ 100.00	\$ -	
I2		1	Technical Observation Level 2		\$ 90.00	\$ -	
PS		1	Principal Surveyor		\$ 150.00	\$ -	
SP		1	Professional Surveyor/Project Mgr.	12	\$ 145.00	\$ 1,740.00	
SC		1	Survey Analyst		\$ 125.00	\$ -	
S3		1	3 Man Survey Crew		\$ 190.00	\$ -	
S2		1	2 Man Survey Crew	40	\$ 155.00	\$ 6,200.00	
S1		1	1 Man Survey Crew (GPS)		\$ 135.00	\$ -	
CW		1	Certified Wetland Delineator		\$ 140.00	\$ -	
C2		3	Licensed Collection Systems Operator		\$ 120.00	\$ -	

Sub Total - Phase I - Task 1: 100 \$ 12,780.00

2016 Municipal Project Hourly Billing Rates

Project Name:	2016 Municipal Road Program	Principal Name:	Michael J. Neglia
Project Number:	WDLAMUN16.010	Project Manager:	Joseph R. Vuich
Client Name:	Borough of Woodcliff Lake	Client Phone #:	201-391-4977
Client Address:	188 Pascack Road	Client Fax #:	201-391-8830
City/State/Zip:	Woodcliff Lake, NJ 07677	Job Description:	surveying, engineering, & construction management of 2016 Municipal Road Program

Phase I - Task 2 - Design of Plans & Specifications [Lump Sum]

Hours not to exceed

Billing Level	Service	Phase		Hours	Hourly Rate	Amounts	
P1		2	Principal	12	\$ 170.00	\$ 2,040.00	
PE		2	Principal Engineer / Principal Mgr.		\$ 160.00	\$ -	
SM		2	Director / Senior Project Manager		\$ 155.00	\$ -	
EP		2	Professional Eng. / Project Mgr.	40	\$ 150.00	\$ 6,000.00	
E3		2	Senior Engineer		\$ 145.00	\$ -	
E2		2	Design Engineer	72	\$ 115.00	\$ 8,280.00	
EA		2	Engineering Assistant		\$ 90.00	\$ -	
PP		2	Professional Planner		\$ 150.00	\$ -	
LA		2	Professional Landscape Architect		\$ 125.00	\$ -	
L1		2	Landscape Design		\$ 100.00	\$ -	
CA		2	Computer Aided Designer		\$ 90.00	\$ -	
CM		2	Construction Mangement		\$ 120.00	\$ -	
I1		2	Technical Observation Level 1		\$ 100.00	\$ -	
I2		2	Technical Observation Level 2		\$ 90.00	\$ -	
PS		2	Principal Surveyor		\$ 150.00	\$ -	
SP		2	Professional Surveyor/Project Mgr.		\$ 145.00	\$ -	
SC		2	Survey Analyst		\$ 125.00	\$ -	
S3		2	3 Man Survey Crew		\$ 190.00	\$ -	
S2		2	2 Man Survey Crew		\$ 155.00	\$ -	
S1		2	1 Man Survey Crew (GPS)		\$ 135.00	\$ -	
CW		2	Certified Wetland Delineator		\$ 140.00	\$ -	
C2		3	Licensed Collection Systems Operator		\$ 120.00	\$ -	

Sub Total - Phase I - Task 2: 124 \$ 16,320.00

2016 Municipal Project Hourly Billing Rates

Project Name:	2016 Municipal Road Program	Principal Name:	Michael J. Neglia
Project Number:	WDLAMUN16.010	Project Manager:	Joseph R. Vuich
Client Name:	Borough of Woodcliff Lake	Client Phone #:	201-391-4977
Client Address:	188 Pascack Road	Client Fax #:	201-391-8830
City/State/Zip:	Woodcliff Lake, NJ 07677	Job Description:	surveying, engineering, & construction management of 2016 Municipal Road Program

Phase I - Task 3 - Bidding Services [Lump Sum]

*Hours not
to exceed*

Billing Level	Service	Phase	Hours	Hourly Rates	Amounts	
P1		3	Principal	\$ 170.00	\$ -	
PE		3	Principal Engineer / Principal Mgr.	\$ 160.00	\$ -	
SM		3	Director / Senior Project Manager	\$ 155.00	\$ -	
EP		3	Professional Eng. / Project Mgr.	10	\$ 150.00	\$ 1,500.00
E3		3	Senior Engineer	\$ 145.00	\$ -	
E2		3	Design Engineer	16	\$ 115.00	\$ 1,840.00
EA		3	Engineering Assistant	\$ 90.00	\$ -	
PP		3	Professional Planner	\$ 150.00	\$ -	
LA		3	Professional Landscape Architect	\$ 125.00	\$ -	
L1		3	Landscape Design	\$ 100.00	\$ -	
CA		3	Computer Aided Designer	\$ 90.00	\$ -	
CM		3	Construction Mangement	\$ 120.00	\$ -	
I1		3	Technical Observation Level 1	\$ 100.00	\$ -	
I2		3	Technical Observation Level 2	\$ 90.00	\$ -	
PS		3	Principal Surveyor	\$ 150.00	\$ -	
SP		3	Professional Surveyor/Project Mgr.	\$ 145.00	\$ -	
SC		3	Survey Analyst	\$ 125.00	\$ -	
S3		3	3 Man Survey Crew	\$ 190.00	\$ -	
S2		3	2 Man Survey Crew	\$ 155.00	\$ -	
S1		3	1 Man Survey Crew (GPS)	\$ 135.00	\$ -	
CW		3	Certified Wetland Delineator	\$ 140.00	\$ -	
C2		3	Licensed Collection Systems Operator	\$ 120.00	\$ -	

Sub Total - Phase I - Task 3: 26 \$ 3,340.00

[Lump Sum] Total - Phase I - Tasks 1 thru 3: 250 \$ 32,440.00

2016 Municipal Project Hourly Billing Rates

Project Name:	2016 Municipal Road Program	Principal Name:	Michael J. Neglia
Project Number:	WDLAMUN16.010	Project Manager:	Joseph R. Vuich
Client Name:	Borough of Woodcliff Lake	Client Phone #:	201-391-4977
Client Address:	188 Pascack Road	Client Fax #:	201-391-8830
City/State/Zip:	Woodcliff Lake, NJ 07877	Job Description:	surveying, engineering, & construction management of 2016 Municipal Road Program

Phase II - Construction Management [Time & Material]

Hours not to exceed

Billing Level	Service	Phase		Hours	Hourly Rates	Amounts	
P1		4	Principal	40	\$ 170.00	\$ 6,800.00	
PE		4	Principal Engineer / Principal Mgr.		\$ 160.00	\$ -	
SM		4	Director / Senior Project Manager		\$ 155.00	\$ -	
EP		4	Professional Eng. / Project Mgr.	48	\$ 150.00	\$ 7,200.00	
E3		4	Senior Engineer		\$ 145.00	\$ -	
E2		4	Design Engineer		\$ 115.00	\$ -	
EA		4	Engineering Assistant		\$ 90.00	\$ -	
PP		4	Professional Planner		\$ 150.00	\$ -	
LA		4	Professional Landscape Architect		\$ 125.00	\$ -	
L1		4	Landscape Design		\$ 100.00	\$ -	
CA		4	Computer Aided Designer		\$ 90.00	\$ -	
CM		4	Construction Mangement		\$ 120.00	\$ -	
I1		4	Technical Observation Level 1	220	\$ 100.00	\$ 22,000.00	
I2		4	Technical Observation Level 2		\$ 90.00	\$ -	
PS		4	Principal Surveyor		\$ 150.00	\$ -	
SP		4	Professional Surveyor/Project Mgr.		\$ 145.00	\$ -	
SC		4	Survey Analyst		\$ 125.00	\$ -	
S3		4	3 Man Survey Crew		\$ 190.00	\$ -	
S2		4	2 Man Survey Crew		\$ 155.00	\$ -	
S1		4	1 Man Survey Crew (GPS)		\$ 135.00	\$ -	
CW		4	Certified Wetland Delineator		\$ 140.00	\$ -	
C2		4	Licensed Collection Systems Operator		\$ 120.00	\$ -	

[Time & Material] Total - Phase II: 308 \$ 36,000.00

Anticipated Reimbursable Expenses:

Phase I:	\$ 900.00
Phase II:	\$ 400.00
Sub Total:	\$ 1,300.00

Project Grand Total - Phases I & II: \$ 69,740.00