



Borough of River Edge

Mayor and Council
Agenda September 8, 2020

Regular Meeting

Borough Hall
705 Kinderkamack Road

7:00 P.M.

-
1. Call to Order –
 2. Silent Prayer – Flag Salute
 3. Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 20th of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.
 4. Roll Call –
 5. Minutes
 - a. Approval of the minutes of the Mayor and Council Regular Meeting of August 10, 2020
 6. Public Comments on any item on this agenda –
 7. Proclamations & Awards –
 - a. Certificates of Recognition for the REGAL U10 Travel Team
 8. Appointments & Personnel Changes –
 - a. Approve the resignation of Justin Palladino, DPW seasonal help effective August 10, 2020.
 - b. Approve the step increase of Peter Stitz, Mechanic in the Department of Public Works from an annual Mechanic I, Step III salary of \$79,861.00 to Mechanic I, Step IV - \$80,927.00 effective September 5, 2020.
 - c. Approve the resignation of Catherine Solimando, Part-time Office Assistant in the Department of Public Works effective August 26, 2020.
 - d. Approve the salary change of Brian Esteves, Police Officer from an annual salary of \$64,443.00 to Patrol Officer 15th Grade - \$72,850.00 effective September 6, 2020.
 - e. Approve the salary change of Zach Hamm, Police Officer from an annual salary of \$64,443.00 to Patrol Officer 15th Grade - \$72,850.00 effective September 6, 2020.
 - f. Approve the retirement of Patricia Henry, Crossing Guard effective September 1, 2020.
 - g. Approve the retirement of James O'Donnell, Crossing Guard effective September 1, 2020.
 9. Monthly Reports –
 - a. Land Use Board - July & August 2020

10. First Reading on Ordinances –

- a. Ordinance #20-13 – Ordinance Amending Chapter 71, Article III of the Code of the Borough of River Edge Entitled “Police Department” Establishing Promotion Procedures for the Rank of Lieutenant
- b. Ordinance #20-14 - Ordinance Amending Chapter 71, Article III of the Code of the Borough of River Edge Entitled “Police Department” Establishing Promotion Procedures for the Rank of Sergeant
- c. Ordinance #20-15 – An Ordinance to Adopt a Redevelopment Plan for the New Bridge Landing Station Redevelopment Area
- d. Ordinance #20-16 – An Ordinance to Adopt a Redevelopment Plan for the Kinderkamack Road Redevelopment Area
- e. Ordinance #20-17 – An Ordinance Amending Chapter 50, Entitled “Affordable Housing Regulations” to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough’s Affordable Housing Obligations

11. Second Reading & Hearing on Ordinance –

- a. Ordinance #20-12 - Ordinance Supplementing Chapter 71, of the Code of the Borough of River Edge Entitled “Police Department” To Establish A New Article, Promotion Procedures for the Rank of Police Chief

12. RESOLUTIONS - By Consent

- a. **#20-203** Cancel Outstanding Checks
- b. **#20-204** Approve Renewal of Liquor Licenses
- c. **#20-205** Resolution of Certification of the Annual Audit
- d. **#20-206** Resolution to Approve the Corrective Action Plan for the Fiscal Year 2019 Audit Report for the Borough of River Edge
- e. **#20-207** Enter Into Agreement with the County of Bergen for Employee Assistance Program
- f. **#20-208** Authorize the Release of a Performance Bond for AA Berms, LLC, 106 Mill Street, Belleville, New Jersey 07109 for the 2019 CDBG Curb Replacement at Reservoir Avenue Project
- g. **#20-209** Acknowledge Receipt of Certification of Request for Emergency Purchase – Repair Sewer Grinder on the Sewer Pump at the Wayne Avenue Pump Station
- h. **#20-210** Acknowledge Receipt of Certification of Request for Emergency Purchase – Repair Sewer Line Going Through Bridge #0206-188 to the Hackensack Sewer System
- i. **#20-211** Authorization for the Purchase of Borough Trees
- j. **#20-212** Authorization for the Planting of Borough Trees

13. **#20-213** Payment of Bills

14. New Business –

- a. Repair of storm damaged sidewalks
- b. Interlocal Agreements
- c. Waive police outside duty rate for resident

15. Public Comments

16. Council Comments

17. Adjournment

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
July 1, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo - here
Chairman, James Arakelian - here
Vice Chairman, Dick Mehrman - here
Lou Grasso - here
Ryan Gibbons - here
Michael Krey – here
Eileen Boland – here
Chris Caslin- here
Alphonse Bartelloni - Absent
Dario Chinigo – here
Gary Esposito – here

ALSO PRESENT:

Marina Stinley, Esq.

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about.

- Approval of minutes 6/17/20 – No comments were made as to the minutes. Motion to accept made by Mr. Mehrman; Second – Mr. Gibbons. All in favor – aye; any opposed any obtained (no)
- **Master Plan – Fair Housing (Mayor & Counsel meeting) Mr. Behrens to address Board regarding that meeting.**

Mr. Behrens – The purpose of tonight's meeting is a Master Plan consistency review of Ordinance 20-10 which was introduced by the Borough Counsel on June 8, 2020 and the Ordinance creates the New Bridge Road overlay zone which is a component of the Borough's Fair Share plan to address a portion of the Borough's third round affordable housing obligation and this plan component is part of the court approved Settlement Agreement with Fair Share Housing Center and is also a part of the Borough's housing element and fair share plan adopted by this Board. The Borough is now in the compliance phase of the affordable housing process whereby the Borough

must implement the various plan mechanisms to address its affordable housing obligations as set forth in the Settlement Agreement and the housing element Fair Share Plan. The Municipal land use law requires specifically Section 26, Referral of Powers that prior to adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the governing body within thirty-five (35) days after referral a report including identification of any provisions and a proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the Board deems appropriate. The charge of the Board this evening is to determine whether or not this Ordinance is inconsistent with the Master Plan to note by those inconsistencies and then finally make a recommendation to the Mayor and Council who can then choose to adopt the Ordinance at their July 13, 2020 meeting, again adhering to the Court's compliance process.

- **Brief Overview of the Ordinance**

To create an overlay zone along New Bridge Road which encompasses the parcels known as Block 1303, Lots 3,4 and 5 which is a 3 acre area in the Borough fronting New Bridge Road and Main Street currently dissolved with the BP gas station, former batting cages property and Ethan Allan. It's in a unique area of the Borough, to the north is the Hackensack River and marsh land, to the west is the train station and to the east is the historic society property and to the south is commercial development and the site itself is within walking distance to the New Bridge Landing train station so there is an opportunity for transit oriented development which is what this Ordinance allows for. The Ordinance itself does not eliminate the underlying C1 zone destination, that zoning can remain so the current property owners will get to retain their current development rights. This gives them an added develop option to develop multiple family or mixed use development again for the purpose of creating an opportunity to create additional affordable housing in the Borough. This residential component has a maximum density 20 units per acre, over a 3 acre area this could yield potentially up to 60 units with a required 20% affordable housing set aside. The ordinance also provides the bulk criteria, the maximum heights of the building, the setbacks, buffers etc. It also provides some amount of design criteria in terms of what the building and site should look like. In terms of Ordinances consistency with the Master Plan, Mr. Behrens will refer to the Borough's most recent Master Plan dated 1984.

- **Goals and objectives of 1984 Master Plan which are applicable to this Ordinance**

This use for multifamily development being contemplated does seem to fit in to its location and in Mr. Behrens opinion it is within an appropriate area of the Borough for such type of development. Again, in proximity to the New Bridge Landing train station.

Next objective is improving where necessary the aesthetic character of the existing commercial development by employing zoning controls and encouraging maintenance. So here we have an opportunity to reinvent or redevelopment obsolete commercial uses to create new buildings, improve the site and with some new uses which may or may not include commercial component so it would seem to further this Master Plan objective. The next objective is to concentrate future commercial development office and retail in the existing commercial area in order to create a community focal point and minimize conflicting land uses, while the Ordinance may or may not contribute to new commercial development, Mr. Behrens does think that it helps with the goal of creating communal focal point in terms of pitting people near the train station, it may include mix use develop and it could serve as a nice development is really a gateway to the community.

Another objective is to encourage the consolidation of underutilized blocks in the commercial areas, provide improved forms of commercial development. Again, this may or may not include commercial development but there is an opportunity to consolidate at least two or three parcels and have one unified development that contributes to the character of the Borough and provides a useful mix housing and/or commercial uses.

Last but not least, the objective of requiring adequate off-street parking facilities in all new commercial developments and multifamily residential developments. Anything developed in accordance with this Ordinance would have to comply with the parking requirements established therein which included adherence to the residential site improvement standards for the residential component.

It is Mr. Behrens opinion that this Ordinance is not only not inconsistent but is substantially consistent with a number of the Borough Master Plan goals and objectives. This Ordinance is a component of the court approved Settlement Agreement, it is a part of the housing element and Fair Share Plan adopted by this Board which is an element of the Master Plan, so at this point the Board can discuss the Ordinance make a determination as to whether or not the Ordinance is inconsistent with the Master Plan and if so, can make any recommendation to the Council moving forward. Mr. Behrens completes his presentation.

Chairman Arakelian opens to the Board for their comments.

- Mayor Papaleo – Has no questions and is satisfied.
- Ms. Boland – No comments.
- Mr. Grasso - No comments.
- Mr. Caslin – No comments.
- Councilman Chinigo – No comments.
- Mr. Krey – One question – The overlay zone has the potential for 60 units, and you said 20% of those would have to be set aside so a potential for 12 is that correct? Mr. Behrens – Correct. That was part of Fair Share Housing negotiations. They actually wanted a higher density and we were compromised at 20 units per acre which is fitting for the type of development that is contemplated there.
- Mr. Gibbons – Just one point for clarification. So that can be any type of housing, apartment, condo, single family, multi family. Mr. Behrens – It would have to be in the context of a multi-family or apartment type of development. The units themselves could be for sale or rental. They cannot be townhouse; they cannot be single family houses.
- Mr. Esposito - No comments.
- Mr. Mehrman – Mr. Mehrman states that he does not see anywhere the geographic location being the blocks and lots appearing in the within the written Resolution and he believes it should be inserted. (It is requested that Ms. Stinley put that in the adoption) The other issue

Mr. Mehrman raises is regarding if a group of objectors came in and stated that you are in essence committing a spot zoning he requested an explanation other than the affordable housing what the Borough's defense would be.

- Mr. Behrens – as I sort of touched on I think this area in particular is a very unique location within the Borough again, that it is sort of bisected by the rail line, it is adjacent to the Hackensack River to the north, environmental, it has the historical property across the street, and again is close to the train station, it's about three total acres and when you consider the entire site in its totality it really creates a unique opportunity which again would lend itself to transit oriented development given its about two blocks from the train station. So, I think in a lot of ways it makes sense it stands on its own as a unique development site.
- Mr. Mehrman agreed with Mr. Behrens but wants to make sure that, that statement appears within the minutes recorded so if we do have anyone objecting, we do have a written format already. (*The statements made above by Mr. Behrens are verbatim*).
- Mr. Mehrman had one general comment – he is just putting it forward and he is sure that the Mayor and Council may be aware of it but he's not so sure if the other Board members are that this particular parcel or overlay area right now is not served by a municipal sanitary sewer which now becomes an off site development for this parcel development for the 60 dwelling units or whatever they wind up coming up with I want the Mayor and all to be aware of that so that if they get to a position where there negotiating with a potential developer that, that developer pays for all the offsite municipal improvements that are required to dispose of the sanitary from this development. It is Mr. Mehrman's belief that right now the River Edge taxpayers should not have to provide that capital expenditure to enhance a private developer.

Mayor Papaleo requests that Mr. Behrens make note of that in a memo to the Council in that regard. Mr. Behrens agree to do said memo.

- Chairman Arakelian – With the addition of Ms. Stinley on paragraph 2 giving the location of the overlay, that should satisfy what we are going to do next. Motion to open to the public – Ms. Boland – Second – Mr. Merhman – there is no one from the public – Motion to close to the public – Mr. Mehrman – so made – second – Mr. Esposito – all in favor – aye.
- Chairman Arakelian – We need a motion to state that this is not inconsistent with the Master Plan. Can I get a motion on that – Mr. Grasso makes a motion that it is not inconsistent with the Master Plan – Second – Mr. Merhman – as amended, I will second it.

Roll call – Mayor Papaleo – yes; Mr. Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni -absent; Mr. Mehrman – yes; Mr Grasso – yes; Mr. Krey- yes; Mr. Caslin – yes, Councilman Chinigo -yes; Mr. Gibbons – yes and Mr. Esposito – yes.

- Chairman Arakelian – tells the Board that they should have received a copy of the Resolution a few days ago and the reason that we expedited this is because the Borough is

under a time constraint so he asked Ms. Stinley to execute a document and if the Board had to make any changes, they would make them and then they would vote of those changes to the Resolution then both Chairman Arakelian and the Secretary would sign it which is expected to be done tomorrow. So, with the correction made Paragraph 2 noting both the addresses – Chairman Arakelian asks if there are any questions or comments.

- Mr. Grasso – He believes that when he made the motion possibly for technical reasons it has to be done again because he did not mention the word Resolution. Chairman Arakelian explains that he was not approving the Resolution that the Board is just approving exactly what Mr. Grasso said.
- Chairman Arakelian - a motion to open to the public – Mr. Gibbons – Second – Mr. Krey – no public in attendance. Motion to close to the public – Mr. Gibbons- Second – Mr. Caslin – all in favor – aye – any opposed any abstained?
- Chairman Arakelian is looking for a motion to approve the Resolution as corrected. Mr. Krey had a question – The resolution and he overlay zone as it is created does not require residential development there it allows it. If someone opted to do pure commercial development, there that's not prohibited – is that correct? Mr. Behrens – Correct – it creates an opportunity to create affordable housing as an extra option. Chairman Arakelian – Motion on the Resolution to approve it - Mr. Mehrman makes a motion that the land use board approve the overlay zone AH1 as written and amended to show the Block 1303, Lots 3,4 and 5, Second – Ms. Boland.

Roll call – Mayor Papaleo – yes; Mr. Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni -absent; Mr. Mehrman – yes; Mr Grasso – yes; Mr. Krey- yes; Mr. Caslin – yes, Councilman Chinigo -yes; Mr. Gibbons – yes and Mr. Esposito – yes.

- Housekeeping – Properties coming before the Board in August – Food license requiring a site plan review for a golf center. Sonny G's two separate applications. There is discussion regarding the parking at Sonny G's and insurance issues. Ms. Stinley will look into all questions before they come before the Board at the next meeting. Two food licenses are in the works – one in the new strip mall and the other is Feather's they changed hands so they will be coming in for a food license as well. Chairman Arakelian thanks the Mayor and Council for working so hard to get outside dinning in place for the businesses in town. He also thanks Councilwoman Kaufman for helping the Board with the Zoom meetings.
- Chairman Arakelian – do I have a motion to close – Mr. Gibbons – Second – Mr. Krey. All in favor – aye – any opposed and abstained?
- Meeting adjourned

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
August 5, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo - here
Chairman, James Arakelian - here
Vice Chairman, Dick Mehrman - here
Lou Grasso - here
Ryan Gibbons - here
Michael Krey – here
Eileen Boland – here
Chris Caslin- Absent
Alphonse Bartelloni - Present
Dario Chinigo – here
Gary Esposito – here

ALSO PRESENT:

Marina Stinley, Esq.
Thomas Behrens, Planner

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about.

- Approval of minutes 7/1/20 – No comments were made as to the minutes. Motion to accept made by Mr. Mehrman; Second – Mr. Gibbons. All in favor – aye; any opposed any obtained (no)
- **Completeness review for 3 New Bridge Road, LLC, Block 1303, Lot 4**

Board Attorney gives the Board jurisdiction to proceed with the application. Everything is good from the legal prospective with the notice.

Mr. Arakelian asks applicants attorney if they received and reviewed the review letter from Mr. Costa regarding the site plan. They attorney acknowledged receipt along with the professionals.

Motion to move to completeness – Mr. Mehrman – second – Mr. Bartelloni. Roll call – Mr. Mayor – yes; Mr. Arakelian – yes; Ms. Boland -yes; Mr. Bartelloni-yes; Mr. Mehrman- yes; Mr. Grasso – yes; Mr. Krey- yes; Councilman Chinigo – yes; Mr. Gibbons – yes; and Mr. Esposito – yes.

- **ILBJ, LLC 335 Johnson Avenue, Block 1405, Lot 3**

Approval given to this application approximately two years ago. Unfortunately they have not be able to move forward for what they were approved for partly because of Covid-19 and partly because they just weren't ready. Attorney Devito gives the Board an update as to what happened. They had posted the bonds, the developer's agreements have all been signed so everything the applicant needed to do has been done. Unfortunately Covid has halted the project. He requested an extension so they could pull their permits at this time and start the project which he believes will be a massive improvement to the area and to the Borough. No substantive changes have been mad to the plan. They will submit the plans into the extension. The Town Engineer has signed off on everything. Tom Behrens has made recommendations, Mr. Costa has made recommendations. Mr. Devito believes the plans have been signed off by Mr. Costa at this time.

Mr. Mehrman requested an explanation of what changes have been made. He requests Mr. Behrens give a summary of said changes.

Mr. Behrens – He explains that most changes were minor in nature, he believed there was a transformer was added to the side yard, there was another utility feature added to the front yard. So there were those utility changes and some minor landscaping but the major components of the plan are the same as to what the Board approved.

Motion to approve applicants request for a one year extension. Mr. Krey – So moved, second – Mr. Grasso. Roll call – Mr. Mayor – yes; Mr. Arakelian – yes; Ms. Boland -yes; Mr. Bartelloni-yes; Mr. Mehrman- yes; Mr. Grasso – yes; Mr. Krey- yes; Councilman Chinigo – yes; Mr. Gibbons – yes; and Mr. Esposito – yes. Extension approved.

- **3 New Bridge Road, LLC, Block 1303, Lot 4 – Food Handler's License**

Chairman Arakelian addresses Mr. Costa's letter with applicant's attorney and if he saw the pieces that were in that. Applicants attorney reviewed the letter and also forwarded it to the applicant's professionals. The site is about 1.3 acres, 57,000 square feet and its on the west side of New Bridge Road. The building is an existing building and they are not looking to expand the footprint of the building other than the porch area. The building consists of three components; (1) the table tennis facility located on the south end (10,000 square feet) consisting of 18 table tennis tables; (2) the middle is the restaurant which is about (2,500 square feet); on the north side is the larger area (15,000 square feet) consisting of 28 simulators or golf screen stations. 51 parking spaces on site. Hours of operation 9:00 a.m. to 10:00 a.m.; five to ten employees. The land area meets all the C1 requirements this is in the C1 zone so there's no use variance involved here. Access to the site is somewhat difficult because if you are coming from the south traveling north you have to go to New Milford, make a U-turn and then come back south on Hackensack Avenue to access the property. The entry to the facility is on the north side and the exit is on the south side.

Steven L. Koestner, engineer is sworn in to testify on behalf of the applicant. Goes through the plans with the Board. Confirms what the applicants attorney has just explained to the Board. Points out one change tot he building – a porch which will be enclosed. Confirms 51 parking spaces. They also have some landscaping and lighting proposed. 15 lighting stations are proposed throughout the site. Landscaping along the front of the building and along the perimeter of the property. The property is located in a C1 commercial district. Retail space requires 10,00.00 square feet of land area we provide 57,464 square feet which is well over an acre – the lot with required 100 feet, they have 318 feet, the lot depth 100 required, 158 feet is

proposed. The maximum building height in feet and storage is 35 feet and 2 ½ stories required the applicant has a 21 foot building of 1 story. Maximum lot coverage allowable for the building is 40% presently there is 49.5% so there is a pre-existing non-conformity there; the maximum impervious coverage permitted 80% and presently there is 94.57% pre-existing non-conformity; rear yard coverage 60% permitted, the applicant has 131/2% so they conform. Front yard retail use 30 feet, existing condition 23.66 feet another pre-existing non-conformity; side yard one side 15 feet combined on both sides 35 applicant has 4.69 north side (right) of the building. Combined left and right side yard setbacks 27.92 and again both are re-existing non-conformity; Rear yard 20 feet is required, 18.5 is in existence, pre-existing non-conformity. Applicant provides 51 parking spaces, the engineer understands that the zoning official has required 1 space for each play station, applicant is proposing 46 total play stations (18 table tennis and 26 golf simulators) for a total of 46 spaces, they have 51 spaces. Trash location – best place back right hand corner of the building. Private carting service. Storm management plan was raised in Mr. Costa's report. The engineer states that nothing is to change on that and that presently the site has drainage structures within it, there are several inlets, catch basins scattered throughout the parking area. They are not proposing any increase in run off in terms of hardscape no further enhancement to the storm water management. Attorney asks if there is any aspect of the report that they cannot address today. Engineer – Sanitary sewer flow calculations can be done; sanitary sewer flow calculations can be done; sanitary sewer lateral location and abandonment if any, they can do; grease traps should be proposed; he would like inspection of the sewer lateral by t.v. Inspection, there is no problem with that. Streetscape design they would conform to that. No issues to utility service to the site.

- Board members questions for Engineer.

Ms. Boland had a comment wherein she believed there was opportunity on this site to increase landscaping, she was wondering if the applicant would be willing to widen the islands along Hackensack Avenue to allow more landscaping. Applicant sees no problem with that it would make for a more attractive entrance to the site. She also inquired as to signage.

Mr. Grasso also had a question regarding signage. The engineer stated it would be regulation signage – no left turn into the site on New Bridge Road.

Mr. Mehrman – inquires as to the sewage disposal 4 inch main being storm or sanitary. Engineer – sanitary sewer. Questions dumpster location not being shown on the plan-applicant will correct that. Wants dumpster screened/enclosed. Signage question but applicant does not know what they are intending to do at this time but would stay in conformance with the Borough ordinance.

Mr. Krey questions parking spaces and potential parking overflow. Mr. Behrens explains that he came up with the 56 parking space standard and says it seems to be fair.

Chairman Arakelian – States that the property taxes are behind on this property. He wants the clothing bins on the property removed. Chairman Arakelian would like the record to reflect that the owner is not behind in his property taxes and he apologizes for that. Would like the Board to waive the street scape requirement at this time. He asks the Board if anyone does not agree – same is acceptable to the Board.

Mr. Behrens requests clarity on the streetscape improvements because ultimately there will be a compliance review. Is the Board talking about the paving, lighting and landscaping? Is the

landscaping still included - what is the Board's sense? Chairman Arakelian - personally feels that the lighting and the paving can be waived for now maybe have them do the landscaping as Ms. Boland suggested and that will be a nice give and take. Mr. Behrens asked about the dumpsters in the rear of the property as to the ability of a truck doing a full circulation on the site widening up on lot 3 - wants to know if that is how the site currently works. The engineer states it can be navigated the way it is. Mr. Behrens also requested proper shielding of lights where there is residential property.

Mayor Papaleo discussed concerns about the location of the dumpsters for the property. The Architect is sworn in - Hojoon Chung to discuss the interior of the building. The building is divided into three different spaces. He goes through the measurements of the building i.e. ceiling height, talks about the entry of the building, etc. Left side of the building is the table tennis which is 10, 882 square feet, he goes over seating area, discusses employee area with a locker room, north side of the building has 28 golf simulator systems, total renovation square footage is 20,490 will be renovated into a new indoor facility. HVHC are roof mounted and will be properly screened. No change in elevation of the building it will stay at one story. They will try to relocated the trash to the southern side if possible they will confer with Mr. Costa on that.

Mr. Behrens - Inquires as to what the color will be on the outside of the building. (I believe the architect stated tan stucco). Wanted to know who the actual operator of the business will be. Mr. Jon Kim joins the meeting introducing himself as the owner/operator of the building, golf and table tennis. He has been a business man for over thirty years in the cosmetic business this is first endeavor with golf and table tennis. He tells the Board thank you for their positive comments and that he will try to accommodate all the legal requirements that are needed.

- Chairman Arakelian asks the Board if they have any questions.

Councilman Chinigo asks if there is an appropriate number of ingress and egress points given the number of possible patrons that might be in these buildings. The architect responds and then Mr. Behrens confirms that there are actually six including the front door. Chairman Arakelian asks if the Board can make this subject to the building standard codes and fire codes that its built in accordance to. Ms. Stinley to put that in a resolution. Ms. Stinley advises that this is standard procedure the applicant must comply with all of the Borough's other departments requirements for any application. Mr. Bartelloni asks the owner what the proposed named is for the business. The name will be Ready to Golf. Mr. Krey asks what are the anticipated hours of operation. Mr. Kim responds 9:00 a.m. to 11:00 seven days per week. Chairman Arakelian asks Mr. Behrens if these hours are acceptable and also about Sunday requirements. The Board will allow those hours so long as they comply with the Borough Ordinance. They will look into the blue laws regarding Sunday. Mr. Gibbons has inquiry regarding the parking he believes that if and when the business does well there may be parking issues. Chairman Arakelian feels it will probably be a self-correcting situation as people come in to park and there are no spaces, there certainly is no off street parking that they can avail themselves to so they will have to go back onto Hackensack Avenue and continue on their way. Mr. Gibbons can see them going to New Bridge.

Motion to open to the public - Mr. Gibbons, second - Mr. Krey - all in favor aye - any opposed any abstained. No one is there for the public. Motion to close to the public - Mr. Gibbons, second Mr. Grasso. all in favor aye - any opposed any abstained.

Chairman Arakelian will entertain a motion for approval on this Motion. Mr. Mehrman makes a motion that the Board grant the food handlers license and that the pre-existing variances be recognized and granted that the site plans concerns and comments regarding Mr. Costa's August 5 letter be addressed, that sign requirements will conform to the Borough standards, the size, location illumination will be shown on the revised drawings, dumpster location and access will be resolved with the design professionals, all rooftop HVHC units will be totally screened and the hours of operation will confirm to the Borough standards. Streetscape is waived at this time with the exception of landscaping and the parking requirements. They are providing 51 and the request is for 56 parking spaces, the variance. Mr. Mehrman – the approval of the parking variance also be approved. The potential for the increased island and landscaping be coordinated with the Planner – accepted Mr. Mehrman – Second Councilman Chinigo. Roll call – Mr. Mayor – yes; Mr. Arakelian – yes; Ms. Boland -yes; Mr. Bartelloni-yes; Mr. Mehrman- yes; Mr. Grasso – yes; Mr. Krey- yes; Councilman Chinigo – yes; Mr. Gibbons – yes; and Mr. Esposito – yes. Application approved.

Memorialization of the one year extension for ILBJ, LLC the memorialization must include that the applicant must pay any deficient taxes it was discovered that they are behind in some tax payments so in order to get the one year extension they must pay all of their property taxes. Chairman Arakelian advises that ILBJ, LLC assured him that they will catch up on their payment expeditiously. Mr. Mehrman makes a suggestion that the signatures of the Board Chairman and the Board Secretary be held until confirmation of all tax payments are received. Motion to approve the one-year extension based on them catching up on their taxes, Mr. Mehrman – so made, Mr. Grasso, second. Roll call – Mr. Mayor – yes; Mr. Arakelian – yes; Ms. Boland -yes; Mr. Bartelloni-yes; Mr. Mehrman- yes; Mr. Grasso – yes; Mr. Krey- yes; Councilman Chinigo – yes; Mr. Gibbons – yes; and Mr. Esposito – yes. Application approved.

Meeting adjourned.

COLLECTOR'S REPORT OF RECEIPTS AND DISBURSEMENTS 2020

TO THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVER EDGE N.J.

LADIES AND GENTLEMEN:

I HEREWITH SUBMIT TO YOU MY REPORT OF RECEIPTS AND DISBURSEMENTS FOR YEAR-MONTH ENDING

August 31, 2020

DATED: August 31, 2020

Gomattie Birnbaum Tax Collector

COLLECTIONS	MTD TOTAL	YTD TOTAL
TAX YEAR 2020	4,170,392.28	38,557,110.51
TAX YEAR 2019	8,160.55	149,962.21
TAX YEAR 2018	0.00	250.00
Y.E.P.	0.00	3,683.97
INTEREST AND COSTS	8,731.26	37,607.68
FEEES FOR SEARCH/REDEMPTION CALC.	0.00	120.00
<u>NET RECEIPTS</u>	4,187,284.09	38,748,734.37
PAID TO TREASURER, DEPOSITED AT P.N.C. BANK CURRENT ACCOUNT	4,187,284.09	38,748,734.37

REMARKS

2019 COLLECTED
2020 COLLECTED

N/A
N/A

**BOROUGH OF RIVER EDGE
ORDINANCE #20-13**

**ORDINANCE AMENDING CHAPTER 71, ARTICLE III OF THE
CODE OF THE BOROUGH OF RIVER EDGE ENTITLED
“POLICE DEPARTMENT,” ESTABLISHING PROMOTION
PROCEDURES FOR THE RANK OF LIEUTENANT**

WHEREAS, within its general powers as a municipality, the Borough of River Edge may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of River Edge support and encourage efficiency within the River Edge Police Department; and

WHEREAS, the Mayor and Council of the Borough of River Edge have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the position of Lieutenant when there is a vacancy in said position; and

WHEREAS, the Borough of River Edge desires to have a promotional practice for the position of Lieutenant based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the River Edge Police Department in the interest of better serving the residents of the Borough of River Edge;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of River Edge as follows:

§ _____ Promotion to Rank of Lieutenant

A. The Borough of River Edge Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the River Edge Police department. No person shall be eligible for promotion to Lieutenant unless he or she is a current full-time police officer in the Borough of River Edge Police Department and hold the rank of Sergeant for a period of not less than one year.

B. The Chief of Police shall announce the promotional process to members of the department at least ninety (90) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all

members. The announcement shall contain, at a minimum, the rank to be filled and the dates of the exams. Candidates, who qualify, shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of River Edge Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the psychological examination and/or oral examination and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. **Written Examinations:** The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. **Oral Examinations:** Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of River Edge or of any of the candidates.

The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. **Satisfactory psychological examination** stating that the candidate is able to perform the essential functions of the Lieutenant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. **Record Review and Interview by the Mayor and Council**

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and received a satisfactory psychological examination, if applicable, shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. At the request of the Mayor and Council, the Chief of Police may be present to assist, offer opinions, suggestions and make comments and recommendations. The record review shall be conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee.

(a) As part of the interview process, the Mayor and Council shall also consider the results of a department evaluation/peer review of each candidate. The department evaluation/peer review shall be conducted by the Chief of Police and/or his/her designee. The Mayor and Council shall grade each candidate on a forty (40) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	5 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary

actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	30%
Oral examination	20%
Record Review	10%
Mayor and Council Interview	40%

D. Candidates shall be ranked based on their overall cumulative scores. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

F. The Mayor and Council may, at their discretion, create and maintain a list of any remaining candidates to be eligible for promotion to Lieutenant. The remaining candidates shall be ranked on their overall cumulative scores from highest to lowest total scores. Said promotional list shall be adopted via Resolution. This list shall remain valid for two (2) years from the date of the adoption of the resolution creating the Lieutenant's list.

G. A probationary period of one year shall be served in the rank of Lieutenant.

3) **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

4) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to the Lieutenant.

ATTEST:

Stephanie Evans, Clerk

Thomas R. Papaleo, Mayor

**BOROUGH OF RIVER EDGE
ORDINANCE #20-14**

**ORDINANCE AMENDING CHAPTER 71, ARTICLE IV OF THE CODE OF THE
BOROUGH OF RIVER EDGE ENTITLED "POLICE DEPARTMENT,"
ESTABLISHING PROMOTION PROCEDURES FOR THE RANK OF
SERGEANT**

WHEREAS, within its general powers as a municipality, the Borough of River Edge may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of River Edge support and encourage efficiency within the River Edge Police Department; and

WHEREAS, the Mayor and Council of the Borough of River Edge have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the position of Sergeant when there is a vacancy in said position; and

WHEREAS, the Borough of River Edge desires to have a promotional practice for the position of Sergeants based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the River Edge Police Department in the interest of better serving the residents of the Borough of River Edge;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of River Edge as follows:

§ _____ Promotion to Rank of Sergeant

A. The Borough of River Edge Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the River Edge Police department. No person shall be eligible for promotion to Sergeant unless he or she is a current full-time police officer in the Borough of River Edge Police Department for a period of five (5) years or more.

B. The Chief of Police shall announce the promotional process to members of the department at least ninety (90) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled and the dates of the exams. Candidates, who qualify, shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of River Edge Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the psychological examination and/or oral examination and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of River Edge or of any of the candidates.

The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination stating that the candidate is able to perform the essential functions of the Sergeant title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and received a satisfactory psychological examination, if applicable, shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. At the request of the Mayor and Council, the Chief of Police may be present to assist, offer opinions, suggestions and make comments and recommendations. The record review shall be conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee.

(a) As part of the interview process, the Mayor and Council shall also consider the results of a department evaluation/peer review of each candidate. The department evaluation/peer review shall be conducted by the Chief of Police and/or his/her designee(s).

The Mayor and Council shall grade each candidate on a forty (40) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	5 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	30%
Oral examination	20%
Record Review	10%
Mayor and Council Interview	40%

D. Candidates shall be ranked based on their overall cumulative scores. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

F. The Mayor and Council may, at their discretion, create and maintain a list of any remaining candidates to be eligible for promotion to Sergeant. The remaining candidates shall be ranked on their overall cumulative scores from highest to lowest total scores. Said promotional list shall be adopted via Resolution. This list shall remain valid for two (2) years from the date of the adoption of the resolution creating the Sergeant's list.

G. A probationary period of one year shall be served in the rank of Sergeant.

3) **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

4) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to the Sergeant.

ATTEST:

Stephanie Evans, Clerk

Thomas R. Papaleo, Mayor

BOROUGH OF RIVER EDGE

ORDINANCE #20-15

AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE NEW BRIDGE LANDING STATION REDEVELOPMENT AREA

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge as follows:

Section I:

The Governing Body hereby adopts the “New Bridge Landing Station Redevelopment Plan” prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3.

Section II:

The Redevelopment Plan shall supersede all provisions of Chapter 416 “Zoning” of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

Section III:

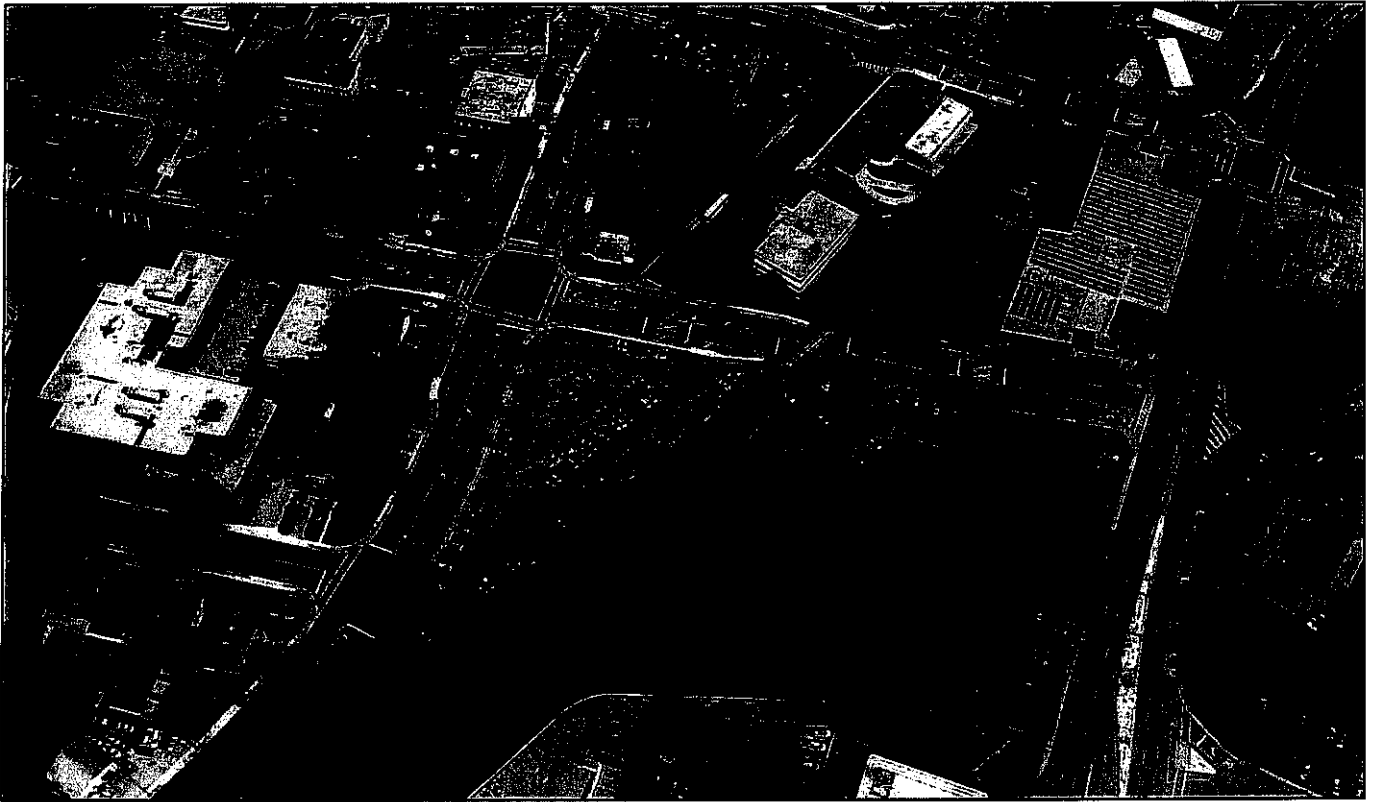
Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the “New Bridge Landing Station Redevelopment Plan”.

Section IV:

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section V:

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.



New Bridge Landing Station Redevelopment Plan

Borough of River Edge
Bergen County, New Jersey

September 4, 2020

Prepared by Burgis Associates, Inc.





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr PP, LLA, ASLA
David Novak PP, AICP

New Bridge Landing Station Redevelopment Plan

Block 1411 Lots 1.01 & 1.02 | Block 1412 Lots 1, 2 & 3

Borough of River Edge, Bergen County, New Jersey

Prepared for the Borough of River Edge

The original document was appropriately signed and sealed on September 4, 2020 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Thomas M. Behrens, Jr., P.P., AICP

Professional Planner #6323

ACKNOWLEDGEMENTS

Mayor and Council of the Borough of River Edge

Thomas Papaleo, Mayor

Dario Chinigo, Council President

Ellen Busteed, Councilwoman

Joseph Gautier, Councilman

Lissa Montisano-Koen, Councilwoman

Michelle Kaufman, Councilwoman

Indra Kinsella, Councilwoman

Members of the River Edge Land Use Board

James Arakelian, Chairman

Richard Mehrman, P.E., Vice Chairman

Thomas Papaleo, Mayor

Dario Chinigo, Council Liaison

Alphonse Bartelloni, Esq.

Eileen Boland, P.E.

Christopher Caslin, Esq.

Gary Esposito

Ryan Gibbons

Louis Grasso

Michael Krey

Land Use Board Clerk

Ed Alter

Borough Administrator

Raymond Poerio

Borough Clerk

Stephanie Evans, RMC, CMR

Borough Attorney

Thomas Sarlo, Esq.

Thomas A. Sarlo Law Offices

Land Use Board & Redevelopment Attorney

Brian Chewcaskie, Esq., Nylema Nabbie, Esq. & Marina Stinely, Esq.

Cleary, Jacobbe, Alfieri & Jacobs, LLC

Affordable Housing Attorney

Anthony Suarez, Esq.

Werner Suarez

Borough Engineer

Robert Costa, P.E., P.P., C.M.E.

Costa Engineering Corporation

Borough Planner

Joseph H. Burgis, P.P., AICP &

Thomas Behrens, Jr., P.P., AICP

Burgis Associates, Inc.

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INTRODUCTION: BASIS FOR THE REDEVELOPMENT PLAN

On March 7, 2005, the Borough of River Edge Mayor and Council designated Block 1411 Lots 1.01 and 1.02 and Block 1412 Lots 1, 2 and 3 an “area in need of redevelopment” following an extensive investigation of the study area parcels in accordance with the statutory criteria set forth in the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq. The Borough Council subsequently directed planning consultant A. Nelessen Associates, Inc. to prepare a redevelopment plan for the area that was ultimately adopted in 2007.

In their reevaluation of the redevelopment area and recognition that no development progress had occurred within the area in over a decade, the River Edge Mayor and Council rescinded the 2007 Redevelopment Plan in June 2018. The Governing Body’s intent was to prepare a new redevelopment plan that better reflected changed market factors and provide an opportunity to refine the redevelopment framework for the New Bridge Landing Station Redevelopment Area better suited to the current local conditions. Planning Consultant Burgis Associates, Inc. was directed by the Governing Body to prepare a new redevelopment plan for the New Bridge Landing Station Redevelopment Area on January 6, 2020 via Resolution No. 20-13.

This Redevelopment Plan will serve as a guide in facilitating the revitalization of the New Bridge Landing Station Redevelopment Area as detailed herein. Similar to the 2007 Plan, the goals of this Redevelopment Plan include a mixed-use transit-oriented development of the site that is currently underutilized as a surface commuter parking facility. In addition, the Plan will generate a number of affordable housing units in accordance with the Borough’s Housing Element and Fair Share Plan, modernize the existing train station, provide employment opportunities, support the local tax base and provide a catalyst for the development of surrounding underutilized parcels. It has long been recognized that the New Bridge Landing Area of River has significant potential to become a focal point and family-oriented gathering place for the community.

The Plan is designed to be flexible in allowing the selected redeveloper of the area to develop a comprehensive plan for the tract as prescribed in this document and in cooperation with NJ Transit in developing a new train station and public parking facility.

I. LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL)

As stated in the New Jersey Department of Community Affairs' Redevelopment Handbook (2nd Edition), redevelopment is the *"process to rebuild or restore an area in a measurable state of decline, disinvestment or abandonment."*

In 1992, the New Jersey Legislature enacted the Local Redevelopment and Housing Law ("LRHL") which revised and consolidated the State's various governing "blight" statutes to create a single comprehensive statute regulating local redevelopment activities throughout the State. Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As stated in the preamble to the LRHL:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including:

- Designating "areas in need of redevelopment";
- Preparing and adopting redevelopment plans; and
- Implementing redevelopment projects

Essentially, the LRHL is a planning and financial tool that enables a municipality to overlay an area with specific zoning criteria and other incentives to stimulate its redevelopment or rehabilitation. More specifically, an "area in need of redevelopment" designation allows a municipality to:

- Adopt a redevelopment plan that will prescribe the manner in which an area will be developed, including its use an intensity of use;
- Issue bonds for the purpose of redevelopment;
- Acquire property;
- Lease or convey property without a public bidding process;
- Collect revenue from a selected developer; and/or
- Grant tax exemptions and abatements.

1.1 REDEVELOPMENT PROCESS

As outlined in the LRHL, the redevelopment process begins with the governing body directing the planning board to undertake a preliminary investigation to determine whether or not an area qualifies as being in need of redevelopment. In 2013, the LRHL was amended to also require governing bodies to indicate whether they are seeking to designate a subject area as a "non-condemnation redevelopment area" or a "condemnation redevelopment area." Though the initial area in need of redevelopment study for the New Bridge Landing Redevelopment Area preceded the 2013 LRHL amendments, it is the Borough's intent to continue to pursue the redevelopment of this site through a non-condemnation process.

An area qualifies as being in need of redevelopment if it meets at least one of the nine statutory criteria listed under Section 5 of the LRHL. These criteria are the same for both designating a study area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area."

The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After conducting its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based upon the planning board's recommendation, the governing body may choose to designate all or a portion of the area as an "Area in Need of Redevelopment." The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan. The Borough of River Edge pursued the former approach which directed the preparation of the Redevelopment Plan contained herein.

Following the adoption of the redevelopment plan, the governing body or other public agency/authority designated by the governing body as the "redevelopment entity" will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2).

1.2 REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN

In accordance with N.J.S.A. 40:12A-7 of the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment or rehabilitation of a project sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the county in which the municipality is located, and;
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
8. The redevelopment plan may include the provision of affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
9. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law.
10. The redevelopment plan must state whether it shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.

11. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of the its full authorized membership with the reasons for so acting set forth in the redevelopment plan.
12. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

II. REDEVELOPMENT AREA

2.1 SUBJECT AREA

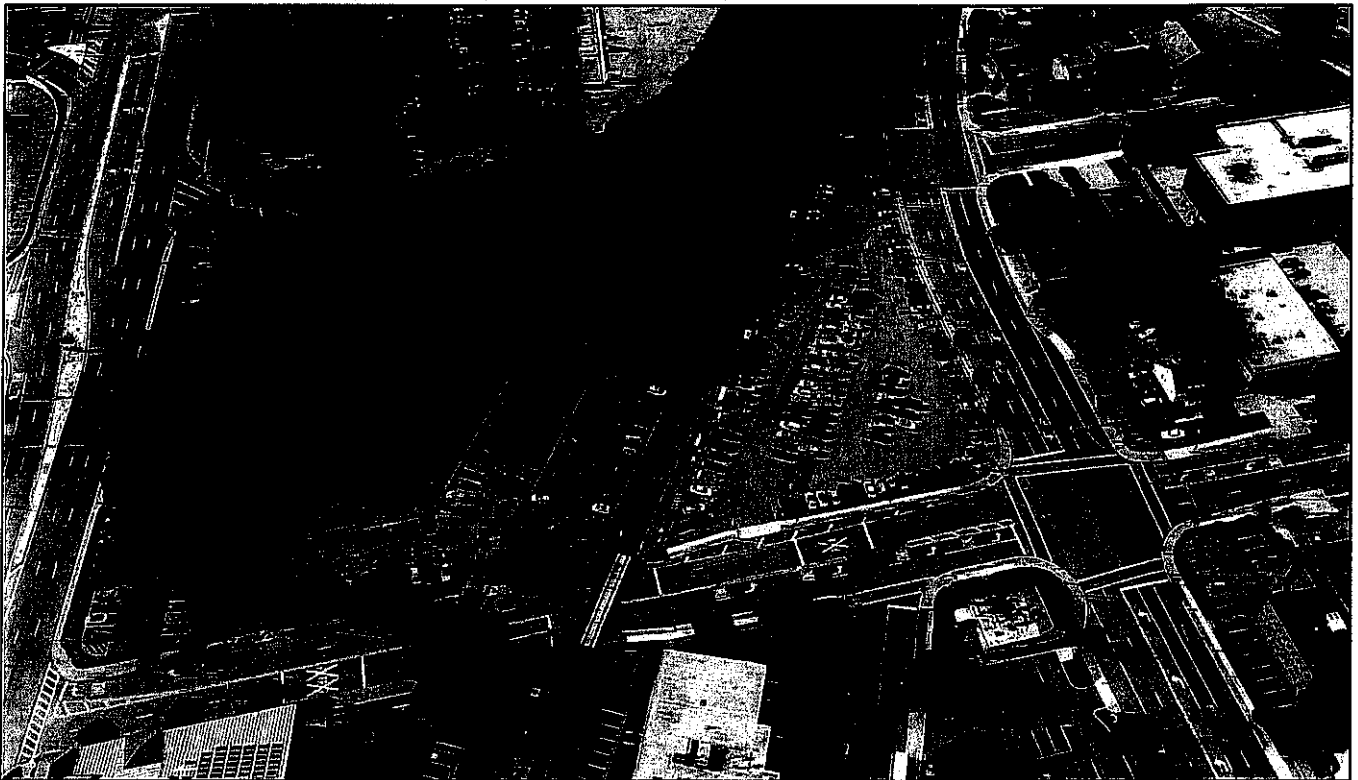
The designated area in need of redevelopment encompasses the five parcels listed in Table 1 below comprising a total land area of approximately 3.17 acres based on public property tax records. The site, located in the southernmost area of River Edge, has frontages of 300 feet on Kinderkamack Road, 314 feet on Grand Avenue and 186 feet on Hackensack Avenue though it is bisected nearly in half by the north-south oriented NJ Transit Pascack Valley commuter rail line extending from Spring Valley, New York to Hoboken with stops at Secaucus Junction and other local train stations.

Table 1: Redevelopment Area Parcels

Block	Lot	Owner	Land Area
1411	1.01	NJ Transit Corp.	0.15 ac
1411	1.02	Borough of River Edge	0.77 ac
1412	1	NJ Transit Corp.	1.53 ac
1412	2	NJ Transit Corp.	0.33 ac
1412	3	Borough of River Edge	0.39 ac
Total			3.17 ac

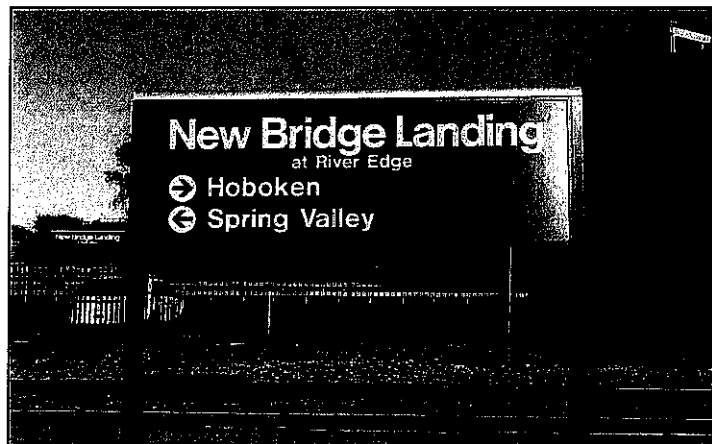
Both the easterly and westerly portions of the redevelopment area are developed as paved surface parking lots serving as commuter parking facilities requiring permits totaling approximately 315 parking spaces, the majority of which are operated by NJ Transit with the exception of Block 1412 lot 3 which is operated by the Borough. Access is provided to the east and west portion of the redevelopment area via one two-way driveway each on Grand Avenue.

Bird's eye view of the site looking south

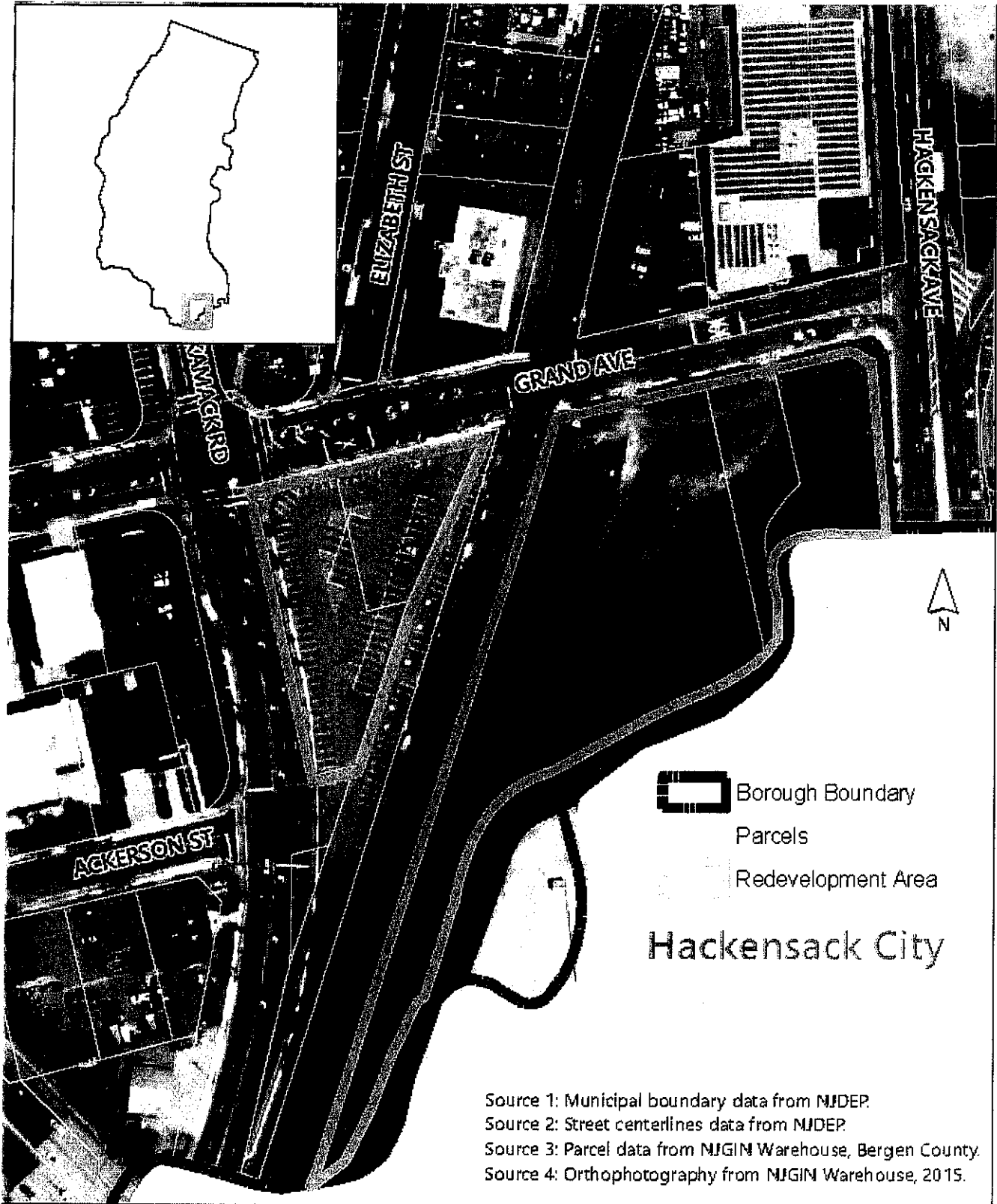


Source: Google Maps, September 4, 2020.

The New Bridge Landing Station does not have a typical station building but has a platform situated at grade immediately west of the rail line providing pedestrian train access for travel in both directions. In addition, there are several bus shelter-like structures and a bike parking rack along the platform area. Additional public transportation alternatives serving the site include NJ Transit bus service on Kinderkamack Road via bus route 165 providing local service to Port Authority in New York City and Bus Routes 171, 756 and Route 4 Jitney with stops on Route 4 within walking distance of the site. The redevelopment area has prime regional access given its location essentially at the crossroads of River Edge, Hackensack, New Milford and Teaneck within close proximity to State Highways 4 and 17 and the Garden State Parkway.



Redevelopment Area Aerial Photograph and Location Map



View of the westerly portion of the site and Kinderkamack Road streetscape facing north



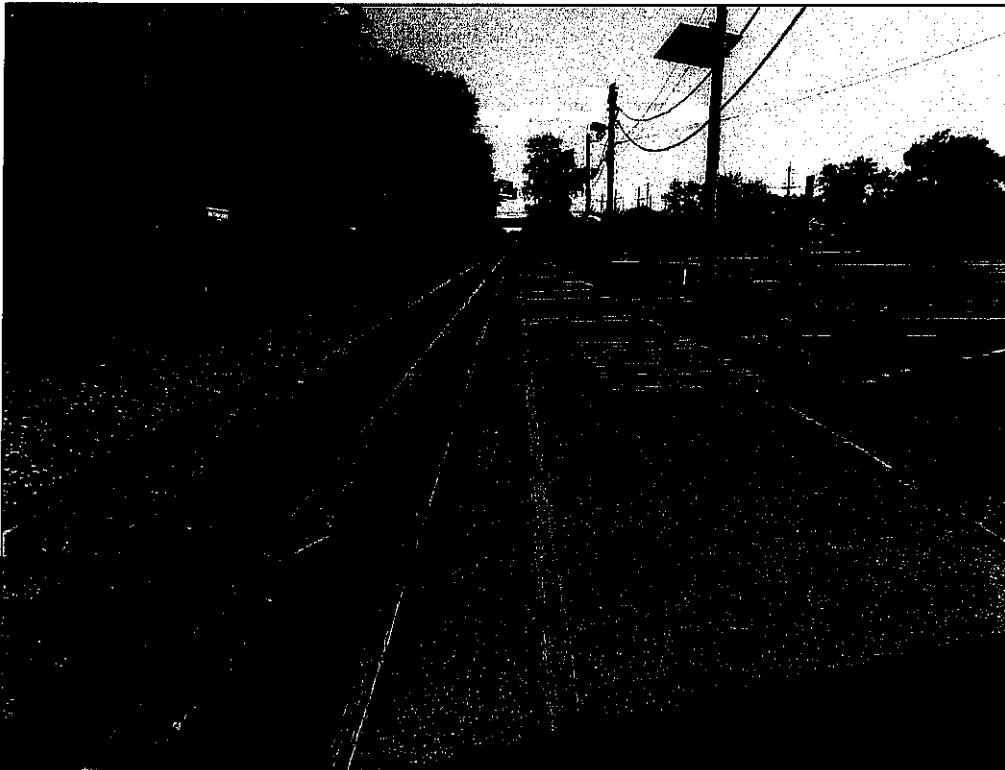
View of the redevelopment area from the NW corner of Kinderkamack Road and Grand Avenue



View of the easterly portion of the site from the rail corridor



View of the train station platform facing south

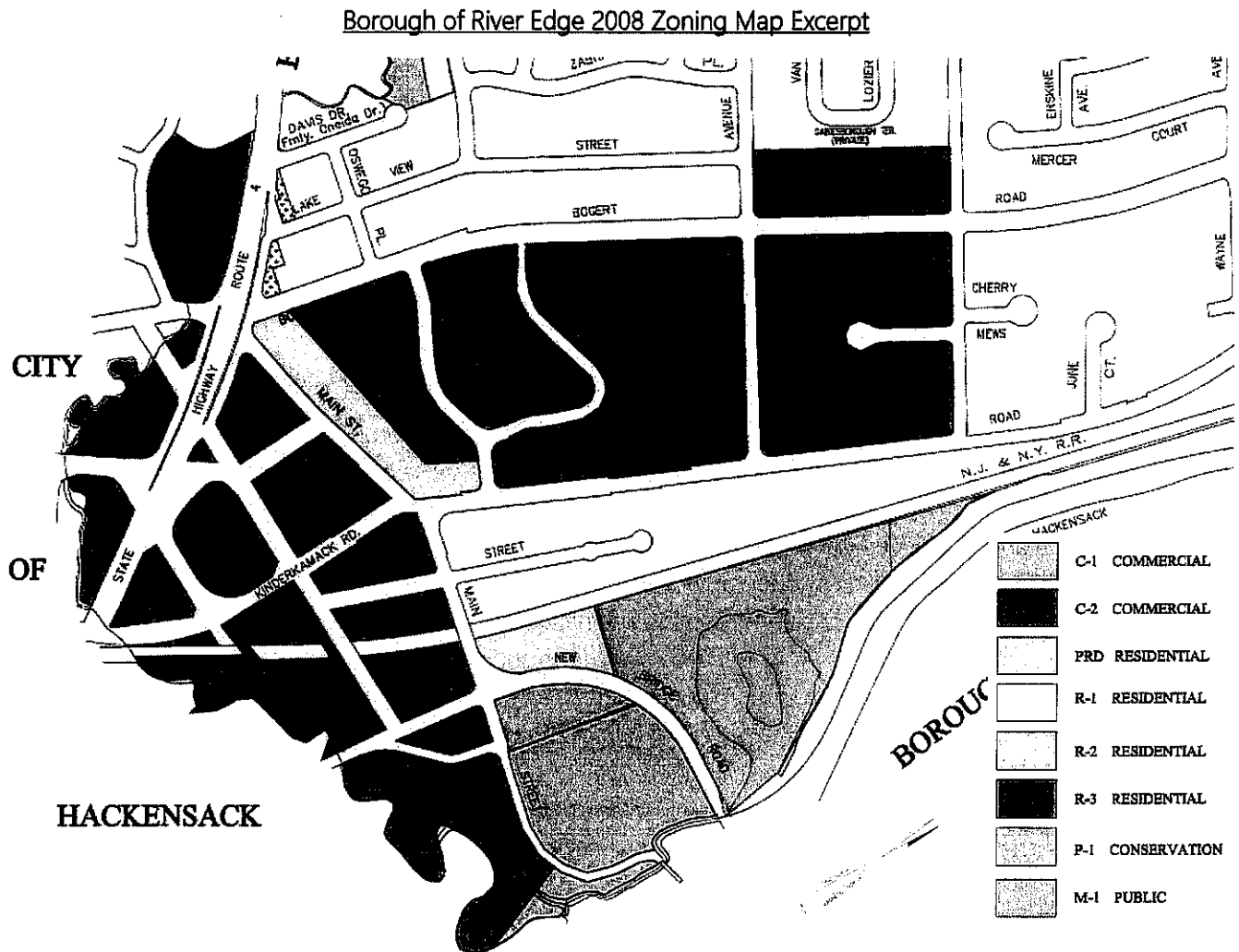


2.2 ENVIRONMENTAL CONSTRAINTS

Coles Brook, a tidal tributary to the Hackensack River, runs along the easterly boundary of the redevelopment area. Given the site's relatively low topography and proximity to Coles Brook, portions of the site are impacted by a 100-year flood plain and wetland areas. A wetlands investigation prepared by a qualified professional is required to determine the exact locations of protected wetlands on the redevelopment area tract. Such an analysis shall be provided by the selected redeveloper.

2.3 SURROUNDING DEVELOPMENT

Development surrounding the site consists of the Green Papaya Restaurant, an office building and self storage facility to the north across Grand Avenue, office development to the south and east in Hackensack and Club Feathers and office uses to the west across Kinderkamack Road all in the C-2 Commercial Zone. Block 1413 Lots 1, 2.01, 4 and 5 constitute the Kinderkamack Road Redevelopment Area for which a redevelopment plan has been prepared envisioning a mixed-use or multifamily development of that site.



III. REDEVELOPMENT PLAN

The following section sets forth the goals and regulations of the Redevelopment Plan which shall be designated as the RA-1 New Bridge Landing Station Redevelopment Area.

3.1 REDEVELOPMENT AREA DESCRIPTION

The RA-1 New Bridge Landing Station Redevelopment Area shall constitute Block 1411 Lots 1.01 and 1.02 and Block 1412 Lots 1, 2 and 3. The RA-1 Zone shall replace and supersede the current underlying zoning of the redevelopment area parcels. All development proposed utilizing this RA-1 Zone criteria shall be contingent upon the development requirements below.

3.2 PURPOSE & SCOPE

This Redevelopment Plan sets forth the terms and conditions governing the redevelopment of the tract as defined herein by the selected redeveloper. Specifically, this Plan is designed to facilitate the redevelopment of the site into a high-quality mixed-use transit-oriented development with public transportation facilities and affordable housing opportunities as a component of the Borough's Housing Element and Fair Share Plan. The redevelopment area shall be designed in accordance with a comprehensive plan that specifies the locations and details of buildings, parking and circulation, streetscape and landscape features, utilities, stormwater management and associated site improvements. Smart growth and green building principles shall be integrated into the plan to the extent practicable to encourage a more efficient form of development. The zone shall be programmed with pedestrian friendly amenities.

3.3 PLAN GOAL & OBJECTIVES

The New Bridge Landing Station Redevelopment Plan aims to achieve the following goals:

- A. To revitalize a stagnant and underutilized site within the heart of the Borough's New Bridge Landing Area with a vibrant mixed-use transit-oriented development that creates a sense of place and family-oriented focal point in River Edge which may inspire the development of surrounding underutilized properties.
- B. To update and modernize the existing New Bridge Landing train station facilities with the provision of public parking, bicycle storage and handicap accessibility.
- C. To maximize the available public transportation alternatives within walking distance of the redevelopment area.
- D. To expand the local tax and employment base with a form and mix of compatible residential and non-residential uses not currently available in the community aimed at increasing pedestrian activity in the area.
- E. To promote a successful public/private partnership of the redevelopment area between the Borough of River Edge, NJ Transit and the selected developer.
- F. To provide high-quality design features at the street level and within the pedestrian realm including streetscape improvements, landscaping, open space and architectural details with facilities including, but not limited to, outdoor dining, public plazas, parks and wide sidewalks.

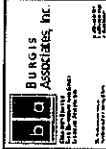
- G. To recognize and incorporate historic design elements of the New Bridge Landing area, as determined to be appropriate.
- H. To promote energy and resource conservation through the utilization of smart growth principles, green building technology and alternative means of transportation including walking, biking, buses and trains.
- I. To utilize Coles Brook as an amenity in the comprehensive redevelopment plan for the site.
- J. To provide for the low and moderate-income housing needs of River Edge as set forth in the Borough's Housing Element and Fair Share Plan;
- K. To develop a plan for the redevelopment area that ensures public safety, promotes the general welfare and minimizes nuisances and negative impacts to the surrounding community.

3.4 CONCEPT PLAN

The following concept plan and images represent the redevelopment goals and opportunities of this plan. These conceptual images portray the general redevelopment of the subject area, are illustrative only and are subject to further design development and refinement by the selected redeveloper at the time of site plan review.

As depicted on the concept plan, this Redevelopment Plan envisions the westerly portion of the site to be developed with a four-story mixed-use building consisting of street level commercial uses and multifamily and/or office uses above the first floor. A train station platform is provided immediately west of the rail corridor similar to the existing platform, however, the new platform should be covered providing protection from the elements and updated to provide handicap train access. A variation of the public train station facility may also include an actual train station building as once existed on the property. Another necessary component of the train station is space to accommodate a drop-off/pick-up area which is shown in the form of a one-way driveway traversing the site from Kinderkamack Road to Grand Avenue along the rail line which could otherwise be incorporated along Grand Avenue leaving the westerly lots in the redevelopment area whole. Pedestrian amenities shall include ground level open spaces and plazas, streetscape improvements, wide sidewalks and extensive streetscaping and landscaping.

The easterly portion of the redevelopment area will include a five-level parking facility that will serve the train station and mix of uses in the on-site buildings. The parking structure will be wrapped along its street frontages with a four-story multifamily building. Building and site design features shall be consistent throughout the redevelopment area and will serve as a basis for the development of surrounding parcels. On-street parking shall be provided to support the non-residential uses as determined to be appropriate and as may be authorized by other governmental agencies. The selected redeveloper is encouraged to secure air rights above the rail corridor from NJ Transit in order to provide a direct connection between the buildings on the easterly and westerly portions of the site via a form of sky bridge.



BURGIS ASSOCIATES, INC.
10000 W. 12TH AVE. SUITE 200
DENVER, CO 80202
TEL: 303.733.0000
WWW.BURGISASSOCIATES.COM

Project:
River Edge
Master Site Planning Study

Scale: 1" = 100'
Date: 08/12/2014

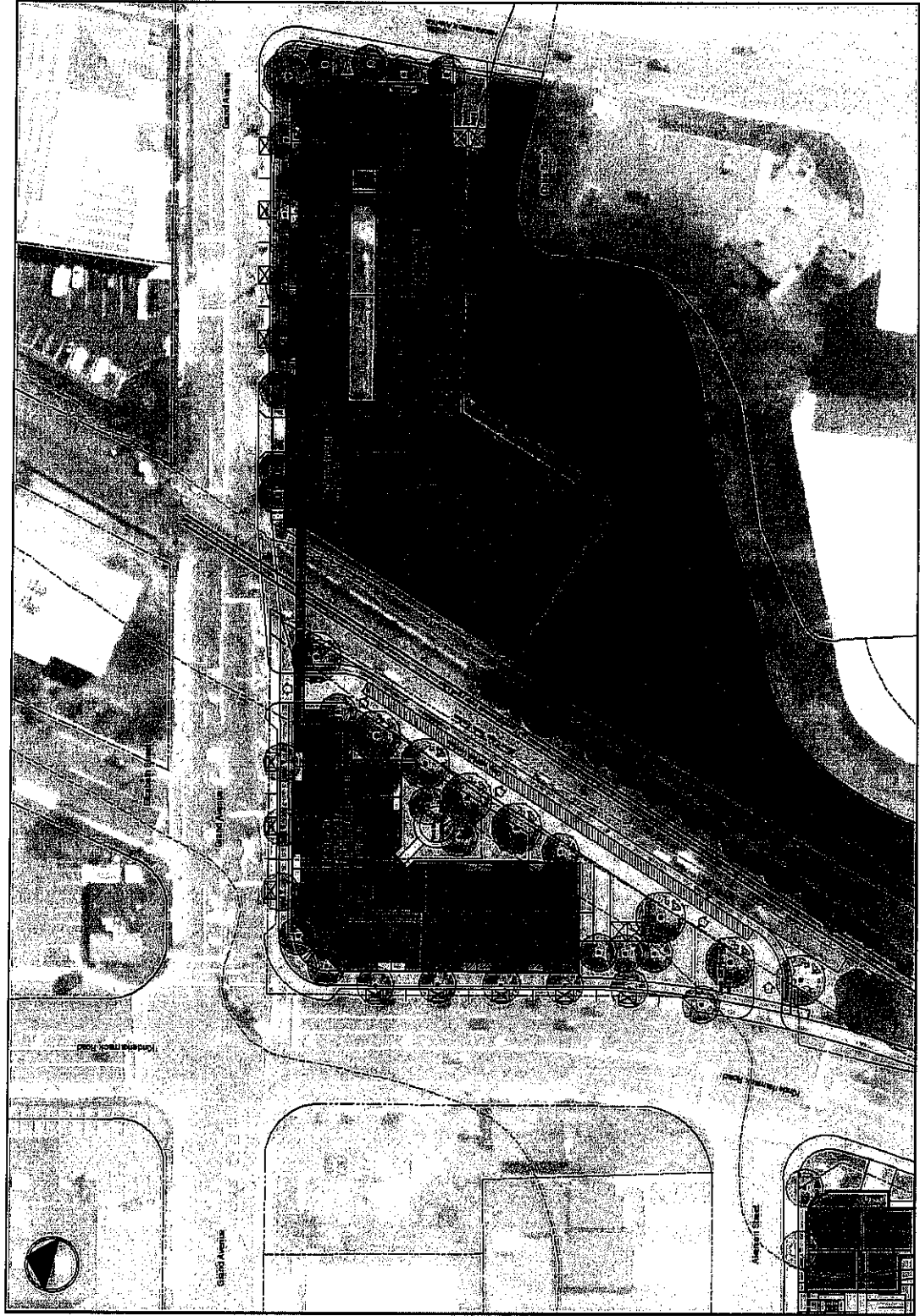
Client: **City of Denver**
Location: **15th & Grand**
Project: **Master Site Planning Study**
Scale: **1" = 100'**
Date: **08/12/2014**

Revision Table

Rev.	Date	Description
01	08/12/2014	Initial Issue
02	08/12/2014	Revised
03	08/12/2014	Revised
04	08/12/2014	Revised
05	08/12/2014	Revised
06	08/12/2014	Revised
07	08/12/2014	Revised
08	08/12/2014	Revised
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99	08/12/2014	Revised
100	08/12/2014	Revised

Concept 1B Revision 1

Item	Description	Quantity
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99	Planting	9900
100	Planting	10000



3.5 DEVELOPMENT PHASING

The parking structure shall be completed and operable prior to the issuance of any certificates of occupancy for any of the other redevelopment area buildings or structures, excluding operation of the train station/stop.

3.6 PERMITTED PRINCIPAL USES

A. Residential Uses

1. Multifamily uses, except that the portion of the redevelopment area west of the rail corridor shall only permit multifamily uses above the first floor.

B. Nonresidential Uses

1. Retail and personal service uses limited to the first floor with individual tenant spaces not to exceed a gross floor area of 30,000 square feet.
2. Restaurants, cafes and other similar eating and drinking establishments.
3. Brew pubs and breweries limited to 4,000 square feet.
4. Office uses above the first floor.
5. Medical office uses above the first floor.
6. Hotels including banquet facilities, restaurants and/or bars not to exceed a tract total of 100 hotel rooms/housekeeping units.
7. Childcare centers.
8. Instructional schools and studios providing instruction for such uses including, but not limited to, yoga, fitness, martial arts, culinary, academics and visual and performing arts.
9. Parking structures available to the public.
10. Public train stop/station.
11. Municipal uses and facilities.

3.7 PERMITTED ACCESSORY USES

Permitted accessory uses in the RA-1 District are as follows:

- A. Off-street parking subject to the applicable regulations herein.
- B. Outdoor dining.
- C. Public and private open spaces, plazas and promenades.
- D. Rooftop amenity space(s).
- E. Storage lockers/facilities for residents only.
- F. Bicycle parking/storage facilities.
- G. Electric vehicle (EV) charging stations.
- H. Lobby/drop-off area.

- I. Solar panels and solar canopies as regulated herein.
- J. Rooftop amenities limited to permitted on-site uses and as may be regulated herein.
- K. Fences and walls.
- L. Signs.
- M. Leasing/management offices associated with the on-site building(s).
- N. Live/work studios.
- O. Service and loading areas.
- P. Accessory uses customarily incidental to permitted principal uses.

3.8 PROHIBITED USES

Uses prohibited in the RA-1 New Bridge Landing Station Redevelopment Area shall include any principal use not specifically permitted herein or permitted by other applicable law and include, but are not limited to, the following:

- A. Drive-thru facilities.
- B. Outdoor storage.
- C. Display of outdoor merchandise.

3.9 DEVELOPMENT REGULATIONS

Development within the RA-1 New Bridge Landing Station Redevelopment Area District shall conform to the area and bulk regulations set forth below.

A. Definitions.

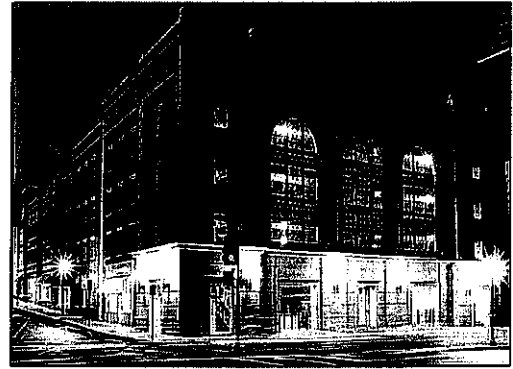
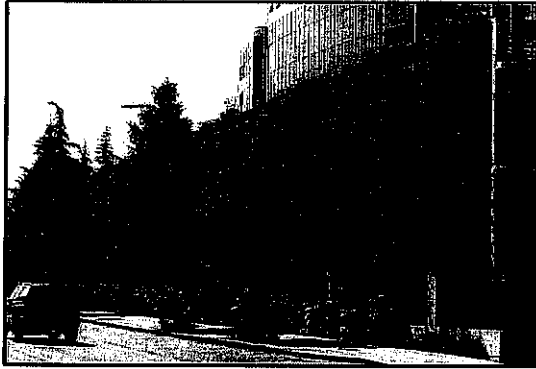
Tract – For the purposes of this Section, “tract” shall be synonymous with the outbound delineation of the RA-1 District itself as identified herein. Since development of the tract constituting the RA-1 District is intended to be planned and developed as an integrated whole, the bulk requirements as noted in this zone are to apply to the overall tract only and not to any internal lot or lot line unless specifically stated herein.

B. Building Design

1. Mixed-use and residential buildings
 - a. The principal mixed-use building to be developed on the westerly portion of the redevelopment area shall be designed with the qualities of a regional landmark building that will serve as the focal point for the surrounding New Bridge Landing.
 - b. Buildings shall be oriented with primary entrances facing the adjacent public streets.
 - c. All building elevations shall receive architectural treatments comparable to front building elevations with similar materials, forms, articulation and fenestration. Extensive blank walls are prohibited.

- d. Exterior building colors and materials shall have a complementary palate that is consistent with the general theme of the development and harmonious with surrounding development.
 - e. Building facades shall have a delineated floor line between the street level and upper floors in the form of a belt course, lintel, cornice line or similar architectural detail. Such horizontal feature shall have a minimum height of one (1) foot.
 - f. Each building facade must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. Each vertical articulation shall be not less than 40 feet apart, shall have a depth of at least 1 foot and maximum width of 10 feet and may project a maximum of 18 inches into any required yard.
 - g. Excluding the parking structure, the facades all building levels above the 3rd story facing a public street shall be stepped back a minimum of 10 feet measured from the outdoor wall of the 3rd floor.
 - h. The top color of all buildings must be capped by a cornice or sloping roof element. Flat roofs shall be enclosed by parapets or other acceptable architectural feature.
 - i. A minimum of 60% of the exterior walls of first floor nonresidential space shall be constructed of clear window glass. This percentage shall be calculated within the area of the building façade that is located between 3 feet and ten feet above sidewalk level. Doors accessing public or semi-public sidewalks shall be recessed.
 - j. Awnings are encouraged at the ground floor level of mixed-use and multifamily buildings, excluding awnings made of plastic or similar type materials, and shall have a minimum clearance of 7 feet.
 - k. Balconies are encouraged above the first floor.
 - l. Fire escapes are prohibited on facades facing a public street except where required by the Borough of River Edge Fire Department.
 - m. Rooftop amenities, appurtenances and equipment shall not extend more than 10 feet above the top of the highest flat roof, limited to a maximum 15% of the roof area to which it is affixed and having a minimum setback of 10 feet from the interior of the parapet wall.
2. Parking structure(s).
- a. Parking structures shall be designed and disguised so as to not resemble a “traditional” parking structures composed of monotonous colors and materials, expansive blank wall, lack of building articulation, devoid of pedestrian scale features and long uninterrupted roof lines.

- b. The unenclosed upper level of any parking structure shall have solid parapet walls not less than four feet in height or as may otherwise be required.
- c. All voids in parking structure facades shall be architecturally detailed with sculptural elements, murals and/or green screened with living vegetation systems to minimize the visibility of vehicles and light from within the structure, subject to the approving authority. Parking structures wrapped or otherwise attached to a principal building may also be designed to reflect the occupied portions of the building.



- d. The horizontal planes of above-grade parking structures shall have vertical breaks complementary in scale to the building's overall configuration and mass at least every fifty (50) feet with a minimum width of two (2) feet and depth of one (1) foot. Long horizontal roof lines or parapet walls exceeding an uninterrupted length of fifty (50) feet are prohibited.
- e. The façade of a parking structure directly fronting a public right-of-way shall have a delineated floor line between the street level and upper floors in the form of a belt course, lintel, cornice line or similar architectural detail. Such horizontal feature shall have a minimum height of one (1) foot.
- f. A minimum of 25% of parking structure facades shall remain open, excluding those facades wrapped or concealed by other buildings or permitted uses. Any architectural feature, mural or living plant wall system designed to conceal voids in the parking structure shall not count against the minimum 25% façade opening requirement.
- g. No more than 75% of a parking structure façade may be composed of a single building material or color.
- h. Parking structure ramps shall be located internally or fully screened on the sides of the driveway access.
- i. Lighting fixtures within a parking structure shall be recessed to shield adjacent properties and public roadways from the light source and glare.

- j. Parking structures shall be constructed so that no exhaust vents open directly onto any public street.

C. Area & Bulk Requirements

Requirement	RA-1 Zone
Minimum Tract Area	3 acres
Maximum Gross Density	25 dwelling units per acre
<u>Minimum Front Yard Setback</u>	
Kinderkamack Road	20 feet
Grand Avenue	20 feet
Hackensack Avenue	10 feet
NJ Transit Rail Corridor ⁽¹⁾	5 feet
Minimum Side Yard Setback ⁽²⁾	10 feet
Minimum Rear Yard Setback	N/A
Maximum Tract Building Coverage	60%
Maximum Tract Impervious Coverage	80%
<u>Maximum Building Height</u>	
Mixed-Use Buildings	4 stories/55 feet ⁽³⁾
Parking Structure	5 levels/55 feet ⁽³⁾

- (1) For the purposes of this Redevelopment Plan, all tract boundaries adjacent to the NJ Transit rail corridor shall be considered front lot lines. Any sky bridge or other building feature that extends above the rail corridor, pending NJ Transit approval, shall be exempt from minimum setback requirements. Front yard setbacks shall be measured from any road widening dedication or easement, or if none is required, then the setback shall be measured from the right-of-way line.
- (2) For the purposes of this Redevelopment Plan, all tract boundaries not considered front lot lines shall be considered side lot lines. There shall be no rear lot lines in calculating required setbacks.
- (3) The maximum height of buildings other than the parking structure shall be to the top of roof or roof peak if sloped roof. The maximum height of the parking structure shall be measured to the top of roof or surface of the uppermost parking level, whichever is greater.

D. Projections and encroachments.

- 1. Cornices and eaves may project not more than two feet into any required yard.
- 2. Artistic sculptural elements or living wall systems may project not more than two feet into any required yard.
- 3. Balconies may project not more than 4 feet into any required yard.
- 4. Building canopies above primary doorways providing access to interior lobby areas may project not more than 6 feet into any required yard. This shall not include canopies above entranceways of individual tenant spaces.

5. Awnings shall be permitted to encroach not more than 6 feet into any required yard.

E. Distribution of uses

1. Not more than 50% of ground floor area devoted to nonresidential uses shall be occupied by restaurants, cafes or similar type eating and drinking establishments.
2. Office uses shall be restricted to a maximum 33% floor area occupancy for each individual principal building.

F. Bedroom distribution

1. No market rate residential unit shall contain more than two bedrooms.
2. Designated low and moderate-income housing units shall have bedroom and unit distributions in accordance with the Borough Housing Element and Fair Share Plan.

G. Parking and Circulation

1. A traffic and parking analysis shall be provided as part of any site plan submission to the Planning Board. The analysis should forecast additional traffic associated with the entire development, determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development. The analysis shall serve as the basis for a shared parking arrangement and any proposed parking requirement discount subject to Borough approval.
2. Parking structure. As illustrated on the concept plan for the site, a parking structure shall be developed on the easterly portion of the redevelopment area to accommodate a shared parking arrangement for train station commuters and the mix of on-site residential and non-residential uses developed in accordance with the below parking requirements. Palette or automated parking systems shall be acceptable alternatives to traditional parking structure design subject to Borough and NJ Transit approval.
3. Surface parking facilities shall be prohibited in the redevelopment area, excluding designated loading spaces or as may be required to provide vehicular handicap or emergency access.
4. Drive-thru facilities are expressly prohibited in the redevelopment area.
5. Parking requirements.
 - a. Public train station parking. At a minimum, the parking structure shall accommodate the approximate total of 315 existing surface parking spaces currently available to commuters. Ultimately, the

redeveloper must coordinate with NJ Transit in determining the required number of commuter parking stalls.

Use	Parking Requirement
Multifamily Residential	Shall comply with RSIS requirements
Retail, personal service, office	1 space / 250 sf GFA*
Medical office	1 space / 150 sf GFA*
Restaurants	1 space/2.5 seats
Hotel	0.75 space / guestroom + 1 space / employee
Childcare facilities	Min. 3 parking spaces + 1 space for each employee
Brew pubs and breweries	3 spaces / 1,000 sf GFA*
Instructional schools and studios	1 space / 50 sf GFA*

*Gross floor area (GFA) shall include the total floor area measured from the exterior building walls and including ancillary spaces such as restrooms, storage spaces and stairwells.

6. When the calculated parking requirement results in a fractional space, the requirement shall be rounded to the nearest whole number.
7. The typical perpendicular off-street parking spaces shall be 9 feet by 18 feet. Up to 25% of the required parking stalls may be designated for compact cars not less than eight feet 6 inches by 16 feet.
8. Driveways shall have a minimum setback of 5 feet from redevelopment tract boundaries excluding those providing access to a public street. Curb cuts shall be minimized along the rights-of-way limited to providing access for a train drop-off, emergency access, loading and servicing and parking garage access.
9. Parallel on-street parking shall be provided along the Kinderkamack Road and Grand Avenue rights-of-way to the extent feasible and as may be approved by other governmental agencies.
10. Sidewalks shall have the following minimum required widths:

Use	Requirement
Kinderkamack Road	16 feet
Grand Avenue	12 feet
Hackensack Avenue	8 feet
Along the drop-off/pick-up driveway	8 feet
Other internal walkways	6 feet

11. Bicycle parking. A bicycle parking/storage facility shall be located in the parking structure to include a minimum of 1 bicycle space for every 10 required parking spaces. If the requirement results in a fraction it shall be rounded up to the nearest whole number.

12. Electric vehicle (EV) charging stations. A minimum of 5% of the total parking requirement shall be provided as spaces designated solely with electric vehicle charging stations dispersed evenly throughout the parking structure levels.
13. Overnight parking of commercial vehicles within the redevelopment area shall be prohibited.

H. Loading.

The redevelopment area shall be subject to the following loading requirements.

1. The portion of the redevelopment area west of the rail corridor shall require at least two loading spaces and one additional loading space for each 25,000 square feet of aggregate non-residential gross floor area above 50,000 square feet (at 75,000 sf of non-residential GFA a third loading space is required). A loading space shall not be required for the easterly portion of the site provided that any uses other than multifamily or public parking use of the property shall require one loading space for every 25,000 square feet of non-residential gross floor area.
2. Loading spaces shall be minimally 10 feet in width by 25 feet in length with a minimum overhead clearance of 12 feet.
3. Loading spaces and any loading bays shall be provided at the side or rear of buildings and shall be screened from public view with walls, solid fencing and/or landscaping not less than 6 feet high as determined to be appropriate by the approving authority. Loading spaces and areas shall have a minimum setback of 15 feet from the redevelopment area boundary to allow for suitable screening.

I. Streetscape, Landscaping and Public Spaces

1. Streetscape Requirements.
 - a. The tract shall have a unified streetscape with lighting fixtures and paving materials and patterns subject to the Borough Engineer and applicable Borough streetscape standards.
 - b. Street trees shall be installed along public street rights-of-way and driveways in regularly spaced intervals not less than 40 feet on center.
 - c. Street trees shall be planted with a minimum 3 to 3 ½ inch caliper.
 - d. Individual tree wells minimally 4 feet by 4 feet shall be protected with grates and/or low curbs or fencing creating planting beds to prevent tree damage caused by pedestrians.
 - e. Benches and trash and recycling receptacles shall be required along public sidewalks subject to the approving authority.

2. Landscaping Requirements.

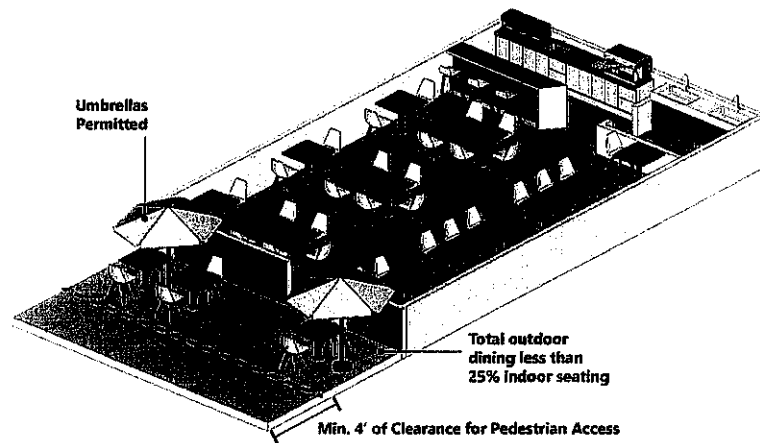
- a. The landscape plan for the redevelopment area shall be prepared by a qualified licensed professional.
- b. Landscaping shall include a combination of trees, shrubs, ground cover, perennials, grasses and/or annuals to provide year-round seasonal interest and soften the rigid building lines and hardscaping.
- c. Irrigation systems shall be installed to support landscaping plantings.
- d. Trees shall be planted in intervals of not less than 40 feet on center around internal pedestrian walkways.
- e. Landscape beds shall be preferred over extensive lawn areas, though such lawn areas may be appropriate for limited communal or public passive open space.

3. Public Space Requirements.

- a. Public plazas and open spaces shall be required elements of the comprehensive redevelopment plan for the site, the locations and sizes of which shall be subject to the approving authority. Appropriate locations for such features include the corner of Kinderkamack Road and Grand Avenue, the space between the westerly mixed-use building and the train station/stop and the southern portion of the redevelopment area west of the railroad corridor.
- b. There shall be at least one iconic sculptural water, fire and/or lighting feature located in a public space on the westerly portion of the redevelopment area and visible from the train line creating an attraction for passerby.
- c. Seating in the form of benches, walls or sculptural elements is required in regular intervals along communal and public spaces and walkways, as determined to be feasible.
- d. Public spaces shall be composed of a combination of landscape and hardscape materials subject to the approving authority.

J. Outdoor Dining

- a. Any proposed outdoor dining area within a public sidewalk shall require a plan for each tenant or use to initially be submitted to the Borough Zoning Official for review and approval, and pending approval may thereafter be continued in accordance with the plan.
- b. Outdoor dining areas shall be permitted in public and private sidewalks provided that a straight, unobstructed walkway of minimally 4 feet in width is maintained.



- c. Restaurants, cafes and similar type eating and drinking establishments shall each be permitted a maximum outdoor seating not to exceed 25% of the number of permitted indoor dining seats. Outdoor dining of 25% or less of indoor seating shall not require additional parking.
- d. Outdoor dining areas shall not extend beyond the width of the storefront of the principal use and shall be bound by planters, fencing or similar decorative features not less than 3 feet in height and shall not include stanchions, ropes, retractable belts or similar devices.



- e. Outdoor dining areas may be covered by umbrellas and/or awnings with a minimum clearance height of 7 feet which shall not extend beyond the boundary of the outdoor dining area.
- f. Approved outdoor dining areas may contain heating elements to allow for extended periods of outdoor seating subject to review and approval of the applicable Borough official(s), as may be required.
- g. The Borough shall make a determination as to whether any bollards or other safety device is required around the perimeter of the dining area exposed to vehicular traffic.

K. Lighting

1. Exterior tract lighting shall not exceed a lighting intensity of 3,500 Kelvin, except as may otherwise be required to ensure public safety. Maximum lighting intensity at redevelopment tract boundary lines shall not exceed 1.0 footcandle.
2. Internal parking structure lighting sources shall not be directly visible from outside of the structure.
3. All lighting fixtures shall have sufficient shielding features to minimize glare to surrounding uses and roadways and excess light pollution.
4. Exterior lighting fixtures shall have a maximum mounting height not to exceed 15 feet, excluding those located on the uppermost level of a parking deck or rooftop amenity space.

L. Signs

1. Signs in the RA-1 Zone shall be regulated in accordance with Article X, Signs and Signage, of Chapter 416, Zoning, of the Borough of River Edge Code.
2. Freestanding or monument signs shall be prohibited except for directional or required traffic signs.

M. Fences and walls.

1. Fences and walls shall be prohibited between principal buildings and the Kinderkamack Road, Grand Avenue and Hackensack Avenue rights-of-way.
2. Fences and walls in side yards shall not exceed a maximum permitted height of 6 feet.

N. Utilities and Equipment

1. All tract utilities shall be installed underground to the extent practicable.
2. The cost of any utility extensions, replacements, maintenance or other associated costs shall be at the expense of the selected redeveloper.
3. All ground and roof-mounted equipment shall be screened with landscaping, fencing, walls or other architectural features within 10 feet of the equipment as determined appropriate by the approving authority.

4. No equipment may be located in the front yard between a principal building and public street.
5. Solar energy systems, facilities and equipment.
 - a. All principal buildings, including parking structures, shall be designed and constructed as being solar-ready, whether or not solar panels or similar photovoltaic systems are initially intended to be installed.
 - b. Ground-mounted solar panels shall be prohibited.
 - c. Roof-mounted solar panels shall be permitted provided that all components of a roof-mounted solar energy system shall not extend more than five feet above a flat roof or eighteen inches above a pitched roof not to extend beyond the roof peak.
 - d. Solar canopies shall be permitted above the uppermost level of the parking structure not to exceed a height of 15 feet above the highest floor level with a minimum clearance of 9 feet.

O. Garbage and Recycling.

1. On-site garbage and recycling shall be managed by a third party waste service to be arranged by the redeveloper.
2. For all principal buildings, there shall be a minimum of one solid waste storage and pick-up location either within or outside of the building in steel or other approved fully enclosed containers.
3. Outdoor refuse areas shall be visually screened with a constructed enclosure composed of materials consistent with the principal building.
4. Refuse areas shall be prohibited in front yard areas between principal buildings and public streets.

3.10 TRAIN STATION & PUBLIC FACILITIES

The selected redeveloper shall coordinate with NJ Transit in providing a modernized train stop/station in the general vicinity of the existing station platform. At a minimum, a new handicap accessible platform shall be installed with lighting, landscaping, seating and overhead covering providing protection from the elements. In addition, covered bicycle parking shall also be provided. It may be determined that the construction of a new train station building is appropriate such as once existed on the westerly portion of the property. The new train stop/station would provide an opportunity to display historic photos and artifacts of the New Bride Landing Area, including advertising for the nearby Bergen County Historical site.

3.11 AFFORDABLE HOUSING REQUIREMENT

A goal of this Redevelopment Plan is to satisfy a portion of the Borough's affordable housing obligations. The RA-1 District shall be subject to a mandatory affordable housing set-aside in accordance with the Borough's Housing Element and Fair Share Plan and applicable Council on Affordable Housing ("COAH") or other prevailing regulations. At a minimum, rental units shall require a minimum set-aside of 15 and for sale units shall require a minimum set-aside of 20%. At least 13% of the required affordable housing units shall be designated for very-low income households.

3.12 ENVIRONMENTAL CONSTRAINTS

The redeveloper shall demonstrate compliance with all outside agency approvals with respect to 100-year floodplains and wetland areas impacting the site.

3.13 SITE PLAN APPLICATION

The selected redeveloper will be required to enter into a Redevelopment Agreement with the Borough. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated by the Borough as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Borough.

IV. CONSISTENCY TO OTHER PLANS

This Section of the Redevelopment Plan describes the relationship to the master plans of adjacent communities and Bergen County as well as the report's relationship to the State Development and Redevelopment Plan.

4.1 RIVER EDGE MASTER PLAN

The 1984 River Edge Master Plan recognizes the redevelopment potential of the New Bridge Landing Station Area and surrounding properties given the location along NJ Transit's Pascack Valley train line and regional roadway access. While the Plan doesn't specifically discuss mixed-use or transit-oriented development, the Plan includes a number of land use goals and objectives which apply to this Redevelopment Plan as follows:

- A. In appropriate locations, study and define a mixture of housing types...

This redevelopment Plan provides a multifamily residential component with a required affordable housing set-aside providing an alternative to the existing garden apartments located in the Borough.

- B. Maintain and upgrade existing commercial areas to provide a complete range of office, retail and ancillary developments.

The redevelopment area is located within the C-2 Commercial Zone and is considered to be severely underutilized.

- C. Improve, where necessary, the aesthetic character of the existing commercial developments by employing zoning controls an encouraging building maintenance.

This Redevelopment Plan provides the use and development controls to achieve the mixed-use transit-oriented development prescribed herein which is anticipated to serve as a focal point of the community.

- D. Encourage the consolidation of underutilized blocks in the commercial areas in order to provide improved forms of commercial development.

This Redevelopment Plan has been prepared in response to the recognition of the underutilized conditions of the Redevelopment Area.

In addition, this Redevelopment Plan is a component of the Borough's Housing Element and Fair Share Plan intended to address a portion of the Borough's Third Round Affordable Housing Obligations.

4.2 PLANS OF ADJACENT MUNICIPALITIES

The Borough of River Edge is centrally located in Bergen County bordering five other municipalities including the Borough of New Milford, Township of Teaneck, Borough of Oradell, Borough of Paramus and City of Hackensack. The New Bridge Landing Station Redevelopment Area is located in the southernmost area of River Edge and abuts the

border of Hackensack. Hackensack in its various planning efforts has demonstrated a commitment to mixed-use redevelopment activities immediately south of the subject area including the Continental Towers site and former Bergen County Police Headquarters property which is currently under construction for a 6-story building and over 300 residential units. As such, this Redevelopment Plan is unlikely to have an impact on any of the adjacent municipalities. The Plan will complement the surrounding redevelopment activity occurring in Hackensack though it should be stressed that the Borough of River Edge reserves its right to maintain its sovereign land use planning and development regulations and does not intend to aspire to the densities and building heights being approved in Hackensack, including those in close proximity to the Borough.

4.3 BERGEN COUNTY MASTER PLAN

In 2018, Bergen County initiated the creation of a new master plan. As noted by the County, this plan was to be developed with an “eye toward ensuring a more coordinated, consistent approach to our resources and assets, and encouraging sound regional planning principles.” Upon its completion and ultimate adoption, the County anticipates that its Master Plan will serve as a guidance tool for future development, redevelopment, and preservation efforts throughout the area, as well as provide municipalities with a regional framework for their local planning processes.

The County notes that this new effort is reflective of its past efforts to develop a vision for its regional planning activities. In 2010, the Department of Planning conducted a visioning process to help inform its master plan. With respect to redevelopment, the 2010 Vision Plan notes future growth throughout the County will primarily occur through redevelopment and infill development while acknowledging the benefits of mixed-use transit-oriented development.

In consideration of the above, this Redevelopment Plan is consistent to the County’s master planning efforts.

4.4 NEW JERSEY STRATEGIC PLAN

As established by NJSA 52:18A-200(f), the purpose of the 2001 State Development and Redevelopment Plan (SDRP) is to:

“Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the New Bridge Landing Station Redevelopment Area is located within the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed.

Specifically, the intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment;
- ❖ Revitalize cities and towns;
- ❖ Promote growth in compact forms;
- ❖ Stabilize older suburbs;
- ❖ Redesign areas of sprawl; and;
- ❖ Protect the character of existing stable communities.

Accordingly, this Redevelopment Plan furthers several of the intents of PA-1. It is designed to encourage redevelopment and growth in a compact form, while also protecting the character of the existing community.

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on polices aimed to foster job growth, support effective regional planning, and preserve the State’s critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

<p>Goal 1: Targeted Economic Growth.</p> <p>Enhance opportunities for attraction and growth of industries of statewide and regional importance;</p>	<p>Goal 3: Preservation and Enhancement of Critical State Resources.</p> <p>Ensure that strategies for growth include preservation of the State’s critical natural, agricultural, scenic, recreation, and historic resources.</p>
<p>Goal 2: Effective Planning for Vibrant Regions.</p> <p>Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;</p>	<p>Goal 4: Tactical Alignment of Government.</p> <p>Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.</p>

Unlike the existing SDRP, the SSP does not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State’s overall economic framework and provide information and goals for New Jersey’s various industry clusters.

The Draft Final Plan was approved by the State Planning commission on November 14, 2011 by Resolution No. 2011-08. However, it has not yet been formally adopted by the State.

In consideration of the above, this Redevelopment Plan is consistent with the Draft SSP. It targets economic growth and advocates for effective growth.

V. GENERAL PROVISIONS

5.1 ZONING MAP AND ORDINANCE

This Redevelopment Plan shall supersede all use, area and bulk provisions of the Chapter 416, Zoning, and Chapter 350, Site Plan Review, of the Borough of River Edge Code regulating development on this site, unless otherwise specified. In all situations where development regulations are not specifically addressed herein, the Borough of River Edge's land development regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Mayor and Council shall be considered an amendment of the Borough of River Edge Zoning Map.

5.2 REDEVELOPER SELECTION

The Borough of River Edge shall select the redeveloper(s) to develop a comprehensive redevelopment plan for the entirety of the Redevelopment Area. Parcels within the Redevelopment Area may not be developed individually or in combinations that do not constitute the whole area.

5.3 SITE PLAN REVIEW

Any site plan for the construction of improvements within the Redevelopment Area shall be submitted to the Planning Board in accordance with the Borough of River Edge site plan requirements.

5.4 AMENDMENTS TO THE REDEVELOPMENT PLAN

This Redevelopment Plan may be amended from time to time as provided by the LRHL.

5.5 SEVERABILITY

Should any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

5.6 DEVIATIONS FROM REDEVELOPMENT PLAN REQUIREMENTS

The River Edge Land Use Board may, after a review of a site plan that is in one or more aspects inconsistent with this Redevelopment Plan, grant deviations from the strict application of the regulations contained herein in accordance with the provision of bulk variances in N.J.S.A. 40:55D-70c. Any modification that would require 'd' use variance relief pursuant to N.J.S.A. 40:55D-70(d) shall require the Redeveloper to seek an amendment by the Governing Body to the Redevelopment Plan.

VI. REDEVELOPMENT PLAN ACTIONS

6.1 REDEVELOPMENT AGREEMENT

Upon selection of a redeveloper for the site, the redeveloper will be required to enter into a redeveloper agreement with the Borough that stipulates the precise nature and extent of the improvements to be made in accordance with this Plan and as permitted therein.

6.2 RELOCATION

The LRHL requires redevelopment plans to make adequate provisions for temporary or permanent relocation of any resident in the project area. As there are no residential buildings in the redevelopment area, there is no need to make a provision for temporary or permanent relocation for any residents. However, in addition to the provision of required parking for the approved mix of uses, the envisioned parking structure must provide for a number of parking spaces available to train commuters to be negotiated with NJ Transit.

6.3 PROPERTIES TO BE ACQUIRED

THE LRHL requires that redevelopment plans identify any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. As noted previously, the parcels contained within the redevelopment area are owned by either the Borough of River Edge or New Jersey Transit. This is a non-condemnation redevelopment plan which does not all for the acquisition of properties through the use of eminent domain.

6.4 PROCEDURAL ACTIONS

In accordance with the LRHL, the redevelopment process is outlined below.

- A. Planning Board Investigation. The statute provides that no area of a municipality shall be determined a redevelopment area unless the governing body "shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to criteria set forth in the applicable laws of the State of New Jersey." The statute also states, "such determination shall be made after public notice and public hearing."

The statute provides that no area of a municipality shall be determined a redevelopment area unless the governing body "shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to criteria set forth in the applicable laws of the State of New Jersey." The statute also states, "such determination shall be made after public notice and public hearing."

- B. Redevelopment Area Designation. Following the recommendation by the Planning Board, the governing body adopted a resolution designating the Property in Question as a non-condemnation redevelopment area.

- C. Redevelopment Plan Preparation. After introduction and prior to adoption of a redevelopment plan, the Planning Board reviews the Redevelopment Plan for consistency with the Master Plan. Following this review, the Planning Board issues recommendations to the governing body regarding the redevelopment plan.

The redevelopment plan is to be consistent with the master plan or designed to effectuate the Master Plan. The governing body can adopt a redevelopment plan that is inconsistent with the Master Plan by an affirmative majority of its full authorized membership. The reasons for such action must be set forth in the redevelopment plan.

- D. Planning Board Review. After introduction and prior to adoption of a redevelopment plan, the Planning Board reviews the Redevelopment Plan for consistency with the Master Plan. Following this review, the Planning Board issues recommendations to the governing body regarding the redevelopment plan.

The redevelopment plan is to be consistent with the master plan or designed to effectuate the Master Plan. The governing body can adopt a redevelopment plan that is inconsistent with the Master Plan by an affirmative majority of its full authorized membership. The reasons for such action must be set forth in the redevelopment plan.

- E. Adoption of Ordinance to Implement Redevelopment Plan. The governing body adopts, by ordinance, the Redevelopment Plan after introduction of the ordinance and a public hearing.

The governing body can adopt a Redevelopment Plan with nonmaterial amendments or revisions, subject to an affirmative vote of the majority of the full authorized membership and shall record in its minutes the reasons for each amendment or revision.

6.5 INFRASTRUCTURE

In addition to the proposed actions outlined above, other actions may be taken to further the goals of this Plan. These may include but shall not be limited to:

- A. Provisions for infrastructure necessary to service new development (including any necessary off-tract improvement);
- B. Environmental remediation, if necessary;
- C. Vacation of easements and rights-of-way as may be necessary to effectuate redevelopment of the tract.

6.6 OTHER ACTIONS

The redevelopment agreement between the Borough and the redeveloper will contain the terms, conditions, specifications and description of required performance guarantees (such as performance bonds or other acceptable performance security). If any, pertaining to redeveloper's obligation to provide the necessary infrastructure and improvements, including the provision of water, sanitary sewer and stormwater sewer service as well as sidewalks, curbs, streetscape improvements, street lighting and on and off-site traffic controls and roadway improvements to the extent permitted under N.J.S.A. 40-55D-53, as amended.

VII. SUMMARY OF COMPLIANCE

In accordance with the LRHL (N.J.S.A. 40A:12A-1 et seq.), the following statements are intended to address compliance with respect to required components of a redevelopment plan.

7.1 REDEVELOPMENT PLAN COMPONENTS

- A. **Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.**

The Redevelopment Plan contained herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other public improvements.

- B. **Proposed land uses and building requirements in the project area.**

The Redevelopment Plan contained herein outlines the proposed land uses and building requirements for the Redevelopment Area.

- C. **Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.**

As noted, relocation, temporary or permanent, of residents and/or businesses displaced as a result of the implementation of this Redevelopment Plan is not required.

- D. **An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.**

As noted herein, this non-condemnation redevelopment plan does not authorize the use of eminent domain to acquire property.

- E. **Any significant relationship of the redevelopment to: the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)**

As noted herein, the New Bridge Landing Station Redevelopment Plan is consistent with and advances a number of the land use goals and policies of surrounding municipalities, Bergen County and State of New Jersey.

- F. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

- G. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

- H. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

The Plan is furthering this effort since electric vehicle charging stations are a permitted accessory use in this plan and will be subject to review and approval of the reviewing Board at the time of site plan application.

BOROUGH OF RIVER EDGE

ORDINANCE #20-16

AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE KINDERKAMACK ROAD
REDEVELOPMENT AREA

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1413, Lots 1, 2.01, 4 and 5; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge as follows:

Section I:

The Governing Body hereby adopts the “Kinderkamack Road Redevelopment Plan” prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1413, Lots 1, 2.01, 4 and 5.

Section II:

The Redevelopment Plan shall supersede all provisions of Chapter 416 “Zoning” of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

Section III:

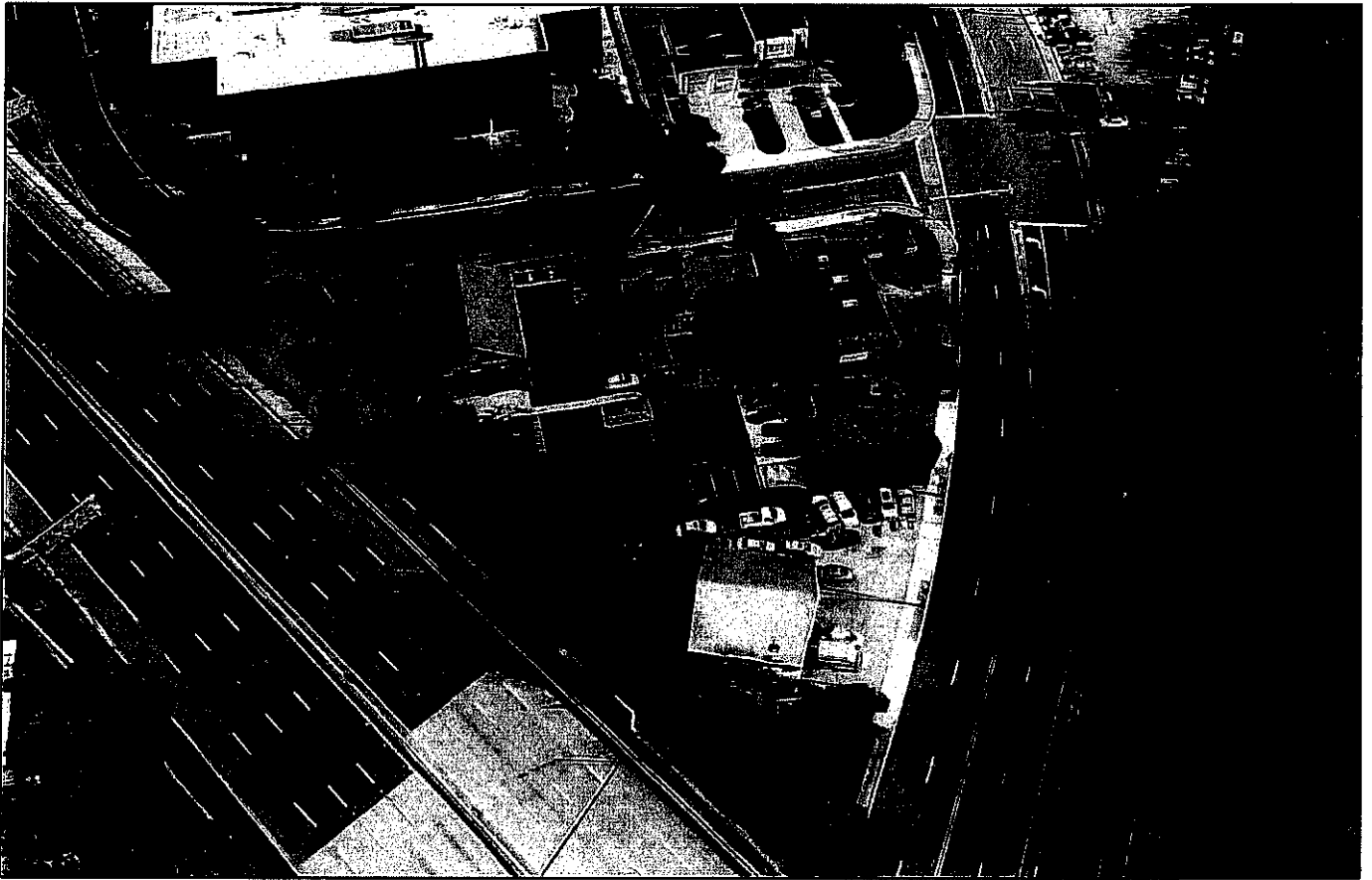
Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the “New Bridge Landing Station Redevelopment Plan”.

Section IV:

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section V:

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.



Kinderkamack Road Redevelopment Plan

Borough of River Edge
Bergen County, New Jersey

September 4, 2020

Prepared by Burgis Associates, Inc.





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr PP, LLA, ASLA
David Novak PP, AICP

Kinderkamack Road Redevelopment Plan

Block 1413 Lots 1, 2.01, 4 & 5

Borough of River Edge, Bergen County, New Jersey

Prepared for the Borough of River Edge

The original document was appropriately signed and sealed on September 4, 2020 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Thomas M. Behrens, Jr., P.P., AICP

Professional Planner #6323

ACKNOWLEDGEMENTS

Mayor and Council of the Borough of River Edge

Thomas Papaleo, Mayor

Dario Chinigo, Council President

Ellen Busteed, Councilwoman

Joseph Gautier, Councilman

Lissa Montisano-Koen, Councilwoman

Michelle Kaufman, Councilwoman

Indra Kinsella, Councilwoman

Members of the River Edge Land Use Board

James Arakelian, Chairman

Richard Mehrman, P.E., Vice Chairman

Thomas Papaleo, Mayor

Dario Chinigo, Council Liaison

Alphonse Bartelloni, Esq.

Eileen Boland, P.E.

Christopher Caslin, Esq.

Gary Esposito

Ryan Gibbons

Louis Grasso

Michael Krey

Land Use Board Clerk

Ed Alter

Borough Administrator

Raymond Poerio

Borough Clerk

Stephanie Evans, RMC, CMR

Borough Attorney

Thomas Sarlo, Esq.

Thomas A. Sarlo Law Offices

Land Use Board & Redevelopment Attorney

Brian Chewcaskie, Esq., Nylema Nabbie, Esq. & Marina Stinely, Esq.

Cleary, Jacobbe, Alfieri & Jacobs, LLC

Affordable Housing Attorney

Anthony Suarez, Esq.

Werner Suarez

Borough Engineer

Robert Costa, P.E., P.P., C.M.E.

Costa Engineering Corporation

Borough Planner

Joseph H. Burgis, P.P., AICP &

Thomas Behrens, Jr., P.P., AICP

Burgis Associates, Inc.

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INTRODUCTION: BASIS FOR THE REDEVELOPMENT PLAN

On December 4, 2006, the Borough of River Edge Mayor and Council through the adoption of Resolution No. 06-357 designated Block 413 Lots 1, 2.01, 4 and 5 an “area in need of redevelopment” following an extensive investigation of the study area parcels in accordance with the statutory criteria set forth in the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq. The Borough Council subsequently directed planning consultant A. Nelessen Associates, Inc. to prepare a redevelopment plan for the area that was ultimately adopted in 2008.

In their reevaluation of the redevelopment area and recognition that no development progress had occurred within the area in over a decade, the River Edge Mayor and Council rescinded the 2008 Redevelopment Plan in June 2018. The Governing Body’s intent was to prepare a new redevelopment plan that better reflected changed market factors and provide an opportunity to refine the redevelopment framework for the Kinderkamack Road Redevelopment Area better suited to the current local conditions. Planning Consultant Burgis Associates, Inc. was directed by the Governing Body to prepare a new redevelopment plan for the Kinderkamack Road Redevelopment Area on January 6, 2020 via Resolution No. 20-13.

This Redevelopment Plan will serve as a guide in facilitating the revitalization of the Kinderkamack Road Redevelopment Area as detailed herein. Similar to the 2008 Plan, the goals of this Redevelopment Plan include a mixed-use transit-oriented development of the site that is currently underutilized as a landscaping contractor’s office and garage and strip retail building occupied by a café and laundromat. In addition, the Plan will generate a number of affordable housing units in accordance with the Borough’s Housing Element and Fair Share Plan.

The Plan is designed to be flexible in allowing the selected redeveloper of the area to develop a comprehensive plan for the tract as prescribed in this document.

I. LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL)

As stated in the New Jersey Department of Community Affairs' Redevelopment Handbook (2nd Edition), redevelopment is the *"process to rebuild or restore an area in a measurable state of decline, disinvestment or abandonment."*

In 1992, the New Jersey Legislature enacted the Local Redevelopment and Housing Law ("LRHL") which revised and consolidated the State's various governing "blight" statutes to create a single comprehensive statute regulating local redevelopment activities throughout the State. Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As stated in the preamble to the LRHL:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including:

- Designating "areas in need of redevelopment";
- Preparing and adopting redevelopment plans; and
- Implementing redevelopment projects

Essentially, the LRHL is a planning and financial tool that enables a municipality to overlay an area with specific zoning criteria and other incentives to stimulate its redevelopment or rehabilitation. More specifically, an "area in need of redevelopment" designation allows a municipality to:

- Adopt a redevelopment plan that will prescribe the manner in which an area will be developed, including its use an intensity of use;
- Issue bonds for the purpose of redevelopment;
- Acquire property;
- Lease or convey property without a public bidding process;
- Collect revenue from a selected developer; and/or
- Grant tax exemptions and abatements.

1.1 REDEVELOPMENT PROCESS

As outlined in the LRHL, the redevelopment process begins with the governing body directing the planning board to undertake a preliminary investigation to determine whether or not an area qualifies as being in need of redevelopment. In 2013, the LRHL was amended to also require governing bodies to indicate whether they are seeking to designate a subject area as a "non-condemnation redevelopment area" or a "condemnation redevelopment area." Though the initial area in need of redevelopment study for the Kinderkamack Road Redevelopment Area preceded the 2013 LRHL amendments, it is the Borough's intent to continue to pursue the redevelopment of this site through a non-condemnation process.

An area qualifies as being in need of redevelopment if it meets at least one of the nine statutory criteria listed under Section 5 of the LRHL. These criteria are the same for both designating a study area as a "Non-Condemnation Redevelopment Area" or a "Condemnation Redevelopment Area."

The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After conducting its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based upon the planning board's recommendation, the governing body may choose to designate all or a portion of the area as an "Area in Need of Redevelopment." The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan. The Borough of River Edge pursued the former approach which directed the preparation of the Redevelopment Plan contained herein.

Following the adoption of the redevelopment plan, the governing body or other public agency/authority designated by the governing body as the "redevelopment entity" will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2).

1.2 REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN

In accordance with N.J.S.A. 40:12A-7 of the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment or rehabilitation of a project sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the county in which the municipality is located, and;
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
8. The redevelopment plan may include the provision of affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
9. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law.

10. The redevelopment plan must state whether it shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
11. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of the its full authorized membership with the reasons for so acting set forth in the redevelopment plan.
12. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

II. REDEVELOPMENT AREA

2.1 SUBJECT AREA

The designated area in need of redevelopment encompasses the three parcels listed in Table 1 below comprising a total land area of approximately 0.59 acres based on public property tax records. It is noted that Lots 2.01 and 4 have been merged as also indicated in the tax records. The site, located in the southernmost area of River Edge, has frontages of 155 feet on Kinderkamack Road, 305 feet on Ackerson Street and 168 feet on the elevated portion of Route 4.

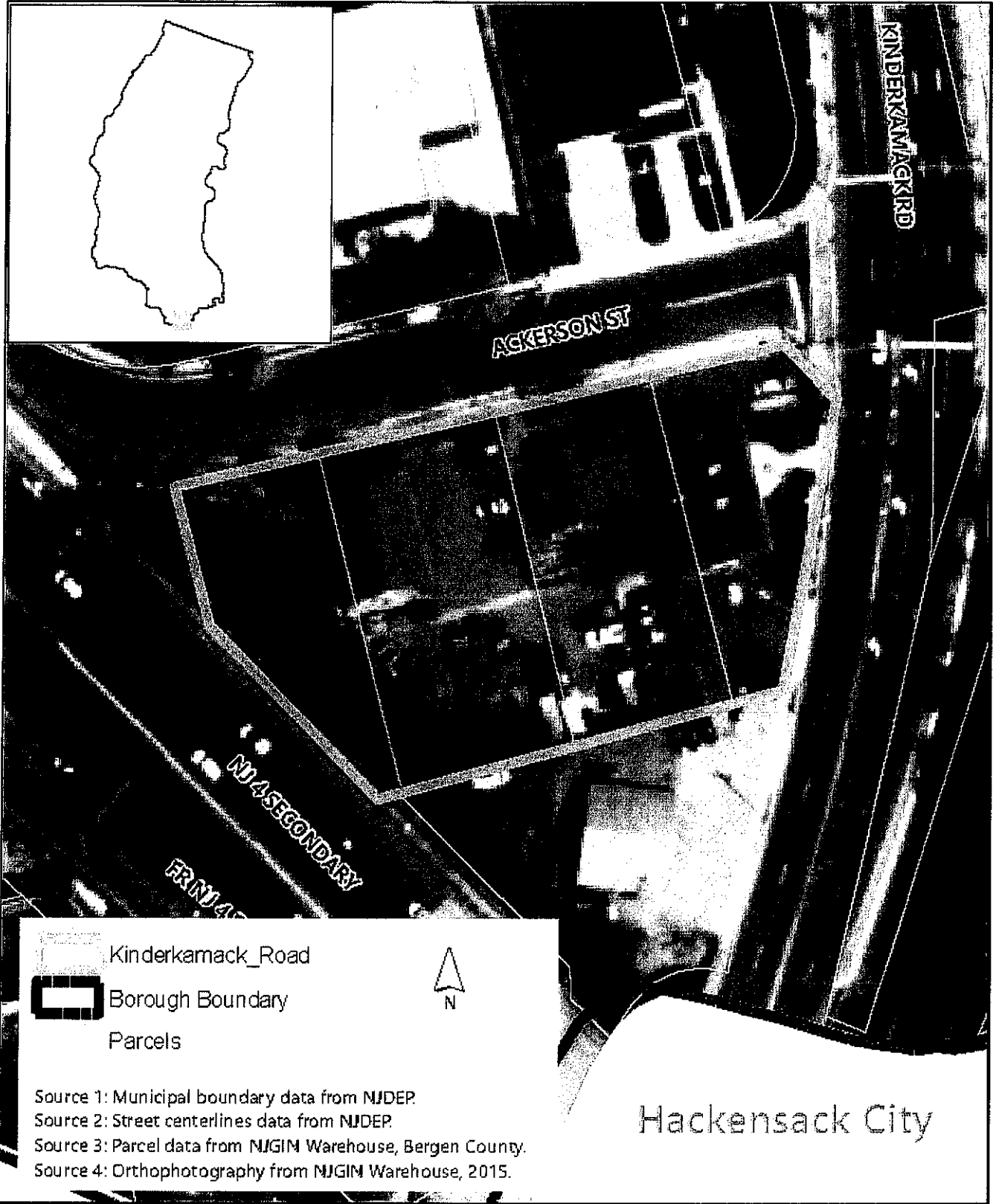
Table 1: Redevelopment Area Parcels

Block	Lot	Owner	Land Area
1413	1	R.O.S. Realty Associates	0.15 ac
1413	2.01 (& 4)	Shake Down Street, LLC	0.28 ac
1413	5	55 Kinderkamack Road, LLC	0.16 ac
Total			0.59 ac

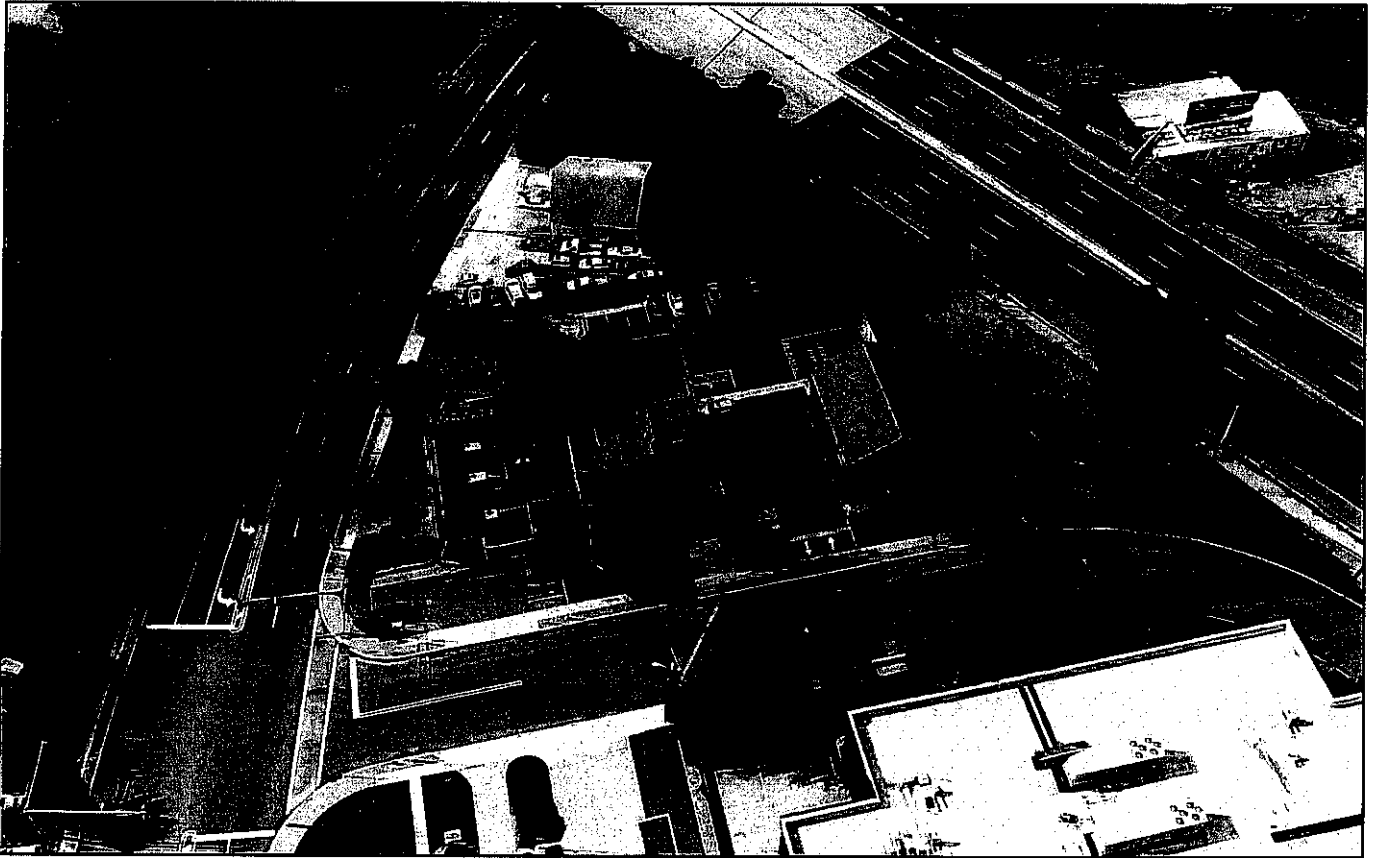
Lots 1 and 2 are developed and occupied as a landscaping contractor's office, garage and storage yard for vehicle and equipment. Lot 1 contains a 2 ½-story garage facility and Lot 2.01 contains a 2 ½-story office building that resembles a single-family dwelling. A paved central driveway provides access from Ackerson Street to the rear parking and storage area. Lot 5 is developed with 1-story building occupied by a laundromat with paved parking and landscaped areas. Access to Lot 1 is provided via a two-way driveway on Kinderkamack Road.

The site is served by a number of public transportation options within a short walking distance including the New Bridge Landing Station along NJ Transit's Pascack Valley commuter line, bus service on Kinderkamack Road via bus route 165 providing local service to Port Authority in New York City and Bus Routes 171, 756 and Route 4 Jitney with stops on Route 4. The redevelopment area has prime regional access given its location essentially at the crossroads of River Edge, Hackensack, New Milford and Teaneck within close proximity to State Highways 4 and 17, the Garden State Parkway and location approximately 8 miles west of the George Washington Bridge providing access to Manhattan.

Redevelopment Area Aerial Photograph and Location Map

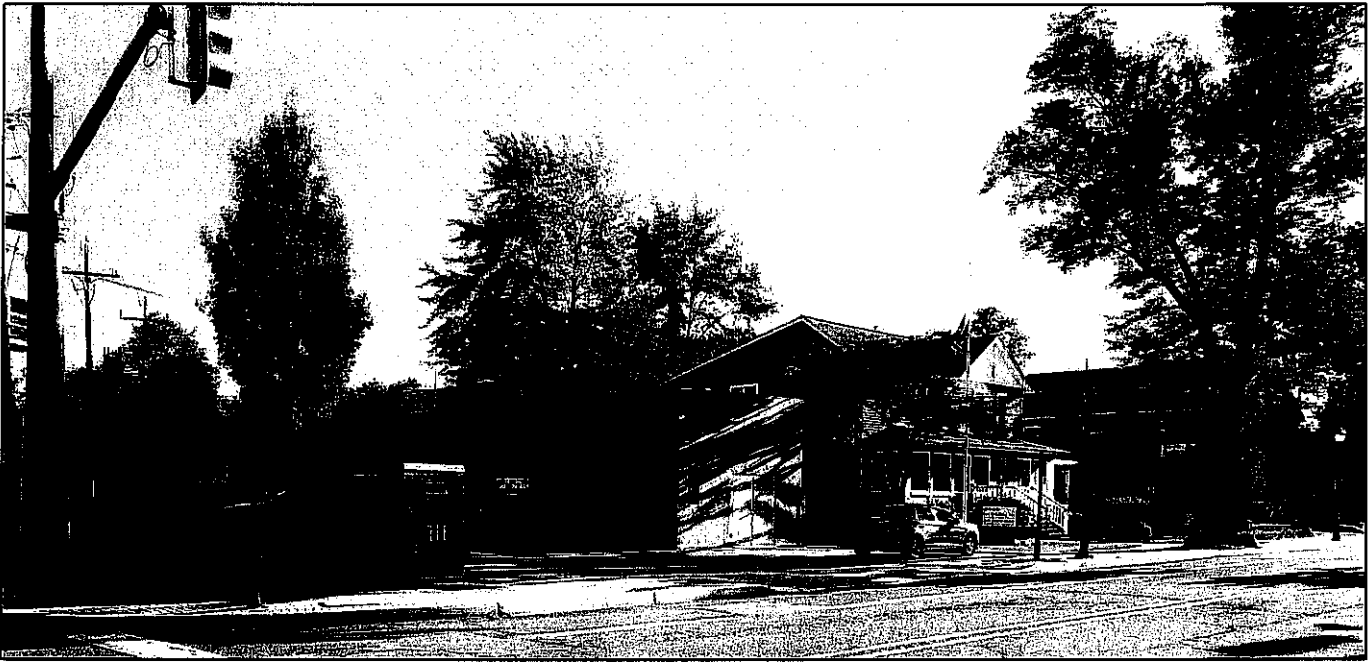


Bird's eye view of the site looking south



Source: Google Maps, September 4, 2020.

View of the site looking southwest from the intersection of Kinderkamack Road and Ackerson Street



Streetview of Lots 1 and 2.01



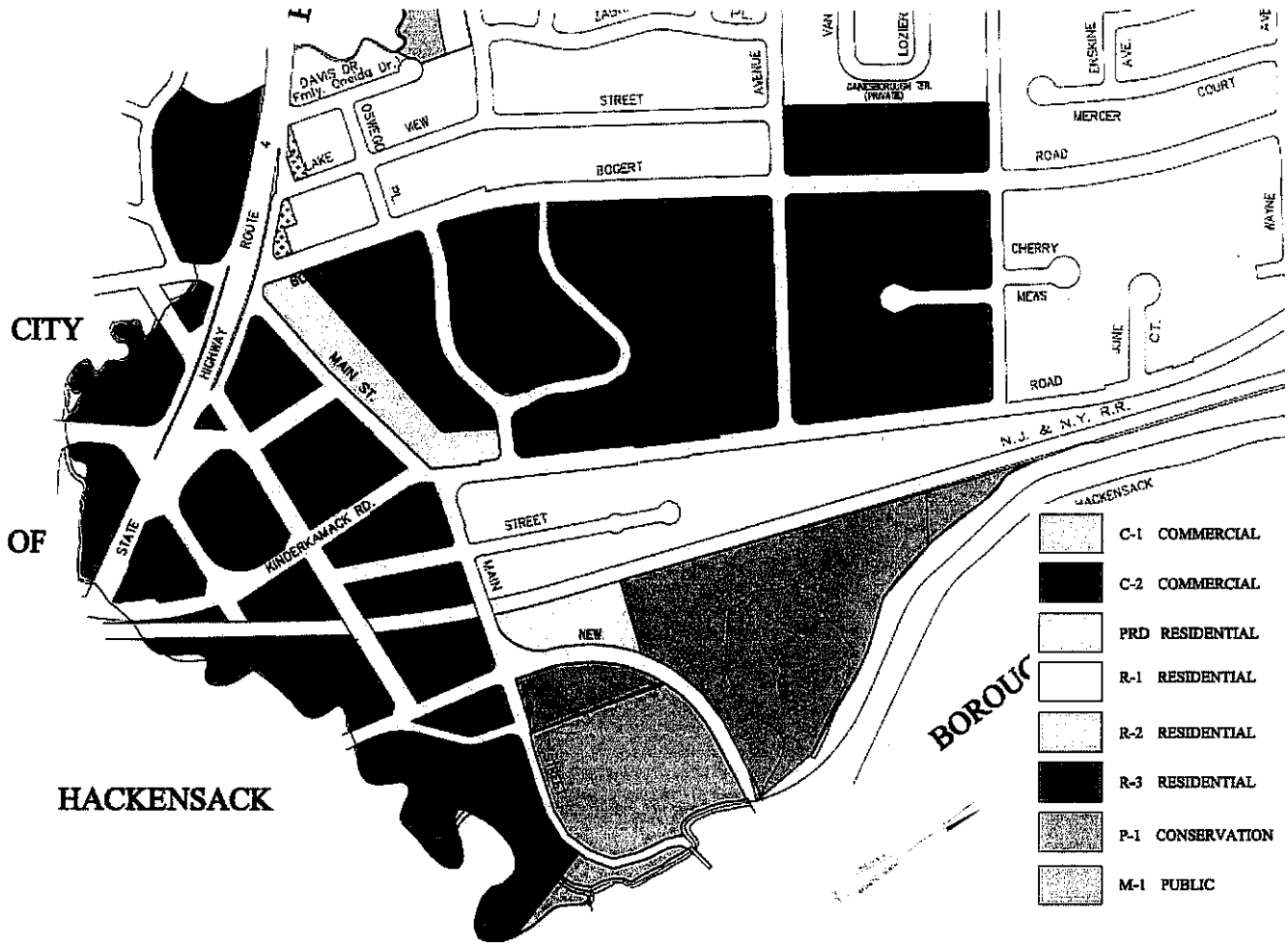
2.2 ENVIRONMENTAL CONSTRAINTS

Coles Brook, a tidal tributary to the Hackensack River, runs in close proximity to the southerly boundary of the redevelopment area. Given the site's relatively low topography and proximity to Coles Brook, portions of the site are impacted by a 100-year flood plain.

2.3 SURROUNDING DEVELOPMENT

Development surrounding the site consists of a three-story office building and River Edge Fire Company No.2 to the north, New Bridge Landing Train Station to the east across Kinderkamack Road, auto mechanic shop to the south and elevated portion of Route 4 to the west. With the exception of Route 4, all other surrounding uses are located within the Borough's C-2 Commercial Zone as depicted in the Zoning Map below. Block 1411 Lots 1.01 and 1.02 and Block 1412 Lots 1, 2 and 3 constitute the New Bridge Landing Station Redevelopment Area for which a redevelopment plan has been prepared to facilitate a mixed-use development featuring a new train station facility and public parking structure.

Borough of River Edge 2008 Zoning Map Excerpt



III. REDEVELOPMENT PLAN

The following section sets forth the goals and regulations of the Redevelopment Plan which shall be designated as the RA-2 Kinderkamack Road Redevelopment Area.

3.1 REDEVELOPMENT AREA DESCRIPTION

The RA-2 Kinderkamack Road Redevelopment Area shall constitute Block 1413 Lot 1, 2.01, 4 and 5. The RA-2 Zone shall function as an overlay zone in that the underlying C-2 Zone designation shall otherwise remain in effect. All development proposed utilizing this RA-2 Zone criteria shall be contingent upon the development requirements below.

3.2 PURPOSE & SCOPE

This Redevelopment Plan sets forth the terms and conditions governing the redevelopment of the tract as defined herein by the redeveloper. Specifically, this Plan is designed to facilitate the redevelopment of the site into a high-quality mixed-use transit-oriented development as a component of the Borough's Housing Element and Fair Share Plan. The redevelopment area shall be designed in accordance with a comprehensive plan that specifies the locations and details of buildings, parking and circulation, streetscape and landscape features, utilities, stormwater management and associated site improvements. Smart growth and green building principles shall be integrated into the plan to the extent practicable to encourage a more efficient form of development. The zone shall be programmed with pedestrian friendly amenities.

3.3 PLAN GOAL & OBJECTIVES

The Kinderkamack Road Redevelopment Plan aims to achieve the following goals:

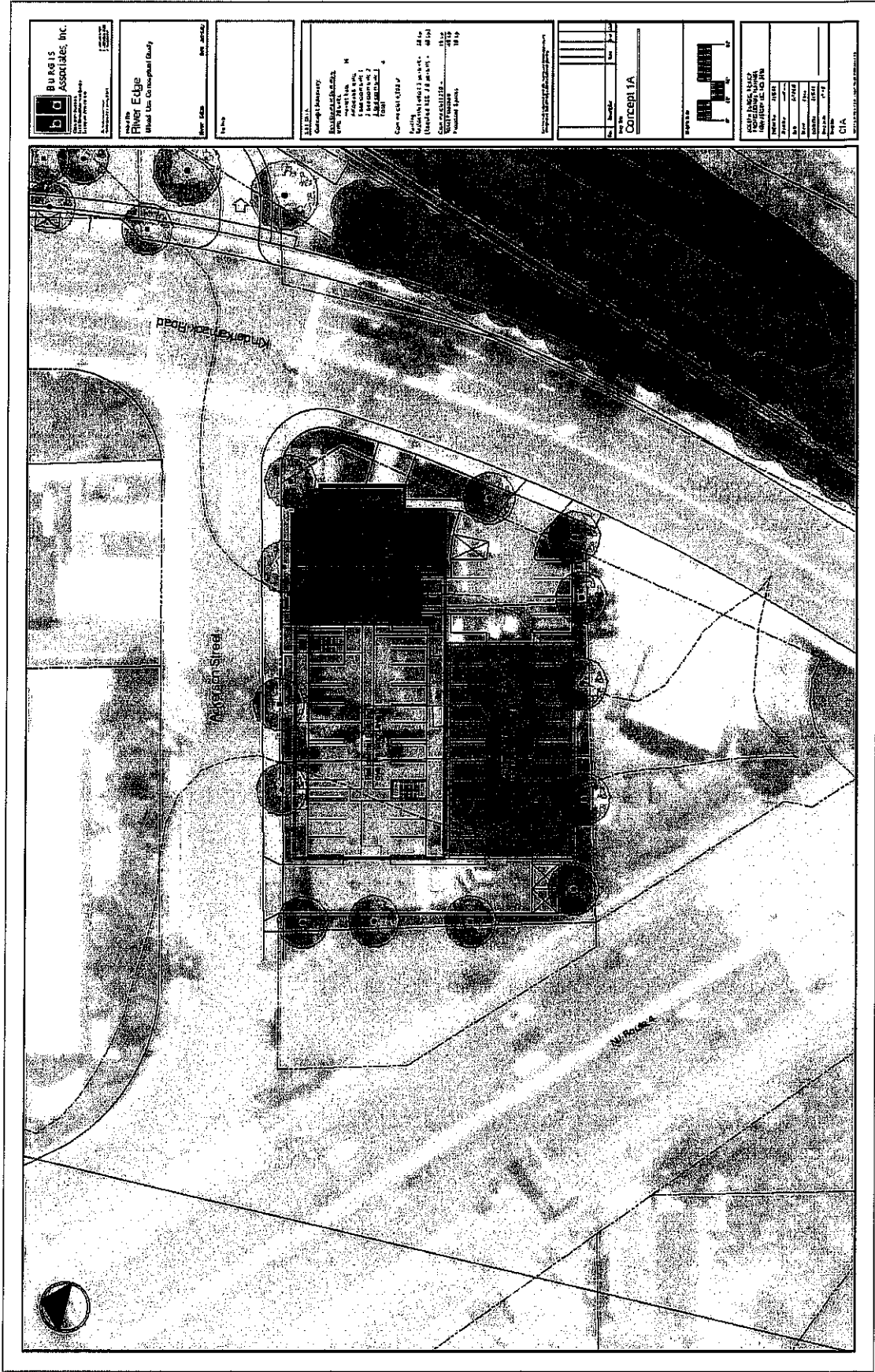
- A. To revitalize an underutilized site within close proximity to the New Bridge Landing Station and other public transportation alternatives with a vibrant mixed-use transit-oriented development that enhances the sense of place of the Borough's New Bridge Landing Area.
- B. To maximize the available public transportation alternatives within walking distance of the redevelopment area.
- C. To expand the local tax and employment base with a form and mix of compatible residential and non-residential uses not currently available in the community aimed at increasing pedestrian activity in the area.
- D. To provide high-quality design features at the street level and within the pedestrian realm including streetscape improvements, landscaping, open space and architectural details.
- E. To recognize and incorporate historic design elements of the New Bridge Landing area, as determined to be appropriate.
- F. To promote energy and resource conservation through the utilization of smart growth principles, green building technology and alternative means of transportation including walking, biking, buses and trains.
- G. To provide for the low and moderate-income housing needs of River Edge as set forth in the Borough's Housing Element and Fair Share Plan;

- H. To develop a plan for the redevelopment area that ensures public safety, promotes the general welfare and minimizes nuisances and negative impacts to the surrounding community.

3.4 CONCEPT PLAN

The following concept plan and images represent the redevelopment goals and opportunities of this plan. These conceptual images portray the general redevelopment of the subject area, are illustrative only and are subject to further design development and refinement by the redeveloper at the time of site plan review.

As depicted on the concept plan, this Redevelopment Plan envisions a four-story mixed-use building consisting of three levels of multifamily residential units above a surface parking area and ground floor commercial space. The plan also places a communal rooftop amenity above the southerly portion of the parking area to serve the residents of the building a provide a buffer from Route 4. Access to the site is provided via a two-way driveway on Ackerson Street and egress driveway on Kinderkamack Road. The site's Ackerson Street and Kinderkamack road frontages shall have a continuous streetscape consisting of paving, lighting and landscaping in accordance with Borough requirements or as detailed herein.



BURGIS ASSOCIATES, INC.
 1000 ...
 ...

Ringer Edge
 Mixed Use Conceptual Study

Sheet: 0200
 Date: 1/14/10

Client: ...
Project: ...
Location: ...
Scale: ...
Author: ...
Check: ...

NO.	DESCRIPTION	DATE	BY

Concept 1A

NO.	DESCRIPTION	DATE	BY



3.5 PERMITTED PRINCIPAL USES

Permitted principal uses in the RA-2 District are as follows:

A. Residential Uses

1. Multifamily uses above the first floor.

B. Nonresidential Uses

1. Retail and personal service uses limited to the first floor.
2. Restaurants, cafes and other similar eating and drinking establishments.
3. Instructional schools and studios providing instruction for such uses including, but not limited to, yoga, fitness, martial arts, culinary, academics and visual and performing arts.

3.6 PERMITTED ACCESSORY USES

Permitted accessory uses in the RA-2 District are as follows:

- A. Off-street parking subject to the applicable regulations herein.
- B. Outdoor dining.
- C. Public and private open spaces, plazas and promenades.
- D. Storage lockers/facilities for residents only.
- E. Bicycle parking/storage facilities.
- F. Electric vehicle (EV) charging stations.
- G. Solar panels and solar canopies as regulated herein.
- H. Rooftop amenities limited to permitted on-site uses and as may be regulated herein.
- I. Fences and walls.
- J. Signs.
- K. Leasing/management offices associated with the on-site building(s).
- L. Live/work studios.
- M. Service and loading areas.
- N. Accessory uses customarily incidental to permitted principal uses.

3.7 PROHIBITED USES

Uses prohibited in the RA-2 Kinderkamack Road Station Redevelopment Area shall include any principal use not specifically permitted herein or permitted by other applicable law and include, but are not limited to, the following:

- A. Drive-thru facilities.
- B. Outdoor storage.
- C. Display of outdoor merchandise.

3.8 DEVELOPMENT REGULATIONS

Development within the RA-2 Kinderkamack Road Redevelopment Area District shall conform to the area and bulk regulations set forth below.

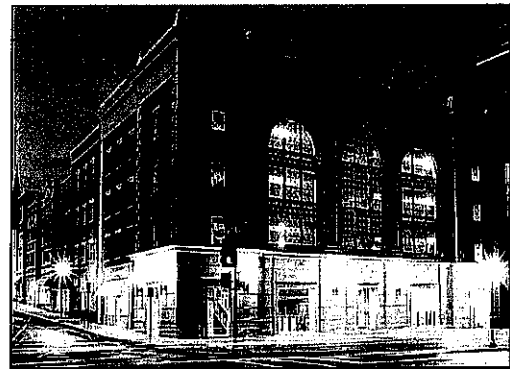
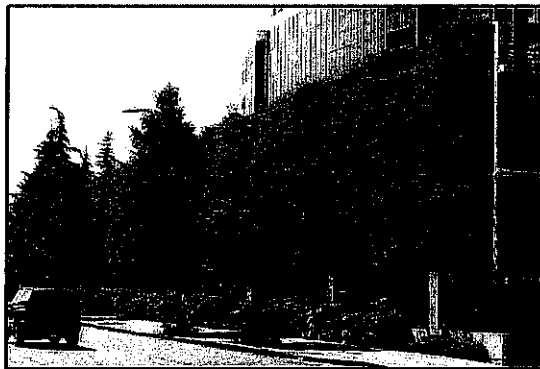
A. Definitions.

Tract – For the purposes of this Section, “tract” shall be synonymous with the outbound delineation of the RA-2 District itself as identified herein. Since development of the tract constituting the RA-2 District is intended to be planned and developed as an integrated whole, the bulk requirements as noted in this zone are to apply to the overall tract only and not to any internal lot or lot line unless specifically stated herein.

B. Building Design

1. Mixed-use and residential buildings.
 - a. Buildings shall be oriented with primary entrances facing the adjacent public streets.
 - b. All building elevations shall receive architectural treatments comparable to front building elevations with similar materials, forms, articulation and fenestration. Extensive blank walls are prohibited.
 - c. Exterior building colors and materials shall have a complementary palate that is consistent with the general theme of the development and harmonious with surrounding development.
 - d. Building facades shall have a delineated floor line between the street level and upper floors in the form of a belt course, lintel, cornice line or similar architectural detail. Such horizontal feature shall have a minimum height of one (1) foot.
 - e. Each building facade must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. Each vertical articulation shall be not less than 40 feet apart, shall have a depth of at least 1 foot and maximum width of 10 feet and may project a maximum of 18 inches into any required yard.
 - f. The top of all buildings must be capped by a cornice or sloping roof element. Flat roofs shall be enclosed by parapets or other acceptable architectural feature.
 - g. A minimum of 60% of the exterior walls of first floor nonresidential space shall be constructed of clear window glass. This percentage shall be calculated within the area of the building façade that is located between 3 feet and ten feet above sidewalk level. Doors accessing public or semi-public sidewalks shall be recessed.

- h. Awnings are encouraged at the ground floor level of mixed-use and multifamily buildings, excluding awnings made of plastic or similar type materials, and shall have a minimum clearance of 7 feet.
 - i. Balconies are encouraged above the first floor.
 - j. Fire escapes are prohibited on facades facing a public street except where required by the Borough of River Edge Fire Department.
 - k. Rooftop amenities, appurtenances and equipment shall not extend more than 10 feet above the top of the highest flat roof, limited to a maximum 15% of the roof area to which it is affixed and having a minimum setback of 10 feet from the interior of the parapet wall.
2. Parking Facility.
- a. Parking facilities contained within the building footprint shall be designed and disguised so as to not resemble a “traditional” parking structure composed of monotonous colors and materials, expansive blank wall, lack of building articulation, devoid of pedestrian scale features and long uninterrupted roof lines.
 - b. All voids in parking facility facades shall be architecturally detailed with sculptural elements, murals and/or green screened with living vegetation systems to minimize the visibility of vehicles and light from within the structure, subject to the approving authority. Parking wrapped or otherwise attached to a principal building may also be designed to reflect the occupied portions of the building.



- c. A minimum of 25% of the parking facility's facades shall remain open, excluding those facades wrapped or concealed by other buildings or permitted uses. Any architectural feature, mural or living plant wall system designed to conceal voids in the façade shall not count against the minimum 25% façade opening requirement.

- d. Lighting fixtures within a parking facility shall be recessed to shield adjacent properties and public roadways from the light source and glare.
- e. Parking facilities shall be constructed so that no exhaust vents open directly onto any public street.

C. Area & Bulk Requirements

<u>Requirement</u>	<u>RA-1 Zone</u>
<u>Minimum Tract Area</u>	0.5 acres
<u>Maximum Gross Density</u>	20 dwelling units per acre
<u>Minimum Front Yard Setback</u>	
Kinderkamack Road	5 feet
Ackerson Street	5 feet
Route 4	5 feet
<u>Minimum Side Yard Setback⁽²⁾</u>	5 feet
<u>Minimum Rear Yard Setback</u>	N/A
<u>Maximum Tract Building Coverage</u>	80%
<u>Maximum Tract Impervious Coverage</u>	90%
<u>Maximum Building Height</u>	
Mixed-Use Buildings	4 stories/55 feet ⁽³⁾

- (1) Front yard setbacks shall be measured from any road widening dedication or easement, or if none is required, then the setback shall be measured from the right-of-way line.
- (2) For the purposes of this Redevelopment Plan, all tract boundaries not considered front lot lines shall be considered side lot lines. There shall be no rear lot lines in calculating required setbacks.
- (3) The maximum height of buildings shall be to the top of roof or roof peak, if a sloped roof.

D. Projections and encroachments.

- 1. Cornices and eaves may project not more than two feet into any required yard.
- 2. Artistic sculptural elements or living wall systems may project not more than two feet into any required yard.
- 3. Balconies may project not more than 4 feet into any required yard.
- 4. Building canopies above primary doorways providing access to interior lobby areas may project not more than 5 feet into any required yard. This shall not include canopies above entranceways of individual tenant spaces.
- 5. Awnings shall be permitted to encroach not more than 5 feet into any required yard.

E. Bedroom distribution

1. No market rate residential unit shall contain more than two bedrooms.
2. Designated low and moderate-income housing units shall have bedroom and unit distributions in accordance with the Borough Housing Element and Fair Share Plan.

F. Parking and Circulation

1. A traffic and parking analysis shall be provided as part of any site plan submission to the Borough. The analysis should forecast additional traffic associated with the entire development, determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development. The analysis shall serve as the basis for a shared parking arrangement and any proposed parking requirement discount is subject to Borough approval.
2. Surface and structured parking facilities shall be permitted.
3. Drive-thru facilities are expressly prohibited in the redevelopment area.
4. Parking requirements.
 - a. Public train station parking. At a minimum, the parking structure shall accommodate the approximate total of 315 existing surface parking spaces currently available to commuters. Ultimately, the redeveloper must coordinate with NJ Transit in determining the required number of commuter parking stalls.

<u>Use</u>	<u>Parking Requirement</u>
Multifamily Residential	Shall comply with RSIS requirements
Retail, personal service, office	1 space / 250 sf GFA*
Restaurants	1 space/2.5 seats
Instructional schools and studios	1 space / 50 sf GFA*

*Gross floor area (GFA) shall include the total floor area measured from the exterior building walls and including ancillary spaces such as restrooms, storage spaces and stairwells.

5. When the calculated parking requirement results in a fractional space, the requirement shall be rounded to the nearest whole number.

6. The typical perpendicular off-street parking spaces shall be 9 feet by 18 feet.
7. Driveways shall have a minimum setback of 5 feet from redevelopment tract boundaries excluding those providing access to a public street. Curb cuts shall be minimized along the rights-of-way.
8. Parallel on-street parking shall be provided along the Ackerson Street right-of-way.
9. Sidewalks shall have the following minimum required widths:

Use	Requirement
Kinderkamack Road	8 feet
Ackerson Street	8 feet
Other internal walkways	6 feet

10. Bicycle parking. A bicycle parking/storage facility shall be located in the parking facility to include a minimum of 1 bicycle space for every 10 required parking spaces. If the requirement results in a fraction it shall be rounded up to the nearest whole number.
11. Electric vehicle (EV) charging stations. A minimum of 5% of the total parking requirement shall be provided as spaces designated solely with electric vehicle charging stations dispersed evenly throughout the parking structure levels.
12. Overnight parking of commercial vehicles within the redevelopment area shall be prohibited.

G. Loading.

The redevelopment area shall be subject to the following loading requirements.

1. One loading space shall be required of minimally 10 feet in width by 25 feet in length with a minimum overhead clearance of 12 feet to support any nonresidential uses and deliveries to the site.
2. Loading spaces and any loading bays shall be provided at the side or rear of buildings and shall be screened from public view with walls, solid fencing and/or landscaping not less than 6 feet high as determined to be appropriate by the approving authority. Loading spaces and areas shall have a minimum setback of 10 feet from the redevelopment area boundary to allow for suitable screening.

H. Streetscape, Landscaping and Public Spaces

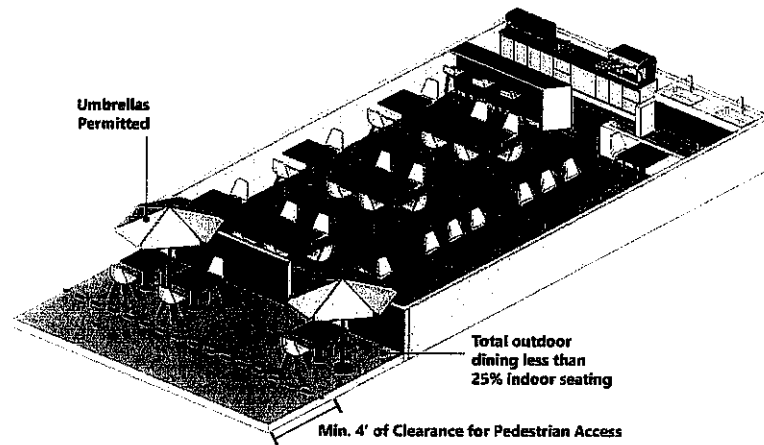
1. Streetscape Requirements.

- a. The tract shall have a unified streetscape with lighting fixtures and paving materials and patterns subject to the Borough Engineer and applicable Borough streetscape standards.
 - b. Street trees shall be installed along public street rights-of-way and driveways in regularly spaced intervals not less than 40 feet on center.
 - c. Street trees shall be planted with a minimum 3 to 3 ½ inch caliper.
 - d. Individual tree wells minimally 4 feet by 4 feet shall be protected with grates and/or low curbs or fencing creating planting beds to prevent tree damage caused by pedestrians.
 - e. Benches and trash and recycling receptacles shall be required along public sidewalks subject to the approving authority.
2. Landscaping Requirements.
- a. The landscape plan for the redevelopment area shall be prepared by a qualified licensed professional.
 - b. Landscaping shall include a combination of trees, shrubs, ground cover, perennials, grasses and/or annuals to provide year-round seasonal interest and soften the rigid building lines and hardscaping.
 - c. Irrigation systems shall be installed to support landscaping plantings.
 - d. Trees shall be planted in intervals of not less than 40 feet on center around internal pedestrian walkways and tract boundaries.
 - e. Landscape beds shall be preferred over extensive lawn areas, though such lawn areas may be appropriate for limited communal or public passive open space.
3. Public Space Requirements.
- a. Public plazas and open spaces shall be required elements of the comprehensive redevelopment plan for the site, the locations and sizes of which shall be subject to the approving authority. Appropriate locations for such features include the corner of Kinderkamack Road and Grand Avenue, the space between the westerly mixed-use building and the train station/stop and the southern portion of the redevelopment area west of the railroad corridor.
 - b. There shall be at least one iconic sculptural water, fire and/or lighting feature located in a public space on the westerly portion of the redevelopment area and visible from the train line creating an attraction for passerby.

- c. Seating in the form of benches, walls or sculptural elements is required in regular intervals along communal and public spaces and walkways, as determined to be feasible.
- d. Public spaces shall be composed of a combination of landscape and hardscape materials subject to the approving authority.

i. Outdoor Dining

- a. Any proposed outdoor dining area within a public sidewalk shall require a plan for each tenant or use to initially be submitted to the Borough Zoning Official for review and approval, and pending approval may thereafter be continued in accordance with the plan.
- b. Outdoor dining areas shall be permitted in public and private sidewalks provided that a straight, unobstructed walkway of minimally 4 feet in width is maintained.



- c. Restaurants, cafes and similar type eating and drinking establishments shall each be permitted a maximum outdoor seating not to exceed 25% of the number of permitted indoor dining seats. Outdoor dining of 25% or less of indoor seating shall not require additional parking.
- d. Outdoor dining areas shall not extend beyond the width of the storefront of the principal use and shall be bound by planters, fencing or similar decorative features not less than 3 feet in height and shall not include stanchions, ropes, retractable belts or similar devices.



- e. Outdoor dining areas may be covered by umbrellas and/or awnings with a minimum clearance height of 7 feet which shall not extend beyond the boundary of the outdoor dining area.
- f. Approved outdoor dining areas may contain heating elements to allow for extended periods of outdoor seating subject to review and approval of the applicable Borough official(s), as may be required.
- g. The Borough shall make a determination as to whether any bollards or other safety device is required around the perimeter of the dining area exposed to vehicular traffic.

J. Lighting

1. Exterior tract lighting shall not exceed a lighting intensity of 3,500 Kelvin, except as may otherwise be required to ensure public safety. Maximum lighting intensity at redevelopment tract boundary lines shall not exceed 1.0 footcandle.
2. Internal parking structure lighting sources shall not be directly visible from outside of the structure.
3. All lighting fixtures shall have sufficient shielding features to minimize glare to surrounding uses and roadways and excess light pollution.
4. Exterior lighting fixtures shall have a maximum mounting height not to exceed 15 feet, excluding those located on the uppermost level of rooftop amenity space.

K. Signs

1. Signs in the RA-2Zone shall be regulated in accordance with Article X, Signs and Signage, of Chapter 416, Zoning, of the Borough of River Edge Code.

2. Freestanding or monument signs shall be prohibited except for directional or required traffic signs.

L. Fences and walls.

1. Fences and walls shall be prohibited between principal buildings and the Kinderkamack Road and Ackerson Street rights-of-way.
2. Fences and walls in all other yards shall not exceed a maximum permitted height of 6 feet.

M. Utilities and Equipment

1. All tract utilities shall be installed underground to the extent practicable.
2. The cost of any utility extensions, replacements, maintenance or other associated costs shall be at the expense of the selected redeveloper.
3. All ground and roof-mounted equipment shall be screened with landscaping, fencing, walls or other architectural features within 10 feet of the equipment as determined appropriate by the approving authority.
4. No equipment may be located in the front yard between a principal building and Kinderkamack Road or Ackerson Street.
5. Solar energy systems, facilities and equipment.
 - a. The principal building shall be designed and constructed as being solar-ready, whether or not solar panels or similar photovoltaic systems are initially intended to be installed.
 - b. Ground-mounted solar panels shall be prohibited.
 - c. Roof-mounted solar panels shall be permitted provided that all components of a roof-mounted solar energy system shall not extend more than five feet above a flat roof or eighteen inches above a pitched roof not to extend beyond the roof peak.

N. Garbage and Recycling.

1. On-site garbage and recycling shall be managed by a third party waste service to be arranged by the redeveloper.

2. For all principal buildings, there shall be a minimum of one solid waste storage and pick-up location either within or outside of the building in steel or other approved fully enclosed containers.
3. Outdoor refuse areas shall be visually screened with a constructed enclosure composed of materials consistent with the principal building.
4. Refuse areas shall be prohibited in front yard areas between principal buildings and public streets.

3.9 AFFORDABLE HOUSING REQUIREMENT

A goal of this Redevelopment Plan is to satisfy a portion of the Borough's affordable housing obligations. The RA-1 District shall be subject to a mandatory affordable housing set-aside in accordance with the Borough's Housing Element and Fair Share Plan and applicable Council on Affordable Housing ("COAH") or other prevailing regulations. At a minimum, rental units shall require a minimum set-aside of 15 and for sale units shall require a minimum set-aside of 20%. At least 13% of the required affordable housing units shall be designated for very-low income households.

3.10 ENVIRONMENTAL CONSTRAINTS

The redeveloper shall demonstrate compliance with all outside agency approvals with respect to 100-year floodplains impacting the site.

3.11 SITE PLAN APPLICATION

The redeveloper will be required to enter into a Redevelopment Agreement with the Borough. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Borough until the applicant has entered into a Redevelopment Agreement with the Borough.

IV. CONSISTENCY TO OTHER PLANS

This Section of the Redevelopment Plan describes the relationship to the master plans of adjacent communities and Bergen County as well as the report's relationship to the State Development and Redevelopment Plan.

4.1 RIVER EDGE MASTER PLAN

The 1984 River Edge Master Plan recognizes the redevelopment potential of the southerly portion of the Borough around New Bridge Landing Station given its proximity to NJ Transit's Pascack Valley train line and regional roadway access. While the Plan doesn't specifically discuss mixed-use or transit-oriented development, the Plan includes a number of land use goals and objectives which apply to this Redevelopment Plan as follows:

A. In appropriate locations, study and define a mixture of housing types...

This redevelopment Plan provides a multifamily residential component with a required affordable housing set-aside providing an alternative to the existing garden apartments located in the Borough.

B. Maintain and upgrade existing commercial areas to provide a complete range of office, retail and ancillary developments.

The redevelopment area is located within the C-2 Commercial Zone and is considered to be underutilized.

C. Improve, where necessary, the aesthetic character of the existing commercial developments by employing zoning controls an encouraging building maintenance.

This Redevelopment Plan provides the use and development controls to achieve the mixed-use transit-oriented development prescribed herein which is anticipated to serve as a focal point of the community.

D. Encourage the consolidation of underutilized blocks in the commercial areas in order to provide improved forms of commercial development.

This Redevelopment Plan has been prepared in response to the recognition of the underutilized conditions of the Redevelopment Area.

In addition, this Redevelopment Plan is a component of the Borough's Housing Element and Fair Share Plan intended to address a portion of the Borough's Third Round Affordable Housing Obligations.

4.2 PLANS OF ADJACENT MUNICIPALITIES

The Borough of River Edge is centrally located in Bergen County bordering five other municipalities including the Borough of New Milford, Township of Teaneck, Borough of Oradell, Borough of Paramus and City of Hackensack. The Kinderkamack Road Redevelopment Area is located in the southernmost area of River Edge and abuts the border of Hackensack. Hackensack in its various planning efforts has demonstrated a commitment to mixed-use redevelopment

activities east of the subject area including the Continental Towers site and former Bergen County Police Headquarters property which is currently under construction for a 6-story building and over 300 residential units. As such, this Redevelopment Plan is unlikely to have an impact on any of the adjacent municipalities. The Plan will complement the surrounding redevelopment activity occurring in Hackensack though it should be stressed that the Borough of River Edge reserves its right to maintain its sovereign land use planning and development regulations and does not intend to aspire to the densities and building heights being approved in Hackensack, including those in close proximity to the Borough.

4.3 BERGEN COUNTY MASTER PLAN

In 2018, Bergen County initiated the creation of a new master plan. As noted by the County, this plan was to be developed with an “eye toward ensuring a more coordinated, consistent approach to our resources and assets, and encouraging sound regional planning principles.” Upon its completion and ultimate adoption, the County anticipates that its Master Plan will serve as a guidance tool for future development, redevelopment, and preservation efforts throughout the area, as well as provide municipalities with a regional framework for their local planning processes.

The County notes that this new effort is reflective of its past efforts to develop a vision for its regional planning activities. In 2010, the Department of Planning conducted a visioning process to help inform its master plan. With respect to redevelopment, the 2010 Vision Plan notes future growth throughout the County will primarily occur through redevelopment and infill development while acknowledging the benefits of mixed-use transit-oriented development.

In consideration of the above, this Redevelopment Plan is consistent to the County’s master planning efforts.

4.4 NEW JERSEY STRATEGIC PLAN

As established by NJSA 52:18A-200(f), the purpose of the 2001 State Development and Redevelopment Plan (SDRP) is to:

“Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the New Bridge Landing Station Redevelopment Area is located within the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed.

Specifically, the intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment;
- ❖ Revitalize cities and towns;
- ❖ Promote growth in compact forms;
- ❖ Stabilize older suburbs;
- ❖ Redesign areas of sprawl; and;
- ❖ Protect the character of existing stable communities.

Accordingly, this Redevelopment Plan furthers several of the intents of PA-1. It is designed to encourage redevelopment and growth in a compact form, while also protecting the character of the existing community.

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State’s critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

Goal 1: Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;	Goal 3: Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State’s critical natural, agricultural, scenic, recreation, and historic resources.
Goal 2: Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;	Goal 4: Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP does not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State’s overall economic framework and provide information and goals for New Jersey’s various industry clusters.

The Draft Final Plan was approved by the State Planning commission on November 14, 2011 by Resolution No. 2011-08. However, it has not yet been formally adopted by the State.

In consideration of the above, this Redevelopment Plan is consistent with the Draft SSP. It targets economic growth and advocates for effective growth.

V. GENERAL PROVISIONS

5.1 ZONING MAP AND ORDINANCE

This Redevelopment Plan shall be implemented as an overlay to the Kinderkamack Road Redevelopment Area consisting of Block 1413 Lots 1, 2.01 4 and 5 and the underlying C-2 Zone designation of the redevelopment area shall remain in effect. In all situations where development regulations are not specifically addressed herein, the Borough of River Edge's land development regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Mayor and Council shall be considered an amendment of the Borough of River Edge Zoning Map.

5.2 REDEVELOPER SELECTION

The redevelopment area may be redeveloped by a private redeveloper or a redeveloper selected by the Borough of River Edge. In either case, a comprehensive redevelopment plan shall be prepared for the entirety of the tract. Parcels within the Redevelopment Area may not be developed pursuant to RA-2 Zone criteria individually or in combinations that do not constitute the whole area.

5.3 SITE PLAN REVIEW

Any site plan for the construction of improvements within the Redevelopment Area shall be submitted to the Planning Board in accordance with the Borough of River Edge site plan requirements.

5.4 AMENDMENTS TO THE REDEVELOPMENT PLAN

This Redevelopment Plan may be amended from time to time as provided by the LRHL.

5.5 SEVERABILITY

Should any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

5.6 DEVIATIONS FROM REDEVELOPMENT PLAN REQUIREMENTS

The River Edge Land Use Board may, after a review of a site plan that is in one or more aspects inconsistent with this Redevelopment Plan, grant deviations from the strict application of the regulations contained herein in accordance with the provision of bulk variances in N.J.S.A. 40:55D-70c. Any modification that would require 'd' use variance relief pursuant to N.J.S.A. 40:55D-70(d) shall require the Redeveloper to seek an amendment by the Governing Body to the Redevelopment Plan.

VI. REDEVELOPMENT PLAN ACTIONS

6.1 REDEVELOPMENT AGREEMENT

The redeveloper of the site will be required to enter into a redeveloper agreement with the Borough that stipulates the precise nature and extent of the improvements to be made in accordance with this Plan and as permitted therein.

6.2 RELOCATION

The LRHL requires redevelopment plans to make adequate provisions for temporary or permanent relocation of any resident in the project area. As there are no residential buildings in the redevelopment area, there is no need to make a provision for temporary or permanent relocation for any residents.

6.3 PROPERTIES TO BE ACQUIRED

The LRHL requires that redevelopment plans identify any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. This is a non-condemnation redevelopment plan which does not all for the acquisition of properties through the use of eminent domain.

6.4 PROCEDURAL ACTIONS

In accordance with the LRHL, the redevelopment process is outlined below.

- A. Planning Board Investigation. The statute provides that no area of a municipality shall be determined a redevelopment area unless the governing body "shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to criteria set forth in the applicable laws of the State of New Jersey." The statute also states, "such determination shall be made after public notice and public hearing."

The statute provides that no area of a municipality shall be determined a redevelopment area unless the governing body "shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to criteria set forth in the applicable laws of the State of New Jersey." The statute also states, "such determination shall be made after public notice and public hearing."

- B. Redevelopment Area Designation. Following the recommendation by the Planning Board, the governing body adopted a resolution designating the Property in Question as a non-condemnation redevelopment area.
- C. Redevelopment Plan Preparation. After introduction and prior to adoption of a redevelopment plan, the Planning Board reviews the Redevelopment Plan for consistency with the Master Plan. Following this review, the Planning Board issues recommendations to the governing body regarding the redevelopment plan.

The redevelopment plan is to be consistent with the master plan or designed to effectuate the Master Plan. The governing body can adopt a redevelopment plan that is inconsistent with the Master Plan by an affirmative majority of its full authorized membership. The reasons for such action must be set forth in the redevelopment plan.

- D. Planning Board Review. After introduction and prior to adoption of a redevelopment plan, the Planning Board reviews the Redevelopment Plan for consistency with the Master Plan. Following this review, the Planning Board issues recommendations to the governing body regarding the redevelopment plan.

The redevelopment plan is to be consistent with the master plan or designed to effectuate the Master Plan. The governing body can adopt a redevelopment plan that is inconsistent with the Master Plan by an affirmative majority of its full authorized membership. The reasons for such action must be set forth in the redevelopment plan.

- E. Adoption of Ordinance to Implement Redevelopment Plan. The governing body adopts, by ordinance, the Redevelopment Plan after introduction of the ordinance and a public hearing.

The governing body can adopt a Redevelopment Plan with nonmaterial amendments or revisions, subject to an affirmative vote of the majority of the full authorized membership and shall record in its minutes the reasons for each amendment or revision.

6.5 INFRASTRUCTURE

In addition to the proposed actions outlined above, other actions may be taken to further the goals of this Plan. These may include but shall not be limited to:

- A. Provisions for infrastructure necessary to service new development (including any necessary off-tract improvement);
- B. Environmental remediation, if necessary;
- C. Vacation of easements and rights-of-way as may be necessary to effectuate redevelopment of the tract.

6.6 OTHER ACTIONS

The redevelopment agreement between the Borough and the redeveloper will contain the terms, conditions, specifications and description of required performance guarantees (such as performance bonds or other acceptable performance security). If any, pertaining to redeveloper's obligation to provide the necessary infrastructure and improvements, including the provision of water, sanitary sewer and stormwater sewer service as well as sidewalks, curbs, streetscape improvements, street lighting and on and off-site traffic controls and roadway improvements to the extent permitted under N.J.S.A. 40-55D-53, as amended.

VII. SUMMARY OF COMPLIANCE

In accordance with the LRHL (N.J.S.A. 40A:12A-1 et seq.), the following statements are intended to address compliance with respect to required components of a redevelopment plan.

7.1 REDEVELOPMENT PLAN COMPONENTS

- A. **Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.**

The Redevelopment Plan contained herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other public improvements.

- B. **Proposed land uses and building requirements in the project area.**

The Redevelopment Plan contained herein outlines the proposed land uses and building requirements for the Redevelopment Area.

- C. **Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.**

As noted, relocation, temporary or permanent, of residents and/or businesses displaced as a result of the implementation of this Redevelopment Plan is not required.

- D. **An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.**

As noted herein, this non-condemnation redevelopment does not permit the acquisition of parcels through the use of eminent domain.

- E. **Any significant relationship of the redevelopment to: the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)**

As noted herein, the Redevelopment Plan is consistent with and advances many of the land use goals of surrounding municipalities, Bergen County and the State of New Jersey.

- F. **As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment**

plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

- G. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

No low- or moderate-income households are proposed to be removed with this Redevelopment Plan.

- H. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

The Plan is furthering this effort since electric vehicle charging stations are a permitted accessory use in this plan and will be subject to review and approval of the reviewing Board at the time of site plan application.

**BOROUGH OF RIVER EDGE
ORDINANCE #20-17**

AN ORDINANCE AMENDING CHAPTER 50, ENTITLED “AFFORDABLE HOUSING REGULATIONS” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, Ordinance No. 20-9 creating Chapter 50, Affordable Housing Regulations, of the Borough of River Edge Code was adopted by the Borough Council on June 22, 2020; and

WHEREAS, Chapter 50, Affordable Housing Regulations, of the Borough Code is being amended to include “mandatory set-aside” language in accordance with the Borough’s Settlement Agreement with Fair Share Housing Center dated June 24, 2019; and

WHEREAS, this Ordinance Amendment is a necessary in order for the Borough to receive a judgement of compliance and repose from the Superior Court with respect to the Borough’s Third Round affordable housing obligations.

NOW, THEREFORE, be it ordained by the Borough Council of the Borough of River Edge, Bergen County, New Jersey, as follows:

SECTION 1. Chapter 50, entitled “Affordable Housing Regulations,” of the Code of the Borough of River Edge is hereby amended to read as follows:

ARTICLE I AFFORDABLE HOUSING REGULATIONS

§ 50.1 Purpose.

This Chapter is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that only qualified low- and moderate-income households shall occupy these units consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Chapter shall apply except where inconsistent with applicable law.

§ 50.2 Applicability.

- A. The provisions of this Chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of River Edge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

- B. This Chapter shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§50.3 Monitoring and Reporting Requirements.

The Borough of River Edge shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- A. Trust fund activity. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Affordable housing activity. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH, or any other forms endorsed by the Court Appointed Special Master and FSHC.
- C. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during its ten-year repose period. The Borough will comply with those provisions as follows:
 - 1. For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.

2. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgement of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low income housing obligation under the terms of this settlement.
3. In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the State level.

§50.4 Definitions.

The following terms when used in this Chapter shall have the meanings given in this Chapter:

"Accessory apartment" shall mean a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" shall mean the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" shall mean constructed in compliance with the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.

"Administrative agent" shall mean the entity responsible for the administration of affordable units in accordance with this Article, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" shall mean a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" shall mean the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" shall mean, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" shall mean a housing development all or a portion of which consists of restricted units.

"Affordable housing development" shall mean a development included in the "Housing Plan Element and Fair Share Plan", and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

"Affordable housing program(s)" shall mean any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" shall mean a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

"Agency" shall mean the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

"Age-restricted unit" shall mean a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are sixty-two (62) years or older; or 2) at least eighty (80%) percent of the units are occupied by one person that is fifty-five (55) years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Assisted living residence" shall mean a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Certified household" shall mean a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" shall mean the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

"DCA" shall mean the State of New Jersey Department of Community Affairs.

"Deficient housing unit" shall mean a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Developer" shall mean any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

"Development" shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” shall mean a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” shall mean a household with a total gross annual household income equal to fifty (50%) percent or less of the median household income.

“Low-income unit” shall mean a restricted unit that is affordable to a low-income household.

“Major system” shall mean the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” shall mean housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” shall mean the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” shall mean a household with a total gross annual household income in excess of fifty (50%) percent but less than eighty (80%) percent of the median household income.

“Moderate-income unit” shall mean a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” shall mean any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” shall mean a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” shall mean the maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” shall mean the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub code, N.J.A.C. 5:23-6.

“Rent” shall mean the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“*Restricted unit*” shall mean a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“*UHAC*” shall mean the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“*Very low-income household*” shall mean a household with a total gross annual household income equal to thirty (30%) percent or less of the median household income.

“*Very low-income unit*” shall mean a restricted unit that is affordable to a very low-income household.

“*Weatherization*” shall mean building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§50.5 Mandatory Affordable Housing Set-Aside Requirements.

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of twenty percent (20%) affordable for-sale units and fifteen percent (15%) affordable rental units. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory Set-Aside Requirement.
 1. Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.
 2. For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.
 3. A minimum of thirteen percent (13%) of any affordable units developed through the Borough’s mandatory set-aside requirements shall be very-low income qualified units
 4. Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
 5. This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

6. This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
7. If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated June 24, 2019 or the Municipality's 2020 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
8. Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings by five (5) or more.
9. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or greater.
10. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
11. All affordable units to be produced pursuant to this section shall comply with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

§50.6 Rehabilitation Program.

- A. The Borough of River Edge and Fair Share Housing Center have agreed that the Borough's Round 3 (1999-2025) indigenous need Rehabilitation Obligation is six (6) units. The Borough will work with Bergen County or hire a separate entity to rehabilitate units in the Borough to address the Borough's Rehabilitation Obligation. Any such rehabilitation programs will update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 1. All rehabilitated rental and owner-occupied units shall remain affordable to low and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
 2. The Borough of River Edge shall dedicate an average of at least eighteen thousand dollars (\$18,000) for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 3. Units in the rehabilitation programs shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:
 - a. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed

restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.

- b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
- c. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.
- d. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 50.7 Phasing Schedule for Inclusionary Development.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ 50.8 New Construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development. At least 50 percent of the very low income units must be available to families.
- 2. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.

3. A maximum of 25 percent of the Borough's obligation may be met with age-restricted units. At least half of all affordable units in the Borough's Fair Share Plan shall be available to families.
4. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
5. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - a. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - b. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - c. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - d. The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.
6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - a. An adaptable toilet and bathing facility on the first floor; and
 - b. An adaptable kitchen on the first floor; and
 - c. An interior accessible route of travel on the first floor; and
 - d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

- e. If all of the foregoing requirements in 2.(a) through 2.(d) cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that River Edge has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the builder of restricted units shall deposit funds within the Borough of River Edge's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph f (2) above shall be used by the Borough of River Edge for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of River Edge for the conversion of adaptable to accessible entrances.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- g. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7.

C. Design:

- 1. In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.

2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household;
and
 - e. A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

- b. The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year and shall be utilized by the Borough until new income limits are available.
10. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
- a. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph (9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 - b. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

§ 50.9 Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

§ 50.10 Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 5.11 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall

remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Borough of River Edge takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 5.12 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, unless the master deed for the inclusionary project was executed prior to the enactment of UHAC.
- D. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 5.13 Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§ 5.14 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).

§ 5-15 Capital Improvements to Ownership Units.

- A. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of capital improvements made since the

purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 5-16 Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the Borough of River Edge takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Borough's Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 5-17 Rent Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Developer and/or Landlord or to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. If the fees are paid to the Borough's Administrative Agent or an Administrative Agent appointed by a particular developer, they are to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 5-18 Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income

household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in a.1. through b.5. above with the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

ARTICLE II MUNICIPAL HOUSING LIAISON.

§ 5-19 Municipal Housing Liaison

- A. The position of Municipal Housing Liaison (MHL) for the Borough of River Edge is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of River Edge.
 2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
 3. The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of River Edge, including the

following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:

- a. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- b. The implementation of the Affirmative Marketing Plan and affordability controls;
- c. When applicable, supervising any contracting Administrative Agent;
- d. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
- e. Compiling, verifying and submitting annual reports as required;
- f. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
- g. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

B. Subject to the approval of the Court, the Borough of River Edge shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court appointed Special Master or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

ARTICLE III ADMINSTRATIVE AGENT

§ 5-20 Administrative Agent.

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Borough or reporting to a specific individual developer. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Borough Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The Administrative Agent(s) shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80- 26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of River Edge and the provisions of N.J.A.C. 5:80-26.15; and
2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;
2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of River Edge when referring households for certification to affordable units; and
7. Notifying the following entities of the availability of affordable housing units in the Borough of River Edge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

C. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the municipality of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer;
3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

1. The Borough's Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Borough's Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance. The Borough's Administrative Agent will be responsible for collecting monitoring information from any Administrative Agents appointed by specific developers.
3. The Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

ARTICLE IV AFFIRMATIVE MARKETING REQUIREMENTS

§ 5-21 Affirmative Marketing Program.

- A. The Borough of River Edge shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to affordable housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan also is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Passaic and Hudson Counties.
- D. The Administrative Agent designated by the Borough of River Edge shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to the expected date of occupancy.
- H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by River Edge Borough.

ARTICLE V ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS

§ 5-22 Enforcement

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$2,000.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Oradell Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the

violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- c. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

ARTICLE VI AFFORDABLE HOUSING DEVELOPMENT FEES.

§ 5-23 Purpose.

- A. In Holmdel Builder's Ass'n v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council On Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- C. The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules and in accordance with P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing "low" and "moderate" income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 5-24 When Effective, Authority to Spend Fees.

- A. Pursuant to N.J.A.C. 5:96-5.1, the ability to impose, collect and spend development fees is predicated on the Borough of River Edge's participation in COAH's substantive certification process or as approved by the courts.
- B. The Borough of River Edge shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

§ 5-25 Definitions.

The following terms, as used in this Article, shall have the following meanings:

"Affordable housing development" shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

"COAH" or the *"Council"* shall mean the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

"Development fee" shall mean money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

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

“Equalized assessed value” shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

“Green building strategies” shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 5-26 Residential Development Fees.

A. Imposed Fees:

1. In accordance with N.J.A.C. 5:97-8.3 (c) of COAH's "Substantive Rules," all new development of principal and accessory residential buildings within the Borough of River Edge, not exempt from the collection of development fees in accordance with the provisions specified in Subsection 23-74.4c. of this ordinance hereinbelow, shall pay a fee to River Edge Borough equal to one and one-half (1.5%) percent of the equalized assessed value of the residential construction, provided no increased density is permitted.
2. Notwithstanding the provisions of subsection 23-74.4a. hereinabove, if a "d" variance is granted pursuant to N.J.S.A. 40:55D-70 d.(5) for more residential units than otherwise permitted by right under the existing zoning, then the additional residential units realized as a result of the "d" variance approval shall pay a bonus development fee to River Edge Borough equal to six (6.0%) percent of the equalized assessed value of the residential development, rather than the one and one-half (1.5%) percent development fee otherwise required for the residential units permitted by right.
 - a. However, if the zoning of a site has changed during the immediate two (2) years prior to the filing of the "d" variance application, then the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) year time period. . Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units, and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.

1. All affordable housing developments and developments where the developer has made a payment in lieu of constructing affordable units shall be exempt from paying development fees. All other forms of new construction shall be subject to development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of a development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that building permits are issued.
3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded to add one or more additional dwelling units, if the expansion is not otherwise exempt from the development fee requirement. It is the intention of this Chapter that expansions to residential structures which do not add dwelling units are exempt from development fees. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster and LEED certified green buildings shall be exempt from paying a development fee.
5. No development fee shall be collected for the construction of an "accessory structure" which is not a "building" as these terms are defined in the River Edge Borough "Land Development" Ordinance.

§ 5-27 Nonresidential Development.

A. Imposed Fees:

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees also shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2 1/2%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved

structure, i.e. land and improvement, at the time final Certificate of Occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero (0).

B. Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5%) percent development fee, unless otherwise exempted below.
2. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form and listed below. Any exemption claimed by a developer shall be substantiated by that developer.
 - a. All nonresidential construction of buildings or structures on property used by houses of worship, and property used for educational purposes which is tax-exempt pursuant to R.S.54:4-3.6, provided that the property continues to maintain its tax-exempt status under that statute for a period of at least three (3) years from the date of the Certificate of Occupancy;
 - b. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a nonresidential development or as a stand-alone non-residential development;
 - c. Any nonresidential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers and senior centers as defined in section 35 of P.L.2008, c.46 (C.40:55D-8.4), which are developed in conjunction with or funded by a non-residential developer;
 - d. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey State Department of Transportation; and
4. A developer of a nonresidential development exempted from the nonresidential development fee above shall be subject to it at such time the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy of the nonresidential development, whichever is later.

5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of River Edge as a lien against the real property of the owner.

§ 5-28 Collection Procedures.

The Borough of River Edge shall collect development fees for affordable housing in accordance with the following:

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction Official or designated municipal official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption", to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Borough Construction Official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within ninety (90) days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development. The equalized assessed value and the required development fee shall be estimated by the Borough Tax Assessor prior to the issuance of the construction permit, with the understanding that the estimate of the equalized assessed value is not intended to establish the equalized assessed value for tax purposes.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- G. Should the Borough of River Edge fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for payment the difference between the fee calculated at building permit and that determined as issuance of certificate of occupancy.
- I. Developers shall pay the remainder of the development fee to River Edge Borough at the time of the issuance of a Certificate of Occupancy.
- J. Upon tender of the remaining development fee, provided the developer is in full compliance with all other applicable laws, the Borough shall issue a final Certificate of Occupancy for the subject property.
- K. Regardless of the time of collection of the development fee, the fee shall be based upon the percentage that applies on the date that the construction permit is issued.
- L. The Construction Code Official shall forward all collected development fees to River Edge Borough's Chief Financial Officer who shall deposit such fees into the established Housing Trust Fund.
- M. Appeal of development fees.
 - 1. A developer may challenge the development fees imposed by filing a challenge with the Director of the Division of Taxation for nonresidential development and with the County Board of Taxation for residential development. Pending a review and determination by the Director or Board, as the case may be, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough. Appeals from a determination of the Director or Board, as the case may be, may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Accrued interest earned on escrowed amounts to be returned shall also be returned to the developer.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of River Edge. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure

Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 5-29 Affordable Housing Trust Fund.

- A. All collected development fees and any proceeds from the sale of units with extinguished controls shall be deposited by the Chief Financial Officer of the Borough of River Edge into a separate designated interest-bearing Housing Trust Fund, which shall be maintained by the Borough Chief Financial Officer.
 - 1. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to the spending plan which has been approved by COAH or courts.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Recapture funds;
 - 2. Proceeds from the sale of affordable units;
 - 3. Rental income from municipally operated units;
 - 4. Payments in lieu of on-site construction of affordable units;
 - 5. Affordable housing enforcement fines and application fees;
 - 6. Developer contributed funds for barrier free affordable housing pursuant to N.J.A.C. 5:97-8.5;
 - 7. Repayments from affordable housing program loans; and
 - 8. Any other funds collected in connection with the Borough's affordable housing program.
- C. Within seven (7) days from the opening of the trust fund account, the Borough of River Edge shall provide COAH or court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH or court to permit COAH or the court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

§ 5-30 Use of Funds.

- A. Funds deposited in the Housing Trust Fund may be used for any housing activity as itemized in the spending plan and approved by COAH to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to:
1. A rehabilitation program;
 2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
 3. Accessory apartment, market to affordable, or regional affordable housing partnership programs;
 4. Financial assistance designed to increase affordability;
 5. Conversion of existing nonresidential buildings to create new affordable units;
 6. Acquisition and/or improvement of land to be used for affordable housing;
 7. Purchase of existing market rate or affordable housing for the purpose of maintaining or implementing affordability controls, such as in the event of a foreclosure;
 8. Extensions or improvements of roads and infrastructure directly serving affordable housing sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
 9. Green building strategies designed to be cost-saving for low and moderate income households, either for new construction that is not funded by other sources, or as part of necessary maintenance or repair of existing units, in accordance with accepted Federal or State standards or such guidance as may be provided by the New Jersey State Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
 10. Maintenance and repair of affordable housing units;
 11. Repayment of municipal bonds issued to finance low and moderate income housing activity;
 12. To defray the costs of structural parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
 13. Administration necessary for implementation of the Housing Plan Element and Fair Share Plan, in accordance with subsection 23-74.8g. below; and

14. Any other activity as specified in the approved spending plan and as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9.
- B. The Borough also may request authorization for expenditure of Housing Trust Funds on emergent affordable housing mechanisms not included in the Borough's Fair Share Plan in the form of an amendment to the spending plan. In addition to the amendment to the spending plan, the Borough shall submit the following:
1. A resolution to COAH or court that includes a certification that the affordable housing opportunity addresses COAH's or court's criteria set forth in N.J.A.C. 5:97-6 and information regarding the proposed mechanism in a format to be provided by COAH or court; and
 2. An amendment to its Fair Share Plan to include the mechanism at the earlier of two (2) years after COAH's or court's approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from the plan evaluation review pursuant to N.J.A.C. 5:96-10.
- C. Funds shall not be expended to reimburse the Borough of River Edge for past housing activities.
- D. Payments in lieu of constructing affordable housing units on residential and mixed-use sites shall only be used to fund eligible affordable housing activities within the Borough.
- E. At least thirty (30%) percent of all development fees collected and interest earned shall be devoted to providing affordability assistance to low and moderate income households in affordable units included in the Housing Element and Fair Share Plan, provided and in accordance with the following:
1. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low income households.
 2. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.
 3. Affordability assistance for very low income households may include buying down the cost of low or moderate income units in the third round Borough's Fair Share Plan to make them affordable to very low income households (earning thirty (30%) percent or less of median income). The use of development fees in this manner may entitle the Borough to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 4. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- F. The Borough of River Edge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18, subject to COAH's approval.
- G. No more than twenty (20%) percent of development fee revenues collected in any given year from the development fees may be expended on administration, including, but not limited to, the salaries and benefits for River Edge Borough employees or consultant fees necessary to develop or implement a new affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.
 - 1. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses.
 - 2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with COAH's monitoring requirements.
 - 3. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the Housing Trust Fund.

§ 5-31 Monitoring.

- A. The Borough of River Edge Municipal Housing Liaison shall coordinate with the appropriate municipal officials the completion and return to COAH of all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected in connection with the Borough's housing program, and the expenditure of revenues and implementation of the plan certified by COAH.
- B. At minimum, the monitoring shall include an accounting of any Housing Trust Fund activity, identifying the source and amount of funds collected, the amount and purpose for which any funds have been expended, and the status of the spending plan regarding the remaining balance pursuant to N.J.A.C. 5:97-8.10(a)8.
- C. All monitoring reports shall be completed on forms designed by COAH.

§ 5-32 Ongoing Collection of Development Fees and Expiration of Section.

- A. The ability for the Borough of River Edge to impose, collect and expend development fees shall expire with its Substantive Certification unless River Edge Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for Substantive Certification, and has received COAH's approval of its Development Fee Ordinance.
- B. If the Borough of River Edge fails to renew its ability to impose and collect development fees prior to the date of expiration of Substantive Certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund.
- C. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320).
- D. The Borough of River Edge shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Substantive Certification, or judgment of compliance, nor shall the Borough of River Edge retroactively impose a development fee on such a development.
- E. The Borough of River Edge shall not expend development fees after the expiration of its Substantive Certification or judgment of compliance.

§ 50-33 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Superior Court or other agency as provided for by law.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of River Edge, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of River Edge are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of River Edge for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

Thomas Papaleo, Mayor

ATTEST:

Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE
ORDINANCE #20-12**

**ORDINANCE SUPPLEMENTING CHAPTER 71, OF
THE CODE OF THE BOROUGH OF RIVER EDGE
ENTITLED "POLICE DEPARTMENT,"
ESTABLISHING A NEW ARTICLE, PROMOTION
PROCEDURES FOR THE RANK OF POLICE CHIEF**

WHEREAS, within its general powers as a municipality, the Borough of River Edge may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of River Edge support and encourage efficiency within the River Edge Police Department; and

WHEREAS, the Mayor and Council of the Borough of River Edge have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the position of Police Chief when there is a vacancy in said position; and

WHEREAS, the Borough of River Edge desires to have a promotional practice for the position of Police Chief based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the River Edge Police Department in the interest of better serving the residents of the Borough of River Edge;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of River Edge as follows:

- 1) Chapter 71 of the Code of the Borough of River Edge entitled "Police Department" is hereby amended to create new Section 71, which shall provide as follows:

§_____ Promotion to Rank of Police Chief

A. The Borough of River Edge Governing Body desires to promote the most qualified candidate to the position of Police Chief. This ordinance establishes the eligibility requirements and the process for promotion to Police Chief. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, psychological examination, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the River Edge Police department. No person shall be eligible for promotion to Police Chief unless he or she shall have served as a full-time police officer in the Borough of River Edge Police Department for a period of ten (10) years or more.

Promotions to the rank of Police Chief shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Borough Administrator shall announce the promotional process to members of the department at least ninety (90) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled and the dates of the exams. Candidates, who qualify, shall notify the Borough Administrator of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of River Edge Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the psychological examination and/or oral examination and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of River Edge or of any of the candidates.

The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Satisfactory psychological examination stating that the candidate is able to perform the essential functions of the Police Chief title. Candidates shall not move forward in the promotional process without the completion of a satisfactory psychological examination.

4. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and received a satisfactory psychological examination, if applicable, shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. The record review shall be conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee.

(a). The interview with the Mayor and Council shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of River Edge's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, staff/resource allocations and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council shall also consider the results of a department evaluation/peer review of each candidate. The department evaluation/peer review shall be conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee. The Mayor and Council shall grade each candidate on a forty (40) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points

Each completed course +1 point to a total of 3 points.

Education

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	5 points

Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of

the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

5. The weight or percentage of each portion of the process shall be as follows:

Written examination	30%
Oral examination	20%
Record Review	10%
Mayor and Council Interview	40%

D. Candidates shall be ranked based on their overall cumulative scores. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Police Chief.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

§ _____ Acting Designation; No Office or Position Created

A. The Mayor and Council of the Borough of River Edge have the discretion and authority to assign the functions and duties of superior officer ranks, once the Mayor and Council of the Borough of River Edge have certified by resolution that the position of any superior officer rank(s) is vacant and until a superior officer rank(s) is promoted. The Mayor and Council may designate an officer who is qualified to perform the functions and duties of any superior officer rank in an acting capacity.

B. It is explicitly understood that no office or position of any kind is created by the assignment of functions and duties of a higher rank to an officer of a lower rank on an acting basis. Such designation shall also not be considered an appointment to a position, nor constitute a promotion. Such designation shall not entitle the officer to any additional compensation or other emoluments of office unless specifically provided for in a collective bargaining agreement or Borough of River Edge Personnel Policies and Procedures Handbook. The officer fulfilling such assignment is not and is not intended to constitute the holding of a defacto office or position within the meaning of N.J.S.A. 40A:9-6 or any

other law. The officer designated in an acting capacity shall continue to fulfill the assignment at the pleasure of the Mayor and Council.

3) **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

4) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to the Chief of Police.

ATTEST:

Stephanie Evans, Clerk

Thomas R. Papaleo, Mayor

BOROUGH OF RIVER EDGE
RESOLUTION #20-203

Cancel Outstanding Checks

WHEREAS, the Borough of River Edge has had on its records outstanding check(s) for a lengthy period of time; and

WHEREAS, the bank upon which these check(s) are drawn considers the check(s) stale-dated after six months; and

WHEREAS, it is in the best interest of the Borough to keep its records current.

NOW, THEREFORE, BE IT RESOLVED that the following outstanding check(s) be cancelled and that the Chief Financial Officer shall adjust his records accordingly.

<u>Fund</u>	<u>Check #</u>	<u>Date</u>	<u>Amount</u>
Municipal Bail Account #8100245378	2344	06/26/2012	\$ 5.00
	2428	08/13/2013	\$120.00
	2774	01/26/2017	\$ 1.00
	2833	09/07/2017	\$120.00
	2925	09/26/2018	\$ 11.00

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #20-204

Approve Renewal of Liquor Licenses

WHEREAS, application for renewal of liquor licenses have been filed with the Clerk of the Borough of River Edge by the following licenses; and

WHEREAS, reports have been received from the Police Department, Fire Prevention Official and the Department of Health that the following premises holding liquor licenses in the Borough have been found in order in accordance with the rules and regulations of this Borough and the required fees have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of River Edge that the following licenses be issued for the premises described for a period of one (1) year commencing July 1, 2020; and

BE IT FURTHER RESOLVED that Stephanie Evans, Borough Clerk, be directed to sign and deliver said licenses on behalf of the Borough of River Edge.

PLENARY RETAIL DISTRIBUTION LICENSES

0252-44-005-004	E.G. Holding Corporation, T/A Total Wine & More 1001 Main Street, Store 303 River Edge, New Jersey 07661	\$2,500.00
0252-44-003-004	Wine and Liquor River Edge LLC T/A River Edge Liquors, 504 Kinderkamack Road River Edge, New Jersey 07661	\$2,500.00

PLENARY RETAIL CONSUMPTION LICENSE W/BROAD PACKAGE PRIVILEGE

0252-32-006-008	River Edge Inc, T/A River Edge Diner & Restaurant 516 Kinderkamack Road River Edge, New Jersey 07661	\$2,500.00
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PLENARY CONSUMPTION LICENSE

0252-33-001-009	Sonny T LLC 259 Johnson Avenue River Edge, New Jersey 07661	\$2,500.00
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CLUB LICENSES

0252-31-008-001	Knights of Columbus The Columbian Club, T/A River Edge Columbian Club, 770 Kinderkamack Road River Edge, New Jersey 07661	\$ 50.00
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September 8, 2020

BOROUGH OF RIVER EDGE
RESOLUTION #20-205

Resolution of Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by the Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52-27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or members of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, hereby states that it has complied with N.J.S.A. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

September 8, 2020

BOROUGH OF RIVER EDGE
RESOLUTION #20-206

Resolution to Approve the Corrective Action Plan for the Fiscal Year 2019 Audit Report for the Borough of River Edge

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a “Corrective Action Plan” outlining the actions to be taken by the Borough of River Edge relative to the findings and recommendations in the annual audit report; and

WHEREAS, the “Corrective Action Plan” shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the Governing Body is required by resolution, to approve said “Corrective Action Plan”; and

WHEREAS, the “Corrective Action Plan”, as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby approves the “Corrective Action Plan” for the year 2019 Audit Report submitted by the Chief Financial Officer.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk

Borough of River Edge
Corrective Action Plan

Borough of River Edge
County of Bergen
Audit Report Year: December 31, 2019

Comments and Recommendations:

Finding 1:

Political Disclosure forms were not received from all vendors required to submit them.

Recommendation:

That all Political Disclosure forms be received from all vendors required to submit them

Explanation and Corrective Action Plan

Extra care will be taken to ensure all vendors required to submit political disclosure forms do so.

Status/Date Completed: Ongoing

BOROUGH OF RIVER EDGE
RESOLUTION #20-207

Enter Into Agreement with the County of Bergen for Employee Assistance Program

WHEREAS, the Department of Health is offering a contract for the furnishing of an Employee Assistance Program shared health services of a technical and professional nature at cost of \$1,329.80 for 2021; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #0-01-20-100-182 of the Current Fund in the amount not to exceed \$1,329.80.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



COUNTY OF BERGEN
DEPARTMENT OF HEALTH SERVICES
One Bergen County Plaza - 4th Floor - Hackensack, NJ 07601-7076
(201) 634-2600 FAX (201) 336-6086
www.bergenhealth.org
healthdept@co.bergen.nj.us

James J. Tedesco III
County Executive

Hansel F. Asmar
Director/Health Officer

Borough Administrator
Borough of River Edge
705 Kinderkamack Rd
River Edge, NJ 07661-2439

The COVID-19 pandemic has brought many challenges to our residents and our communities through these unprecedented times. Municipalities have seen their revenue impacted on many levels. Their emergency services laboring through each day. The need to sustain the valued synergy between your municipality and the County of Bergen is our major concern. Recognizing the strain on your municipality's upcoming budget, the County of Bergen has made a decision to maintain the cost of shared-service agreements for the year 2021 while providing the same excellent level of support and services.

All shared-service agreements that expire December 31, 2020 will automatically be renewed at the same fee and on the same billing cycles. Below indicates your 2021 services and costs. Upon acceptance, please sign this letter, affix the appropriate signatures and municipality seal. Return two (2) copies with two (2) copies of an approved resolutions accepting these services. Over the last several months, you may have identified areas whereby the County could assist you and your residents with additional services. If so, please do not hesitate to reach out with questions or for pricing.

Be well,

COUNTY OF BERGEN
DEPARTMENT OF HEALTH SERVICES

Hansel F. Asmar

Hansel F. Asmar

PUBLIC HEALTH:
PROTECT. PREVENT. EDUCATE

PAYMENTS SCHEDULE
Borough of River Edge

2021 Schedule of Services and Fees

The County shall perform the services set forth below:

1 . Animal Control Services	\$	16,783.20
2 . Animal Cruelty Option 1	\$	3,402.00
3 . Employee Assistance Program	\$	1,329.80
TOTAL AGREEMENT 2021 COST PER ANNUM:	\$	21,515.00

SIGNATURES
Borough of River Edge

IN WITNESS WHEREOF, the County of Bergen, and Borough of River Edge have caused this Agreement to be signed and their corporate seals to be hereunto affixed, pursuant to duly adopted resolutions of their governing bodies, passed for that purpose. *Respective seals to be affixed.*

PLEASE PLACE MUNICIPAL SEAL OVER ATTESTING SIGNATURE

ATTESTING SIGNATURE:

MUNICIPALITY

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

COUNTY OF BERGEN SIGNATURES BELOW:

ATTESTING SIGNATURE:

By: _____

By: _____

**James J. Tedesco III,
County Executive**

or

Julien X. Neals

County Counsel/Acting County Administrator

Date: _____

BOROUGH OF RIVER EDGE
RESOLUTION #20-208

Authorize the Release of a Performance Bond for AA Berms LLC, 106 Mill Street, Belleville, New Jersey 07109 for the 2019 CDBG Curb Replacement at Reservoir Avenue Project

WHEREAS, the Borough of River Edge received a Performance Bond from AA Berms LLC for the 2019 CDBG Curb Replacement at Reservoir Avenue project dated June 4, 2020; and

WHEREAS, the amount of the Performance Surety Bond was \$56,525.00; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the 2019 CDBG Curb Replacement at Reservoir Avenue project and recommends that the Performance Surety Bond be released; and

WHEREAS, the Borough Clerk has received a Maintenance Surety Bond in the amount of \$66,725.00 which will run for a two (2) year period from July 2, 2020 to July 2, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Performance Surety Bond for AA Berms, LLC on file with the Borough of River Edge be released in the amount of \$56,525.00.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to AA Berms, LLC, 106 Mill Street, Belleville, New Jersey 07109 and the Colonial Surety Company, 123 Tice Boulevard, Woodcliff Lake, New Jersey 07677.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



COSTA ENGINEERING CORPORATION
Professional Engineers • Surveyors • Planners
325 So. River Street, Suite 302, Hackensack, NJ 07601

R. L. Costa
Tel (201) 487-0015
Fax (201) 487-5122

State of NJ Certificate of Authorization No. 276726

Please Reply To:
325 So. River Street
Hackensack, NJ 07601

July 7, 2020

Mr. Raymond Poerio, Administrator
Borough of River Edge
705 Kinderkamack Road
River Edge, NJ 07661

**RE: Completion of Project Letter
2019 CDBG Curb Replacement at Reservoir Avenue
Borough of River Edge
Bergen County, New Jersey**

Dear Mr. Poerio:

Please be advised that based on the final inspection performed on July 13, 2020, the **2019 CDBG Curb Replacement at Reservoir Avenue** has been completed.

Upon received of the Maintenance Bond, release the final payment and performance bond.

Should you require additional information or have any further questions, please do not hesitate to contact our office at (201) 487-0015.

Very truly yours,

COSTA ENGINEERING CORPORATION

Robert L. Costa, P.E., P.P. & C.M.E.
River Edge Borough Engineer

cc: The Honorable Mayor & Council
Stephanie Evans, Borough Clerk

**NEW JERSEY STATUTORY
PERFORMANCE AND LABOR AND MATERIAL
PAYMENT BOND # CSC-226839**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, AA Berms LLC
, as Principal, and the Colonial Surety Company (surety), a
corporation organized and existing under the laws of the State of PA and duly authorized to do business in the State of New
Jersey, as Surety, are held and firmly bound unto Borough of River Edge as Obligee in the penal sum of *
for payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors,
administrators, successors and assigns.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the above named Principal did on the 4th day of June
2020 enter into a contract with Borough of River Edge for
2019 COMMUNITY DEVELOPMENT BLOCK GRANT, CURB REPLACEMENT PROJECT AT RESERVOI AVENUE
which contract is made part of this bond the same as though set forth herein.

NOW, if the said AA Berms LLC (principal) shall well and faithfully do and perform
the things agreed by them to be done and performed according to the terms of the said contract, and shall pay all lawful claims
of beneficiaries as defined by N.J.S.A. 2A: 44-143 for labor performed or materials, provisions, provender or other supplies or
teams, fuel, oils, implements, or machinery furnished, used or consumed in the carrying forward, performing or completing of
said contract, we agreeing and assenting that this undertaking shall be for the benefit of any beneficiary as defined by N.J.S.A.
2A: 44-143 having a just claim, as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall
remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims
hereunder shall in no event exceed the penal amount of this obligation as herein stated.

The said Surety hereby stipulates and agrees that no modifications, omissions or additions in or to the terms of the said
contract; or in or to the plans or specifications therefore, shall in any way affect the obligation of said Surety on its bond.

This bond is given in compliance with the requirements of the statutes of the State of New Jersey in respect to bonds of
contractors on public works. Revised Statutes of the State of New Jersey, N.J.S.A. 2A: 44-143 to
2A: 44-147, both inclusive, and liability hereunder is limited as in said statutes provided.

SIGNED, SEALED, AND DATED this 4th day of June, 2020
ATTEST:

Kathy E. Alvarado
Witness:

AA Berms LLC

Juan Alvarado
Principal Juan Alvarado, President

Colonial Surety Company

Rita Alfano
Witness: Rita Alfano

Philip Shepard
Surety: Philip Shepard, Attorney-in-Fact

*Fifty Six Thousand Five Hundred Twenty Five Dollar/Zero Cents (\$56,525.00)

STANDARD FORM OF MAINTENANCE SURETY BOND
AS ADOPTED PURSUANT TO NJ ADC 5:39-1.2

BLOCK(S) _____

LOT(S) _____

We, AA Berms LLC, having offices at 106 Mill Street Belleville, NJ 07109, as principal, and Colonial Surety Company having offices at 123 Tice Blvd. Woodcliff, NJ 07677, a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to municipality of Borough of River Edge the county of Bergen, obligee, in the sum of \$ 66,725.00, for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On June 4, 2020 (date), principal was granted approval by the Borough of River Edge (approving authority) of the County of Bergen for _____ (include reference to specific job and resolution of approval).

This bond shall become effective upon approval or acceptance of the improvements by the governing body, as certified by the resolution of the governing body, which is, or shall be, attached hereto and made a part hereof. The improvements subject to this bond are as follows: _____. The certification of the cost of such improvements by the municipal engineer is attached hereto and made a part hereof.

Pursuant to municipal ordinance, adopted under authority of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the principal as a condition of approval or acceptance of improvements, hereby furnishes this maintenance bond in the amount of \$ 66,725.00 (one hundred percent of the cost of the improvements, as certified by the municipal engineer), written by Colonial Surety Company a surety licensed in the State of New Jersey, guarantying full and faithful compliance with all terms and conditions of the approval. This bond shall continue in effect for a period of 2 years (not to exceed two years) from the date of approval or acceptance of the said improvements.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until the end of the period for which it is required to be maintained.
2. The aggregate liability of the surety under this bond shall not exceed the sum set forth above.
3. In the event that the improvements subject to this bond exhibit any defects in functioning, materials or quality of work, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to perform the necessary corrective work, claim payment under this bond for the cost of any work required for the proper correction of any such defects in the said improvements. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.
4. The surety shall have the right to repair any defects in functioning, materials or quality of work and, to that end, to do such corrective work as may be necessary in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that as an alternative to performing such maintenance or corrective work it may, in its sole discretion, make a monetary settlement with the municipality.

*2019 COMMUNITY DEVELOPMENT BLOCK GRANT, CURB REPLACEMENT PROJECT AT RESERVOIR AVENUE

STANDARD FORM OF MAINTENANCE SURETY BOND
AS ADOPTED PURSUANT TO NJ ADC 5:39-1.2

5. This bond shall insure to the benefit of the municipality only and no other party shall acquire any rights hereunder.

Witness/Attest:

Katy E Alvarado

Witness/Attest:

Rita Alfano

Rita Alfano

AA Berms LLC

Date: July 2, 2020

Juan Alvarado, Principal
President

Colonial Surety Company

, Surety

Philip Shepard, Attorney-in-Fact

BOROUGH OF RIVER EDGE
RESOLUTION #20-209

Acknowledge Receipt of Certification of Request for Emergency Purchase – Repair Sewer Grinder on the Sewer Pump at the Wayne Avenue Pump Station

WHEREAS, the Borough Engineer has certified that an emergency condition exists in the Department of Public Works for the emergency repair of a sewer grinder on the sewer pump at the Wayne Avenue Pump Station in the amount of \$26,735.00; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #17-C-04-17-012-300.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of Certification of Request for Emergency Purchases for this emergency.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



COSTA ENGINEERING CORPORATION

Professional Engineers • Surveyors • Planners
325 So. River Street, Suite 302, Hackensack, NJ 07601

Tel (201) 487-0015
Fax (201) 487-5122

State of NJ Certificate of Authorization No. 276726

Please Reply To:
325 So. River Street
Hackensack, NJ 07601

CERTIFICATION OF REQUEST FOR EMERGENCY REPAIR

The undersigned Department Head (or designated agent) certifies as follows:

1. An emergency condition exists at River Edge Pump Station at Wayne Avenue, River Edge, NJ.
2. This condition constitutes as emergency affecting the immediate health, safety or welfare of the public.
3. Description of the condition and how it affects the public health, safety or welfare:

The muffin monster or sewage grinder on River Edge Sewer pump is damaged and stopped working allowing raw sewage go through. This could cause the entire pump to stop working and have an overflow sewage in the area.

4. This emergency occurred on or about August 7, 2020 and it is prioritized on August 10, 2020.
5. It is necessary to invoke N.J.S.A. 40A:11-6 in order to obtain the immediate delivery of the materials, surplus or the performance of the service described in the attached requisition #N/A. The estimated cost of the furnishings of materials, supplies or services shall not exceed \$30,000.00.
6. It is required that a Purchase Order be issued without public advertisement for bid, pursuant to the above cited statute.
7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

COSTA ENGINEERING CORPORATION

Robert L. Costa, P.E., P.P. & C.M.E.
River Edge Borough Engineer

Robert L. Costa
Print Name

**Rapid Pump &
Meter Service
Co., Inc.**



August 11, 2020

Rick Stephen
River Edge DPW
One Riverside Way
River Edge, NJ 07661

Reference: **Furnish and install new Muffin Monster**

Dear Mr. Stephen,

As per your request and our site inspection, Rapid Pump & Meter Service Co., Inc., is pleased to offer following proposal for your approval.

The scope of work shall be as follows:

1. Furnish labor and equipment to remove the existing Muffin Monster for inspection.
2. Furnish one (1) new complete Wipes Ready Muffin Monster Including:
 - New 8" Wipes Ready Cutter
 - New 29:1 Speed Reducer
 - New 5Hp 208-230/460 Motor
3. Furnish labor and equipment to install the new Muffin Monster and test for proper operation.

The cost for the above scope of work shall be \$26,735.00

All work is quoted on a straight time basis. If overtime is required, this would be at additional cost. Sales taxes, licenses, permits and/or fees, if any, are not included in this proposal.

Term: Net 30 Days **Lead Time:** Stock **Freight:** Included

Should you have any questions, please feel free to contact me. Thank you for giving us the opportunity to quote on this project.

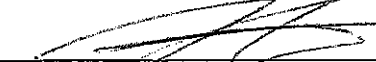
SUBMITTED BY:

 L.S.

Date August 11, 2020

Nick Manfra - Director of Operations
Rapid Pump & Meter Service Co., Inc.

ACCEPTED BY:

 L.S.

Date 8-11-20

Signature/Title

FOR: River Edge DPW
NM/VP (RSRQ54331_Furnish and Install new MM)

P.O. Box AY • 285 Straight Street • Paterson, NJ 07509 • Fax (973) 345-0301 • Phone (973) 345-5600
Emergency Service (201) 933-3569 • servicer.com

BOROUGH OF RIVER EDGE
RESOLUTION #20-210

**Acknowledge Receipt of Certification of Request for Emergency Purchase – Repair Sewer Line
Going Through Bridge #0206-188 to the Hackensack Sewer System**

WHEREAS, the Borough Engineer has certified that an emergency condition exists in the Department of Public Works for the emergency repair of a sewer line going through bridge #0206-188 to the Hackensack sewer system; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #17-C-04-17-012-300 in the amount not to exceed \$15,235.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of Certification of Request for Emergency Purchases for this emergency.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



COSTA ENGINEERING CORPORATION

Professional Engineers • Surveyors • Planners
325 So. River Street, Suite 302, Hackensack, NJ 07601

Tel (201) 487-0015
Fax (201) 487-5122

State of NJ Certificate of Authorization No. 276726

Please Reply To:
325 So. River Street
Hackensack, NJ 07601

CERTIFICATION OF REQUEST FOR EMERGENCY REPAIR


The undersigned Department Head (or designated agent) certifies as follows:

1. An emergency condition exists at Bridge #0206-188 Miles Post 5.37 in River Edge, NJ.
2. This condition constitutes as emergency affecting the immediate health, safety or welfare of the public.
3. Description of the condition and how it affects the public health, safety or welfare:

There is an existing sanitary sewer line of 3" going through Bridge #0206-188 to Hackensack sewer system which is compromised resulting in constantly sewer back up.

4. This emergency occurred on or about August 17, 2020 and it is prioritized on August 21, 2020.
5. It is necessary to invoke N.J.S.A. 40A:11-6 in order to obtain the immediate delivery of the materials, surplus or the performance of the service described in the attached requisition #N/A. The estimated cost of the furnishings of materials, supplies or services shall not exceed \$20,000.00.
6. It is required that a Purchase Order be issued without public advertisement for bid, pursuant to the above cited statute.
7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

~~COSTA ENGINEERING CORPORATION~~


Robert L. Costa, P.E., P.P. & C.M.E.
River Edge Borough Engineer

Robert L. Costa
Print Name

INVOICE

J. Fletcher Creamer & Son, Inc.

101 East Broadway ♦ Hackensack, NJ 07601



BILL TO:

Borough of River Edge

500 Riverside Way

River Edge, NJ 07661

Attention:

Work Site: River Edge - Johnson Avenue emergency sanitary sewer force main repair

INVOICE#

C-2008016

Invoice Date

8/26/2020

Worked Performed: Mobilized to site.

Date Work Performed: 22-Aug-20

JFC Job # 19-2998

Inspected the repair. Costa engineering advised that the forcemain was 3in. We hand dug to uncover the forcemain and determined it was a 2in. We relocated the fitting from the 3" force from the restaurant to 2" and slip lined the 2" hdpe into the 2in castiron pipe totaling 62'. We built up a manhole with manhole blocks, frame and grate to give the town access to jet and clean the force main. Applied cold patch the sidewalk we removed. Cleaned up site and demobilized.
Remove and Replace Sidewalk on 9/2/20

1 -Lump Sum	EA	15,235.00	1.0	15,235.00
-------------	----	-----------	-----	-----------

\$ 15,235.00

\$ 15,235.00

BOROUGH OF RIVER EDGE
RESOLUTION #20-211

Authorization for the Purchase of Borough Trees

WHEREAS, the Shade Tree Commission would like to purchase and plant trees in the Borough of River Edge; and

WHEREAS, three (3) quotes have been obtained by the Shade Tree Commission for the purchase of said trees; and

WHEREAS, Shade Tree Nursery located at 1875 Main Road, P.O. Box 820, Jamesport, New York 11947 submitted the lowest quotation for supplying these trees totaling \$35,916.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available from the following accounts for a total amount not to exceed \$35,916.00.

Capital Ordinance	01-01-26-302-167	\$
Current Account	01-26-302-170	\$
Current Account	01-26-302-169	\$
Trust Account	T-11-55-286-008	\$

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve this project to move forward contingent upon the submission of the appropriate documentation.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



RIVER EDGE SHADE TREE

1st September 2020
To: Mayor & Council
From: RE Shade Tree Commission
RE: 2020 Town-wide Tree Planting Estimate for Approval

Please see the attached estimates for this year's tree planting which will take place this fall. The budget to pay will be from a combination of STC Capital, STC Trust Account, and STC Open Space, all which have been approved initially through the M&C budget process.

With this M&C approval we are planning on planting 240 street trees and to complete a project at the Beech Ct. Circle. We have been planning with the Beech Ct. Circle residents to plant this area after the loss of all of the trees over many years.

Tree species have been chosen considering chance of survival, utility safety and to prevent sidewalk issues among other things. Many residents in town have been contacting us requesting new trees be planted and have expressed they feel a loss of canopy cover in town.

We are requesting to proceed with the following contractors for the 2020 RE Tree Planting. Both contractors chosen have been vendors for the town before and previously filled out appropriate paperwork required by the state.

Please Note: These are 2 separate purchase orders & need separate resolutions since they are considered separate services.

1. Tree Nursery to purchase trees:

Using: Shade Trees Nursery - Jamesport NY\$35,916

Other estimates as required:

Fernwood Nursery - Bordentown, NJ\$42,887.50

Cerbo's Nursery – Parsippany, NJ.....\$50,822.50

2. Landscaper to plant trees:

Using: Solicito & Son - Blauvelt, NY\$38,310

Other estimates as required:

NJ Tree Foundation - Jackson, NJ.....\$38,310

Downes Tree Service – Hawthorne, NJ.....\$87,725

Thank you for your support of RE Trees!

BOROUGH OF RIVER EDGE
RESOLUTION #20-212

Authorization for the Planting of Borough Trees

WHEREAS, the Shade Tree Commission would like to purchase and plant trees in the Borough of River Edge; and

WHEREAS, three (3) quotes have been obtained by the Shade Tree Commission for the purchase of said trees; and

WHEREAS, Solicito & Sons Contracting located at 162 Erie Street, Blauvelt, New York 10913 submitted the lowest quotation for planting these trees totaling \$38,310.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available from the following accounts for a total amount not to exceed \$38,310.00.

Capital Ordinance	01-01-26-302-167	\$
Current Account	01-26-302-170	\$
Current Account	01-26-302-169	\$
Trust Account	T-11-55-286-008	\$

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve this project to move forward contingent upon the submission of the appropriate documentation.

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk



RIVER EDGE SHADE TREE

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2. Landscaper to plant trees:

Using: Solicito & Son - Blaauvelt, NY\$38,310

Other estimates as required:

NJ Tree Foundation - Jackson, NJ.....\$38,310

Downes Tree Service – Hawthorne, NJ.....\$87,725

Thank you for your support of RE Trees!

BOROUGH OF RIVER EDGE
RESOLUTION #20-213

Payment of Bills

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on September 8, 2020.

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge approve the following expenditures.

CURRENT FUND ACCOUNT	\$2,247,147.56
CAPITAL FUND ACCOUNT	\$ 25,481.58
GRANT FUND ACCOUNT	\$ 72,940.77
ANIMAL CONTROL ACCOUNT	\$ 6.60
TRUST OTHER ACCOUNT	\$ 3,975.10
OPEN SPACE ACCOUNT	\$ 84.78
PAYROLL ACCOUNT	\$ 18,627.20
DEVELOPER'S ESCROW ACCOUNT	\$ 4,867.50
RECREATION ACCOUNT	\$ 4,269.63

September 8, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Borough Council of the Borough of River Edge, held on this _____ day of _____, 2020.

Stephanie Evans, Borough Clerk

SEPTEMBER 8, 2020

Range of Checking Accts: First to Last Range of Check Dates: 08/11/20 to 09/08/20
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND					
56304	08/11/20	COREL005 CORE LOGIC TAX SERVICES					277
20-01365	1	REFUND TAX OVERPAYMENT 3RD QTR	8,038.15	0-01-55-205-000 TAX OVERPAYMENTS	Budget		1 1
56305	08/11/20	LERET005 LERETA, LLC.					277
20-01366	1	REFUND TAX OVERPAYMENT 3RD QTR	3,334.25	0-01-55-205-000 TAX OVERPAYMENTS	Budget		2 1
56306	08/11/20	WELLS005 WELLS FARGO HOME MORTGAGE					277
20-01367	1	REFUND DUPLICATE 3RD QTR 2020	3,385.24	0-01-55-205-000 TAX OVERPAYMENTS	Budget		3 1
56307	08/12/20	SUZAN005 SUZANNE FLAUM					280
20-01372	1	REFUND DUPLICATE PYMNT 3RD QTR	4,018.04	0-01-55-205-000 TAX OVERPAYMENTS	Budget		1 1
56308	09/08/20	AABER005 AA BERMS LLC					285
20-00929	1	2019 CDBG PROJECT	56,525.00	G-02-41-031-003 CDBG - 2019 BC ROAD RESURFACING	Budget		29 1
56309	09/08/20	AABER005 AA BERMS LLC					285
20-01397	1	2019 CDBG PROJECT	2,471.00	G-02-41-031-003 CDBG - 2019 BC ROAD RESURFACING	Budget		84 1
56310	09/08/20	AGLWE005 AGL WELDING SUPPLY CO., INC.					285
20-01393	1	monthly cylinder rental for	63.08	0-01-26-310-029 MAINT-CONTRACTS	Budget		83 1
56311	09/08/20	ATTM0005 AT&T MOBILITY					285
20-01428	1	WIRELESS BILL JULY 2020	1,729.14	0-01-31-440-077 AT&T WIRELESS	Budget		109 1
56312	09/08/20	AUTOM005 AUTOMOTIVE BRAKE CO.					285
20-00445	37	diesel fuel tank cleaner	13.50	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		9 1
20-00445	38	Def 2.5 gal	41.96	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		10 1
20-00445	39	SC1 single check valve RETURN	15.63	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		11 1
20-00445	40	DEF 2.5 gal	20.98	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		12 1
20-00445	41	Filter element for HFA5 Series	52.74	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		13 1
20-00445	42	battery for truck 95	230.46	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		14 1
20-00445	43	Battery terminal for truck 95	8.72	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		15 1

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Num Acct
PO #	Item	Description							
01	CURRENT	CURRENT FUND	Continued						
56312	20-00445	44 AUTOMOTIVE BRAKE CO. Brake Pads and Fuel Filter	127.29	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		16	1	
			<u>480.02</u>						
56313	09/08/20	18 AUTOM005 AUTOMOTIVE BRAKE CO. Screw Jack 10INTRVL Pipe MN	38.63	0-01-26-315-174 MECH. WK.-POLICE	Budget		17	1	285
	20-00446	19 Connector 7 way Trailer end	17.50	0-01-26-315-174 MECH. WK.-POLICE	Budget		18	1	
			<u>56.13</u>						
56314	09/08/20	1 BCUAS005 BCUA SOLID WASTE MANAGEMENT GARBAGE PICKUP JULY 2020	22,716.58	0-01-32-465-124 SANITATION LANDFILL - BERGEN	Budget		90	1	285
	20-01406	2 GARBAGE PICKUP JULY 2020	1,031.79	0-01-26-305-300 RECYCLING TAX	Budget		91	1	
			<u>23,748.37</u>						
56315	09/08/20	1 BERGE070 BERGEN COUNTY CLERK 2020 Primary Election Expenses	7,769.17	0-01-20-120-170 ELECTION & REGISTRATION	Budget		78	1	285
56316	09/08/20	1 BERGE090 BERGEN COUNTY DEPARTMENT OF RESO #20-	3,402.00	0-01-20-100-028 PROFESSIONAL SERVICES	Budget		35	1	285
56317	09/08/20	1 BOROU045 BOROUGH OF PARAMUS Traffic light repair	259.20	0-01-25-240-182 US TRAFFIC OTHER-GEN GROUP	Budget		57	1	285
56318	09/08/20	2 BUGTE005 BUGTECH INC. Rodent Control Treatment #1	600.00	0-01-26-310-182 HEALTH CONCERNS	Budget		30	1	285
56319	09/08/20	3 BURGI005 BURGIS ASSOCIATES, INC SERVICE HOUSING PLAN 2015-COAH	2,177.50	9-01-20-165-173 REDEVELOPMENT	Budget		1	1	285
56320	09/08/20	8 BURGI005 BURGIS ASSOCIATES, INC PROFESSIONAL ZONING SERVICES	4,517.50	0-01-22-195-028 PROFESSIONAL SERVICES	Budget		19	1	285
56321	09/08/20	6 COINC010 KUIKEN BROTHERS CO., INC. colonial casing/boro door	28.32	0-01-26-290-177 LUMBER	Budget		8	1	285
56322	09/08/20	2 COSTA015 ROBERT COSTA 2020 CDBG RESERVOIR AVE PROJ	715.00	0-01-20-165-100 OTHER GENERAL GROUP	Budget		21	1	285
	20-00587	3 2020 CDBG RESERVOIR AVE PROJ	367.50	0-01-20-165-100 OTHER GENERAL GROUP	Budget		22	1	

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Num Acct
PO #	Item	Description							
01	CURRENT	CURRENT FUND	Continued						
56322	ROBERT COSTA	Continued							
20-00587	4	2020 CDBG RESERVOIR AVE PROJ	4,252.50	0-01-20-165-100	Budget		23		1
				OTHER GENERAL GROUP					
			<u>5,335.00</u>						
56323	09/08/20	COSTA015 ROBERT COSTA							285
20-00588	3	2020 CDBG RESERVOIR AVE PROJ	892.50	0-01-20-165-100	Budget		24		1
				OTHER GENERAL GROUP					
56324	09/08/20	COSTA015 ROBERT COSTA							285
20-00591	6	2019 CDBG CURB REPLACEMENT	1,170.00	0-01-20-165-100	Budget		25		1
				OTHER GENERAL GROUP					
56325	09/08/20	CROWN005 CROWN TROPHY							285
20-01303	1	Mayor's Award Ken Krautheim	60.55	0-01-20-110-192	Budget		42		1
				G/HONORS & BADGES					
56326	09/08/20	DAVEY005 DAVEY RESOURCE GROUP							285
20-01427	1	TREEKEEPER SUBSCRIPTION	2,500.00	0-01-26-302-042	Budget		108		1
				TRAINING					
56327	09/08/20	DELUX005 DELUXE INTERN'L TRUCKS							285
20-01235	1	Repair parts for Sewer Truck	206.83	0-01-26-315-173	Budget		38		1
				MECH. WK.-D.P.W.					
56328	09/08/20	DELUX005 DELUXE INTERN'L TRUCKS							285
20-01320	2	Valve quick Release in Line	34.81	0-01-26-315-124	Budget		48		1
				REPAIRS					
20-01320	3	Valve Quick Release in Line	34.81	0-01-26-315-124	Budget		49		1
				REPAIRS					
			<u>69.62</u>						
56329	09/08/20	DELUX005 DELUXE INTERN'L TRUCKS							285
20-01343	1	Motor Control Mode Dr Actuator	41.78	0-01-26-315-124	Budget		58		1
				REPAIRS					
56330	09/08/20	DIREC005 DIRECT ENERGY BUSINESS							285
20-01376	1	6-25-20 thru 7-23-20	64.17	0-01-31-448-120	Budget		71		1
				RIVER EDGE ELEC & GAS					
56331	09/08/20	FISHW005 FISH WINDOW CLEANING							285
20-01390	1	Window cleaning DPW	42.00	0-01-26-310-171	Budget		80		1
				CLEANING/BODY FLUIDS					
56332	09/08/20	FOLEY005 FOLEY, INC.							285
20-01386	1	parts for front end loader #86	427.38	0-01-26-315-124	Budget		77		1
				REPAIRS					
56333	09/08/20	GOOSE005 GOOSETOWN COMMUNICATIONS							285
20-01308	1	Handset repair	296.80	0-01-25-255-037	Budget		43		1
				RADIO MAINTENANCE					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
01CURRENT		CURRENT FUND		Continued			
56334	09/08/20	GRAIN005 GRAINGER EQUIPMENT & SUPPLIES					285
19-37293	1	PORTABLE AIRCONDITIONER	497.13	9-01-26-310-167	Budget		2 1
				MAINTENANCE-BUILDING			
56335	09/08/20	GRAIN005 GRAINGER EQUIPMENT & SUPPLIES					285
20-00679	10	U-Bend Flourescent Bulbs	266.88	0-01-26-310-167	Budget		26 1
				MAINTENANCE-BUILDING			
56336	09/08/20	GRAIN005 GRAINGER EQUIPMENT & SUPPLIES					285
20-01224	1	12 trash cans	13,926.48	G-02-41-030-019	Budget		36 1
				CLEAN COMMUNITIES - 2019			
20-01224	2	cable tie	18.29	G-02-41-030-019	Budget		37 1
				CLEAN COMMUNITIES - 2019			
			<u>13,944.77</u>				
56337	09/08/20	GROUN005 GROUNDED ELECTRIC SERVICES, LL					285
20-00906	1	qte / installation light pole	3,346.00	0-01-26-310-166	Budget		27 1
				MAINTENANCE-GROUNDS			
56338	09/08/20	IDMME005 I.D.M. MEDICAL SUPPLY CO.					285
20-01445	1	Refill oxygen & delivery	40.87	0-01-25-240-180	Budget		113 1
				US PATROL OTHER-GEN GROUP			
56339	09/08/20	KAUF0005 MICHELLE KAUFMAN					285
20-00559	1	REIMBURSEMENT FOR ZOOM VIDEO	15.98	0-01-20-101-130	Budget		20 1
				MESSAGE BOARD MAINT.			
56340	09/08/20	LROSS005 L. ROSS DISTRIBUTORS					285
20-01164	2	RAGS	161.80	0-01-26-310-187	Budget		33 1
				BORO HALL/PSB CLEANING			
20-01164	3	HAND SOAP	113.08	0-01-26-310-187	Budget		34 1
				BORO HALL/PSB CLEANING			
			<u>274.88</u>				
56341	09/08/20	MRAIN005 MRA INTERNATIONAL					285
20-01385	1	Montly billing for July	454.19	0-01-25-240-077	Budget		76 1
				AS COMM OTHER-GEN GROUP			
56342	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01340	1	NJLM Registration-S. Evans	55.00	0-01-20-120-042	Budget		52 1
				TRAINING			
20-01340	2	NJLM Registration-Mayor&Counci	220.00	0-01-20-110-041	Budget		53 1
				MEETINGS & SEMINARS			
			<u>275.00</u>				
56343	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01388	1	NJLM Novemeber Conference Fee	55.00	0-01-26-290-041	Budget		79 1
				MEETINGS & SEMINARS			
56344	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01410	1	CONFERENCE REGIST. R. POERIO	55.00	0-01-20-100-042	Budget		93 1
				TRAINING			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND		Continued			
56345	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01411	1	WEBINAR REGISTRATON R. POERIO	75.00	0-01-20-100-042	Budget		94 1
				TRAINING			
20-01411	2	SEMINAR REGISTRATON R. POERIO	85.00	0-01-20-100-042	Budget		95 1
				TRAINING			
20-01411	3	WEBINAR REGISTRATON R. POERIO	75.00	0-01-20-100-042	Budget		96 1
				TRAINING			
			<u>235.00</u>				
56346	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01425	1	DPW Laborer II Posting	160.00	0-01-20-120-021	Budget		106 1
				LEGAL ADVERTISING			
56347	09/08/20	NJSTL010 NJ ST.LEAGUE OF MUNICIPALITIES					285
20-01426	1	DPW Office Assistant Posting	115.00	0-01-20-120-021	Budget		107 1
				LEGAL ADVERTISING			
56348	09/08/20	NORTH015 NORTH JERSEY MEDIA GROUP, INC.					285
20-01398	1	LEGAL ADVERTISEMENT July 2020	45.26	0-01-20-120-021	Budget		85 1
				LEGAL ADVERTISING			
20-01398	2	LEGAL ORDINANCES JULY 2020	149.11	0-01-20-120-166	Budget		86 1
				ORDINANCE			
20-01398	3	LAND USE JULY 2020	18.52	0-01-21-180-021	Budget		87 1
				LEGAL ADVERTISING			
			<u>212.89</u>				
56349	09/08/20	NORTH015 NORTH JERSEY MEDIA GROUP, INC.					285
20-01433	1	LEGAL ADVERTISEMENT	366.10	0-01-20-120-021	Budget		110 1
				LEGAL ADVERTISING			
56350	09/08/20	NORTH025 NORTHEASTERN ARBORIST SUPPLY					285
20-01374	1	jack discharge chute	263.56	0-01-26-315-124	Budget		68 1
				REPAIRS			
56351	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP					285
20-01248	2	Disinfecting Supplies	907.47	0-01-26-290-030	Budget		39 1
				GARAGE SUPPLIES			
56352	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP					285
20-01323	1	Digital Forehead Thermometer	131.80	0-01-25-255-030	Budget		50 1
				GARAGE SUPPLIES			
56353	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP					285
20-01434	1	BLUE PAPER LETTER SIZE	126.60	0-01-20-120-105	Budget		111 1
				COPIER SUPPLIES			
56354	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP					285
20-01440	1	wipes, spray, gloves	409.26	0-01-25-240-180	Budget		112 1
				US PATROL OTHER-GEN GROUP			

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PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND	Continued				
56355	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP					285
20-01460	1	office supplies	140.36	0-01-20-120-036 OFFICE SUPPLIES	Budget		116 1
56356	09/08/20	OPTIM005 OPTIMUM					285
20-01249	1	POLICE DEPT. INTERNT AUG 2020	157.44	0-01-25-240-077 AS COMM OTHER-GEN GROUP	Budget		40 1
56357	09/08/20	OPTIM005 OPTIMUM					285
20-01311	1	Co.1 Internet Service	31.78	0-01-25-255-195 CABLEVISION/INTERNET SVS.	Budget		46 1
56358	09/08/20	OPTIM005 OPTIMUM					285
20-01312	1	Co.2 Internet Service	121.55	0-01-25-255-195 CABLEVISION/INTERNET SVS.	Budget		47 1
56359	09/08/20	OPTIM005 OPTIMUM					285
20-01378	1	BOROUGH HALL INTERNET-Aug 2020	99.89	0-01-20-101-139 CABLE BOROUGH HALL	Budget		72 1
56360	09/08/20	OPTIM005 OPTIMUM					285
20-01384	1	August - DPW	91.56	0-01-31-440-173 DPW CABLE	Budget		75 1
56361	09/08/20	OPTIM005 OPTIMUM					285
20-01412	1	B.R.E. INTERNET JUL-SEPT 2020	149.94	0-01-20-101-128 E-MAILS	Budget		97 1
56362	09/08/20	OPTIM005 OPTIMUM					285
20-01424	1	OEM Hotspot charges for August	89.90	0-01-25-252-174 INTERNET	Budget		105 1
56363	09/08/20	OPTIM005 OPTIMUM					285
20-01461	1	Acct: 0787087953900204 TV	16.66	0-01-25-240-077 AS COMM OTHER-GEN GROUP	Budget		117 1
56364	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-00233	32	w/D Vacuum 18G 6.5HP	69.99	0-01-26-290-030 GARAGE SUPPLIES	Budget		7 1
56365	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-01346	1	PEX P/C Plug 3/4" BARB 5PK	5.39	0-01-26-310-166 MAINTENANCE-GROUNDS	Budget		59 1
56366	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-01381	1	cable ties 7.9' 120# white	28.78	0-01-26-310-166 MAINTENANCE-GROUNDS	Budget		73 1
56367	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-01420	1	Batteries/cleaning supplies	49.89	0-01-25-255-030 GARAGE SUPPLIES	Budget		101 1

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PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND	Continued				
56368	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-01421	1	Spraypaint/tape	25.79	0-01-25-255-030 GARAGE SUPPLIES	Budget		102 1
56369	09/08/20	PALME005 PALMER ACE HARDWARE					285
20-01456	1	Stapleguns	37.98	0-01-25-240-182 US TRAFFIC OTHER-GEN GROUP	Budget		115 1
56370	09/08/20	PSEG0005 PSE&G					285
20-01383	1	6-2-20 thru 7-2-20	21,943.60	0-01-31-448-120 RIVER EDGE ELEC & GAS	Budget		74 1
56371	09/08/20	QUIKT005 QUIKTEKS					285
20-00217	8	SERVICES FOR AUGUST 2020	1,682.00	0-01-20-101-028 PROFESSIONAL SERVICES	Budget		6 1
56372	09/08/20	RACHL005 RACHLES/MICHELE'S OIL COMPANY					285
20-01375	1	gasoline	688.06	0-01-31-447-168 GASOLINE	Budget		69 1
20-01375	2	federal lust tax	0.51	0-01-31-447-168 GASOLINE	Budget		70 1
			<u>688.57</u>				
56373	09/08/20	RACHL005 RACHLES/MICHELE'S OIL COMPANY					285
20-01391	1	Diesel Fuel	1,503.83	0-01-31-447-166 DIESEL FUEL	Budget		81 1
20-01391	2	Gas for Borough	1,226.54	0-01-31-447-168 GASOLINE	Budget		82 1
			<u>2,730.37</u>				
56374	09/08/20	RIVER130 RIVER EDGE FIRE DEPT.					285
20-01423	1	Face shield	495.00	0-01-25-255-041 MEETINGS & SEMINARS	Budget		104 1
56375	09/08/20	RIVER185 RIVER EDGE PUBLIC LIBRARY					285
20-01466	1	LIBRARY BCCLS PAYMENT	9,751.20	0-01-29-390-100 OTHER GENERAL GROUP	Budget		119 1
56376	09/08/20	RIVER190 RIVER EDGE PUBLIC SCHOOLS					285
20-01146	1	SCHOOL TAX PAYMENT DUE 9/10/20	2,003,923.00	0-01-55-206-000 LOCAL SCHOOL TAXES PAYABLE	Budget		32 1
56377	09/08/20	ROGUT005 ROGUT MCCARTHY LLC					285
20-00210	2	BOND COUNSEL SERVICES JAN-JUN	1,689.94	0-01-20-130-028 PROFESSIONAL SVCS & COSTS	Budget		4 1
56378	09/08/20	RUSCO005 RUSCON TRUCK SERVICE & EQUIP.					285
20-01309	1	Repair to 2015 Pierce Pumper	2,096.74	0-01-25-255-184 MOTOR VEH. REPAIRS	Budget		44 1

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PO #	Item	Description							
01	CURRENT	CURRENT FUND		Continued					
56379	09/08/20	RUSCO005 RUSCON TRUCK SERVICE & EQUIP.					285		
20-01310	1	Preventive Maintenance Service	2,153.00	0-01-25-255-184 MOTOR VEH. REPAIRS	Budget		45		1
56380	09/08/20	RUSCO005 RUSCON TRUCK SERVICE & EQUIP.					285		
20-01422	1	Preventive Maintenance Service	5,724.49	0-01-25-255-184 MOTOR VEH. REPAIRS	Budget		103		1
56381	09/08/20	SANIT005 SANITATION EQUIPMENT CORP.					285		
20-01327	1	quote control lever handle #82	74.11	0-01-26-315-124 REPAIRS	Budget		51		1
56382	09/08/20	SCOTT005 SCOTT GRAPHICS					285		
20-00926	1	2000 #10 envelopes	170.00	0-01-43-490-036 OFFICE SUPPLIES	Budget		28		1
56383	09/08/20	SHALO005 TEMPLE AVODAT SHALOM					285		
20-01368	1	RENT FOR SCORE 1ST QTR 2020	4,750.00	0-01-27-360-100 OTHER GENERAL GROUP	Budget		61		1
56384	09/08/20	SPINI005 ALAN P. SPINIELLO, ESQ.					285		
20-00211	8	LEGAL SERVICES RENDERED JULY	1,537.50	0-01-20-155-174 TAX APPEAL ATTORNEY	Budget		5		1
56385	09/08/20	STATE010 STATE LINE FIRE & SAFETY, INC.					285		
20-01417	1	Repair to Hurst	150.00	0-01-25-255-184 MOTOR VEH. REPAIRS	Budget		98		1
56386	09/08/20	STATE010 STATE LINE FIRE & SAFETY, INC.					285		
20-01418	1	Fire Ext refilled, hydrotest	73.70	0-01-25-255-184 MOTOR VEH. REPAIRS	Budget		99		1
56387	09/08/20	STORR005 STORR TRACTOR COMPANY					285		
20-01252	1	Repair weed cart	521.39	0-01-28-375-181 MOWERS/TRIMMERS	Budget		41		1
56388	09/08/20	SUEZW005 SUEZ WATER NEW JERSEY					285		
20-01357	1	HYDRANTS AUGUST 2020	10,739.41	0-01-31-445-100 FIRE HYDRANT SERVICE	Budget		60		1
56389	09/08/20	SWIFT005 SWIFTREACH NETWORKS, INC.					285		
20-01399	1	Monthly subscript fee July	330.00	0-01-25-250-144 REVERSE 911 SERVICE	Budget		88		1
56390	09/08/20	TREAS020 TREASURER, STATE OF NEW JERSEY					285		
20-01407	1	2ND QTR 2020 ST. TRAINING FEES	2,243.00	0-01-55-163-000 DUE TO/FROM NJ - DCA FEES	Budget		92		1
56391	09/08/20	VALLE025 VALLEY PHYSICIAN SERVICES					285		
20-01113	2	DRUG & ALCOHOL TESTING	272.00	0-01-20-100-182 EMPLOYEE PHYSICALS	Budget		31		1

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PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND	Continued				
56392	09/08/20	VERIZ005 VERIZON					285
20-01369	1	TELEPHONE BILL JULY 2020	87.05	0-01-31-440-168	Budget		62 1
				TELEPHONE/LONG DIST. -VERIZON			
20-01369	2	TELEPHONE BILL JULY 2020	1,917.07	0-01-31-440-170	Budget		63 1
				TELEPHONE - SERVICE			
20-01369	3	FIRE CO #1,2 & OEM-PHONE SERV	271.77	0-01-31-440-172	Budget		64 1
				FIRE CO #1 / OEM			
20-01369	4	LIBRARY PHONE SERVICE	91.26	0-01-31-440-300	Budget		65 1
				MAINTENANCE OF LIBRARY - TELEPHONE			
20-01369	5	TELEPHONE BILL JULY 2020	89.99	0-01-31-440-174	Budget		66 1
				CABLE/INTERNET			
			<u>2,457.14</u>				
56393	09/08/20	VERIZ010 VERIZON					285
20-01370	1	TELEPHONE BILL JULY 2020	1,004.00	0-01-31-440-170	Budget		67 1
				TELEPHONE - SERVICE			
56394	09/08/20	VERIZ025 VERIZON WIRELESS					285
20-01419	1	June-July 2020	38.01	0-01-25-255-195	Budget		100 1
				CABLEVISION/INTERNET SVS.			
56395	09/08/20	VERIZ025 VERIZON WIRELESS					285
20-01465	1	OEM Hotspot Chg July-Aug 2020	38.01	0-01-25-252-077	Budget		118 1
				COMMUNICATION EQUIPMENT			
56396	09/08/20	VINDA005 VINDAN, INC					285
20-01449	1	Reserve Uniform update	110.00	0-01-25-240-188	Budget		114 1
				POLICE RESERVES			
56397	09/08/20	WAGEW005 WAGEWORKS, INC					285
20-01404	1	MONTHLY FEES JULY 2020	81.50	0-01-20-100-028	Budget		89 1
				PROFESSIONAL SERVICES			
56398	09/08/20	WERNE005 WERNER, SUAREZ & MORAN, LLC					285
20-00209	9	PROFESSIONAL SERVICES RENDERED	1,062.50	0-01-20-155-172	Budget		3 1
				LEGAL-OTHER			
56399	09/08/20	WETIM005 W E TIMMERMAN EQUIPMENT CO INC					285
20-01341	1	A/C Compressor	379.63	0-01-26-315-124	Budget		54 1
				REPAIRS			
20-01341	2	BeIt-JD Eng w/AC	117.50	0-01-26-315-124	Budget		55 1
				REPAIRS			
20-01341	3	Freight	30.00	0-01-26-315-124	Budget		56 1
				REPAIRS			
			<u>527.13</u>				
56400	09/08/20	DECOF005 DEC OFFICE SOLUTIONS, INC.					291
20-01485	1	Contract Service 7/26-8/25	3.08	0-01-28-370-177	Budget		8 1
				MAINTENANCE CONTRACTS			
20-01485	2	Color Tier 1	0.64	0-01-28-370-177	Budget		9 1
				MAINTENANCE CONTRACTS			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/void Contract	Ref Seq	Ref Num
01CURRENT		CURRENT FUND		Continued				
56400	DEC	OFFICE SOLUTIONS, INC.		Continued				
20-01485	3	Color Tier 2	0.12	0-01-28-370-177	Budget		10	1
				MAINTENANCE CONTRACTS				
20-01485	4	Color Tier 3	2.13	0-01-28-370-177	Budget		11	1
				MAINTENANCE CONTRACTS				
			<u>5.97</u>					
56401	09/08/20	MICRO010 MICROSYSTEMS-NJ.COM, LLC						291
20-01487	1	ANNUAL EMAIL SERVICE FOR 2020	120.00	0-01-20-145-023	Budget		13	1
				PRINTING				
56402	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP						291
20-01467	1	DISINFECTANT SUPPLIES	189.89	0-01-20-130-036	Budget		2	1
				OFFICE SUPPLIES				
56403	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP						291
20-01468	1	OFFICE SUPPLIES- FINANCE DEPT	484.17	0-01-20-130-036	Budget		3	1
				OFFICE SUPPLIES				
56404	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP						291
20-01475	1	Office Supplies	184.36	0-01-28-370-036	Budget		4	1
				OFFICE SUPPLIES				
56405	09/08/20	OFFIC015 OFFICE CONCEPTS GROUP						291
20-01478	1	SUPPLIES TAX OFFICE	443.77	0-01-20-145-036	Budget		5	1
				OFFICE SUPPLIES				
56406	09/08/20	PARAM005 PARAMOUNT LANDSCAPING CO., INC.						291
20-01479	1	Service Call - Sprinkler Heads	125.00	0-01-28-375-183	Budget		6	1
				CHEMICALS				
20-01479	2	Replacement of Rotary Heads	340.00	0-01-28-375-183	Budget		7	1
				CHEMICALS				
			<u>465.00</u>					
56407	09/08/20	QUIKT005 QUIKTEKS						291
20-00217	9	SERVICES FOR SEPTEMBER 2020	1,682.00	0-01-20-101-028	Budget		1	1
				PROFESSIONAL SERVICES				
56408	09/08/20	RAYMO005 RAYMOND POERIO						291
20-01486	1	R. POERIO REIMBURSEMENT	196.46	0-01-20-100-036	Budget		12	1
				OFFICE SUPPLIES				
Checking Account Totals								
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks: 105	0	2,239,807.95	0.00			
		Direct Deposit: 0	0	0.00	0.00			
		<u>Total: 105</u>	<u>0</u>	<u>2,239,807.95</u>	<u>0.00</u>			
01CURRENTWIRES		CURRENT FUND WIRES						
43	08/14/20	NJDIV005 NJ DIVISION OF						276
20-01337	1	JUNE 2020 HEALTH BENEFITS	80,280.38	0-01-23-220-090	Budget		1	1
				EMPLOYEE GROUP HEALTH				

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct

01CURRENTWIRES		CURRENT FUND WIRES		Continued	
Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	80,280.38	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	1	0	80,280.38	0.00

04CAPITAL		GENERAL CAPITAL						
3399	09/08/20	COSTA015	ROBERT COSTA					286
20-01033	4	RECT RAPID FLASH BEACON CROSS.		892.50	C-04-20-060-081	Budget		1 1
					FLASHERS - ELM/CONTINENTAL			
3400	09/08/20	GENER010	GENERAL SALES ADMINISTRATION					286
20-01151	1	EQUIPMENT - 2 POLICE VEHICLES		19,084.01	C-04-20-060-111	Budget		2 1
					POLICE SUVs			
3401	09/08/20	TRAFF010	TRAFFIC SAFETY & EQUIPMENT					286
20-01435	1	TRAFFIC SIGNS FOR P.D.		1,162.88	C-04-20-050-202	Budget		4 1
					SIGN REPLACEMENT			
3402	09/08/20	UNITY005	UNITY TACTICAL					286
20-01262	1	SWAT RIFLE UPDATE P.D		91.59	C-04-19-013-753	Budget		3 1
					SWAT EQUIP - PD			
3403	09/08/20	GENER010	GENERAL SALES ADMINISTRATION					292
20-00971	1	LIGHT BAR FOR FORD F350		2,289.60	C-04-20-060-102	Budget		1 1
					4X4 PICK UP W/ RADIO & LIGHT BAR			
3404	09/08/20	GENER010	GENERAL SALES ADMINISTRATION					292
20-00972	1	LIGHT BAR FOR FORD F-550		1,961.00	C-04-20-060-101	Budget		2 1
					MASON DUMP W/ RADIO & LIGHT BAR			

Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	6	0	25,481.58	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	6	0	25,481.58	0.00

10ANIMAL		ANIMAL CONTROL						
1518	09/08/20	NJSTD005	NEW JERSEY STATE DEPARTMENT					287
20-01436	1	DOG LICENSE REPORT AUGUST 2020		6.60	T-10-55-286-000	Budget		1 1
					RESERVE FOR ANIMAL CONTROL EXPENSES			

Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	6.60	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	1	0	6.60	0.00

11TRUST		GENERAL TRUST						
2583	09/08/20	ENVIRO10	ENVIRONMENTAL RENEWAL, LLC					288
20-01377	1	log dumpsters		590.00	T-11-55-286-017	Budget		1 1
					RECYCLING			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Num Acct
11TRUST		GENERAL TRUST	Continued					
2584	09/08/20	NATUR005 NATURE'S CHOICE CORP.						288
20-01379	1	vegetation	574.40	T-11-55-286-017 RECYCLING	Budget		2	1
20-01379	2	vegetation	574.40	T-11-55-286-017 RECYCLING	Budget		3	1
20-01379	3	vegetation	556.45	T-11-55-286-017 RECYCLING	Budget		4	1
			<u>1,705.25</u>					
2585	09/08/20	NATUR005 NATURE'S CHOICE CORP.						288
20-01380	1	logs	538.50	T-11-55-286-017 RECYCLING	Budget		5	1
2586	09/08/20	NATUR005 NATURE'S CHOICE CORP.						288
20-01392	1	Mixed Vegetation Pick-up	556.45	T-11-55-286-017 RECYCLING	Budget		6	1
20-01392	2	Mixed Vegetation Pick-up	574.40	T-11-55-286-017 RECYCLING	Budget		7	1
			<u>1,130.85</u>					
2587	09/08/20	MAINL005 MAIN LOCK SHOP						293
20-01484	1	Roosevelt Bathroom Key	10.50	T-11-55-286-013 PARK AND FIELD MAINTENANCE	Budget		1	1
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	5	0	3,975.10	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	5	0	3,975.10	0.00		
12OPENSACE		OPEN SPACE						
1705	09/08/20	NORTH035 NORTHERN SAFETY CO., INC						289
20-01415	1	UNIFORMS - SUMMER HELP	84.78	T-12-55-286-000 RESERVE FOR OPEN SPACE EXPENDITURES	Budget		1	1
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	1	0	84.78	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	1	0	84.78	0.00		
13PAYROLL		PAYROLL						
92	08/11/20	ICMA-457 VANTAGEPOINT TRANSFER AGENTS,L						278
20-01294	1	JULY 2020 CONTRIBUTIONS	8,083.34	T-13-55-286-701 457- DEFERRED COMP	Budget		1	1
93	08/11/20	WAGEWORK AFLAC -WAGEWORKS,INC						278
20-01295	1	JULY 2020 FSA/HS	228.00	T-13-55-286-602 FSA/FLEX MEDICAL	Budget		2	1
94	08/14/20	LOCAL108 LOCAL #108 RWDSU AFL-CIO						281
20-01394	1	AUGUST 15 2020 DPW DUES	267.26	T-13-55-286-501 DPW UNION DUES	Budget		1	1

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Ref Seq Acct	
13	PAYROLL	PAYROLL	Continued					
95	08/14/20	PBA201 PBA LOCAL #201					281	
20-01395	1	PBA DUES AUGUST 15, 2020	705.00	T-13-55-286-502 PBA/SOA DUES	Budget		2 1	
96	09/02/20	ICMA-457 VANTAGEPOINT TRANSFER AGENTS,L					284	
20-01431	1	AUGUST 2020 CONTRIBUTIONS	8,083.34	T-13-55-286-701 457- DEFERRED COMP	Budget		3 1	
97	09/02/20	LOCAL108 LOCAL #108 RWDSU AFL-CIO					284	
20-01430	1	AUGUST 31 2020 DPW DUES	267.26	T-13-55-286-501 DPW UNION DUES	Budget		2 1	
98	09/02/20	PBA201 PBA LOCAL #201					284	
20-01429	1	PBA DUES AUGUST 31, 2020	765.00	T-13-55-286-502 PBA/SOA DUES	Budget		1 1	
99	09/02/20	WAGework AFLAC -WAGeworks,INC					284	
20-01432	1	AUGUST 2020 FSA/HS	228.00	T-13-55-286-602 FSA/FLEX MEDICAL	Budget		4 1	

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	8	0	18,627.20	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	8	0	18,627.20	0.00

16	ESCROW	ESCROW					
2095	08/11/20	MARKN005 MARK NEIDORFF					279
20-01364	1	REFUND ESCROW MONEY 506/27	375.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		1 1
2096	08/19/20	COSTA015 ROBERT COSTA					283
20-00403	1	SOIL MOVEMENT PERMIT 902/6	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		1 1
2097	09/08/20	BURGI005 BURGIS ASSOCIATES, INC					290
20-01336	1	NEW BRIDGE LANDING 1302/3	2,437.50	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		1 1
2098	09/08/20	COSTA015 ROBERT COSTA					290
20-01359	1	SOIL MOVEMENT PERMIT 701/7	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		3 1
2099	09/08/20	COSTA015 ROBERT COSTA					290
20-01360	1	SOIL MOVEMENT PERMIT 1108/6	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		4 1
2100	09/08/20	COSTA015 ROBERT COSTA					290
20-01361	1	SOIL MOVEMENT PERMIT 501/45	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		5 1

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Ref Seq Acct	
16ESCROW		ESCROW	Continued					
2101	09/08/20	COSTA015 ROBERT COSTA					290	
20-01362	1	SOIL MOVEMENT PERMIT 1104/10	250.00	T-16-55-286-000	Budget		6 1	
				RESERVE FOR EXPENDITURES				
2102	09/08/20	COSTA015 ROBERT COSTA					290	
20-01363	1	SOIL MOVEMENT PERMIT 507/6	250.00	T-16-55-286-000	Budget		7 1	
				RESERVE FOR EXPENDITURES				
2103	09/08/20	JACOB005 CLEARY GIACOBBE ALFIERI JACOBS					290	
20-01358	1	ILBJ 335 JOHNSON AVE 1405/3	555.00	T-16-55-286-000	Budget		2 1	
				RESERVE FOR EXPENDITURES				

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	9	0	4,867.50	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	9	0	4,867.50	0.00

18RECTRUST		RECREATION TRUST					
5513	08/14/20	BOELEC05 BOROUGH OF RIVER EDGE					282
20-01382	1	CP - Electronic Fees July	16.76	T-18-55-286-002	Budget		1 1
				AEROBICS			
20-01382	2	Art Class	4.41	T-18-55-286-012	Budget		2 1
				SPECIAL EVENTS			
20-01382	3	Summer Camp	11.00	T-18-55-286-003	Budget		3 1
				CAMP			
20-01382	4	Men's Softball	22.73	T-18-55-286-004	Budget		4 1
				MEN'S SOFTBALL			
20-01382	5	women's Softball	13.91	T-18-55-286-010	Budget		5 1
				WOMEN'S SOFTBALL			
20-01382	6	Tennis	110.82	T-18-55-286-001	Budget		6 1
				TENNIS			
			179.63				
5514	09/08/20	BARRY005 ALL PRO TENNIS LLC					294
20-01473	1	All Pro Tennis Summer Lessons	3,040.00	T-18-55-286-001	Budget		2 1
				TENNIS			
5515	09/08/20	SEBAS005 SEBASTIAN MUSCARELLA					294
20-01472	1	Summer Session - Bootcamp	500.00	T-18-55-286-002	Budget		1 1
				AEROBICS			
5516	09/08/20	SHEIL005 SHEILA DUBEY					294
20-01474	1	Art Class - Intro to Pastels	550.00	T-18-55-286-012	Budget		3 1
				SPECIAL EVENTS			

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	4	0	4,269.63	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	4	0	4,269.63	0.00

Check #	Check Date	Vendor	Amount Paid	Charge Account	Reconciled/Void	Ref Num
PO #	Item	Description			Account Type	Contract Ref Seq Acct
18RECTRUST		RECREATION TRUST	Continued			
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks:	140	0	2,377,400.72	0.00
		Direct Deposit:	0	0	0.00	0.00
		Total:	140	0	2,377,400.72	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
Current Fund	0-01	2,244,472.93	0.00	0.00	2,244,472.93
Current Fund	9-01	2,674.63	0.00	0.00	2,674.63
General Capital Fund	C-04	25,481.58	0.00	0.00	25,481.58
Grant Fund	G-02	72,940.77	0.00	0.00	72,940.77
Animal Control	T-10	6.60	0.00	0.00	6.60
Trust Other	T-11	3,975.10	0.00	0.00	3,975.10
Open Space	T-12	84.78	0.00	0.00	84.78
Payroll	T-13	18,627.20	0.00	0.00	18,627.20
Developer's Escrow	T-16	4,867.50	0.00	0.00	4,867.50
Recreation Trust	T-18	4,269.63	0.00	0.00	4,269.63
	Year Total:	31,830.81	0.00	0.00	31,830.81
	Total of All Funds:	2,377,400.72	0.00	0.00	2,377,400.72

Shared Services Agreement for Athletic Fields Improvements and Use

THIS AGREEMENT made this ____ day of _____, 2020, by and between the Borough of _____ (“Borough”) and the _____ Board of Education (“Board”);

WHEREAS, the Board presently owns property that is in need of improvement in order to expand the use of its curricular, co-curricular and extra-curricular programs, specifically the athletic fields adjacent to the Roosevelt School (“School Fields”); and;

WHEREAS, the Borough desires to assist the Board in constructing such improvements to the School Fields, which will include, but not be limited to, the installation of regrading, fence replacement/repairs, irrigation, drainage, ADA path ways, a batting cage, storage/snack stand, inasmuch as it will enhance the recreational programs which benefit the children residing in the Borough; and;

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, authorizes public entities to enter into a contract with each other to share services which the entities are empowered to provide or receive within their own jurisdictions, including services incidental to the primary purposes of any of the participating public entities; and;

WHEREAS, the Borough and the Board are both empowered to make improvements to their property, to solicit bids for the construction of such improvements, and to engage contractors to make such improvements; and;

WHEREAS, the Borough and the Board, therefore, desire to jointly undertake a project to make certain improvements to the School Fields, including but not limited to installation of regrading, fence replacement/repairs, irrigation, drainage, ADA path ways, a batting cage, storage/snack stand, (“the Project”); and;

WHEREAS, the Borough will fund the Project in exchange for use of the School fields as described herein, and for other consideration as described herein; and;

WHEREAS, the Borough will repurpose with the county approval the 2019 park improvement grant from the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) Program; and

WHEREAS, the Borough has entered into a 20__ Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund” or “County”) Grant Agreement dated _____, __ 20__, which requires the Borough to retain, protect, and use the Project for outdoor recreation

purposes. Outdoor recreation purpose means the use of lands for open space parkland, outdoor active and/or passive recreation use; and

WHEREAS, the parties wish to memorialize the terms of their agreement.

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

1. Services to Be Performed

- 1.1. *Design of the Project:* The Borough shall contract with a professional engineer for the design for the Project, which shall include, but not be limited to, installation of regrading, fence replacement/repairs, irrigation, drainage, ADA path ways, a batting cage, storage/snack stand, Said design services shall include but not be limited to plans and technical specifications for bidding purposes, as needed and/or as may be required by the Board and the Borough and/or applicable statutes and/or laws. The Borough and the Board shall jointly develop the requirements of the Project, and the Project design shall not be considered approved until both the Borough and the Board have approved the Project design.
- 1.2. *State and Federal Barrier Free Codes and the Americans with Disabilities Act:* The professional engineer shall certify that the project conforms to all applicable State and Federal Barrier Free Codes and the Americans with Disabilities Act (42 U.S.C. § §12101 et seq.) requirements.
- 1.3. *Approvals:* The Borough shall secure all necessary federal, state, county, and or local governmental approvals and permits for the Project as may be required
- 1.4. *Construction Documents.* The Borough shall invite comment from the Borough's Planning Board on the construction documents prepared by the Borough architects prior to the Borough advertising for public bids or otherwise procuring the goods and services for the Project, and the Borough shall amend the construction documents to reflect any revisions that the Borough Building Department may direct, as required by the Uniform Construction Code, state statute, and/or local ordinance, at the time that the Construction Documents are submitted to the Borough building department for approval.
- 1.5. *Procurement:* The Borough shall ensure that all procurement of goods and services for the Project shall be in compliance with the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq.

2. Bid Specifications: The Borough shall be responsible for the procurement of the goods and services for the contract, in accordance with the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., the approval of any change orders to said contracts, the administration of the Project, and the funding of the Project, in conjunction with the Borough. The Borough shall inform the Board of any and all change orders. Any proposed change orders with a cost of ten thousand dollars (\$10,000) or more, or which would materially change the Construction documents or Project Design, must be approved by an authorized representative of the Board prior to being considered finally approved for implementation. If the Board does not respond to a change order request for approval within one business day, the change order is to be considered approved.
 - 2.1. *Local Permit Fees:* The Borough will waive any fees that the Board might otherwise be required to pay for municipal approvals and/or permits.
 - 2.2. *Contract Administration:* The Borough shall be responsible for supervising construction and making payment to the contractor in a manner to be approved by the Borough and the Board.
 - 2.3. *Maintenance:* Subsequent to the completion of the Project, the Borough shall be responsible for the maintenance of the School Fields and shall additionally be responsible for any and all utility costs associated therewith.

3. Costs and Payment Procedures

- 3.1. The Borough shall be responsible for the total costs of the Project, including architectural fees and costs and the costs of goods and services necessary to construct the Project. The total estimated cost of the Project, as of the date of execution of this Agreement, is \$_____.
- 3.2. The Borough shall be responsible for paying the contractor(s) constructing the Project, and for the contract(s) entered between the Borough and the contractor(s) for the construction of the Project. The Borough represents and warrants to the Board that all contracts into which it enters with respect to the Project, as well as any payments that are made for work performed in the course of completing the Project, shall be made in accordance with all applicable statutes and laws governing public projects.

4. Indemnification and Insurance

4.1. *Indemnification:* The Borough assumes all liability for, and agrees to indemnify and hold the Board and County and its agents, servants, employees, students, guests, licensees and invitees, harmless against any and all claims, losses, damages, injuries and expenses, arising out of, resulting from, or incurred in connection with, any acts or omissions by the Borough, its agents, servants or employees related to the performance of the Borough's obligations under the terms of this Agreement. Likewise, the Board assumes all liability for, and agrees to indemnify and hold the Borough and the County and its agents, servants, employees, guests, licensees and invitees, harmless against any and all claims, losses, damages, injuries and expenses, arising out of, resulting from, or incurred in connection with, any acts or omissions by the Board, its agents, servants or employees related to the performance of the Board's obligations under the terms of this Agreement.

4.2. *Insurance:* Both parties shall maintain full and complete liability insurance throughout the term of this Agreement and shall cause the other party to be designated on its policy as an additional insured. Said coverage limits shall be not less than the maximum amounts of liability coverage now maintained by each party.

5. Term of the Agreement

5.1. The term of this Agreement shall commence on the date upon which both parties have executed the agreement as set forth below, and shall continue for a maximum of ten years from the date thereof, or unless both parties mutually consent to terminate the same.

6. Miscellaneous Provisions

6.1. *Transfer of Project Improvements:* The Board agrees not to lease, sell, exchange, remove, replace, donate, or dispose of the park improvement(s) in which the Trust Fund park improvement project is described and located herein except upon approval by the County of Bergen or under such conditions as the County of Bergen may establish for a period of ten (10) years.

6.2. *Inspection of Project Area:* The Trust Fund may perform periodic formal and informal inspections of the project area and facilities to determine compliance with the Borough's long-term obligations. The Borough will be notified of any problems identified and will be asked to address them within a reasonable timeframe.

- 6.3. *Merger:* This Agreement merges and supersedes all prior negotiations, representations and/or agreements between the parties relating to the subject matter of this agreement and constitutes the entire contract between the parties.
- 6.4. *Modification:* This Agreement may only be modified by an instrument in writing signed by both parties to the Agreement.
- 6.5. *Waiver:* No waiver by either party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Agreement. Neither party may waive any of its rights or any obligations of the other party or any provision of this Agreement except by an instrument in writing signed by that party.
- 6.6. *Severability:* If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.
- 6.7. *Notice:* All notices pertaining to the Agreement shall be in writing, and delivered in person or sent certified mail to the parties at the following addresses. For the Board: Board Secretary/Business Administrator, _____ Board of Education, _____, New Jersey ____; for the Borough: Borough Administrator, Borough of _____, _____, New Jersey _____.
- 6.8. *Governing Law:* This Agreement shall be governed, construed and interpreted in accordance with the law of the State of New Jersey as it applies to contracts made and performed in New Jersey.
- 6.9. *Jurisdiction:* The Superior Court of the State of New Jersey, in the County of Bergen, shall have jurisdiction to hear and determine any claim or disputes pertaining directly or indirectly to the Agreement or to any matter arising therefrom. Each of the parties hereby expressly submits and consents in advance to such jurisdiction in any action or proceeding commenced by the other in such court. In the event of litigation, each Party waives whatever rights it may have to trial by jury in order to prevent irreparable harm from occurring that may arise from a breach or threatened breach of this Agreement.
- 6.10. *Assignment:* Neither party may transfer or assign any of its rights or obligations under this Agreement without the prior written consent of the other, and any such transfer or assignment or attempt thereat shall be null and void.

- 6.11. *Section Headings:* Section headings are for reference purposes only and shall not in any way affect the meaning or interpretation of any provision of this Agreement.
- 6.12. *Counterparts:* This Agreement may be executed in any number of counterparts, which, taken together, shall constitute but one instrument. It is not necessary that all parties sign all or any one of the counterparts, but each party must sign at least one counterpart for the Agreement to be effective.
- 6.13. *Cooperation of the Parties:* In performing any services pursuant to this Agreement, the performing Parties will act in a reasonably prudent manner to accommodate the common goals of the Parties toward implementation and effectuation of the stated purposes of this Agreement. No Party hereto shall be liable for failure to advise another Party of any adverse impact from action taken hereunder, unless such failure to advise shall be the result of bad faith or willful concealment of an impact actually known to the Party taking the action or omitting to take such action to be substantially adverse to the other Parties. The fact that any act or omission should subsequently be determined to have an adverse impact shall not in itself be evidence of bad faith or willful concealment and the Party bringing an action shall be required to affirmatively establish, by independent sufficient evidence, that such Party acted in bad faith or willfully concealed an adverse impact of which it had actual knowledge.
- 6.14. *No Third Party Beneficiaries:* This Agreement shall inure to the benefit of the Parties hereto and their successors and permitted assignees. No other person, corporation, company, partnership or other entity shall be deemed a third party or other beneficiary of this Agreement.
- 6.15. *Public Usage:* The parties acknowledge that the School Fields is to be available for use by the general public, regardless of place of residence, at all times of the year and during all reasonable hours of the day, consistent with the type of recreational activity occurring and/or the facility being used. The parties acknowledge that such use is in the public interest.
- 6.16. *Use Schedule:* Subsequent to this Shared Services Agreement having been executed by both parties, and approved by the Bergen County Open Space Trust Fund Administrator, a Use Schedule shall be prominently posted at the Project. This schedule will advise the general public of specific use arrangements and the availability of the facilities to the general public.

6.17. *Non-Discrimination:* The parties agree that in the use of the Project Area there shall be no discrimination on the basis of race, creed, color, national origin, nationality, ancestry, age, sex, marital status, atypical cellular or blood trait, or physical disability, subject only to conditions and limitations applicable alike to all persons, nor on the basis of residence.

IN WITNESS WHEREOF, the parties have hereunto caused these presents to be signed by their proper corporate officers and caused their proper corporate seals to be hereunto affixed, the day and year first above written.

ATTEST:

_____ **BOARD
OF EDUCATION**

By: _____

By: _____

Business Administrator/
Board Secretary

Board President

Dated: _____

Dated: _____

ATTEST:

BOROUGH OF _____

By: _____

By: _____

Borough Clerk

Mayor

Dated: _____

Dated: _____

SHARED SERVICE AGREEMENT
BETWEEN THE
BOROUGH OF RIVER EDGE
AND
RIVER EDGE BOARD OF EDUCATION

THIS SHARED SERVICE AGREEMENT (the "Agreement") is made this day of , 2020 by and between the Borough of River Edge (hereinafter referred to as the "Borough"), having its principal offices located at 706 Kinderkamack Road, River Edge, New Jersey and the River Edge Board of Education (hereinafter referred to as the "Board of Education"), having its principal offices located 410 Bogert Road, River Edge, New Jersey:

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., authorized public entities to enter into a contract with each other to subcontract any service which one of the parties to the agreement is empowered to render within its own jurisdiction, including services incidental to the primary purposes of any of the participating entities; and

WHEREAS, the Borough and Board of Education are desirous of entering into the following Shared Services Agreement in order to clarify and memorialize the respective responsibilities of the parties;

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

I. CLEARANCE OF SNOW AND ICE

A. Borough's Responsibility for snow and ice removal.

1. The Borough will assist the Board of Education only in a snow clearance emergency when there is a snow accumulation of four (4) inches or more.
2. The Borough's snow clearance and ice control will be limited to the two (2) parking lots at the Cherry Hill Elementary School, located at 410 Bogert Road, River Edge, New Jersey 07661, and one (1) parking lot at Roosevelt Elementary School, located at 711 Summit Avenue, River Edge, New Jersey 07661. The Borough's Superintendent of Public Works reserves the discretion to clear snow in additional areas during extraordinary emergencies, such as a State or Federal declaration of a State of Emergency.

3. The Board of Education shall pay the Borough for each snow clearance event for the tow (2) parking lots at the Cherry Hill Elementary School and the one (1) parking lot at the Roosevelt Elementary School as follows:
 - A. \$1,000.00 for a snow accumulation of 4 to 5 inches
 - B. \$1,500.00 for a snow accumulation of 6 to 10 inches
 - C. \$2,000.00 for a snow accumulation of 11 inches or more
 - D. \$200.00 per hour for snow removal (loading and removing snow from the parking lots)
4. The Borough will treat these schools as priority three (3) category, under Resolution #96-123, dated May 6, 1996.
5. The Borough's Superintendent of Public Works has the discretion to provide the equipment, labor, and materials for clearing snow and controlling ice, and the Superintendent will only provide them after the first two (2) priorities have been satisfied to an acceptable level.
6. The Borough is not responsible for deciding whether and when the Board of Education's schools should close during a snow event.
7. The Borough agrees to provide the Board of Education with several cellular phone numbers and other points of contact, so that the parties can freely and openly communicate before, during and after a snow event.
8. All services shall be performed in a manner that is consistent with industry standards and necessary to ensure the safety of motorists and pedestrians on the Board of Education's properties.
9. The Board of Education's Superintendent or Business Administrator or designee, will verbally ask the Borough's Superintendent of Public Works or designee, to begin clearing snow or controlling ice. The Board of Education's Superintendent or Business Administrator or designee, will also send an email to the Borough's Superintendent of Public Works or designee, and the Borough's Clerk's Office, memorializing the request.
10. The Board of Education's Superintendent of Schools or Business Administrator or designee will request assistance early enough to allow the Department of Public Works to mobilize labor, equipment, and material to respond as the weather requires. The Board of Education understands that the Borough may not immediately respond to its request, so the Board will be prepared to take interim steps, when necessary.

11. The Board of Education agrees to notify the Borough's Superintendent of Public Works when it is school will be open and closed.
12. The Board of Education agrees to provide the Borough with several cellular phone numbers and other points of contact, so that the parties can freely and openly communicate during times of emergency.

B. The Board of Education's Responsibility for snow and removal.

1. The Board of Education is responsible for clearing all snow and controlling all ice when snow accumulations total less than four (4).
2. The Board of Education agrees to provide the resources (labor, equipment, and materials) necessary for their staff to clear snow and control ice when snow accumulation totals three (3) inches or less as well as to sustain the effort during and after the snow/ice event.

II. BOROUGH'S USE OF ROOSEVELT AND CHERRY HILL FIELDS

1. The Board of Education grants to the Borough, its recreations commission, recreation committee and designees a license for the use of Roosevelt and Cherry Hill ballfields in accordance with any existing Board of Education Policies and Regulations, as well as any related regulations and/or forms. (copies of said policies and regulations are appended hereto for reference).
2. The Board of Education shall have primary use of Roosevelt and Cherry Hill ballfields at all times.
3. The Board of Education shall make Roosevelt and Cherry Hill ballfields available for use by the Borough, which shall have priority use over other users for its recreation programs and other programs, in accordance with the provision of this Agreement. The Borough agrees that it will notify the Board of Education's Business Administrator, in writing, of any anticipated use of the ballfields and shall give as much advanced notice as is practicable under the circumstances. The Board retains the sole discretion to deny the use of the ballfields.
4. The Borough shall perform any and all necessary maintenance of the fields on an as needed basis as determined by its Department of Public Works, the Recreation Director, Recreation Commission and/or the Board of Education.

5. The Borough will perform the maintenance of the ballfields in a good and workmanlike manner. The Borough shall incur the costs related to the maintenance of the ballfields.

III. BOROUGH'S USE OF ROOSEVELT AND CHERRY HILL SCHOOL GYMNASIUMS

1. The Board of Education grants to the Borough the use of the Roosevelt School gymnasiums and Cherry Hill School gymnasiums for the purposes of holding various recreational, curricular, co-curricular and extra-curricular programs. The Borough agrees to provide the Board of Education's Business Administrator with written notice of the Borough's intended use of the school gymnasiums in as much advance notice as is practicable under the circumstances. The Board of Education shall have primary use of Roosevelt and Cherry Hill School gymnasiums at all times. However, the Board of Education shall make Roosevelt and Cherry Hill School gymnasiums available for use by the Borough, which shall have priority use over other users for its recreation programs and other programs, in accordance with the provisions of this Agreement.
2. After any usage of either the Roosevelt or Cherry Hill School gymnasiums by the Borough, the Board of Education shall provide any and all necessary custodial services for the routine cleaning and maintenance of those facilities. Custodial services will be billed at a minimum of three (3) hours and then billed at an hourly rate thereafter. The rate of reimbursement shall be agreed upon by the parties.
3. The Borough agrees to reimburse the Board of Education for all costs associated with providing custodial services incurred as a result of the usage of the gymnasiums by the Borough. The Board of Education shall invoice the Borough for any custodial services performed on the first day of each subsequent month, with payment due thirty days from receipt of each invoice.

TERMS OF AGREEMENT

1. The terms of this Agreement shall commence on the date upon which both parties have executed the agreement as set forth below and shall continue for a period of ten (10) years from the date thereof. The parties may renew this Agreement by way of a written addendum adopted by both parties pursuant to the governing bodies' official resolutions.
2. The Borough and the Board of Education shall appoint two representatives or designees to meet on a semi-annual basis with the Borough Director of Recreation and Cultural Affairs to discuss the status of ongoing or future projects.

3. Notwithstanding any other terms of this Agreement, either party may terminate this Agreement for upon ninety (90) days notice pursuant to the procedure set forth herein. In the event of a breach of this Agreement by either the Borough or the Board of Education, the non-breaching party shall give the breaching party written notice specifying the default and the breaching party shall have sixty (60) days within which to cure the default. If the default is not cured within that time, the non-breaching party shall have the right to then terminate this Agreement by giving the breaching party sixty (60) days written notice of its intention to terminate as of the date specified in the written notice.
4. The Borough Administrator and the Board Business Administrator shall serve as the point of contact between the parties.

INDEMNIFICATION AND INSURANCE

1. **Indemnification:** The Borough assumes all liability for, and agrees to indemnify and hold the Board and its agents, servants, employees, students, guests, licensees and invitees, harmless and against any and all claims, losses, damages, injuries and expenses, arising out of, resulting from or incurred in connection with, any acts or omissions by the Borough, its agents, servants or employees related to the performance of the Borough's obligations under the terms of this Agreement.

The Board of Education assumes all liability for, and agrees to indemnify and hold the Borough and its agents, servants, employees, students, guests, licensees and invitees, harmless and against any and all claims, losses, damages, injuries and expenses, arising out of, resulting from or incurred in connection with, any acts or omissions by the Borough, its agents, servants or employees related to the performance of the Borough's obligations under the terms of this Agreement.

2. **Insurance:** The Borough and the Board of Education shall maintain full and complete general liability insurance throughout the term of this Agreement and cause the other party to be designated on its policy as an additional insured. Said coverage limits shall be not less than \$1,000,000.00 per occurrence and umbrella/excess liability limits not less than \$5,000,000.00 per occurrence. Each party shall provide proof of coverage in the form of a Certification of Insurance with the other party designated as an additional insured under its general liability and umbrella/excess liability policies.

MISCELLANEOUS PROVISIONS

1. **Merger:** This Agreement merges and supersedes all prior negotiations, representations and/or agreements between the parties relating to the subject to

the subject matter of this agreement and constitutes the entire contract between the parties.

2. **Modification:** This Agreement may only be modified by an instrument in writing, signed by both parties to the Agreement.
3. **Waiver:** No waiver by either party of any term or condition for this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Agreement. Neither party may waive any of its rights or any obligations of the other party or any provisions of this Agreement except by an instrument in writing signed by that party.
4. **Severability:** If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.
5. **Notice:** All notices pertaining to the Agreement shall be in writing and delivered in person or sent via certified mail to the parties at the following address:

For the Board:
School Business Administrator
410 Bogert Road
River Edge, New Jersey 07611

For the Borough:
Borough Clerk
Borough of River Edge
705 Kinderkamack Road
River Edge, NJ 07661

6. **Governing Law:** This Agreement shall be governed, construed and interpreted in accordance with the law of the State of New Jersey as it applies to contracts made and performed in New Jersey. The Superior Court of the State of New Jersey, in the County of Bergen, shall have jurisdiction to hear and determine any claim or disputes pertaining directly or indirectly to the Agreement or to any matter arising therefrom. Each of the parties hereby expressly submits and consents in advance to such jurisdiction in any action or proceeding commenced by the other in such court.
7. **Assignment:** Neither party may transfer or assign any of its rights or obligations under this Agreement without the prior written consent of the other, and any such

transfer or assignment or attempt shall be null and void.

8. **Section Headings:** Section headings are for reference purposes only and shall in any affect the meaning or interpretation of any provision of this Agreement.
9. **Counterparts:** This Agreement may be executed in any number of counterparts, which taken together, shall constitute but one instrument. It is not necessary that all parties sign all or any one of the counterparts, but each party must sign at least one counterpart of the Agreement to be effective.

IN WITNESS WHEREOF, the parties have hereunto caused these present to be signed by their proper corporate officers and caused their proper corporate seals to be hereunto affixed, the day and year first above written.

WITNESS:

RIVER EDGE BOARD OF EDUCATION

SCHOOL BUSINESS
ADMISNITRATOR

BY: _____
BOARD PRESIDENT

DATED: _____

DATED: _____

WITNESS:

BOROUGH OF RIVER EDGE

BOROUGH CLERK

BY: _____
MAYOR