

City of Englewood
City Council Meeting Minutes
July 19, 2011

A Regular Formal Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 7:30 P.M.

Roll Call: Present: Council member Ken Rosenzweig (9:45PM)
 Council member Michael Cohen
 Council member Scott Reddin
 Council member Jack Drakeford
 Council member Lynne Algrant
 Mayor / Council President Frank Huttle III
 City Manager Timothy Dacey
 City Solicitor William Bailey
 City Clerk Lauren Vande Vaarst

Council President Huttle called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the Annual Notice of Meetings as required by the Open Public Meetings Act.

RESOLUTION #153-07-19-11

RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETING
June 28, 2011

COUNCIL WORKSHOP MEETING
July 12, 2011

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X(6/28)		X(7/12)	
<i>Rosenzweig</i>					X
<i>Reddin</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

Old Business:

RESOLUTION #154-07-19-11

APPROVE PAYMENT OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment; and

WHEREAS, all bills and claims listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Englewood, that the bills and claims on the submitted list are hereby approved for payment in the total amount of \$1,930,793.29.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
Algrant	X	X			
Rosenzweig					X
Reddin		X			
Cohen		X			
Drakeford					X

Communications from the Mayor/Council Members:

Comments from the City Manager:

- Tryon Pool opened on Saturday, July 16, 2011. The roof on the pump house is being repaired. Total cost of repairs to date is \$30,000 which was not budgeted for.
- Many Personnel issues have been dealt with this week and some are being discussed in tonight's Closed Session.
- Spoke about PERS pension reform.
- The State of NJ has not finalized State Aid so estimated tax bills had to be sent out.
- Looking to consolidate the dumpsters in the parking lot on Bergen Street.

ORDINANCE #11-10

AN ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF ENGLEWOOD AND APPROPRIATING \$2,488,200 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,368,700 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Englewood, in the County of Bergen, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,488,200 including the aggregate sum of \$119,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,368,700 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: 2011 Road Improvement Program, including but not limited to, improvements to Cedar Lane, Columbus Avenue, Franklin Street, Hamilton Avenue (Engle to Dean), Huguenot Avenue, Lane Drive, West Linden Avenue (William to Railroad Tracks), Lorraine Court, Manor Road (Hudson to Lantana), Phelps (Grand to Dead End), Robin Road (Meadowbrook to Huguenot) and Tryon Avenue (Knickerbocker to Fairfield), and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,503,200
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,431,200
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$72,000

- (b) Purpose: Reconstruction and replacement of various curbs and sidewalks located in the City and replacement of concrete cross walk,

and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$280,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$266,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 13,500

(c) Purpose: Various City-wide Drainage improvements, including, but not limited to, the Lincoln Street drainage project and the Overpeck Creek dredging survey including, permitting and material testing, and the Overpeck Creek wall reconstruction survey and permitting, and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$465,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$442,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 22,500

(d) Purpose: Sanitary sewer replacements at various locations in the City, and including all work and materials necessary therefore or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$105,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$100,000
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$ 5,000

(e) Purpose: Improvements to various City Parks, including, but not limited to, Denning Park soccer field and Mackay Park, and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$135,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$128,500
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 6,500

(f) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(g) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.5377 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,368,700 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$550,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		AB
Reddin	X	Y
Cohen		Y
Drakeford		Y

ORDINANCE #11-11

**AN ORDINANCE AMENDING SECTION 4-17 OF THE ZONING
ORDINANCE OF THE CITY OF ENGLEWOOD RELATED TO
PLANNED UNIT DEVELOPMENT (PUD-1) OVERLAY DISTRICT**

WHEREAS, on July 16, 2002, the City Council of the City of Englewood adopted Ordinance 02-12 entitled "An Ordinance Creating a Planned Unit Development (PUD-1) Overlay Zoning District and Amending the Zoning Ordinance of the City of Englewood," following notice and publication as required by law and following a favorable recommendation thereon by the Planning Board of the City of Englewood; and

WHEREAS, following adoption, the City Planner recommended an amendment thereto to modify the ratio between residential uses and nonresidential uses so as to reduce the density of the nonresidential uses; and

WHEREAS, pursuant to said recommendation and following notice and publication as required by law and receipt of a favorable recommendation from the Planning Board, the City Council of the City of Englewood adopted Ordinance No. 02-20 entitled "An Ordinance Amending Section 4-17.9(a) of the Zoning Ordinance of the City of Englewood, as amended by Ordinance No. 02-12 pertaining to the PUD-1 Overlay Zoning District" on October 29, 2002; and

WHEREAS, in conjunction with further amendments to the Master Plan of the City of Englewood by the Planning Board, the City Council of the City of Englewood restated and amended Ordinance Nos. 02-12 and 02-20 by adopting Ordinance No. 03-07 on July 22, 2003; and

WHEREAS, as a result of certain litigation instituted by ERA South, LLC, et al., the City entered into a Settlement Agreement which, among other things, required that the City consider amending the Planned Unit Development 1 (PUD-1) Overlay District in accordance with Exhibit A attached to said Settlement Agreement; and

WHEREAS, the City Council of the City of Englewood desires to introduce and adopt said amendments as set forth in Exhibit A attached to the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. The Zoning Ordinance of the City of Englewood is hereby amended and supplemented by repealing the current Section 4-17 thereof and replacing the same with a new Section 4-17 entitled "Zoning Standard for PUD-1 Overlay District", consisting of various sections and subsections as set forth on Exhibit A attached hereto and made a part hereof.

Section 2. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. This ordinance shall take effect after passage and publication as required by law; after filing of a copy of same with the Planning Board of the County of Bergen; and upon the entry of a Judgment of Compliance by the Superior Court of New Jersey in accordance with the terms and conditions of the Settlement Agreement between the City of Englewood, the Planning Board of the City of Englewood and various other parties approved by the City Council on June 28, 2011 by Resolution No. 151-06-28-11.

Exhibit A

4-17 ZONING STANDARD FOR PUD-1 OVERLAY DISTRICT

4-17.1. Purpose.

(a) The purpose of this ordinance with respect to the Planned Unit Development 1 (PUD-1) Overlay District is to provide for the development of an area as a single entity according to a plan containing both residential and non-residential uses subject to such specific conditions and limitations as set forth herein, so as to foster mixed use development in appropriate locations within the City of Englewood specified in the underlying zoning district.

(b) The further purpose of this ordinance as amended is to continue the regulation of certain areas formerly zoned PUD-1 for which some development approvals have previously been granted but to modify the conditions and limitations upon which further development may be permitted so as to foster mixed use development in appropriate locations within the City of Englewood specified in the underlying zoning district. Among other things, the purpose of this ordinance is to permit certain further residential and non-residential development within two areas within the PUD-1 overlay district, defined and designated in Section 4-17A.2 as the Supplemental Development Area and the North Office Pad, but only subject to specific conditions and limitations set forth herein which are intended to foster mixed development in the overlay zone.

4-17.2. Permitted Uses.

Within the Planned Unit Development 1 (PUD-1) Overlay District and subject to the specific conditions and limitations set forth in this section no land or building shall be used, nor shall any building be constructed, altered or designed to be used, for any purpose other than the following:

- (a) Multifamily dwellings;
- (b) attached townhouse dwellings;
- (c) business, professional or governmental offices

- (d) hotels and conference centers
- (e) ancillary retail uses including banks, restaurants and retail sales and services
- (f) accessory parking decks and structures
- (g) accessory uses to permitted principal uses.

4-17.3. General Site Zoning.

Any Planned Unit Development shall comply with the following specific conditions and limitations:

- (a) Minimum Aggregate Area: 12 Acres. Contiguous lot or lots separated by public streets or rights-of-way, other than divided highways, may be combined for the purpose of calculating aggregate area.
- (b) Maximum Impervious Coverage: 80%
- (c) Floor Area Ratio is calculated on the basis of the total aggregated lot size (minimum size is 12 acres) of the site plan.
- (d) Maximum Floor Area Ratio for Combined Commercial Development and hotel/conference center (ratio of total gross floor area constructed to total lot area): 0.72 (Floor area ratio excludes parking and parking decks) except as hereinafter provided.
- (e) Maximum Floor Area Ratio for Residential Development (ratio of total gross residential floor area constructed to total lot area): 0.75 (Maximum floor area ratio includes all levels of parking decks).
- (f) Density of Residential Units (attached townhouse or Multifamily dwellings):
 1. 25 Multifamily dwelling units per acre of total aggregated lot size, or
 2. 7.5 attached townhouse units per acre of total aggregated lot size.
 3. For any combination of Multifamily dwelling units and attached townhouse units, the permissible number of Multifamily dwelling units shall be reduced by 25 for each 7.5 attached townhouse units or part thereof.
- (g) Minimum 10' planting buffer between any existing industrial use.
- (h) Minimum 20% landscaped pervious area.
- (i) Signage shall comply with the provisions of Section 4-6.13 of the Zoning ordinance.

4-17.4. Office Zoning:

The development of business, professional and governmental office uses shall comply with the following specific conditions and limitations.

- (a) Maximum Height: Building height shall be limited to 10 stories and 120 feet (including parking deck structures).
- (b) Maximum Gross Square Footage of Ancillary Retail Space: the lesser of 5% of total Gross Floor Area or 30,000 square feet.
- (c) Office Buildings may not be constructed within 100 feet of Overpeck Creek Channel Walls.
- (d) Parking: 4.0 spaces for every 1,000 square feet of Gross Floor Area including retail areas for buildings under 100,000 square feet, or 3.5 spaces for every 1,000 square feet of Gross Floor Area including retail areas for buildings having 100,000 square feet or more.
- (e) Setback from existing Hotel and/or Office Use: 30 feet

(f) Setback from existing Residential Use: 50 feet.

(g) Notwithstanding the maximum height and maximum floor area ratio for combined commercial development and hotel/conference center, for each 1% increase in landscaped pervious area over and above the 20% required, an increase in floor area ratio will be permitted of .01 and one story and 12 feet will be added to the permitted height up to a maximum floor area ratio for combined commercial development and hotel/conference center of .75, a maximum number of 12 stories and a maximum height of 144 feet.

4-17.5 Hotel and Conference Center Zoning:

The development of Hotel and Conference Center uses shall comply with the following specific conditions and limitations:

(a) Maximum Height: the lesser of 10 stories or 120 feet.

(b) Hotel/or Conference Center may not be constructed within 100 feet of Overpeck Creek Channel Walls.

(c) Parking: 1.2 spaces for each room plus 10 spaces per 1,000 square feet of Conference Center. Conference Center is defined as the gross square footage of all space encompassing conference rooms and auxiliary rooms that service the conference rooms (excluding kitchen area).

(d) Setback from existing Hotel and/or Office Use: 30 feet.

(e) Setback from existing Residential Use: 50 feet.

(f) Notwithstanding the maximum height and maximum floor area ratio for combined commercial development and hotel/conference center, for each 1% increase in landscaped pervious area over and above the 20% required, an increase in floor area ratio will be permitted of .01 and one story and 12 feet will be added to the permitted height up to a maximum floor area ratio for combined commercial development and hotel/conference center of .75, a maximum number of 12 stories and a maximum height of 144 feet.

4-17.6 Multifamily Zoning:

The development of Multifamily residential dwellings shall comply with the following specific conditions and limitations:

(a) Maximum Height: The lesser of five stories or 59 feet in height.

(b) Maximum Area of Single Building Coverage: 48,000 square feet.

(c) Parking: In accordance with the New Jersey Residential Site Improvement Standards (RSIS) plus 3.5 spaces for each 1,000 square feet of ancillary retail gross floor area.

(d) Maximum Ancillary Retail Space shall not exceed the lesser of 15% of the Gross Floor Area or 30,000 square feet, whichever is less.

(e) Setback from existing Hotel and/or Office Use: 30 feet.

4-17.7 Townhouse Zoning:

The development of Attached Townhouse dwelling units shall comply with the following specific conditions and limitations:

(a) Maximum height: 35 feet not to exceed three (3) stories.

(b) Maximum area of single building: 4,500 square feet.

(c) Maximum gross floor area: 13,500 square feet.

(d) Parking: three (3) spaces for each townhouse unit.

(e) Setback from another townhouse building - minimum 20 feet.

(f) Setback from Multifamily residential, office or hotel/conference center minimum 30 feet.

4-17.8 Parking Deck Zoning:

The development of parking decks shall comply with the following specific conditions and limitations:

- (a) Maximum height: the lesser of 7 stories or 84 feet.
- (b) Parking decks may not be constructed within 100 feet of Overpeck Creek Channel Walls.
- (c) Setback from Residential Use: 30 feet unless used to serve residential units.

4-17.9 Required Ranges Between Residential and Non-Residential.

To insure an appropriate balance of non-residential to residential uses within a Planned Unit Development, the following range of non-residential uses to residential uses is hereby required and shall be specified and depicted on any site plan required in connection therewith.

(a) There shall be no more than 30 residential units (either multiple family dwelling units or attached townhouse dwelling units) for each 20,000 square feet of non-residential development (excluding parking). (02-20)

(b) The land area within a Planned Unit Development designated for residential development shall not exceed 75% of the total land area within the Planned Unit Development, inclusive of parking.

4-17A ZONING STANDARDS FOR FURTHER DEVELOPMENT IN THE SUPPLEMENTAL DEVELOPMENT AREA AND NORTH OFFICE PAD WITHIN THE PUD-1 OVERLAY ZONE

4-17A.1 Title and Scope.

This section may be referred to as the PUD Supplemental Development Area Standards (PUD-SDA Standards). It establishes standards for further development in the Supplemental Development Area and North Office Pad areas within the PUD-1 Overlay Zone as defined and designated in Section 4-17A.2,

4-17A.2 Definitions

Except as otherwise expressly stated in this section, the following terms shall have the following meanings:

- (a) "North Office Pad" means Block 2518, Lot 1.01.
- (b) "Qualified Retail Uses" means facilities for the sale of goods or services to the public, but excluding facilities in which the predominant good or service sold is
 - i. paint;
 - ii. hardware;
 - iii. appliances;
 - iv. clothing;
 - v. shoes;
 - vi. jewelry;
 - vii. cameras;
 - viii. finished works of art;
 - ix. liquor, but not excluding
 - (1) qualified retail uses in which wine, beer or liquor sold for consumption on-site and

(2) qualified retail uses which sell wine, beer or liquor for external consumption but whose predominant business on site is the sale of other goods or services, provided that no more than 20% of the shelf space is devoted to wine, beer, or liquor products.

- x. bicycles;
- xi. eye glasses or contact lens (optician); and
- xii. stationary or greeting cards.

(c) "Supplemental Development Area" means the area encompassed by "Block 2602, Lot 3.01, Block 2602, Lot 3.02, Block 2602, Lot 3.03, Block 2602, Lot 3.04, Block 2605, Lot 1.01, and Block 2605, Lot 1.02 as designated on the official tax map of the City of Englewood.

(d) "Supplemental Multifamily Housing" means 195 multifamily residential dwellings excluding those that had received preliminary or final site plan approval prior to January 1, 2007.

(e) "Gross floor area" means the sum of the gross horizontal internal areas of all the floors of a building (or buildings), measured from the exterior faces of exterior walls, or from the center line of walls common to two buildings, except that the floor area shall include only 75% of any basement or cellar space and shall exclude any parking or parking structures.

(f) "Further development" means development which receives preliminary or final site plan approval after June 1, 2011.

4-17A.3 Applicability

Except as otherwise provided within the PUD-SDA Standards, further development within the Supplemental Development Area and North Office Pad shall be governed by the PUD-1 Overlay Zone (codified as 4-17.1 et seq) and the PUD-SDA Standards. Where there is any conflict or inconsistency as to the standards governing such development, the PUD-SDA Standards shall control. The PUD-SDA Standards do not govern development in the PUD-1 Overlay Zone other than within the Supplemental Development Area and the North Office Pad.

4-17A.4 Additional Permitted and Non-Permitted Uses.

(a) Within the Supplemental Development Area and North Office Pad, and subject to the specific conditions and limitations set forth in this section, the following uses shall be permitted in addition to those permitted in the PUD-1 Overlay Zone.

(1) qualified retail uses.

(b) Within the Supplemental Development Area and North Office Pad, Ancillary Retail Uses as defined in Section 4-17.2(e) are prohibited.

4-17A.5 Supplemental Multifamily Housing

(a) Supplemental Multifamily Housing shall be permitted only in the Supplemental Development Area.

(b) Except as expressly stated to the contrary, Supplemental Multifamily Housing shall comply with the standards set forth in the PUD-1 Overlay Zone for Multifamily Housing and shall also comply with the following standards

1. Maximum number of units: 195.
2. Maximum gross floor area: 257,400 square feet.
3. The housing shall not include any units with more than two bedrooms.
4. Parking: In accordance with the New Jersey Residential Site Improvement Standards (RSIS). Because of the location, anticipated demographic characteristics of residents, availability of mass transit, an applicant for development approval of Supplemental Multifamily Housing shall have the right, upon request, to utilize an alternative parking standard under the RSIS of 1.6 parking spaces for each dwelling unit.

(c) Supplemental Multifamily Housing shall not be included in the Maximum Floor Area Ratio for Residential Development set forth in the PUD-1 Overlay Zone standards but the aggregate gross floor area for all Supplemental Multifamily Housing shall not exceed 257,4000 square feet.

(d) Supplemental Multifamily Housing shall not be subject to the standards for Density of Residential Units (attached townhouse or multifamily dwellings) set forth in the PUD-1 Overlay Zone, but the total number of Supplemental Multifamily Housing units shall not exceed 195 units.

(e) Supplemental Multifamily Housing shall not be subject to the standards for Maximum Area of Single Building Coverage for Multifamily Housing in the PUD-1 Overlay Zone.

(f) Supplemental Multifamily Housing shall not be subject to standards for Parking for Multifamily Housing in the PUD-1 Overlay Zone.

4-17A.6 Office Buildings

(a) Office Buildings shall be permitted within the North Office Pad and the Supplemental Development Area, including medical offices.

(b) The gross floor area of any office building within the Supplemental Development Area or the North Office Pad shall not be less than 40,000 square feet nor exceed 200,000 square feet.

4-17A.7 Qualified Retail Zoning

The development of qualified retail uses shall comply with the following specific conditions and limitations:

- (a) Qualified retail uses shall be permitted only in the Supplemental Development Area.
- (b) Maximum aggregate gross floor area – 15,000 square feet.
- (c) Maximum gross floor within a single store
 - 1. Restaurant or specialty grocery store -- 15,000 square feet,
 - 2. Other qualified retail use – 10,000 square feet
- (d) Maximum height – The lesser of two stories or 30 feet
- (e) Parking: one space per 250 square feet of floor area

4-17B ZONING STANDARDS FOR EXISTING NORTH RESIDENTIAL PAD PARCEL AND NORTH EXISTING RETAIL PAD PARCEL

4-17B.1 Title and Scope.

This section may be referred to as the PUD Existing North Development Area (“PUD-ENDA”) Standards. It establishes standards for the current developed areas in the North Residential Pad parcel and the North Retail Pad parcel as defined and designated in Section 4-17B.2.

4-17B.2 Definitions.

Except as otherwise expressly stated in this section, the following terms shall have the following meanings:

- (a) “North Residential Pad” means Block 2517, Lot 3.03.
- (b) “North Retail Pad” means Block 2518, Lot 1.02.

4-17B.3 Applicability.

(a) Except as otherwise provided within the PUD-ENDA Standards, development within the North Residential Pad and the North Retail Pad, i.e., the PUD-ENDA, shall be governed by the PUD-1 Overlay Zone (Codified as 4-17.1) and the PUD-ENDA Standards. Where there is any conflict or inconsistency as to the standards governing such development, the PUD-ENDA Standards shall control. The PUD-ENDA Standards do not govern development in the PUD-1 Overlay Zone other than within the North Residential Pad and the North Retail Pad.

(b) Zoning compliance for applications for development for parcels in the PUD-ENDA shall be calculated without reference to any parcels in the Supplemental Development Area or the North Office Pad, and the owners of any

parcels in the Supplemental Development Area or of the North Office Pad need not be parties to any such applications, regardless of the existence of any approvals involving those parcels prior to the adoption of this provision. However, calculations for parking in the PUD-ENDA may include parking spaces in the Supplemental Development Area or the North Office Pad, if there is a permanent easement of record which provides parking rights pursuant to any such prior approval.

4-17B.4 Specific Standards for PUD-ENDA.

Notwithstanding anything to the contrary set forth in the PUD-1 Overlay District (Codified as 4-17.1 to -17.9) the following provisions shall replace and supersede only in the PUD-ENDA the density and linkage requirements of the PUD-1 Overlay District:

- (a) Density of Residential Units (Multifamily dwellings):
30 Multifamily dwellings units per acre of total aggregated lot size
- (b) Required Ranges Between Residential and Non-Residential:
Deleted in the PUD-ENDA.

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		AB
Reddin	X	Y
Cohen		Y
Drakeford		Y

Public Comment on Agenda Items:

- Phil Vogel 318 Marlboro Road
 - Asked about Resolution # 158 and what it means.
- Mack Cauthen 252 Cambridge Avenue
 - Inquired about Resolution # 156 appointing the PACO officer, and if a salary is involved.
- Lucy Walker 363 Washington Place
 - Asked where the dredged material will go after it is removed from Quarry Pond at Flat Rock Brook Nature Center (Resolution # 155).
 - Ken Albert, City Engineer explained that it will be treated onsite with non toxic reactive material that will leave the dredged material clean and it will be reutilized onsite at the nature center. NJDEP will certify that it meets their standards for clean fill.
 - Also asked what happened to dredged material from Miller’s Pond.
 - Mr. Albert explained that was dredged in 1991 and all the dredged material was sent out of state to a landfill as was the practice twenty years ago.
- Rosemary Scott 215 Shepard Avenue
 - Inquired about Resolution # 156 appointing the PACO officer.

RESOLUTION #155-07-19-11

AWARD PROFESSIONAL SERVICES CONTRACT TO RBA ENGINEERS TO PROVIDE SERVICES TO FLAT ROCK BROOK NATURE CENTER FOR QUARRY POND DREDGING (3)

WHEREAS, the City Council of the City of Englewood had approved the dredging project and funding for the Quarry Pond in 1010 and awarded professional services contracts to RBA Engineers to prepare plans, permit applications to the New Jersey Department of Environmental Protection and to serve as the City’s Licensed Site Remediation Professional (LSRP) for the project; and

WHEREAS, the Flat Rock Brook Nature Association has recommended that the City retain RBA to serve as the on-site project representative to provide construction observation services and to provide project management and LSRP services until the project is complete; and

WHEREAS, the City Engineer concurs with the recommendation of the Flat Rock Brook Nature Association and has recommended that RBA Engineers, Located at 7 Campus Drive, Suite 300, Parsippany, New Jersey 07054 be engaged pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the additional value of this contract will not exceed \$59,124 plus 19,500 for the direct expenses for testing and sampling for a total of \$78,624.00 in the 2011 operating year for the following services:

- Prepare a remedial investigation workplan
- Prepare the remedial investigation report
- Prepare a hazardous discharge site remediation fund application
- Prepare a remedial action workplan
- Provide oversight of Quarry Pond Dredging and Design Treatment of Sediments
- Prepare a remedial action report
- Prepare a remedial action outcome report
- Provide Project Management Oversight for the close out of this site

WHEREAS, RBA Engineers will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et. seq. and the City of Englewood Ordinance No. 07-31; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to RBA Engineers to provide professional services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and RBA Engineers to provide the above referenced scope of work for the Quarry Pond Dredging project;

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and the Business Entity Disclosure Certification and the Determination of Value be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED, that the City Clerk is authorized to cause a brief notice to be published once in the Official newspaper stating the nature, duration, service, and amount of the contract that the resolution and contract are on file and available for public inspection in the office of the City Clerk.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>					X
<i>Reddin</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

RESOLUTION #156-07-19-11

APPOINT PUBLIC AGENCY COMPLIANCE OFFICER

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, do hereby appoint Timothy Dacey as Public Agency Compliance Officer for the City of Englewood, to fulfill an unexpired One (1) Year Term terminating December 31, 2011.

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward a certified copy of this resolution to the Department of Treasury, State Affirmative Action Office.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>					X
<i>Reddin</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

RESOLUTION #157-07-19-11

AUTHORIZING GRANT APPLICATION FOR MUNICIPAL ALLIANCE FUNDING

WHEREAS, The City Council of the City of Englewood, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the City of Englewood, County of Bergen, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of an application for the City of Englewood Municipal Alliance grant for calendar year 2012 in the amount of \$15,759.00.
2. The City Council acknowledges the terms and conditions of administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>					X
<i>Reddin</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

RESOLUTION # 158-07-19-11

**AMENDING RESOLUTION # 145-06-28-11 FOR
A PLACE -TO- PLACE TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE**

WHEREAS, the Place to Place transfer of Plenary Retail Consumption License #0215-33-024-012, theretofore issued to 21 Palisade Avenue LLC trading as Blue Moon Mexican Cafe for the premises located at 21 E. Palisade Avenue, Englewood, NJ 07631 to the premises located at 23-25 E. Palisade Avenue, Englewood, NJ 07631, was previously approved in Resolution # 145-06-28-11; and

WHEREAS, the effective date of July 21, 2011 must be changed to an effective date in the future; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective August 8, 2011, the Place to Place transfer of the aforesaid Plenary Retail Consumption License #0215-33-024-012 to 21 Palisade Avenue LLC trading as Blue Moon Mexican Cafe for premises located at 23-25 E. Palisade Avenue, Englewood, NJ 0763.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>					X
<i>Reddin</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

RESOLUTION #159-07-19-11

AWARD PROFESSIONAL SERVICES CONTRACT TO VIRGONA + VIRGONA ARCHITECTS

WHEREAS, the City of Englewood requires a qualified architect to consult on a project proposal made regarding development and expansion of the Shop-Rite Retail Business located on Nathaniel Place and accessed from Palisade Avenue/Tallman Place which will incorporate properties to the West of both the existing retail structure and its southerly parking lot area. Shop-Rite has purchased several of these properties to accumulate land area for the proposed expansion; and

WHEREAS, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Virgona + Virgona Architects located at 115 River Road, Suite 1031, Edgewater, New Jersey, 07020 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the value of this contract will not exceed \$4,000 in the 2011 operating year for the following services; and

- Visit and document the site and immediate surroundings, specifically noting the existing surrounding buildings' age, condition, architectural style or significance, scale, use(s), vegetation, and other characteristic elements of the neighborhood.
- Obtain all pertinent site drawings and neighborhood information from the City Engineer, including the present planning proposal(s).
- Examine the City Zoning Ordinance and evaluate the current proposal regarding use, housing element(s), landscaping buffers, fencing/perimeter security, street front improvements, site access, etc.
- Design and consider alternative solutions to the current proposal which may include alternative housing solutions, building orientation, building scale, buffer zones, salvage/reuse of existing structures, vehicular access/traffic patterns, etc.
- Preparation of conceptual drawings, renderings or sketches along with a narrative explaining our findings.
- Inclusion of one meeting before the City of Englewood Planning Board or other board having jurisdiction.
- Provide alternatives to Shop-Rite's assumptions.
- Review "Resolution of Englewood Planning Board Reviewing Proposed Ordinance #10-04" adopted July 27, 2010.

WHEREAS, Virgona + Virgona Architects will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Virgona + Virgona Architects to provide professional labor counsel services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Virgona + Virgona Architects to provide the services as specified above;

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to cause a brief notice to be published once in the Record newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection in the office of the City Clerk

MOTION TO TABLE RESOLUTION # 159-07-19-11 WAS APPROVED

Public Session:

- Paula McCloud 169 Central Avenue:
 - Spoke about Lincoln School and a plaque on the Englewood Avenue side of the building that should be removed if the building is to be demolished.
 - Asked where it would be kept after removal.
- Anita Newkirk Tryon Avenue:
 - Spoke about the increase in pool fees causing low membership and lack of utilization of the pools.
- Nellie Nieves-Colon 156 Phelps Avenue:
 - Complained about construction vehicles being parked at a home on Phelps Avenue (next to #164).
- Israel Wertentheil 164 Van Nostrand Avenue:
 - Spoke in support of Ordinance #11-10, especially in regard to improvements at Denning Soccer Field.
 - Englewood Soccer program Board Member.

- Phil Vogel 318 Marlboro Road:
 - Thanked DPW again for removal of trees on Marlboro Road.
 - Complained about trees in Englewood are not being maintained.
 - Had proposed a cooperative plan a number of years ago to maintain the trees and would have been very cost effective. Would have included Nelson Tree Co, PASE&G, and the City.
 - Commented on the park at Cambridge Avenue and Knickerbocker Road.
 - Compared old versus new Councils.
- Steve Moskowitz 227 Cambridge Avenue:
 - Spoke about park at Cambridge Avenue and Knickerbocker Road, and its importance to the character of the neighborhood.
 - Asked if the land is really designated as “Green Acres”.
- Travis Waller Palisade Avenue:
 - Spoke about the RFQ/RFP proposal submitted by the Englewood on the Palisades Charter School for the Lincoln School.
 - Also spoke about foreclosures and ratables.
- Mack Cauthen 252 Cambridge Avenue
 - Discussed the park at Cambridge Avenue and Knickerbocker Road, and that it was one of the original landfills for the City.
 - Addressed the problems that occur when a park is used as a staging area for construction projects.
- Jeanne Hopewell 380 Liberty Road:
 - Complained about lack of restroom facilities in Englewood’s parks.
 - Suggested the City put in port-a-potties as Teaneck has.
- Lucy Walker 363 Washington Place:
 - Spoke about the possibility of the Board of education opening a school building and providing programs for teens in the summer.
- Sandy Greenberg 449 Liberty Road:
 - Thanked the Mayor and Council for tabling Resolution # 159.
 - Spoke about the need for people to be more involved in the City and attend Council meetings not just when there is a particular item that they are interested in.
- Suzanne Patzold 312 W. Palisade Avenue:
 - Inquired about the tree inventory.
 - Replacement of trees in the West Palisade Avenue islands.
- Laura Vogel 318 Marlboro Road:
 - Spoke about increase in pool fees, and asked how they can be addressed before the summer is over.
 - Concerned about chemical usage by landscapers throughout the City.
- Leonardo Acosta 81 Charles Street:
 - Discussed James Street and that whatever is done there should be built on both sides of James Street (East and West).
 - Shop-Rite owned properties are not well maintained and he cannot believe that there are no open property maintenance violations on them.
- Rosemary Scott 315 Shepard Avenue:
 - Asked about the pool management contract with American Leisure.
 - Spoke about increase in pool fees.
- Alva Jones 87 DuBois:
 - Spoke about needing a Community Center that can provide activities for the City’s children.
- Angela David 195 Cambridge Avenue:
 - Discussed the park at Cambridge Avenue and Knickerbocker Road.

- Sandy Greenberg 449 Liberty Road:
 - Spoke about environmental issues and chemical spraying.
 - The flow of the stream from Millers Pond needs to be checked.

- Halina Gasiorek 7 James Court:
 - Spoke about James Street and the Shop-Rite expansion.
 - Concerned about the rezoning of the area from Single Family homes to Multi Family homes.

RESOLUTION #160-07-19-11

PERMIT THE COUNCIL OF THE CITY OF ENGLEWOOD TO ENTER INTO CLOSED SESSION

BE IT RESOLVED by the Council of the City of Englewood, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Litigation and Personnel

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- () Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- () Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- (X) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>		X			
<i>Reddin</i>	X	X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

ADJOURN: 10: 50PM

Motion: Huttle
All in Favor

Lauren Vande Vaarst, RMC
City Clerk