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*Borough of Upper Saddle River*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BERGEN ROCKLAND ERUV ASSOCIATION, YISROEL FRIEDMAN, S. MOSHE PINKASOVITS, SARAH BERGER, MOSES BERGER, CHAIM BREUER, YOSEF ROSEN, and TZVI SCHONFELD,	Civil No.: 2:17-CV-05512-JMV- CLW
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Plaintiffs,

v.

THE BOROUGH OF UPPER SADDLE  
RIVER,

Defendant.

Civil Action

**DECLARATION OF  
ROBERT T. REGAN, ESQ.**

I, Robert T. Regan, Esq., declare under penalty of perjury:

1. I am Borough Attorney for the Borough of Upper Saddle River ("BUSR").
2. I am licensed to practice law in the State of New Jersey and have been a practicing attorney since 1977.
3. My practice has long concentrated on municipal, zoning and land use law.

4. I am the counsel of record in fifteen reported decisions, many in the areas of municipal and zoning law.

5. I am a Trustee of the New Jersey Institute of Local Government Attorneys (NJILGA) and, in 2009, I received NJILGA's Fred G. Stickel Award for excellence in the field of local government law.

6. Since 2005, pursuant to an appointment by Judge Jonathan N. Harris, J.S.C., I have served as a court master/monitor for East Rutherford and Carlstadt in Tomu Development Co., Inc. v. Boroughs of Carlstadt and East Rutherford, Superior Court of New Jersey, Law Division, Bergen County, Docket Nos. BER-L-5894-03 and 5895-03, which is known as the Mount Laurel builder's remedy litigation.

7. I have served various Bergen County, New Jersey municipalities since 1979. I served as Edgewater's Borough Attorney from 1979 to 2006 and Leonia's Planning Board Attorney from 1985 to 2007.

8. I currently represent the Planning Boards of Montvale, Norwood and Old Tappan, New Jersey. I represent the Zoning Board of Adjustment in Oradell, New Jersey. Further, I have served as Borough Attorney for Midland Park since 1994, Rockleigh since 2011, Haworth since 2014 and USR since 1989.

9. Given this background, I have extensive personal and professional knowledge with respect to the drafting of local

ordinances in New Jersey (and USR in particular), and the procedures that must be followed by persons seeking relief from and/or to comply with local ordinances in USR and state statutes.

**USR ORDINANCE 16-15**

10. In 2014, USR had a particularly contentious election season that resulted in a proliferation of political signs being attached to utility poles, street signs and other stationary objects.

11. In 2014, the Administration and Mayor and Council all knew of the unusual proliferation of signage, largely propelled by controversies regarding a referendum to rezone a large tract of land that some believed could meet USR's fair housing obligations.

12. Since 2014, the Mayor and Council have both been concerned with refining and amending the USR Code to address the proliferation of signage. However, because other legislative priorities ended up taking precedence over this issue, the necessary amendments were not drafted until the fall of 2015, as another election cycle approached.

13. To the best of my knowledge, the primary reason Ordinance 16-15 was drafted was to address the proliferation of political signs on public property.

14. Ordinance 16-15 was intended to apply to all signs and attachments on utility poles without reference to content or source.

15. To my knowledge, the topics of *lechis* and *eruv* were not discussed by the Mayor and Council in connection with Ordinance 16-15.

16. I was present for the August 18, 2015 closed meeting of the mayor and council, accordingly, I was present for the only conversation I recall there being with respect to an eruv. I recall there was only one very short, matter-of-fact conversation about *eruv* at an executive session of the Mayor and Council. This brief discussion was reflected in the August 18, 2015 meeting minutes. At the time of this meeting, nearly nothing was known about the Vaad haEruv's alleged license and plan. Accordingly, when the issue was briefly raised, the Borough Administrator, Theodore Preusch, was asked to obtain more detail from Orange and Rockland (O & R), the local electric utility company that owns some utility poles in USR.

17. To my knowledge, Mr. Preusch requested such information from O & R, but O & R did not provide USR additional information about the Vaad haEruv's alleged license until over a year later.

18. In furtherance of drafting an ordinance that would address the Mayor and Council's concerns about posting signs,

devices, and objects on utility poles, given that the primary impetus was the proliferation of political signage, I researched free speech issues and ordinances from similarly-situated municipalities. I took from that research that the ordinance needed to be content and viewpoint neutral.

19. The first reading of Ordinance 16-15 occurred at the September 3, 2015 regular meeting of the Mayor and Council. See attached as **Exhibit "A"** a true and correct copy of the minutes from the September 3, 2015 regular meeting of the Mayor and Council evidencing the first reading of Ordinance 16-15.

20. At the October 1, 2015 regular meeting of the Mayor and Council, Ordinance 16-15 was introduced for public comment, but nobody commented on the proposed Ordinance at the public hearing. See attached as **Exhibit "B"** a true and correct copy of the minutes from the October 1, 2015 regular meeting of the Mayor and Council evidencing that no public comment was given in response to the introduction of Ordinance 16-15.

21. To my knowledge, no one connected with the eruv contacted the Administration and/or the Mayor and Council to discuss, suggest amendments, or in any way make an opinion known concerning this ordinance. There was no issue that I recall among the public as to the ordinance, which is proven by the complete lack of any public comment.

22. I have no knowledge of any conversations or communications involving the Mayor and Council relating to enacting this ordinance to subvert or prevent the creation of an eruv.

23. Ordinance 16-15 unanimously passed and was then codified as USR Code §122-17G. See attached as **Exhibit "C"** a true and correct copy of USR Code §122-17G prohibiting the posting of signs and devices on utility poles.

**PROCEDURE FOR SEEKING RELIEF FROM USR**

24. N.J.S.A. 48:3-19 requires consent of the municipality to use utility poles of another utility pole owner. To obtain municipal consent pursuant to this statute, an applicant must request that the Borough Clerk arrange for the Mayor and Council to consider the use of both O & R's and Verizon's utility poles, including attachments made to them. After this, the Mayor and Council would typically seek additional information from the applicant with respect to the proposed use. Finally, the Mayor and Council would consider the applicant's use at the next regularly scheduled meeting of the Mayor and Council.

25. To display a sign within USR an applicant must comply with the permitting requirements of USR Code Chapter 150. See attached as **Exhibit "D"** a copy of relevant USR Code Chapter 150 provisions. If a permit is not issued, the applicant can appeal the denial of the permit with the USR Joint Planning and Zoning

Board. However, if an applicant sought to affix a sign, device, or object in a manner not consistent with Chapter 150, then the applicant would be required to seek a variance from the USR Joint Planning and Zoning Board. To my knowledge, numerous persons have followed this procedure and historically sign variances have been granted.

26. Further, similar to the procedure for N.J.S.A. 48:3-19, if someone wished to post or affix a sign, device, or other object to a utility pole in contravention of Ordinance 16-15, codified as USR Code § 122-17G, an applicant would be required to seek a waiver of the ordinance from the Mayor and Council.

27. Finally, if an applicant sought to use a utility pole in USR and the use is contrary to the USR Code the applicant would also have the option to request, before the Mayor and Council, that USR amend and modify the existing code.

**I declare under penalty of perjury that the foregoing is true and correct.**

By:



Robert T. Regan, Esq.  
Borough Attorney, Borough of  
Upper Saddle River

Executed on: October 30, 2017

# **EXHIBIT A**



Minutes of the Regular Meeting of the Mayor and Council held on Thursday, September 3, 2015 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

Pursuant to the Open Sunshine Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record by fax, mail on December 19, 2014 in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of August 18, 2015 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilman DeBerardine.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of August, 2015 and deposited them with the Collector/Treasurer:

Copies	\$	8.55
Garage Sales		16.00
Landscape Permits		20.00
Total	\$	44.55

The Borough Clerk's office issued 8 dog licenses for the month of August. \$12.60 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Police: Report for the month of August was received and filed.

DPW: Report for the month of August was received and filed.

Fire Dept: Report for the month of August was received and filed.

Borough Official's Report:

Construction Code Official: Report for the month of August was received and filed.

RULE 4. Communications, Petitions & Bills:

Resolution from Township of Rochelle Park and Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,524,744.00:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,524,744.00 was unanimously approved by

all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 5. Unfinished Business:

Councilwoman Florio read for the second time: (Ord. #13-15)

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, VEHICLES AND TRAFFIC".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilwoman Florio, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, VEHICLES AND TRAFFIC" was introduced at a Regular meeting of the Mayor and Council on August 18, 2015 and passed its first reading. After public hearing held on September 3, 2015 it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 6. New Business:

CONSENT AGENDA: All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Council and shall be so approved. There will be no separate discussion of these items unless a Council member or citizen so requests, in which case the item will be considered in its normal sequence.

A motion to approve Consent Agenda by Councilman Hafner, seconded by Councilman Ditkoff was unanimously approved by all Council members present.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

\*Resolution #69-15

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 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

WHEREAS, the Local Finance Board has promulgated 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 have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and Recommendations

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:

General Comments and Recommendations

as evidenced by the Group Affidavit form of the governing body; 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, as per the regulations of the Local Finance Board; 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 promulgations 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. 54:27BB-52 - "A local officer or member 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 additions shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Upper Saddle River, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

\*Resolution #70-15

WHEREAS, the Borough of Upper Saddle River advertised for the receipt of bids for the acquisition of a 3,000 Gallon Pumper-Tanker, with bids to be submitted on August 12, 2015; and

WHEREAS, on the aforesaid date, one (1) bid was submitted from Firefighter One LLC dba FF1 Professional Safety Services (hereinafter "Firefighter One"); and

WHEREAS, while the bid was submitted by Firefighter One, the required bid bond was submitted in the name of Ferrara Fire Apparatus Inc. of Holden, Louisiana; and

WHEREAS, the failure to provide a bid bond in the name of the bidder constitutes a defect which is not waivable.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby reject the bid submitted by Firefighter One; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to advertise for the receipt of bids for the aforementioned Pumper-Tanker.

\*Resolution #71-15

WHEREAS, N.J.S.A.40A:5-29 permits a local unit to accept bequests and gifts made to it; and

WHEREAS, Mr. Jason Sippel has offered to make a donation in memory of long-time Upper Saddle River resident Arthur Crames, for the purchase of new digital radios; and

WHEREAS, these items will be utilized by the Upper Saddle River Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River hereby gratefully accepts this kind gift; and

BE IT FURTHER RESOLVED, that a letter expressing our gratitude be sent to Mr. Jason Sippel for his generous donation.

\*Authorize Borough Clerk to seek bids for Snowplowing Services for the 2015-2016 season.

Councilman DeBerardine read for the first time: (Ord. #14-15)

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES".

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES" was introduced at a Mayor and Council meeting on September 3, 2015 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on October 1, 2015 at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Ditkoff read for the first time: (Ord. #15-15)

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC".

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC" was introduced at a Mayor and Council meeting on September 3, 2015 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on October 1, 2015 at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Durante read for the first time: (Ord. #16-15)

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED STREETS AND SIDEWALKS".

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED STREETS AND SIDEWALKS" was introduced at a Mayor and Council meeting on September 3, 2015 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on October 1, 2015 at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Mayor Minichetti appointed Robert Jacobs to serve as a Class IV member on the Upper Saddle River Planning Board to December 31, 2016.

A motion by Councilwoman Florio, seconded by Councilman Hafner to appoint Claudia Haller to serve on the Upper Saddle River Youth Guidance Council to December 31, 2015.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditzkoff, Durante, Florio, Hafner. Nays: None.

RULE 7. Public Comments:

In response to an inquiry by Ms. Carolyn Jean Christman, 478 W. Saddle River Road, regarding submission of an application for a Superstorm Sandy flood grant, Mayor Minichetti explained that Upper Saddle River had no flooding and therefore was not eligible for a flood grant, but that the Borough received a \$300,000 grant for the cleaning and de-snagging of rivers and brooks.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman Ditzkoff was unanimously approved by all Council members present. (Meeting adjourned at 8:27 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk

ready

SEP

**Other Bill List****3-Sep-15****Affordable Housing**

Burgis Associates	1104	5,050.00
The Buzak Law Group	1105	14,038.61
		<u>19,088.61</u>

**Construction Escrow Account**

Loeffler/Eisenhauer	1699	500.00
Michael Roth	1700	5,437.75
		<u>5,937.75</u>

**Health Dept Account**

Current Fund	1017	2,042.00
		<u>2,042.00</u>

**Open Space**

Playground Medic	1431	1,125.00
Christopher Statile	1432	140.00
		<u>1,265.00</u>

**Other Trust Account**

Avenue Printing	5450	329.05
Chet Bednarz	5451	2,500.00
Boswell Engineering	5452	18,065.72
Jennifer Bottini	5453	2,681.25
Paul Douglas	5454	2,500.00
Gary & Lisa Halperin	5455	2,500.00
Mark Madaio	5456	610.00
Sharon Mattiace	5457	3,375.00
Joseph Shamoun	5458	2,500.00
		<u>35,061.02</u>

<b>Total Other Funds</b>		<b>63,394.38</b>
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<b>CURRENT</b>	<b>3,951,608.71</b>
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<b>CAPITAL</b>	<b>44,208.71</b>
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<b>PAYROLL ACCOUNT</b>	<b>396,553.51</b>
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<b>WIRE TRANSFERS</b>	<b>68,978.69</b>
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<b>GRAND TOTAL</b>	<b>4,524,744.00</b>
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September 3, 2015  
01:03 PMUPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CURRENTCOLUMBIA to CURRENTCOLUMBIA Range of Check Dates: 08/19/15 to 09/03/15

Report Type: All Checks

Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

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19094	09/03/15	00137 VERIZON	2,999.64		2045
19095	09/03/15	00300 BOARD OF EDUCATION	1,817,172.00		2045
19096	09/03/15	00510 CAPITAL ACCOUNT	1,000,000.00	09/03/15 VOID	2045
19097	09/03/15	01025 FEDEX	78.98		2045
19098	09/03/15	01280 LAWRENCE RAUCH	101.64		2045
19099	09/03/15	01796 IZENBERG APPRAISAL ASSOCIATES	600.00		2045
19100	09/03/15	02000 MAHWAH FORD SALES & SERVICE	38.14		2045
19101	09/03/15	02360 NORTHERN HIGHLANDS REGIONAL HS	1,029,241.33		2045
19102	09/03/15	02400 NORTHWEST BERGEN MUTUAL AID	850.00		2045
19103	09/03/15	02520 OFFICE BUSINESS SYSTEMS, INC.	2,606.00		2045
19104	09/03/15	02921 POSTMASTER	520.00		2045
19105	09/03/15	02990 PUBLIC SERVICE ELECTRIC AND	92.75		2045
19106	09/03/15	03150 REAL TIME CONSULTANTS, INC.	208.92		2045
19107	09/03/15	03165 ROBERT T. REGAN, ESQ.	3,688.50		2045
19108	09/03/15	03420 STONE INDUSTRIES	1,771.29		2045
19109	09/03/15	03779 UNITED WATER NEW JERSEY	5,570.60		2045
19110	09/03/15	B MDP BOROUGH OF MIDLAND PARK	152.00		2045
19111	09/03/15	BALANCE BALANCE POINT	232.94		2045
19112	09/03/15	BCMCAA BCMCAA	40.00		2045
19113	09/03/15	BLACKBUR BLACKBURN MANUFACTURING CO.	275.84		2045
19114	09/03/15	BOR BOROUGH OF UPPER SADDLE RIVER	71.60		2045
19115	09/03/15	COFFE COFFEE ASSOCIATES, INC.	86.85		2045
19116	09/03/15	DE LA DE LAGE LANDEN FIN SVCS	375.00		2045
19117	09/03/15	DELTA DELTA DENTAL PLAN OF NJ, INC.	6,396.85		2045
19118	09/03/15	DIRECT E DIRECT ENERGY BUSINESS	6,462.96		2045
19119	09/03/15	EASC EAST COAST EMERGENCY	627.33		2045
19120	09/03/15	EDMU EDMUNDS & ASSOCIATES, INC.	1,118.30		2045
19121	09/03/15	GARTN EDWARD GARTNER	89.64		2045
19122	09/03/15	GREAT GREAT BLUE LAKE & POND	320.50		2045
19123	09/03/15	HIGHW HIGHWAY TRAFFIC SUPPLY	378.90		2045
19124	09/03/15	HOME HOME DEPOT CREDIT SVCS	163.63		2045
19125	09/03/15	HORIZON HORIZON TERMITE & PEST CONTROL	75.00		2045
19126	09/03/15	INTWA INTERSTATE WASTE SERVICES INC	39,756.45		2045
19127	09/03/15	MADAI MARK D. MADAIO, ESQ.	2,172.63		2045
19128	09/03/15	MORAN MORANO'S MARKET	92.50		2045
19129	09/03/15	NEW NJ MUNICIPAL COURT ADM. ASSOC	75.00		2045
19130	09/03/15	NJLM NEW JERSEY LEAGUE OF	55.00		2045
19131	09/03/15	OPT OPTIMUM	119.95		2045
19132	09/03/15	OPTI OPTIMUM	89.90		2045
19133	09/03/15	OPTIMU OPTIMUM	99.90		2045
19134	09/03/15	OPTIMUM OPTIMUM	164.79		2045
19135	09/03/15	PERENNIA PERENNIAL SERVICES LLC	305.00		2045
19136	09/03/15	PETCL PETTY CASH CLERK	84.47		2045
19137	09/03/15	POSTA POSTAGE BY PHONE RESERVE ACCT	628.11		2045
19138	09/03/15	RACHL RACHLES/MICHELE'S OIL CO., INC	638.53		2045
19139	09/03/15	RAMSE RAMSEY HARDWARE & PAINT	33.35		2045
19140	09/03/15	READY READY REFRESH BY NESTLE	980.34		2045
19141	09/03/15	READY RE READY REFRESH BY NESTLE	33.61		2045



September 3, 2015  
01:03 PM

UPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 2

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
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19142	09/03/15	REGAN ROBERT T. REGAN	5,733.33		2045
19143	09/03/15	ROGUT ROGUT MCCARTHY LLC	828.30		2045
19144	09/03/15	ROHSLER ROHSLER'S ALLENDALE NURSERY	140.28		2045
19145	09/03/15	RUTGERS RUTGERS, THE STATE UNIVERSITY	781.00		2045
19146	09/03/15	STA STAPLES	64.20		2045
19147	09/03/15	STAP STAPLES, INC.	1,133.12		2045
19148	09/03/15	STAT STATE OF NEW JERSEY	9.00		2045
19149	09/03/15	STATE STATE OF NEW JERSEY	725.35		2045
19150	09/03/15	STATILE CHRISTOPHER P. STATILE, P.A.	295.00		2045
19151	09/03/15	STOTHOFF SAMUEL STOTHOFF COMPANY	345.00		2045
19152	09/03/15	TOWNSHIP TOWNSHIP OF MAHWAH	6,034.19		2045
19153	09/03/15	TRI-STAT TRI-STATE TECHNICAL SERVICES	1,319.37		2045
19154	09/03/15	VE VERIZON WIRELESS	38.01		2045
19155	09/03/15	VERIZ VERIZON WIRELESS	180.98		2045
19156	09/03/15	VERIZONW VERIZON WIRELESS	20.02		2045
19157	09/03/15	VERZN VERIZON WIRELESS	280.11		2045
19158	09/03/15	VRZN VERIZON WIRELESS	60.86		2045
19159	09/03/15	WESTY WESTY STORAGE CENTERS	854.00		2045
19160	09/03/15	WITMER WITMER PUBLIC SAFETY GROUP INC	1,398.30		2045
19161	09/03/15	00510 CAPITAL ACCOUNT	1,000,000.00		2047
19162	09/03/15	03230 ROCKLAND ELECTRIC COMPANY	3,124.07		2047
19163	09/03/15	03779 UNITED WATER NEW JERSEY	501.59		2047

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	70	1	3,951,608.71	1,000,000.00
Direct Deposit:	0	0	0.00	0.00
Total:	70	1	3,951,608.71	1,000,000.00

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	70	1	3,951,608.71	1,000,000.00
Direct Deposit:	0	0	0.00	0.00
Total:	70	1	3,951,608.71	1,000,000.00

September 3, 2015  
01:04 PM

UPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CAPITAL to CAPITAL Range of Check Dates: 08/19/15 to 09/03/15  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
<b>CAPITAL GENERAL CAPITAL FUND</b>					
2871	09/03/15	10-75 10-75 EMERGENCY LIGHTING LLC	8,633.98		2046
2872	09/03/15	D L D & L PAVING CONTRACTORS INC.	29,785.00		2046
2873	09/03/15	EASC EAST COAST EMERGENCY	1,360.97		2046
2874	09/03/15	VAN G VAN GROUW WELDING, INC.	4,428.76		2046
<b>Checking Account Totals</b>					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	4	0	44,208.71	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	4	0	44,208.71	0.00
<b>Report Totals</b>					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	4	0	44,208.71	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	4	0	44,208.71	0.00

September 3, 2015  
01:09 PM

UPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: WIRE TRANSFERS to WIRE TRANSFERS Range of Check Dates: 08/19/15 to 09/03/15  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
WIRE TRANSFERS WIRES					
100082	09/03/15	STNJ STATE OF NEW JERSEY	68,978.69		2048
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	68,978.69	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	1	0	68,978.69	0.00
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	68,978.69	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	1	0	68,978.69	0.00

# EXHIBIT B

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 1, 2015 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

Mr. Steven Benvenisti, Vice Chairman of MADD presented the Distinguished Service Award to Police Officers Joseph Farrow, Michael Spina and Collin Gurney for their meritorious service enforcing laws in order to protect the community and make our roads safer from drunk driving violations.

Pursuant to the Open Sunshine Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record by fax, mail on December 19, 2014 in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Absent
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of September 3, 2015 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilman DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of September, 2015 and deposited them with the Collector/Treasurer:

Copies	\$	5.45
Garage Sales		18.00
Landscape Permits		10.00
Total	\$	33.45

The Borough Clerk's office issued 2 dog licenses for the month of September. \$2.40 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proofs of publication were received for the following:

- 1) Adoption of Ord. #10-15 - Soil Removal
- 2) Adoption of Ord. #11-15 - Parking at Library
- 3) Adoption of Ord. #12-15 - Land Exchange
- 4) Introduction of Ord. #13-15 - Vehicles & Traffic
- 5) Notice to Bidders - 2015 Road Improvement Project

Police: Report for the month of September was received and filed.

DPW: Report for the month of September was received and filed.

Fire Dept: Report for the month of September was received and filed.

Library: Report for the month of September was received and filed.

Borough Official's Report:

Construction Code Official: Report for the month of September was received and filed.

Other Boards & Commissions:

Municipal Court: Report for the month of August was received and filed.

RULE 4. Communications, Petitions & Bills:

NBCUA Minutes of July 21, 2015.

Resolutions from Borough of Ramsey and Bd. Of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$3,894,247.84:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,894,247.84 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #14-15)

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES".

Mayor Minichetti opened the public hearing, there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 2015 it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Ditkoff read for the second time: (Ord. #15-15)

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, VEHICLES AND TRAFFIC" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 2015 it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Durante read for the second time: (Ord. #16-15)

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED STREETS AND SIDEWALKS".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilwoman Florio:

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, STREETS AND SIDEWALKS" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 2015 it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 6. New Business:

CONSENT AGENDA: All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Council and shall be so approved. There will be no separate discussion of these items unless a Council member or citizen so requests, in which case the item will be considered in its normal sequence.

A motion to approve Consent Agenda by Councilman Hafner, seconded by Councilwoman Florio was unanimously approved by all Council members present.

Roll Call: Ayes: Council members DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

\*Resolution #61-15

WHEREAS, application for renewal of an alcoholic beverage license has been received from BESO XOXO, 209 State Highway Route 17, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities; and

WHEREAS, pursuant to N.J.S.A.33:1-12.39, the New Jersey Division of Alcoholic Beverage Control Commission has granted a Special Ruling N.J.S.A. 33:1-12.39 for the 2015-2016 license term;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2015 to June 30, 2016, with approval based upon the representations set forth in the petitioner's notarized letter;

License #0263-33-003-004

A Plenary Retail Distribution License is hereby issued to BESO XOXO Corporation, 209 State Highway Route 17, Upper Saddle River, N.J. 07458.

\*Resolution #72-15

WHEREAS, the Borough of Upper Saddle River entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of the Borough of Upper Saddle River recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and



WHEREAS, the Borough Council of the Borough of Upper Saddle River has determined that it is in the best interests of the citizens of the Borough of Upper Saddle River to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Upper Saddle River, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Upper Saddle River hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Upper Saddle River with Econsult Solutions, Inc.

The Borough Council of the Borough of Upper Saddle River hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Upper Saddle River with the approval of the Borough's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Upper Saddle River further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Upper Saddle River shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

\*Resolution #73-15

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Fire Chief Erik Verheilig attended the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 17 and 18, 2015; and

BE IT RESOLVED that the Treasurer is hereby authorized to issue him a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

\*Resolution #74-15

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the following lifetime firemen attended the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 17 and 18, 2015:

Larry Rauch  
John Manke  
Joseph Kelly  
Joseph Raymond

BE IT RESOLVED that the Treasurer is hereby authorized to issue each of them a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

\*Resolution #75-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 22, 2015 to provide Snowplowing Services for the 2015-2016 season; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446 was the lowest responsible bidder in an amount of \$130.00 to \$150.00 per hour as the base bid and \$120.00 to \$150.00 per hour as the alternate bid; and

WHEREAS, the submission has been reviewed and found to be in conformance with the specifications;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract to Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446, to provide 2015-2016 Snowplowing Services; bid;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for the aforesaid service after same has been prepared by the Borough Attorney.

\*Resolution #76-15

WHEREAS, the Upper Saddle River Public Library and the Upper Saddle River Historical Society is co-sponsoring a Harvest Festival on Sunday, October 25, 2015; and

WHEREAS, Upper Saddle River Municipal Code §98-6.1B permits the Mayor and Council to suspend the parking regulations at Lions Memorial Park, the Public Library and the Goetschius Museum;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby suspend the parking regulations which require a permit sticker and/or placard for Sunday, October 25, 2015.

\*Resolution #77-15

WHEREAS, the Borough of Upper Saddle River ("the Borough") is the owner of certain premises known as Block 1002, Lot 4.02 as depicted on the Borough tax map ("the property" or "the premises") which encompasses a land area of approximately 7.8 acres; and

WHEREAS, the Borough is desirous to have the property developed with a total of seventy (70) affordable housing units, forty-six (46) of which would be available to senior citizens and twenty-four (24) units for special needs individuals; and

WHEREAS, the Borough has reviewed a presentation by the Housing Development Corporation of Bergen County ("the Housing Corporation"), a not-for-profit corporation and an affiliated entity of the Bergen County Housing Authority; and

WHEREAS, N.J.S.A. 40A:12-21(1) permits a municipality to convey land to a duly incorporated non-profit housing corporation for the purpose of constructing low and moderate income housing; and

WHEREAS, a Ground Lease Option Agreement has been prepared which provides for a Ground Lease between the Borough and the Housing Corporation and an option to the Housing Corporation to obtain funding by September 30, 2016, provided that by said date the Housing Corporation performs all due diligence in connection with the property, including but not limited to, environmental studies and filing a development application with the Borough for the construction of the affordable units as described aforesaid; and

WHEREAS, the Governing Body has determined that execution of this Ground Lease Option Agreement will advance the purpose of constructing affordable housing units on the property in furtherance of the Borough's Affordable Housing Plan.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the Ground Lease Option Agreement on behalf of the Borough.

\*Resolution #78-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 22, 2015 for the Acquisition of a 3000 gallon Pumper/Tanker; and

WHEREAS, in response to said advertisement for proposals, three (3) bids were received, with the submission by First Priority, 2444 Ridgeway Blvd., Manchester, New Jersey 08759 being the lowest responsible bidder in the amount of \$662,187.00; and

WHEREAS, the bid has been reviewed by the Borough Attorney and found to be in conformance with the specifications;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract to First Priority, 2444 Ridgeway Blvd., Manchester, New Jersey 08759;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for the aforesaid service after same has been prepared by the Borough Attorney.

A motion by Councilman Durante, seconded by Councilwoman Florio to approve Fire Department membership of Arman Fardanesh:

Roll Call: Ayes: Council member DiMartino, Ditkoff, Durante, Florio, Hafner.  
Nays: None.

Councilman Ditkoff read for the first time: (Ord. #17-15)

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, ZONING".

Resolution by Councilman Ditkoff, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING" was introduced at a Mayor and Council meeting on October 1, 2015 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on November 3, 2015 at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Roll Call: Ayes: Council member DiMartino, Ditkoff, Durante, Hafner.  
Nays: Councilwoman Florio.

RULE 7. Public Comments:

Mr. Thomas Farley, 49 Elizabeth Terrace, suggested Upper Saddle River and Mahwah purchase the Apple Ridge property for use as a 9 hole golf course and recreation. Mayor Minichetti informed Mr. Farley that a subdivision application for development of single family homes on the property was approved by the Planning Board at a meeting held last night. Mr. Barry Ervin, 50 Mill Glen Road was informed that after lengthy discussions, the resolution regarding development of the property will reflect a number of conditions, as required by the Planning Board.

Mr. Scot Beckerman introduced himself as the new Northern Highlands Regional High School Superintendent of Schools and offered the Council his assistance. Mayor Minichetti thanked and welcomed Mr. Beckerman.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 8:27 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk

OCT

**Other Bill List****1-Oct-15****Affordable Housing**

Piazza & Assoc	1106	575.13
The Buzak Law Group	1107	10,851.01
Mark D. Madaio	1108	420.00
		<u>11,846.14</u>

**Animal Account**

N.J. Dept of Health	4200	21.00
		<u>21.00</u>

**Construction Escrow Account**

Karen & Steven Begleiter	1701	7,295.00
William & Debra Ferri	1702	500.00
David Jackson	1703	6,350.25
		<u>14,145.25</u>

**DARE**

Creative Products	7583	2,791.80
		<u>2,791.80</u>

**Health Dept Account**

Current Fund	1018	1,479.00
Treasurer, State of NJ	1019	175.00
		<u>1,654.00</u>

**Open Space**

North Jersey Irrigation	1433	4,122.50
Perennial Svcs	1434	10,077.00
Trico Electric	1435	297.85
APG Security	1436	4,936.10
		<u>19,433.45</u>

**Other Trust Account**

Raffe & Suzy Balabanian	5459	1,050.00
Carbon Productions	5460	1,000.00
Mark Madaio	5461	3,070.00
Michael & Asha Roth	5462	2,500.00
		<u>7,620.00</u>

<b>Total Other Funds</b>	<b>57,511.64</b>
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<b>CURRENT</b>	<b>3,323,866.38</b>
<b>CAPITAL</b>	<b>48,284.57</b>
<b>PAYROLL ACCOUNT</b>	<b>395,606.56</b>
<b>WIRE TRANSFERS</b>	<b>68,978.69</b>

<b>GRAND TOTAL</b>	<b>3,894,247.84</b>
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October 1, 2015  
01:09 PMUPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CURRENTCOLUMBIA to CURRENTCOLUMBIA Range of Check Dates: 09/04/15 to 10/01/15  
Report Type: All Checks

Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENTCOLUMBIA	CURRENT COLUMBIA BANK ACCOUNT				
19164	09/08/15	INTWA INTERSTATE WASTE SERVICES INC	16,146.55		2049
19178	10/01/15	Alignment Check		VOID	
19179	10/01/15	Alignment Check		VOID	
19180	10/01/15	00075 AMERICAN TRADE MARK CO.	136.80		2052
19181	10/01/15	00105 AVENUE PRINTING COMPANY	2,149.55		2052
19182	10/01/15	00300 BOARD OF EDUCATION	1,817,172.00		2052
19183	10/01/15	00720 CURRENT ACCOUNT	4,513.84		2052
19184	10/01/15	00913 DOWNES TREE SERVICE, INC.	1,185.00		2052
19185	10/01/15	00985 EMPLOYEE DATA FORMS OF MO LLC	27.25		2052
19186	10/01/15	01025 FEDEX	64.90		2052
19187	10/01/15	01868 MICHAEL L. KINGMAN, ESQ.	250.00		2052
19188	10/01/15	02025 WILFRED MACDONALD, INC.	5,811.36		2052
19189	10/01/15	02120 MUNICIPAL RECORD SERVICE	1,176.00		2052
19190	10/01/15	02195 TREASURER	1,200.00		2052
19191	10/01/15	02360 NORTHERN HIGHLANDS REGIONAL HS	1,029,241.33		2052
19192	10/01/15	02376 NORTH JERSEY MEDIA GROUP INC.	442.93		2052
19193	10/01/15	02402 HARRY D. NORTON JR., ESQ.	350.00		2052
19194	10/01/15	02674 PITNEY BOWES GLOBAL FIN SVCS	912.00		2052
19195	10/01/15	02990 PUBLIC SERVICE ELECTRIC AND	100.31		2052
19196	10/01/15	03150 REAL TIME CONSULTANTS, INC.	200.00		2052
19197	10/01/15	03165 ROBERT T. REGAN, ESQ.	2,150.00		2052
19198	10/01/15	03230 ROCKLAND ELECTRIC COMPANY	2,564.39		2052
19199	10/01/15	03420 STONE INDUSTRIES	791.68		2052
19200	10/01/15	03425 STORR TRACTOR COMPANY	120.06		2052
19201	10/01/15	03705 TROPICANA CASINO RESORT	190.00		2052
19202	10/01/15	03779 UNITED WATER NEW JERSEY	5,980.93		2052
19203	10/01/15	03790 UPPER SADDLE RIVER LIBRARY	228,680.50		2052
19204	10/01/15	10-75 10-75 EMERGENCY LIGHTING LLC	1,055.08		2052
19205	10/01/15	A A A & A SIGNS	475.00		2052
19206	10/01/15	ABCHS ABCHS	190.00		2052
19207	10/01/15	ABLE ABLE ROLLING STEEL DOOR, INC.	1,065.00		2052
19208	10/01/15	AGES AGE'S AUTO, LLC	887.10		2052
19209	10/01/15	APPROVED APPROVED SURGICAL SUPPLIES INC	60.00		2052
19210	10/01/15	BALANCE BALANCE POINT	436.60		2052
19211	10/01/15	BARR OFF BARR OFFICE SUPPLY, INC.	20.50		2052
19212	10/01/15	BERGEN B BERGEN BRICK, STONE & TILE	262.50		2052
19213	10/01/15	BOR BOROUGH OF UPPER SADDLE RIVER	53.49		2052
19214	10/01/15	BORGA BORGATA HOTEL CASINO & SPA	4,495.00		2052
19215	10/01/15	BOROUG BOROUGH OF RIVERLDALE	150.00		2052
19216	10/01/15	BUON BUONO TO THE MAX	182.19		2052
19217	10/01/15	C C C & C TIRE, INC.	253.60		2052
19218	10/01/15	CAROU CAROUSEL CAKES	258.65		2052
19219	10/01/15	COFFE COFFEE ASSOCIATES, INC.	89.85		2052
19220	10/01/15	DALE SHERRI D'ALESSANDRO	30.00		2052
19221	10/01/15	DE LA DE LAGE LANDEN FIN SVCS	375.00		2052
19222	10/01/15	DELGA DELGADO INTERPRETING SERVICE	300.00		2052
19223	10/01/15	DELTA DELTA DENTAL PLAN OF NJ, INC.	6,813.13		2052
19224	10/01/15	DIRECT E DIRECT ENERGY BUSINESS	632.95		2052
19225	10/01/15	DRAEGER DRAEGER SAFETY DIAGNOSTICS INC	169.00		2052



October 1, 2015  
01:09 PMUPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 2

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENTCOLUMBIA CURRENT COLUMBIA BANK ACCOUNT Continued					
19226	10/01/15	DSP P DSP PRODUCTS, INC.	80.00		2052
19227	10/01/15	EDMU EDMUNDS & ASSOCIATES, INC.	132.84		2052
19228	10/01/15	ESAU ESAU ALI	160.49		2052
19229	10/01/15	FAIL SAF FAIL SAFE HOSE TESTING	2,713.75		2052
19230	10/01/15	FIREFIGH FIREFIGHTER ONE LLC	4,668.22		2052
19231	10/01/15	FJH FJH TRUCK REPAIRS	2,316.44		2052
19232	10/01/15	FRANCOS ANTHONY FRANCO'S RISTORANTE	33.70		2052
19233	10/01/15	GALLO KENNETH GALLO, ESQ.	125.00		2052
19234	10/01/15	GARTN EDWARD GARTNER	304.62		2052
19235	10/01/15	GREEN GREEN LION DIGITAL LLC	510.66		2052
19236	10/01/15	Alignment Check		VOID	
19237	10/01/15	HIGHW HIGHWAY TRAFFIC SUPPLY	285.20		2052
19238	10/01/15	HOME HOME DEPOT CREDIT SVCS	493.41		2052
19239	10/01/15	HORIZON HORIZON TERMITE & PEST CONTROL	75.00		2052
19240	10/01/15	HUDS HUDSON CITY BANK	3,130.00		2052
19241	10/01/15	HUNTERDO HUNTERDON HILLS PLAYHOUSE	150.00		2052
19242	10/01/15	INTWA INTERSTATE WASTE SERVICES INC	39,756.45		2052
19243	10/01/15	LEPOR GENE P. LEPORIERE	131.89		2052
19244	10/01/15	LIFE LIFESAVER, INC.	238.16		2052
19245	10/01/15	LOVELESS HELENA LOVELESS	25.00		2052
19246	10/01/15	MADAI MARK D. MADAI, ESQ.	783.50		2052
19247	10/01/15	MCKIRDY MCKIRDY & RISKIN, P.A. AND	5,141.12		2052
19248	10/01/15	MORAN MORANO'S MARKET	92.50		2052
19249	10/01/15	NAT T NATIONAL TICKET CO	105.11		2052
19250	10/01/15	NATI NATIONAL LAWN & EQUIPMENT	599.41		2052
19251	10/01/15	NJ LE NJ LEAGUE OF MUNICIPALITIES	49.00		2052
19252	10/01/15	NJ PUBLI NJ PUBLIC SAFETY ACCREDITATION	299.00		2052
19253	10/01/15	NJLEAGUE NJ LEAGUE OF MUNICIPALITIES	55.00		2052
19254	10/01/15	NJLM NEW JERSEY LEAGUE OF	900.00		2052
19255	10/01/15	NORTON NORTON PAINT	52.18		2052
19256	10/01/15	OPT OPTIMUM	119.95		2052
19257	10/01/15	OPTI OPTIMUM	89.90		2052
19258	10/01/15	OPTIM OPTIMUM	79.90		2052
19259	10/01/15	OPTIMU OPTIMUM	99.90		2052
19260	10/01/15	OPTIMUM OPTIMUM	164.79		2052
19261	10/01/15	PA P&A AUTO PARTS	1,671.91		2052
19262	10/01/15	PERFECT PERFECT CUT TREE SERVICE	200.00		2052
19263	10/01/15	PETCL PETTY CASH CLERK	106.36		2052
19264	10/01/15	POSTA POSTAGE BY PHONE RESERVE ACCT	729.92		2052
19265	10/01/15	RACHL RACHLES/MICHELE'S OIL CO., INC	3,014.58		2052
19266	10/01/15	RAMSE RAMSEY HARDWARE & PAINT	81.19		2052
19267	10/01/15	READY READY REFRESH BY NESTLE	135.57		2052
19268	10/01/15	READY RE READY REFRESH BY NESTLE	66.46		2052
19269	10/01/15	REGAN ROBERT T. REGAN	5,733.33		2052
19270	10/01/15	ROCKE ROCKET BUILDING SUPPLY CO.	250.00		2052
19271	10/01/15	RUDOX RUDOX ENGINE & EQUIPMENT CO	450.00		2052
19272	10/01/15	RUGGED RUGGED OUTFITTERS	2,505.12		2052
19273	10/01/15	SAFE LAN SAFE LAND TITLE AGENCY	3,290.00		2052
19274	10/01/15	SCHEPISI SCHEPISI & MCLAUGHLIN, P.A.,	90,000.00		2052
19275	10/01/15	SIRCH SIRCHIE FINGER PRINT LABS	104.50		2052
19276	10/01/15	STAP STAPLES, INC.	0.00	10/01/15 VOID	0
19277	10/01/15	STAP STAPLES, INC.	1,314.53		2052



October 1, 2015  
01:09 PMUPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 3

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENTCOLUMBIA CURRENT COLUMBIA BANK ACCOUNT Continued					
19278	10/01/15	STER STERLING RENTAL, INC.	3,620.00		2052
19279	10/01/15	STROBES STROBES N'MORE	885.93		2052
19280	10/01/15	SWIFT SWIFTREACH NETWORKS, INC.	250.00		2052
19281	10/01/15	TK TK COMMUNICATIONS CONSULTANTS	1,194.02		2052
19282	10/01/15	TRI-STAT TRI-STATE TECHNICAL SERVICES	2,180.00		2052
19283	10/01/15	VE VERIZON WIRELESS	38.01		2052
19284	10/01/15	VER VERIZON	34.70		2052
19285	10/01/15	VERIZ VERIZON WIRELESS	178.08		2052
19286	10/01/15	VERIZONW VERIZON WIRELESS	20.02		2052
19287	10/01/15	VERZN VERIZON WIRELESS	280.11		2052
19288	10/01/15	VIC GERA VIC GERARD GOLF CARS	215.00		2052
19289	10/01/15	WARDS WARDS ICE CREAM	989.80		2052
19290	10/01/15	XEROX XEROX CORP	288.13		2052
19291	10/01/15	HEALTH HEALTH DEPT	265.00		2054
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	111	4	3,323,866.38	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	111	4	3,323,866.38	0.00
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	111	4	3,323,866.38	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	111	4	3,323,866.38	0.00

October 1, 2015  
01:10 PMUPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CAPITAL to CAPITAL Range of Check Dates: 09/04/15 to 10/01/15  
 Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
<b>CAPITAL GENERAL CAPITAL FUND</b>					
2875	10/01/15	CDW-G CDW GOVERNMENT	697.12		2051
2876	10/01/15	MOBILE MOBILE TECHTRONICS, INC	6,914.45		2051
2877	10/01/15	VAN G VAN GROUW WELDING, INC.	1,600.00		2051
2878	10/01/15	WINNE WINNER FORD	30,188.00		2051
2879	10/01/15	DEJANA DEJANA TRUCK & EQUIPMENT, INC	8,885.00		2053
<b>Checking Account Totals</b>					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	5	0	48,284.57	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	5	0	48,284.57	0.00
<b>Report Totals</b>					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	5	0	48,284.57	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	5	0	48,284.57	0.00

October 1, 2015  
01:10 PM

UPPER SADDLE RIVER BOROUGH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: WIRE TRANSFERS to WIRE TRANSFERS Range of Check Dates: 09/04/15 to 10/01/15  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
<hr/>					
WIRE TRANSFERS	WIRES				
100083	10/01/15	STNJ STATE OF NEW JERSEY	68,978.69		2050
<hr/>					
Checking Account Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	68,978.69	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	<u>1</u>	<u>0</u>	<u>68,978.69</u>	<u>0.00</u>
<hr/>					
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	1	0	68,978.69	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	<u>1</u>	<u>0</u>	<u>68,978.69</u>	<u>0.00</u>

# EXHIBIT C

*Adopted 10/1/15*

**BOROUGH OF UPPER SADDLE RIVER**

**ORDINANCE #16-15**

**AN ORDINANCE TO AMEND CHAPTER 122 OF THE  
CODE OF THE BOROUGH OF UPPER SADDLE  
RIVER ENTITLED, "STREETS AND SIDEWALKS".**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

**Section 1.**

Chapter 122 of the Code of the Borough of Upper Saddle River, Streets and Sidewalks, Article III, Borough Road Regulations, §122-17, Unlawful Acts, be and is hereby amended to add the following paragraph:

"G. Post or affix any sign, advertisement, notice, poster, paper, device, or other matter to any public utility pole, shade tree, lamp post, curbstone, sidewalk, or upon any public structure or building, except as may be authorized or required by law."

**Section 2. Fines and Penalties.**

For violation of any provision of this Ordinance, the fines and penalties shall be in accordance with §1-15 of the Borough Code.

**Section 3. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the

controversy which such judgment shall be rendered.


**Section 4. Inconsistent Ordinances Repealed.**

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 5. Effective Date.**

This Ordinance shall take effect after publication thereof and final passage as required by law.

  
JOANNE L. MINICHETTI, Mayor

  
ROSE VIDO, RMC Borough Clerk

Introduced: 9/3/15  
Adopted: 10/1/15  
Approved: 10/1/15

# EXHIBIT D

Borough of Upper Saddle River, NJ  
Friday, October 27, 2017

## Chapter 150. Zoning

### Article I. General Provisions

#### § 150-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### **ACCESSORY**

A building or use which is clearly incidental or subordinate to the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of the principal building in applying the bulk regulations to accessory buildings.

##### **AREA OF SIGN**

The surface area computed by drawing a rectangle touching the outermost edges of letters comprising the sign, or the area established by reason of distinctive variation in background color, by borders or by some other equivalent manner, whichever is greater.

[Amended 11-14-1985]

##### **BERM**

A quantity of dirt, stone, fill or other suitable material or combinations of material, which is mounded up by a property owner.

[Added 9-13-1990 by Ord. No. 18-90]

##### **BILLBOARD**

An outdoor signboard or surface used for announcements, advertising posters or sign purposes.

[Amended 11-14-1985]

##### **BUFFER**

A portion of a lot along its front, rear or side lot line which contains only landscaping elements and does not contain any building, parking area or driveway, except that a front buffer may contain one or more driveways connecting the lot with the street, provided that such driveways are substantially perpendicular to the front lot line.

[Added 7-12-1984]

##### **BUILDING**

Any combination of materials forming a construction. The term "building" is not intended to include underground construction which permits the use of the ground above as if no construction existed. The term "building" shall include the term "structure" as well as the following:

- A. Signs.
- B. Fences.
- C. Walls, except retaining walls projecting above the ground not more than three feet at the higher ground level and not more than 6 1/2 feet at the lower ground level.
- D. Radio and television antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.



E. Porches, carports and other similar structures.

#### **BUILDING, COMPLETELY ENCLOSED**

A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls pierced only by windows or normal entrance or exit doors.

#### **BUILDING COVERAGE**

The percentage of lot area which is improved with the principal building and any accessory buildings. Roofs, porches or similar extensions of any building shall be included as part of the building coverage. Any eave or similar projection shall be considered a part of the building for the computation of building coverage and the distance to the property line.

[Added 9-10-1981; amended 12-28-1995 by Ord. No. 20-95]

#### **BUILDING, DETACHED**

A building surrounded by open space on the same lot.

#### **BUS**

A vehicle accommodating nine or more passengers and not classified as a station wagon by the manufacturer.

#### **COMMON OWNERSHIP**

Ownership of two or more contiguous parcels of real property by one person or by two or more persons owning such property jointly as tenants by the entirety or as tenants in common.

#### **DWELLING, ONE-FAMILY**

A detached building containing one dwelling unit only.

#### **DWELLING UNIT**

A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entranceways or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding- or rooming house, house trailer or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

#### **EARTH STATION ANTENNA (receiver only)**

An antenna, usually a dish antenna, whose purpose it is to receive television signals.

[Added 8-11-1983]

#### **EQUIPMENT, COMMERCIAL**

Any equipment such as log splitters, wood chippers, cement mixers, bulldozers, track diggers, surface graders, payloaders, landscaping and farm tractors or any other like equipment, either transported on trailer or under its own power. Expressly excluded from the meaning of this term are the typical homeowner lawn mower, lawn and garden tractor with trailer, snowplow or blower or similar equipment.

[Added 10-12-1994 by Ord. No. 15-94]

#### **FAMILY**

Any number of persons, related or not, living together as a single housekeeping unit.

[Amended 5-8-1986 by Ord. No. 8-86]

#### **FLOOR AREA RATIO (FAR)**

The ratio, expressed as a percent, of total floor area to total lot area.

[Added 9-10-1981]

#### **HEIGHT**

The vertical distance measured from the lowest exposed or adjacent grade of the building to the highest level of the roof, regardless of the type of roof, measured from natural grade.

[Amended 4-10-1996 by Ord. No. 1-96; 4-10-1999 by Ord. No. 3-99; 5-10-2000 by Ord. No. 5-00]

## **HOTEL**

A single building used in the business of furnishing sleeping and eating accommodations to the general public of at least two separate stories above ground level, containing:  
[Added 7-12-1984]

- A. At least 60 sleeping rooms, exclusive of public rooms and bathrooms.
- B. At least one restaurant within the building.
- C. A central entrance leading to a common lobby area, which lobby area shall contain the registration and service desk, which service desk shall be manned 24 hours a day.
- D. Sleeping rooms no less than 375 square feet in area, including closets and bathroom area.

## **IMPROVEMENT COVERAGE**

The area on and under the ground, expressed as a percent of total lot area, which is occupied or covered with the principal and accessory buildings and all other improvements on or to the land, including but not limited to parking areas, driveways, tennis courts, curbing, sidewalks, walkways, lot entranceways, patios, swimming pools, decks, signs, pads for air conditioning, lighting or other equipment, retention and detention basins of pervious and impervious surfaces and any other hard surface, whether or not paved by way of macadam, concrete, bricks or other types of paving stones or blocks or surfaced with stones or gravel. Excluded from this definition shall be retention and detention basins that are constructed of natural materials, sewer, drainage and utility lines, underground storage tanks, sculpture, fountains or other artworks or ponds that are designed either to be kept filled with water or to be kept landscaped when dry.  
[Added 9-10-1981; amended 12-28-1995 by Ord. No. 20-95]

## **LIGHT MANUFACTURING**

The shaping, assembly and treatment of previously processed raw materials by manual or machine operation, provided that any such use shall not:  
[Added 7-12-1984]

- A. Violate the performance standards or requirements of this chapter or any other ordinance of the Borough.
- B. Be a use expressly prohibited by this chapter.

## **LIVABLE FLOOR AREA**

The floor area of a dwelling, excluding basements, cellars, rooms for heating equipment, garages and unenclosed porches, breezeways and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway.

## **LOT**

A parcel of land, exclusive of any adjoining street, the location, dimensions and boundary of which are determined by description, as on a subdivision map of record or an official map, or by metes and bounds, which is occupied or intended to be occupied by one building and, if any, its accessory buildings, or by a group of buildings as permitted by this chapter, and including such open spaces appurtenant to such building or group of buildings as are required by this chapter.

### **A. LOT, CORNER**

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect on an interior angle of less than 135°.

### **B. LOT, DEPTH OF**

The mean perpendicular distance between the front and rear lot lines.

### **C. LOT, WIDTH OF**

The distance between the side lot lines measured along the front setback line regardless of where a structure is located or proposed to be located.

[Amended 8-9-1979]

**D. LOT FRONTAGE**

The distance between the side lot lines measured along a street lot line, which shall be no less than 25 feet from the center line of a street other than State Highway Route 17 and no less than 60 feet from the center line of Route 17. If any street is required by any governmental authority to have a width greater than set forth herein, then, for purposes of this definition, the street lot line shall be the boundary between the lot and the street as fixed by such governmental authority.

[Added 8-9-1979]

**MOTEL**

Any building or group of buildings used in the business of furnishing sleeping accommodations to the public, other than a hotel as defined herein.

[Added 7-12-1985]

**MULTIFAMILY DWELLING**

A building designed or intended to contain three or more dwelling units located above, below or to the side of each other, and which may share common facilities, such as entryways, hallways and utility systems. This term may include apartments, condominiums, and cooperatives.

[Added 2-5-2015 by Ord. No. 1-15]

**NONCONFORMING BUILDING OR USE**

A building or use that does not conform to the regulations prescribed for the zone in which it is situated.

**NONCONFORMING LOT**

A lot or parcel which does not have the minimum width, depth or contain the minimum area for the district in which it is located.

**OFFICE BUILDING**

A building used primarily for business offices or where the major use is business offices as opposed to retail, warehouse, residential or manufacturing use.

[Added 11-14-1985]

**PARKING BAY**

The parking unit comprising an aisle and the one or two rows of stalls served by it.

**PRIVATE SWIMMING POOL**

Includes any artificially constructed swimming pool or tank established or maintained upon any premises by any individual for his own or his family's use or for the use of guests of his household which has a capacity for water depth of more than 24 inches and whether maintained above the ground or below ground level.

**SETBACK**

A specified distance from a lot line within which a building may not extend, except that all street lot line setback measurements are to commence 25 feet from the center line of the street or streets, except on State Highway Route 17, where all highway lot line setback measurements shall commence 60 feet from the center line of the highway.

**SIGN**

Any inscription written, printed, painted or otherwise placed on a board, plate, banner or upon any material object or any device whatsoever which, by reason of its form, color, wording, activity or technique or otherwise, attracts attention to itself, used as a means of identification, advertisement or announcement. As used in this chapter, the term shall apply only to such signs as are visible to persons located outdoors.

[Amended 11-14-1985]

**SINGLE OWNERSHIP**

Ownership by one person or by two or more persons, whether jointly, as tenants by the entirety or as tenants in common, of a separate parcel of real property.

#### **STORY**

That portion of a building between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the surface of the floor and the ceiling above it.

[Added 5-10-2000 by Ord. No. 5-00]

#### **STORY, FIRST**

The lowest story of the ground story of any building, the floor of which is not more than 12 inches below the ground level of the exterior walls of the building.

[Added 5-10-2000 by Ord. No. 5-00]

#### **STORY, HALF**

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

[Added 5-10-2000 by Ord. No. 5-00]

#### **TRAILER, HOUSE; MOTOR HOME; CAMPER; CAMPING VEHICLE; and CAMPING TRAILER**

Any vehicle used or intended to be used as a conveyance upon the public streets or highways, whether or not licensed as such, and includes self-propelled and non-self-propelled vehicles, as designed, constructed, reconstructed or added to by means of accessories in such a manner as to permit the occupancy thereof as a dwelling or sleeping place for one or more persons and having no foundation other than wheels, jacks or blocks.

[Amended 2-8-1973]

#### **VEHICLE, COMMERCIAL**

Any motor vehicle or trailer displaying commercial registration plates, or any motor vehicle or trailer having any permanent or temporary name, logo or other symbol applied to the vehicle which identifies it as a business or any attachment such as a toolbox, pipe rack, lumber rack, liftgate, snowplow and/or associated hydraulics, or any other accessory equipment that may indicate in any way that the vehicle is being used for purposes other than personal nonbusiness transportation.

[Added 10-12-1994 by Ord. No. 15-94]

#### **WADING POOL**

Any artificially constructed pool or tank which has the capacity for water depth of 24 inches or less and whether maintained above the ground or below the ground level.

#### **YARD**

##### **A. YARD, FRONT**

An unoccupied ground area fully open to the sky between the street line and a line parallel thereto, termed the setback line.

##### **B. YARD, REAR**

An unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto.

##### **C. YARD, SIDE**

An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line and a line drawn parallel thereto and between the front and rear yards.

## **Article V. Supplementary Regulations**

### **§ 150-21. Signs permitted in certain districts.**

[Added 11-14-1985]

- A. R-1 and R-2 Districts. The following provisions shall govern the placement of signs in the R-1 and R-2 Residence Districts:

[Amended 8-10-1994 by Ord. No. 14-94; 11-9-1994 by Ord. No. 17-94]

- (1) One sign shall be permitted on any premises used for residential purposes. The total area of such sign shall not exceed 12 square feet, and the height thereof shall not extend six feet above the natural grade of the property.
- (2) Only freestanding signs shall be permitted, and no sign shall be attached to a tree, pole, building or structure.
- (3) No sign shall be placed, located or displayed closer than eight feet to any property line. Historic site plaques issued by the Upper Saddle River Historical Commission designating a historical site are exempt from the provisions of this chapter.  
[Amended 11-12-2008 by Ord. No. 14-08]
- (4) No sign shall be placed upon any roadway or public right-of-way.
- (5) A sign shall be placed at a location so as not to obscure the line of sight at intersections or points of access to the premises being served or adjacent premises.
- (6) No sign shall be, in whole or part, moving, mobile, flashing or revolving.
- (7) No sign shall be illuminated externally by any light source, including but not limited to floodlights, illuminated signs or gas-filled tubes.
- (8) No sign shall have more than three colors, inclusive of its background, frame and decorative parts. For the purpose of this chapter, black and white shall be considered colors.
- (9) Any sign visible through a window on the interior of a premise and located within three feet of such window shall be considered a sign for the purpose of this chapter.
- (10) The provisions and regulations of Subsection A(1) through (8) above shall not apply to the following signs, which may be placed on premises in addition to the sign permitted in Subsection A:

- (a) A nonilluminated or indirectly illuminated nonflashing sign or signs identifying the residence, the resident or residents of the street address, or any combination thereof, and no such sign shall have an area of more than one square foot, nor shall the aggregate square footage of such signs, if there is more than one, exceed two square feet in area.
- (b) Professional nameplates for premises containing an office as a lawful nonconforming use, which may in addition to the sign or signs permitted in Subsection A(10)(a) above, have one nonilluminated or indirectly illuminated nonflashing professional announcement sign with an area of not over one square foot.
- (c) Customary warning, trespassing and posted signs or signs indicating the private nature of a driveway or property, provided that the size of any such sign shall not exceed one square foot.
- (d) Flags of the United States, State of New Jersey or other governmental or quasipublic agencies, or decorative or seasonal flags.
- (e) Holiday decorations and lights on residential premises.

B. H-1 and H-1R Districts. In the H-1 and H-1R Highway Commercial Districts, the following types and sizes of signs shall be permitted:

- (1) Freestanding sign. A freestanding single-faced or double-faced sign shall not exceed 36 square feet on each face. The bottom of said sign shall be a minimum of 10 feet from the ground level. The top of said sign shall not exceed 20 feet in height from the ground level. The sign face shall not exceed 12 feet in width, eight feet in height and 18 inches in depth. No part of said sign shall be located closer than 35 feet to the front property line of the lot upon which it stands.
- (2) Wall sign. A sign attached to a wall of a building shall not exceed in area 60 square feet or 5% of the area of the building wall to which said sign is attached, whichever is less. The face of said sign shall not exceed 25 feet in width nor four feet in height nor project more than one foot from the building wall. In addition to one wall sign as described above, a secondary wall sign may be permitted on a second wall;



said secondary sign shall be an identical facsimile of the first and the aggregate area of the two signs shall not exceed 90 square feet.

- (3) Entrance and exit signs. One double-faced or single-faced or freestanding sign shall be permitted at each entrance or exit driveway for the purpose of directing motorists safely into and out of the property. Said signs shall not exceed four square feet in area nor extend more than three feet above ground level. Such signs must have a reflective surface or low-voltage interior illumination; exterior illumination shall not be permitted. The content of each sign shall consist only of directional arrows and/or the word "in" or "entrance," "out" or "exit" with the sole addition of a one-word name or other identification; advertising messages or notices shall not be permitted on such signs. Said signs shall be located within the property line and on the far side of the driveway relative to direction of traffic flow.
- (4) Window signs. No sign, temporary or otherwise, affixed to or suspended inside a window, alone or in combination with other signs, shall cover more than 20% of the window area.
- (5) Real estate signs. A sign advertising commercial property for rent, sale or lease shall apply only to the premises on which the sign is located. No part of such sign shall be located closer than 35 feet to the front property line nor closer than 10 feet to either side property line. Said sign shall not exceed 36 square feet in area and must be removed upon sale, lease or rental of the property. No more than two such signs will be permitted on each lot.
- (6) Service station signs. A gasoline station shall be permitted to have a special sign to announce the price of fuels. Said sign shall not exceed nine square feet and shall be located at the gas pump island but no higher than 10 feet above ground level. If illuminated, it shall be plastic-faced with interior lighting. One such sign may be permitted on each pump island.
- (7) Number of signs. No property shall be permitted to have more signs than the total of the following: one freestanding sign as described in Subsection B(1), plus two wall signs as described in Subsection B(2), plus window signs as described in Subsection B(4), plus entrance and exit signs as described in Subsection B(3).

C. IP Industrial Park District. In the IP Industrial Park District, the following signs shall be permitted:

- (1) One sign facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company housed in the development on the lot. The sign shall be applied to the wall of the building, and the aggregate area of all such signs shall not exceed one square foot for each two feet of building width and shall not exceed an area of 50 square feet on each street frontage, and such signs shall not extend beyond the wall in any direction.
- (2) One identification sign at each point of access to the lot, with an area of not more than three square feet, and internal direction signs each with an area of not more than two square feet, shall also be permitted.
- (3) A sign advertising commercial property for rent, sale or lease shall apply only to the premises on which the sign is located. No part of such sign shall be located closer than 35 feet to the front property line nor closer than 10 feet to either side property line. Said sign shall not exceed 36 square feet in area and must be removed upon sale, lease or rental of the property. No more than two such signs shall be permitted on each lot.<sup>[1]</sup>

[1] Editor's Note: Original Subsection 14-5.4, Performance Standards, which immediately followed this section, was repealed 12-28-1976.

## Article VII. Administration and Enforcement

### § 150-37. Sign permits.

[Amended 5-8-1986 by Ord. No. 8-86]

- A. Except as otherwise provided in § 150-21, no sign shall be erected, constructed or altered except as provided by this chapter and until a permit for the same shall have been issued by the Construction Code Official upon an application made in writing on forms furnished by the Borough Clerk, and such application shall include a sketch of the proposed sign, together with such other pertinent information as may be required for a complete understanding of the proposed work, such as dimensions of a sign, the materials incorporated in its construction, the methods and materials used to support the sign, type of illumination, if any, and its exact location on the building or premises. The application shall be accompanied by the written consent of the owner or lessee of the property.
- B. A permit shall be required for every sign and sign structure regulated by this chapter. Prior to issuing any permit required by this section, the Construction Code Official shall collect a fee which shall be in accordance with the provisions set forth in § 41-8 of the Borough Code.  
[Amended 11-9-1994 by Ord. No. 17-94]

## Article IX. Violations and Penalties

### § 150-40. Violations and penalties.

- A. Maximum penalty. For violation of any provision of this chapter, the maximum fine shall be in accordance with § 1-15 of this Code.  
[Amended 9-8-1988 by Ord. No. 16-88]
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.