

**REGULAR MEETING
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

July 20, 2021

The Regular Meeting of the Governing Body of the Borough of Bloomingdale was held in the Council Chambers of the Municipal Building (101 Hamburg Tpke) on the above date. Council President, John D'Amato called the meeting to order at 7:00PM.

Council President led the **Salute to the Flag** followed by a moment of silence for Nancy Dale, 163 Reeve Avenue, the Borough's Master Board Worker for 20 years.

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Drew Juhlin
Councilman Ray Yazdi (enter at 7:02PM)

Municipal Clerk, Breeanna Calabro
Business Administrator, Michael Sondermeyer
Borough Attorney, Dawn Sullivan

PUBLIC NOTICE STATEMENT

Councilman D'Amato stated: *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on April 1, 2021; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.*

Per State Fire Code, I am required to acknowledge that there are two emergency exits in this Council Chambers. The main entrance which you entered through and a secondary exit to the left of where I am seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out the building. If there are any questions, please raise your hand now.

PRESENTATION:

***NANCY DALE, MASTER BOARD WORKER
163 REEVE AVENUE, BLOOMINGDALE***

*The Municipal Clerk & Governing Body paid respect to Nancy Dale of 163 Reeve Avenue. Nancy announced her retirement in May of 2021 after serving as the Borough's Master Board Worker for 20 years. Due to Nancy's sudden passing, the Borough was unable to recognize her in person for her outstanding, dedicated serve to the Borough's Elections. Nancy was a fond member of the Bloomingdale community and will surely be missed. Members honored Nancy by way of a resolution & extend sympathy to her family & husband, Lenny.
(resolution listed below)*

NON- AGENDA ITEMS:

1. Resolution No. 2021-7.12:

AUTHORIZING THE EXECUTION OF AN AMENDED LAND DONATION AGREEMENT BETWEEN FINBAR EQUITY INVESTMENTS AND THE BOROUGH OF BLOOMINGDALE FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH AS BLOCK 5105, LOT 14.01 CONSISTING OF 33.81 ACRES AND COMMONLY KNOWN AS THE "MEER TRACT" AND, IN ADDITION, A PORTION OF BLOCK 5105, LOT 14.02 WHICH CONSISTS OF APPROXIMATELY 7.54 ACRES OF LAND WHICH SHALL BE DONATED TO THE BOROUGH OF BLOOMINGDALE

2. Introduction of Ordinance No. 17-2021: Amend Ch. 2-80 (Flea Market Fees)

EARLY PUBLIC COMMENT:

Motion was made by HUDSON to open the meeting for public comment; seconded by JUHLIN and carried on voice vote all voting AYE.

Donald O'Connor – 22 Main Street, Bloomingdale

Inquired on Ordinance 14-2021 establishing the Bloomingdale Center District zone. Mayor explained the ordinance. His residential property will remain a pre-existing use

Since there was no one else who wished to speak, YAZDI made a motion to close public comment, second by GRAZIANO & carried on voice vote all members voting AYE, none were opposed.

REPORTS (PROFESSIONALS, DEPT HEADS, COMMITTEES, LIAISONS, MAYOR):

Councilman Juhlin (Tri-Boro Little League Liaison): *Little League Tournaments are currently being held in Bloomingdale at Anderson Field. Gave update on teams & Bloomingdale/Butler athletes. Bloomingdale will host championship next year (dates will be coordinated)*

Councilwoman Hudson (Board of Health Liaison): *Cleanup day – August 14th ; COVID-19 vaccine information is available on website & Facebook*

Councilman Graziano (EDC Liaison/Commissioner): *Ribbon cutting July 31st “Brothers Auto Hunt”; Summer Friday Event was a great success.*

Business Administrator, Michael Sondermeyer: (provided updates on various items of Municipal business)

- *Storm/wind damage throughout the Borough (Trees Down/Loss of Electric/Recreation Fence damage/drainage issues & flooding etc.)*
- *Flag wall collapsed (Senior Center) – repaired by DPW*
- *Water main breaks (listed on consent agenda)*
- *Street Sweeper is currently inoperative*
- *Lines were painted on the tennis courts for pickleball*
- *Rodents in Senior Center closet – this was remediated*

Council President / Acting Mayor, John D’Amato:

- *Thanked Linda Bennett for her generous efforts in organizing the Borough’s Summer Friday Fun event, as well as Sal & Lina Pagliarulo owners of Lina’s Ristorante for their efforts in organizing the entertainment*
- *Quality of water complaints from residents – the Borough has not yet switched to Butler water, the Borough is still using Passaic Valley water; the hydrant flushing schedule is posted on the facebook and website (June 21-July 23); chlorine levels have been checked & are monitored – there is no concern*
- *Memorial Dedication for Cyndy Hopper (former Municipal Alliance Coordinator) August 7th at Bogue Pond Park 10AM*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-7.1 – 2021-7.9)

Motion: Ray Yazdi

Second: Rich Dellaripa

Discussion:

Michael Sondermeyer noted

- *Item F the shelter manager is moving & will continue to provide services to the Borough as a Shelter Manager, working remotely & paid via voucher. Business Administrator and ACO Director will continue to look for a replacement.*

- *Item H & I – the county approved repurposing funds for these expenditures for Bogue Pond, the resolutions will be sent to the County*

Roll Call Vote: D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES)

**RESOLUTION NO. 2021-7.1
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the
July 20, 2021 Regular Meeting*

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution, and

NOW THEREFORE BE IT RESOLVED, that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Council of the Borough of Bloomingdale.

A. Approval of Minutes:

- Regular Meeting – May 18, 2021
- Workshop Meeting – June 1, 2021

B. Motion: accepting resignation: Toni Hasson, Crossing Guard

C. Motion: authorization to waive 'Peddler & Hawkers' fees for vendors who are participating in 'Pride Day' for 2021

D. Resolution No. 2021-7.2: Nancy Dale, Master Board Worker

E. Resolution No. 2021-7.3: Appointing EDC member (A. Sundstrom)

F. Resolution No. 2021-7.4: Authorizing Addendum to Employee Agreement (S. Forest – Shelter Manager)

G. Resolution No. 2021-7.5: Authorizing the Acceptance of Body-Worn Camera Grant Funds

H. Resolution No. 2021-7.6: Authorize Purchase of Canopy Tables for Bogue Pond (State Contract)

I. Resolution No. 2021-7.7: Authorize Purchase of Bench & Garbage/Recycle Receptacles for Bogue Pond (ESCNJ Co-op)

J. Resolution No. 2021-7.8: Declaring an Emergency (Water Main Breaks – Andrew/Reeve & Ballston/Union)

K. Resolution No. 2021-7.9: Hiring 2021 Summer Recreation Day Camp Staff

Consent Agenda Resolutions:

**RESOLUTION NO. 2021-7.2
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

WHEREAS, open, free, fair, and impartial elections are the hallmark of our democratic nation and the defining characteristic of our republican form of government; and

WHEREAS, throughout its first century, the Borough of Bloomingdale ("Borough") has prided itself on conducting open, free, fair, and impartial federal, state, municipal, and school board elections held within its jurisdiction; and

WHEREAS, the Borough has called upon patriotic citizens of the Borough to devote their time to ensure that the Borough's elections have remained open, free, fair, and impartial; and

WHEREAS, Nancy Dale, residing at 163 Reeve Avenue since 1967, has answered the Borough's call to serve faithfully and selflessly for the past forty-five years; and

WHEREAS, during that time, Mrs. Dale has served as a political party challenger, an election poll worker, an election district inspector, and an election district judge; and

WHEREAS, upon being selected as one of the three charter members of the Passaic County Master Board Worker Program, for the past two decades, Mrs. Dale has served as the Borough's Master Board Worker responsible for supervising general, primary, school, and special elections in five election districts in three separate locations within the Borough; and

WHEREAS, earlier this year, Mrs. Dale announced her retirement from active service to the Borough in these capacities; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby express its sincerest gratitude and appreciation to

NANCY DALE

for her forty-five years of loyal, dedicated public service to the Borough and its citizens in ensuring that its federal, state, municipal, school, and special elections have remained open, free, fair, and impartial; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby extend its best wishes to Mrs. Dale for the good health and happiness in the future.

**RESOLUTION NO. 2021-7.3
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Appointments to the Economic Development Commission

BE IT RESOLVED by the Council of the Borough of Bloomingdale that they do provide, advice and consent to the Acting Mayor's appointment of the following to the Economic Development Commission members:

1. EDC, Member 5 years unexpired (12/31/25) Anne Sundstrom

**RESOLUTION NO. 2021-7.4
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING AND AUTHORIZING EXECUTION OF AN ADDENDUM TO THE MARCH 22, 2018 EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF BLOOMINGDALE AND SAMANTHA FOREST, SHELTER MANAGER

WHEREAS, pursuant to the March 22, 2018 Employee Agreement between Samantha Forest and the Borough of Bloomingdale, Forest shall serve as Shelter Manager as provided by the Borough Code for a term from April 1, 2018 through December 31, 2021; and

WHEREAS, Samantha Forest will be relocating out of state; and

WHEREAS, due to a shortage of qualified candidates, and Forest's ability to remotely perform the administrative duties required of Shelter Manager; and

WHEREAS, Forest has agreed to perform the administrative duties for the Borough until the expiration of the term in her employee agreement; and

WHEREAS, the Borough Administrator has determined that it would be in the Borough's best interests to have Forest continue to perform the administrative duties of Shelter Manager through the expiration of the Employment Agreement as an independent contractor; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey does hereby authorize the addendum to the Employment Agreement between the Borough of Bloomingdale and Samantha Forest.

BE IT FURTHER RESOLVED that the Business Administrator and Borough Clerk are hereby authorized to execute the addendum with Samantha Forest which shall be on file in the Municipal Clerk's office.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2021-7.5
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF STATE FUNDS & PARTICIPATION IN THE SFY21 BODY-WORN CAMERA GRANT PROGRAM OFFERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL

WHEREAS, S-1163 requires law enforcement officers to wear body cameras & shall take effect on June 1, 2021;

WHEREAS, the Office of the Attorney General announced availability of funds for SFY21 Body-Worn Camera Grant program; and

WHEREAS, by way of Resolution No. 2021-4.6, the Governing Body authorized submission of an application for the SFY21 BODY-WORN CAMERA GRANT PROGRAM; and

WHEREAS, the Borough of Bloomingdale has been awarded a SFY21 Body-Worn Camera Grant Award #21-BWC-043 in the amount of \$50,950.00; and

WHEREAS, the grant period is from January 1, 2021 to December 31, 2025.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby accept the SFY21 Body-Worn Camera Grant (Award #21-BWC-043) funds in the amount of \$50,950.00.

**RESOLUTION NO. 2021-7.6
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF 3 CANOPY TABLES UNDER NJ STATE CONTRACT NO. 16-FLEET-00135 FOR BOGUE POND

WHEREAS, the Borough's Bogue Pond Basketball Court Rehabilitation project came in under budget resulting in a grant balance; and

WHEREAS, the Governing Body of the Borough of Bloomingdale received authorization to repurpose those funds for additional furnishings at Bogue Pond Park; and

WHEREAS, the purchase of goods and services, without advertising for bids, by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Ben Shaffer Recreation Inc. of Lake Hopatcong, New Jersey has been awarded NJ State Contract No. 16-FLEET-00135 for Park and Playground Equipment; and

WHEREAS, the DPW Superintendent and Borough Administrator recommend the utilization of this contract as the best means available to obtain three (3) canopy tables; and

WHEREAS, the contract to Ben Shaffer Recreation Inc. shall not exceed the amount of \$17,500.00; and

WHEREAS, the Chief Financial Officer, Donna M. Mollineaux, has certified the availability of funds as evidenced in the annexed certification; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

1. The Borough of Bloomingdale hereby authorizes the purchase of three (3) canopy tables from, Ben Shaffer Recreation Inc., of Lake Hopatcong, NJ 07849 under NJ State Contract No. 16-FLEET-00135.
2. The total fee authorized for this contract shall not exceed \$17,500.00 without the prior written approval of the Borough Council.
3. The Acting Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Borough Chief Financial Officer and Ben Shaffer Recreation Inc. for their information and guidance.

This Resolution shall take effect immediately.

**RESOLUTION NO. 2021-7.7
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A
CONTRACT TO BEN SHAFFER RECREATION INC. FOR MISC ITEMS FOR
BOGUE POND THROUGH ESCNJ CO-OP #65MCESCCPS**

WHEREAS, the Acting Mayor and Borough Council of the Borough of Bloomingdale wish to purchase comfort benches and garbage & recycling receptacles for Bogue Pond; and

WHEREAS, said equipment may be purchased from Ben Shaffer Recreation Inc. through ESCNJ Bid No. 20/21-22 (Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment & Related Products); and

WHEREAS, the maximum amount of the contract is not to exceed \$15,000.00, and the Chief Financial Officer has certified the availability of funds in the annexed certification ; and

WHEREAS, public bids are not required when the purchase is made through a cooperative pricing system in accordance with N.J.S.A. 40A:11-11(6) of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that a contract for the purchase of comfort benches and garbage & recycling receptacles for Bogue Pond, is hereby awarded to Ben

Shaffer Recreation Inc, of Lake Hopatcong, NJ, in accordance with the terms and conditions contained in ESCNJ Bid No. 20/21-22, and the Acting Mayor and Borough Clerk are hereby authorized to execute same.

**RESOLUTION NO. 2021-7.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING CONTRACTS
FOR THE IMMEDIATE REPAIR OF WATER MAIN BREAKS AT THE
INTERSECTION OF ANDREW PLACE/REEVE AVE AND THE INTERSECTION OF
BALLSTON STREET/UNION AVE**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed with two water main breaks at the intersection of Andrew Place/Reeve Ave & the intersection of Ballston Street/Union Ave on June 25, 2021; and

WHEREAS, the Governing Body further finds and declares this of an emergent nature affecting the public health, safety and/or welfare and warrants immediate remedial action; and

WHEREAS, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes emergency contracts whereas the municipality may negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Public Works Department, acting in the reasonable belief, identifies that an emergency described herein exists which requires immediate remedial action & the need for invoking **N.J.S.A. 40A:11-6 Emergency Contracts**; and

WHEREAS, the Governing Body further finds and declares that the Public Works Department, has correctly recommended that the aforementioned repairs be remedied through the emergency award of contract to the following:

**Core & Main - \$6,621.67
Bob Tuit Paving & Landscaping - \$1,600.00
Barret Construction - \$2,150.00**

WHEREAS, the emergency costs are not exceed \$10,371.67 and the CFO has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the immediate remediation through emergency contract awards to **Core & Main, Bob Tuit Paving & Landscaping, and Barret Construction**. The contracts are hereby awarded as necessary to respond to the emergent needs described herein.

**RESOLUTION NO. 2021-7.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorization for Summer Help for Recreation Department

WHEREAS, there exists a need for temporary seasonal help within the Recreation Department during the summer months for day camp; and

WHEREAS, the Recreation Director & Borough Administrator recommend that the authorization be given to hire the following individuals on a part-time basis for Bloomingdale’s Summer Day Camp program, help as per the Salary Ordinance:

Counselors

Kiarra Struble
Alyssa Vigorito
Kayla Blandine
Isabella Basile
Molly Koczon

Unless otherwise noted, all counselors will be paid \$9.00 per hour

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the person(s) named herein be hired as part-time Summer Recreation Staff as outlined in the Salary Ordinance.

The resolution shall take effect immediately

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 14-2021: Amend Ch. 92 (Zoning – Establish Bloomingdale Center District)

The Municipal Clerk, Breeanna Calabro, read the Public Notice statement.

Councilwoman HUDSON moved that the Ordinance be read by title; seconded by YAZDI and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 14-2021
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth zoning standards and restrictions throughout the Borough; and

WHEREAS, the Borough Code also establishes a zoning map which depicts the zoning categories of all properties throughout the Borough; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to establish the Bloomingdale Center District and to establish certain standards and requirements for this District and to correct the zoning classification of certain properties;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

SECTION 1. Chapter 92 “Zoning”, Article XII “Regulations” shall be amended to add a new Section 92-55.2 to read as follows:

§92-55.2 Bloomingdale Center District Zone (BCD)

The following regulations shall apply in the BCD Zone:

A. Permitted principal uses.

- (1) Bakery.
- (2) Banks and other financial institutions.
- (3) Barbershops and beauty parlors.
- (4) Book and stationery stores.
- (5) Tutoring and learning centers.
- (6) Cigar shops.
- (7) Clothing and clothing accessory shops.
- (8) Pharmacies.
- (9) Dry-cleaning provided that no flammable cleaning agents are used.
- (10) Convenience stores.
- (11) Restaurants, cafés and take-out shops.
- (12) Taverns and beverage shops.
- (13) Trade business offices.
- (14) Home restoration and remodeling shops.
- (15) Florists.
- (16) Food stores.
- (17) Furniture stores.
- (18) Hardware stores.
- (19) Household-appliance stores.
- (20) Interior-decorating shops.
- (21) Printing.
- (22) Laundries, hand or automatic, self-service.
- (23) Leather goods.
- (24) Locksmiths.
- (25) Appliance and electronics.
- (26) Newspapers, stationary stores and card shops.
- (27) Business, professional and governmental offices.
- (28) Package liquor stores.
- (29) Paint stores.
- (30) Martial arts studios.
- (31) Pet shops.
- (32) Photographic studios.
- (33) Physical therapy and health services.
- (34) Nursery schools and child care centers.
- (35) Post offices, package shipping stores and mailing stores.
- (36) Sporting, athletic goods and exercise equipment stores.
- (37) Music and dance studios.
- (38) Custom tailors and furriers.
- (39) Theaters and performing arts centers.
- (40) Shopping centers consisting of two (2) or more permitted uses.
- (41) Upholsterers.
- (42) Variety shops.
- (43) Other non-regulated similar retail and service uses.

- B. Accessory permitted uses. (See §§**92-16** and **92-17**)
- (1) Private parking and loading. (See §§**92-22A** and **92-22B**)
 - (2) Signs as regulated in §**92-26D** and § **92-26.3**.
 - (3) Other accessory uses customarily appurtenant to a permitted use.
- C. Conditional uses to be acted upon by the Planning Board, subject to §**92-24**.
- (1) Public uses.
 - (2) Retail automobile showrooms (No show/storage lots).
 - (3) Dog grooming, veterinary offices (no board facilities or kennels).
 - (4) General public parking facilities.
 - (5) Outdoor dining and drinking establishments.
 - (6) Recreational uses.
 - (7) Dwelling units above permitted business uses. (See Chapter 12 for five (5) or more units)

- D. Minimum lot size. (See Article IV)
 - (1) Minimum lot area: 5,000 square feet.
 - (2) Minimum lot frontage: none.
 - (3) Minimum lot depth: none.

- E. Yards and lot coverage. Minimum yard dimensions for principal or accessory structures shall be as follows. (See Article IV and §92-14.)
 - (1) Front yard: none.
 - (2) Side yard: All BCD Zone uses may be built without side yards, except that where the BCD Zone adjoins a residence district there shall be a minimum side yard of 10 feet.
 - (3) Rear yard: 10 feet.

- F. Maximum improved lot coverage: exempt.

- G. Maximum building coverage: exempt.

- H. Maximum building height for principal structures. (See Article IV)
 - (1) Feet: 40.
 - (2) Stories: three (3).

- I.
 - (1) Required parking and loading spaces in the Bloomingdale Center District between Van Dam Avenue and Glenwild Avenue. Also see §92-22A to D(5).

BCD Zone On-Street/Off-Street Parking and Off-Street Loading	
Use	Minimum Parking

Dwelling Units	As required by RSIS (except that the Board may consider approval of a shared parking arrangement if the nature of the uses on the site is such that there will not be overlapping demand for the shared parking spaces). At all times there must be at least one dedicated parking space per dwelling unit
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(2) All drive-up establishments shall provide sufficient room for at least five cars to be queued at each drive-up facility.

(3) Perpendicular parking spaces shall measure at least nine feet by 18 feet; parallel parking spaces shall measure at least eight feet by 23 feet. New Jersey Barrier Free Subcode parking requirements shall be met in the design of any parking lot.

(4) All parking areas shall be located in the side or rear yards, where they shall be screened from view from adjacent properties by a six foot high fence or plantings or both, as approved by the Planning Board. Parking shall be prohibited within a front yard.

(5) Parking lot lighting, where provided, shall not be mounted higher than the height of the first floor of the building, shall be shielded from adjacent properties, and shall be set on a timer such that the parking lot lighting will be fully extinguished not later than one hour after the close of business. Residential style carriage lamps may be mounted on the building at its entrances and may remain on after hours for security purposes.

J. Enclosure. All uses shall be conducted wholly within a completely enclosed building, except for off-street parking and loading facilities, except for outdoor dining and drinking establishments.

K. Dwelling Unit Development Regulations

(1) Number of Bedrooms. No dwelling unit shall have over two bedrooms.

(2) Minimum Habitable Floor Space

Number of Bedrooms	Minimum Floor Space - Square Footage
0	550 square feet (efficiency)
1	650 square feet
2	800 square feet

(3) Efficiency units shall not exceed 20% of total number of dwelling units.

L. All portions of the lot not used for buildings, parking lots, driveways and walkways shall be landscaped subject to Planning Board approval.

M. Where residential uses will be provided above the first floor as permitted in §92-55.2C(7) above, a separate residential entrance shall be provided to the building.

All other portions of this Article shall remain unchanged.

SECTION 2. Chapter 92 “Zoning”, Section 92-26.3 “Signs” shall be amended to read as follows:

§92-26.3 Signs

H. Signs within General Business Zone, Light Industrial Zone, Bloomingdale Center District Zone and Office Zone. The only signs permitted shall be a sign or signs advertising the premises upon which it is located or displayed, or the identity of the occupancy thereof, or a service rendered therein, or a product or item available therein, or a permitted trade, business or profession carried on therein as hereinafter regulated.

(1) There shall be no more than one principal sign for each retail establishment or permitted use therein except where the following conditions are met:

(a) Any permitted use within a building having an exterior wall facing an off-street parking area may have a secondary sign on said wall if that wall contains a pedestrian entrance to said permitted use;

(b) Any permitted use within a building on a corner lot may have a secondary sign. One sign shall be located on one street and a second sign shall be located on the second or side street. Nothing contained herein shall be construed to permit more than two signs on a building. Secondary signs are to be a maximum of two feet in height, not to exceed 30% of principal sign.

(2) All signs, unless a freestanding sign, as hereinafter regulated:

(a) Shall be installed parallel to the face of the wall to which it is attached;

(b) Shall not extend more than 12 inches from the structural face of the building wall;

(c) The bottom of the sign shall not be less than seven feet high, measured from the ground level below;

(d) The sign height measurement shall not exceed 5% of the front face of the building.

(3) In General Business Zone and the Bloomingdale Center District Zone, the maximum height dimension of the sign shall not exceed three feet and the total gross area shall not exceed 10% of the front face of the building to which it is attached.

(4) Where there shall be more than one occupant of the building and where each occupant has a separate ground floor entrance, the total area of all signs permitted as hereinafter regulated, taken in the aggregate, shall not exceed the maximum gross area requirement above set forth for each wall upon which any sign is permitted to be erected. All signs shall be

uniform in appearance, shall be made of the same material with the same background and contain the same letter typestyle and material.

(5) No signs are permitted above the first floor.

(6) For those premises where the structure is set back at least 20 feet from the front curblin, a freestanding sign of an area not to exceed 12 square feet in area on each side and 24 square feet in aggregate shall be permitted, provided however the top of said sign shall not be more than 10 feet above the level of the ground and the sign shall not be located within any road right-of-way, or be closer than five feet from any property line. The provisions of this subsection shall not be construed to prohibit freestanding signs accessory to filling and service stations as provided in § **92-26.3H(9)**.

(7) Neon signs and/or signs painted on, placed or hung on/or within 24 inches from the inside window glass of, and paper signs attached to, windows for advertising purposes shall be limited to covering 30% of the area of any one window, but in no event shall the area of coverage exceed a total of 36 square feet for each window pane. Notwithstanding the provisions of this section, unlettered and undecorated balloons, pennants, flags, banners and the like shall only be permitted for grand opening of a new permitted use and shall be displayed in accordance with § **92-26.3E**. Signs other than principal signs that fail to comply with provisions of this section shall be removed no later than 60 days after the effective date of this section. Window signs are prohibited in the General Business Zone and Office Zone.

(8) Facade mounted signs for permitted uses in the General Business Zone, Light Industrial Zone, Bloomingdale Center District Zone and Office Zone which share a common entrance shall be limited to tenant identification or directory signs. Said signs shall be unlighted, limited to one sign per tenant, uniform in appearance, made of the same materials with the same background and contain the same letter typestyle and materials as all other similar signs used by tenants of the building. Said signs shall not exceed an area of two square feet per sign or a vertical height dimension of eight inches, and where there is more than one tenant in the building, all of said signs shall be abutting one another and not indiscriminately placed on the exterior walls of the building. The total square footage of the directory sign or individual tenant identification signs shall not exceed the allowable sign area for that zone.

(9) The following signs, customary and necessary to the operation of filling and service stations, are permitted:

(a) Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubricating," "repairing," or words of similar import, provided there shall be not more than one such sign over each entrance, and that the letters shall not exceed 12 inches in height;

(b) Lettering or other insignia which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law;

(c) A credit card sign not exceeding one square foot in area, affixed to the building or permanent sign structure of the sign next referred to;

(d) One sign bearing the brand or trade name of the station, of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, such sign not to exceed 24 square feet in area on each side, or 48 square feet in aggregate area if both sides shall have signs thereon, which sign, if on its own metal substructure, shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb and which sign, whether affixed to a building or on its own substructure, shall not exceed 18 feet in height overall. Provided that no such sign shall be so affixed or erected until permission in writing therefor shall have been issued by the Construction Code Official;

(e) A sign attached to each gas pump, with the price of the product as required by law.

(10) Signs are permitted on awnings not to exceed the applicable size regulations allowed in that zone. A sign on an awning which is not installed on the flap or vertical plane shall be considered a principal sign. Signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning provided said sign does not exceed a height of eight inches, measured from the bottom to the top of such sign or lettering.

(11) Any change of signage for preexisting, nonconforming business area uses in residential zones shall:

- (a) Not exceed the dimensions of the sign being replaced;
- (b) Comply with the maximum allowable sign area for that zone, and;
- (c) Any relief from this subsection shall be obtained from the Board of Adjustment as a use variance.

All other portions of this Section shall remain unchanged.

SECTION 3. Chapter 92 “Zoning”, Section 92-4 “Designation of Zones” shall be amended to read as follows:

§92-4 Designation of zones.

A. For the purpose of this chapter, the Borough of Bloomingdale is hereby divided into 18 zones, differentiated according to use and building regulations, and to be designated as follows:

- (1) R-130 One-Family Zone (§92-44)
- (2) R-40 One-Family Zone (§92-45)
- (3) R-20 One-Family Zone (§92-46)
- (4) R-20U Union Avenue Zone (§92-46A-I; §92-46A-II)
- (5) R-10 One-Family Zone (§92-47)
- (6) R-40-TH One-Family Residential and Townhouse Zone (§92-48)
- (7) R-G Garden Apartment Zone (§92-49)
- (8) R-M In-Town Apartment and Senior Citizen Housing Zone (§92-50)
- (9) SC Summer Camp and Conference Center Zone (§92-53)
- (10) B-1 General Business Zone (§92-55)
- (11) B-1-A Commercial Zone (§92-55.1)
- (12) BCD Bloomingdale Center District Zone (§92-55.2)
- (13) M-1 Light Industrial Zone (§92-56)
- (14) M-1-Q Light Industrial and Quarry Zone (§92-58)
- (15) P Public Zone (§ 2-59)
- (16) AH Affordable Housing Zone (§92-61)
- (17) Adult Entertainment Zone (§92-62)
- (18) IMF Inclusionary Multifamily Zone (§92-63)

All other portions of this Section shall remain unchanged.

SECTION 4. Chapter 92 “Zoning”, Section 92-5 “Zoning Map” shall be amended to read as follows:

§ 92-5 Zoning Map.

A. The location and boundaries of said zones are hereby established as shown on the Zoning Map of the Borough of Bloomingdale, which is attached hereto and is hereby made part of this chapter. Said map or maps and all notations, references and designations shown thereon shall be part of this chapter as if the same were fully described and set forth herein. **[Ord. No. 19-2013 adopted the Zoning Map dated 11/19/12]**

B. Zoning Map Amendments. Map amendments include Ord. No. 13-2007; Ord. No. 2-2008; Ord. No. 7-2008; Ord. No. 16-2008; Ord. No. 17-2008; Ord. No. 8-2009.

- (1) Ord. No. 32-2013: The Zoning Map is amended to include the following lots and blocks in the R10 Zone: Block 104, Lots 11, 12, 13, 14, 15 (formerly Zone B-1-A, Block 64, Lots 18, 19, 20, 21, 22) [**Ord. No. 32-2013 adopted 11-12-13**]
- (2) Ord. No. 3-2015: The Zoning Map is amended to delete the R-M-O Zone and redesignate the zone as the B-1-A Zone. [**Ord. No. 3-2015, adopted 3-3-15**]
- (3) The Zoning Map is amended to include the following lots and blocks in the R40 Zone: Block 2004, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18. Block 2004, Lot 3 to remain zoned as Public. [**Added 8-20-2019 by Ord. No. 20-2019**]
- (4) The Zoning Map is amended to rezone the following lots and blocks from B-1-A to R-10: Block 5089, Lots 6, 7 and 8 and Block 5088, Lots 8, 9 and 10. [**Added 11-26-2019 by Ord. No. 27-2019**]
- (5) The Zoning Map is amended to rezone the following lots and blocks from B-1 and B-1-A to BCD: Block 5088, Lots 1-7 and 12-13, Block 5089, Lots 1 and 9-13, Block 5060, Lots 1-14, Block 5059, Lots 1-16, Block 5060, Lots 15-38, Block 5062, Lot 1, Block 5063, Lots 1-2, Block 5063.01, Lots 1-8, Block 5064, Lots 1-5 and Block 3032, Lots 1-3.
- (6) The Zoning Map is amended to rezone Block 5063, Lot 25 from B-1-A to R-10.
- (7) The Zoning Map is amended to rezone Block 3007, Lot 1 from R-20 to B-1.

All other portions of this Section shall remain unchanged.

SECTION 5. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Public Hearing:

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by GRAZIANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak HUDSON made a motion to close the public hearing; motion was seconded by YAZDI and carried on voice vote all members voting AYE; none were opposed.

Adoption:

DELLARIPA made motion for adoption; the motion was seconded by JUHLIN and carried per the following roll call vote: DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), JUHLIN (YES), YAZDI (YES), D'AMATO (YES)

NEW BUSINESS:

A. Adoption of Resolution No. 2021-7.10

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: GRAZIANO (YES), HUDSON (YES), JUHLIN (YES*), YAZDI (YES), D'AMATO (YES*), DELLARIPA (YES)

*Recusal (D'Amato): for all items listed under vendor 01463 – Darmofalski Engineering
(Juhlin): for all items listed under vendor 05288 – Butler Stars

**RESOLUTION NO. 2021-7.10
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

WHEREAS, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

<u>BILLS LIST</u>		<u>PREPAID LIST</u>	
CURRENT	287,008.76	CURRENT	770,307.63
UTILITY	133,642.62	UTILITY	56,879.55
CAPITAL	21,695.00	OPEN SPACE	00.00
UTILITY CAPITAL	104,494.06	TRUST ACCOUNT	00.00
TRUST	2,745.00	RECYCLING	00.00
DOG	2,564.11	DOG TRUST	00.00
RECREATION	2,405.99	UNEMPLOYMENT	117.39 ROSE
FUND	6,328.87	CAPITAL	00.00
RECYCLING	20.00	WATER CAPITAL	00.00
UNEMPLOYMENT	00.00	RECREATION	7,631.00
AFFORDABLE HOUSING	1,873.50	CAPITAL ASSESSMENT	00.00
TOTAL	562,777.91	TOTAL	834,935.57

B. Adoption of Resolution No. 2021-7.11

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call: HUDSON (YES), JUHLIN (YES), YAZDI (YES), D’AMATO (ABSTAIN), DELLARIPA (YES), GRAZIANO (YES)

RESOLUTION NO. 2021-7.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE UNION AVENUE SIDEWALK AND CURB IMPROVEMENTS TO CIFELLI & SON GENERAL CONSTRUCTION, INC.

WHEREAS, the Borough of Bloomingdale received sealed competitive bids on July 1, 2021 for performance of the Union Avenue Sidewalk and Curb Improvements; and

WHEREAS, five (5) sealed bids were received and opened on July 1, 2021, in accordance with the bid specifications:

- 1) Vektor Corp. \$216,663.00
(this is a corrected price as the calculation on the bid document was incorrect)
- 2) Cifelli & Son General Construction, Inc. \$252,677.00
- 3) Mike Fitzpatrick & Son Inc. \$297,477.00
- 4) DLS Contracting, Inc. \$376,561.00
- 5) Diamond construction \$398,305.00

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Borough Engineer and the Borough of Bloomingdale Attorney; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid submitted by Vektor Corp. is non-responsive as several mandatory items were omitted causing Vektor Corp. to not be a qualified bidder; and

WHEREAS, the bid received from Cifelli & Son General Construction, Inc. in the total amount of \$252,677.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey as follows:

1. The Borough Council hereby awards a contract to Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley, New Jersey 07110 for the Union Avenue Sidewalk and Curb Improvements in accordance with the bid specifications in the total amount of \$252,677.00.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Cifelli & Son General Construction, Inc. in accordance with its bid for the Union Avenue Sidewalk and Curb Improvements.

3. The Borough's Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

C. Introduction of Ordinance No. 16-2021: Amend Ch. 92 (Zoning)

Discussion: Mike Sondermeyer explained the purpose of this ordinance as a recommendation from the Ordinance Review Committee

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on August 17, 2021 at 7PM; the motion was seconded by DELLARIPA and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 "ZONING", ARTICLE V "REGULATIONS GOVERNING CERTAIN USES" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

D. Discussion: 335 Union Ave

Passaic County has interest in purchasing 335 Union Ave (commonly known as 'the horse farm') in Bloomingdale. It is the intent to use the parcel as a county park. The Borough's Planning Board wrote a letter of support in the County's effort for the acquisition of the real property to be incorporated into the County Park System. This request is part of the County's application to acquire grant funding the NJDEP's Green Acres Program. The Acting Mayor noted that ultimately this is a privately owned lot – the Borough really cannot control who the owner sells the property too. The Acting Mayor & Borough Administration will meet with the County Administrator to discuss the matter further.

NON-AGENDA

1. Adoption of Resolution No. 2021-7.12

Discussion: *The Borough will acquire 7.54 more acres of land from Tilcon/Finbar; the agreement serves as an amendment to the agreement approved in May of 2021. The Borough will reduce the amount of stone to 75,000 in exchange for the additional land. Brief discussion followed on the location of the acreage.*

Motion: Ray Yazdi

Second: Dawn Hudson

Roll Call: JUHLIN (YES), YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

**RESOLUTION NO. 2021-7.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

AUTHORIZING THE EXECUTION OF AN AMENDED LAND DONATION AGREEMENT BETWEEN FINBAR EQUITY INVESTMENTS AND THE BOROUGH OF BLOOMINGDALE FOR THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH AS BLOCK 5105, LOT 14.01 CONSISTING OF 33.81 ACRES AND COMMONLY KNOWN AS THE “MEER TRACT” AND, IN ADDITION, A PORTION OF BLOCK 5105, LOT 14.02 WHICH CONSISTS OF APPROXIMATELY 7.54 ACRES OF LAND WHICH SHALL BE DONATED TO THE BOROUGH OF BLOOMINGDALE

WHEREAS, Borough of Bloomingdale previously authorized the execution of a donation agreement between the Borough of Bloomingdale, Finbar Equity Investments, and Tilcon, N.Y.; and

WHEREAS, the donation called for approximately 33.81 acres of land; and

WHEREAS, the Borough Council has continued to investigate the feasibility of the development of what was formerly known as the “Meer Tract” and the 33.81 acres of land; and

WHEREAS, the Borough has identified approximately 7.54 acres of land known as a portion of Block 5105, Lot 14.02 that would benefit any proposed development for affordable housing as the property is adjacent to the Meer Tract (Block 5105, Lot 14.01) and in the proximity of the northern portion of the Meer Tract which will encourage the construction of the market and affordable housing units further from the residential properties located on Van Dam Avenue and a portion of Union Avenue; and

WHEREAS, in consideration of this land donation, the Borough will amend its prior donation agreement with Finbar Equity Investments to reduce the 100,000 tons of clean material $\frac{3}{4}$ stone to 75,000 tons of clean material $\frac{3}{4}$ stone.

NOW THEREFORE BE IT RESOLVED, by the Acting Mayor and Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

The Acting Mayor is hereby authorized to execute an amended land donation agreement with Finbar Equity Investments as well as Tilcon N.Y. for the donation of approximately an additional 7.54 acres of a portion of Block 5105, Lot 14.02 situated northerly to the property known as the “Meer Tract” (Block 5105, Lot 14.01) in order to better facilitate a residential development project and construction from Van Dam Avenue and parts of Union Avenue within the Borough.

BE IT FURTHER RESOLVED that a copy of the proposed agreement is attached as Exhibit A to this resolution.

Exhibit A

FIRST AMENDMENT TO LAND DONATION AGREEMENT

THIS FIRST AMENDMENT TO LAND DONATION AGREEMENT (“Amendment”) is entered as of this ___ day of _____, 2021 (the “Effective Date”), by and between **FINBAR EQUITY INVESTMENTS, LLC**, a Delaware limited liability company with an address at 9 Entin Road, Parsippany, NJ 07054 (“**Finbar**”) and **TILCON NEW YORK, INC.**, a Delaware corporation with an address at 9 Entin Road, Parsippany, NJ 07054 (“**Tilcon**”), and the **BOROUGH OF BLOOMINGDALE**, a New Jersey municipal corporation with an address at 101 Hamburg Turnpike, Bloomingdale, New Jersey 07403 (“**Bloomingdale**,” and, together with Finbar and Tilcon, the “**Parties**”).

SECTION I: RECITALS

A. Bloomingdale is an independent municipal corporation and body politic of the County of Passaic, State of New Jersey that acts through its duly elected Mayor and Council (the “**Mayor & Council**”).

B. Finbar is the owner of a vacant tract of land in Bloomingdale consisting of approximately 33.81 acres and identified on the tax map as Block 5105, Lot 14.01 (the “**Affordable Housing Tract**”), which tract was authorized by the Resolution of the Borough of Bloomingdale Planning Board (the “**Planning Board**”) adopted October 19, 2017 granting Finbar minor subdivision approval (Application No. 672) and perfected by that certain Subdivision Deed dated January 18, 2018 and recorded in the Office of the Passaic County Clerk as Instrument #2018004948 in Deed Book 3238 at Pages 80 *et seq.*

C. Finbar is also the owner of an adjacent tract of vacant land in Bloomingdale consisting of approximately 146.18 acres and identified on the tax map as Block 5105, Lot 14.02 (the “**Remainder Tract**”), which tract was also created by the aforesaid Subdivision Deed.

D. Tilcon is the owner of the property adjacent to the Meer Tract consisting of approximately 262.83 acres and identified on the tax map as Block 5105, Lot 84 on which it operates a facility engaged in quarrying, rock-crushing, asphalt production, and related industrial and ancillary activities (the “**Quarry Tract**”).

E. Bloomingdale, Finbar and Tilcon are parties to that certain Land Donation Agreement dated May 10, 2021 (the “**Land Donation Agreement**”).

F. The Parties desire to amend the Land Donation Agreement pursuant to the terms and conditions of this Amendment.

WITNESSETH:

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals A through F are hereby incorporated by reference and adopted by the parties as terms, conditions and their respective obligations with respect to this Amendment.
2. Change to Amount of Clean Material Tilcon to Make Available. Section II, Par. 6 of the Land Donation Agreement is hereby amended to change the reference therein from “100,000 tons of clean material consisting of 3/4” stone, screenings, and dense graded aggregate” to “77,500 tons of clean material consisting of 3/4” stone, screenings, and dense graded accurate.”
3. Change to Land Donation. The “Affordable Housing Tract” (as defined in the Land Donation Agreement) shall be modified as indicated in the attached Exhibit A. Bloomingdale will take the lead in securing all necessary permits and approvals required to effectuate the foregoing.

4. Successors and Assigns. The covenants, agreements, terms, provisions and conditions contained in this Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall constitute “covenants running with the land.”

5. Further Assurances and Cooperation. Each party agrees to provide reasonable cooperation to the other as may be necessary or appropriate in order to effectuate and carry out the expressed intentions of this Amendment.

6. No Third Party Beneficiaries. The parties expressly acknowledge and agree that this Amendment is intended to be solely a three-party agreement and that there are no intended or unintended third-party beneficiaries. By way of example and not limitation, all provisions hereinabove relating in any way to the developer for the Affordable Housing Tract to be selected by Bloomingdale do not confer any right of recourse by such developer against Tilcon or Finbar, and Bloomingdale agrees to defend, indemnify and hold Tilcon and Finbar harmless from any and all loss, cost, liability or other damages (including reasonable attorneys’ fees) in the event either or both are named as defendants in any suit by the developer against Bloomingdale.

----- *SIGNATURE PAGES FOLLOW* -----

IN WITNESS WHEREOF, each party executes this Amendment as its respective voluntary and duly authorized act as of the date first above written.

<p>TILCON NEW YORK, INC.</p> <p>By: _____</p> <p>Attest: _____</p> <p>FINBAR EQUITY INVESTMENTS, LLC</p> <p>By: _____</p> <p>Attest: _____</p>	<p>THE BOROUGH OF BLOOMINGDALE</p> <p>By: _____ John D'Amato, Acting Mayor</p> <p>Attest: _____</p>
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The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 2 “ADMINISTRATION”, SECTION 2-80 “FEES CHARGED FOR MUNICIPAL SERVICES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

PUBLIC COMMENT:

DELLARIPA opened the meeting to late public comment; seconded by JUHLIN and carried on voice vote, all in favor voting AYE.

Scott Lawrence – 133 Wood Terrace of Leonia, NJ
(*Founder of CannArcadia*)

Inquired as to who he can begin dialog with, regarding the Borough’s position in cannabis sales potentially at 206 Macopin Road. Mr. Lawrence is interested in purchasing the property and utilizing for wholesale Cannabis. He seeks support from the Governing Body. At this point, the Borough has opted out of Cannabis sales however the Commission continues to meet and discuss & consider guidelines/regulations from the state.

Since there was no one else who wished to speak HUDSON moved that it be closed; second by YAZDI and carried on voice vote all members voting (AYE), none were opposed.

ADJOURNMENT:

Since there was no further business to be conducted, YAZDI moved to adjourn at 7:49PM; seconded by GRAZIANO and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk