Borough Of Montvale

12 DePiero Drive
Montvale, NJ 07645
(201) 391-5700

Planning Board
Soil Movement Application

Instructions: To be used in connection with all soil movement in excess of 500 cubic yards

Please note: 20 copies of the completed application form must be submitted to the Board Secretary.
Also note: There will be a permit issued upon the approval of this application by the Board.

Fee: This application must be submitted to the Secretary of the Board with a filing fee payable to the Borough of Montvale plus an amount computed per cubic yard as stated in this application and certified on the attached topographical map. See the Planning/Zoning Boards fee schedule.

Escrow Deposit: In addition, there must be posted with the Borough of Montvale, through the Secretary of the Planning Board, an escrow to reimburse the Borough of Montvale on account of services rendered by its professionals and those of the approving authority on account of this application, which fee may be increased from time to time as may be reasonably required.
Click here for the escrow amount.

Form W9: This form must be completed and submitted with the application. Click on this link to download, print, and fill out. Upon completion of the soil movement activity and the approval of an as-built plan by the Municipal Engineer, any sums then remaining in the escrow account shall be returned to the applicant.

Name, current address and phone number of the applicant (or tenant):

1a. Name of Applicant: _____
1b. Street: _____
1c. Town /State/Zipcode: _____ New Jersey _____ - _____
1d. Phone: _____
1e. Fax: _____
1f. Email: _____

If the applicant is represented in this application by a NJ attorney, the attorney's name, firm, address, and phone number must be listed here:

2a. Name of Attorney: _____
2b. Firm: _____
2c. Street: _____
1d. Town /State/Zipcode: _____ New Jersey _____ - _____
1e. Phone: _____
1f. Fax: _____
1g. Email: _____

Name, current address and phone number of the building owner/landlord:

3a. Name of Landlord/Owner: _____
3b. Street: _____
3c. Town /State/Zipcode: _____ New Jersey _____ _____
3d. Phone: _____
3e. Fax: _____
3f. Email: _____

Name, current address and phone number of soil excavator:

4a. Name of Soil Excavator: _____
4b. Street: _____
4c. Town /State/Zipcode: _____ New Jersey _____ - _____
4d. Phone: _____
4e. Fax: _____
4f. Email: _____

Name, current address and phone number of soil transporter:

5a. Name of Soil Transporter: _____

5b. Street: _____

5c. Town /State/Zipcode: _____ New Jersey _____ - _____

5d. Phone: _____

5e. Fax: _____

5f. Email: _____

Name, current address and phone number of licensed NJ Engineer who prepared the cubic yard soil movement calculation:

6a. Name of Engineer: _____

6b. Street: _____

6c. Town /State/Zipcode: _____ New Jersey _____ - _____

6d. Phone: _____

6e. Fax: _____

6f. Email: _____

The site of soil movement:

7a. Block #: _____ 7b. Lot #: _____

7c. Street: _____

7d. Proposed commencement date: _____

7e. Proposed completion date: _____

7f. The kind and estimated quantity in cubic yards of soil to be moved:

7g. Reason for soil movement:

7h. Full address of where soil will be moved FROM:

7i. Full address of where soil will be moved TO:

7j. Proposed street route of soil movement:

7k. Provide a statement as to how the soil movement will affect any trees on the subject property with a diameter of 6 inches or more:

Signature of Applicant

Print/Type Applicant Name

Signature of Owner/Landlord Consenting to Application

Print/Type Owner/Landlord Name

The applicant shall submit 17 copies of a topographical map, prepared, and signed by a licensed NJ Engineer, which shall indicate the existing condition of the site and extending 50' outside the periphery, together with proposed grading and drainage details and soil movement calculations.

A public hearing is required on this matter. Therefore, the applicant must obtain a Certified Property Owners List from the Board Secretary, establishing property owners within 200'. Adequate notice must be published as a Legal Advertisement in a newspaper of general circulation within the Borough and notice of said hearing, in the proper form, must be sent to each of the property owners included on the Certified List. Proof of service and the affidavit of publication must be presented to the Board Attorney, for his review, no later than the time of the hearing.

By signature, the applicant and the owner of said lands, signify approval of the application, consent to the application to perform the proposed work, and consent to the Borough of Montvale, in the event of failure of the applicant to do so, to cause the proposed work to be completed or otherwise terminated in keeping with the purpose and objectives of Ordinance #86-816.

_____ _____

Signature of Applicant | Print/Type Applicant Name

_____ _____

Signature of Property Owner Consenting to Application | Print/Type Property Owner Name

I certify this to be a true copy of the Major Soil Movement Application, approved by the Planning Board of the Borough of Montvale, at its meeting held on Tuesday,

_____, 20 .

_____

Secretary of the Montvale Planning Board

Notice: Within 30 business days of approval, the applicant or his representative must deliver a copy of this application form (Signed by the Secretary of the Board) to the Montvale Building Department for final processing and to the Police Department with a specific proposal for time, number of trucks, size of trucks, hours and route. Failure to deliver a signed copy within the prescribed time period may result in a denial of a permit and reappearance before the Montvale Planning Board may be required.

Montvale Police Department
Borough of Montvale

Joseph Sanfilippo
Chief of Police
Fax 201-391-6379
Telephone 201-391-4640

SOIL TRANSFER CHECKLIST

DATE_____ **BLOCK**_____ **LOT**_____

APPLICANT NAME_____ **PHONE NUMBER**_____

CONTRACTORS NAME_____ **PHONE NUMBER**_____

SOIL TRANSFER:

GOING TO: _____

TAKEN FROM:_____

DATE OF PLANNING BOARD APPROVAL:_____

CUBIC YARDS APPROVED_____

SIZE AND NUMBER OF TRUCKS REQUIRED_____

CONFIRM ARRANGEMENTS FOR SWEEPER DATE: _____

TIRE WASHER DATE: _____

ESTIMATED LENGTH OF TIME TO COMPLETE SOIL MOVEMENT_____

STARTING DATE: _____ **ENDING DATE:** _____

PROPOSED STREET ROUTE FOR MOVEMENT OF SOIL

_____

_____

_____

NO SOIL MOVEMENT UNTIL APPROVAL HAS BEEN GRANTED BY THE POLICE DEPARTMENT

NO SOIL TRANSFER ACTIVITY TO BEGIN BEFORE 9 AM AND MUST END BEFORE 5 PM UNLESS SPECIAL APPROVAL IS GRANTED
MONDAY THROUGH FRIDAY ONLY

APPROVAL GRANTED BY:_____**DATE:**_____

CONDITIONS OF APPROVAL:

(1) ATTACH SIGNED COPY OF PLANNING BOARD RESOLUTION OF APPROVAL

(2)

(3)

(4)

(5)

ESCROW AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20___, between _____ _____ hereinafter referred to as "Applicant", and the Planning Board of the Borough of Montvale, hereinafter referred to as "Board", and the Council of the Borough of Montvale, hereinafter referred to as "Borough".

WHEREAS, the Applicant is proceeding under the Zoning Ordinance/Land Development Ordinance for approval of a _____; and

WHEREAS, the Ordinance requires the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid for by the Applicant as required under the provisions of the Ordinance cited above; and

WHEREAS, both parties feel that it is appropriate to reduce this understanding to written form.

WITNESSETH: **IT IS** mutually agreed between the parties that:

Section 1. *Purposes*

The Board authorizes its professional staff to review, inspect, report and study all plans, documents, statements, improvements, and provisions made by the Applicant in conforming to the requirements of the Ordinance cited and referred to above. The Board directs its professional staff to make all oral and/ or written reports to the Board of its conclusions and findings derived from the review, study, and investigation and like or similar duties performed as elsewhere authorized. The Applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of the duties outlined above.

Section 2. *Escrow Established*

Applicant, Borough, in accordance with the provisions of this agreement, hereby create an escrow to be established with the Treasurer of the Borough of Montvale and to be maintained in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits.

Section 3. *Escrow Funded*

Applicant by execution of this agreement shall pay to the Borough, to be deposited in the depository referred to in Section 2, such sums as are required by the Zoning Ordinance/Land Development Ordinance. The applicant shall be notified by the Borough in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. Execution of this agreement by the Borough acknowledges receipt of the sums referred to under this paragraph.

Section 4. *Increase in Escrow Fund*

If during the existence of this agreement the funds held by the Borough shall be insufficient to cover any voucher or bills submitted by the professional staff and reviewed and approved by the Board, Applicant shall within fourteen (14) days from the date of receipt of written notice deposit additional sums with the Borough to cover the amount of the deficit referred to above. During this period the professional staff shall cease all review activities. The written notice shall be sent by the Treasurer setting forth the amount of the deficit and the member or members of the professional staff to whom the additional sums are due. Unless otherwise shown, receipt shall be presumed to have occurred within three (3) days after mailing.

Section 5. *Submission of Vouchers by Professional Staff*

The professionals referred to in this agreement, upon the completion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Borough for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the total of all fees and costs incurred as a result of the services set forth under Section 1 of this agreement and shall contain a brief description of the services including the Block and Lot, and name of application, which have been rendered by the professional concerning the applicant's application.

Section 6. *Board Review*

The Treasurer shall review all vouchers to determine whether they have been submitted in the appropriate form. If the Treasurer determines that the vouchers are in the appropriate form then the vouchers shall be submitted to the Land Use Administrator for review to determine whether the services have been performed in the manner and to a degree required by this agreement. The Treasurer shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Borough. Following the determination by the board that services have been performed properly, the Treasurer shall mail a copy of each approved voucher to the Applicant. At the conclusion of this processing the amounts specified in said vouchers shall be deducted by the Borough from the escrow established pursuant to the agreement.

Section 7. *Applicant's Objection*

It is expressly agreed to by the Applicant that the right to object to the payment of any voucher is hereby expressly waived unless written notice is received by the Land Use Administrator by certified mail no later than three (3) days prior to the next regularly scheduled Board meeting following the meeting in which the contested voucher of vouchers had been approved. The writing notice shall have accompanying it a copy of each voucher being objected to. The standard of review to be utilized by the Land Use Administrator and Planning Board Chairman in determining whether the payment of any voucher is proper is whether the fees incurred are reasonable and whether the work has been performed properly. It is furthermore understood that the Applicant shall have the right to make periodic inspections of the records maintained by the Borough during normal office hours to determine the status of the escrow account.

Section 8. *Interest Allocations*

Except as otherwise set forth hereinafter all interest earned on money deposited pursuant to this agreement which shall be held in escrow shall become the property of the Borough as compensation for administrative services rendered in connection with this agreement. An Applicant shall be entitled to payment of interest whenever the Applicant shall have deposited an amount of money in excess of $5,000.00 and the amount of interest paid on that money shall exceed $100.00 for the year. If the amount of interest exceeds $100.00, that entire amount shall belong to the Applicant and shall be refunded by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be, i.e., for professional services rendered to review applications for development, for municipal inspection fees pursuant to N.J.S.A. 40:55D-53 or to satisfy the guarantee requirements of 40:55D-53.a., however at that time the Borough shall deduct 33 1/3% of the interest for administrative and custodial expenses incurred by the Borough in fulfilling its obligations pursuant to this agreement.

Section 9. *Refund*

In the event that the escrow sums posted are more than those required, or in the event that the Applicant shall abandon the application, excess funds shall be returned to the Applicant within ONE HUNDRED AND TWENTY(120) days of the issuance of the final certificate of occupancy for the project which is the subject of the application or receipt of written notice of the abandonment of the application. Prior to the issuance of the final certificate of occupancy for any project for which Board approval has been received or upon receipt of written notice of abandonment of an application, the Treasurer shall determine from the professional staff whether there are any additional sums required to be paid from the escrow fund. In the event that there are, monies will be held by the Treasurer until notice is received by the professionals, Environmental Commission, Land Use Administrator and Construction Code Official that work has been completed.

Section 10. *Failure to Maintain Escrow Fund*

In the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 then the Board shall cease further consideration of the application or of any other then pending application of the Applicant until the additional sum is given to the Treasurer for deposit into the escrow fund. The Applicant hereby expressly consents to a continuance of the statutorily mandated period for completion of Board review pursuant to the Municipal Land Use Law for a period of forty-five (45) days from the date of the notice from the Land Use Administrator and hereby expressly consents to an automatic rejection of Applicant's application without prejudice and without any further action by the Board if within said period the additional sum has not been given to the Treasurer.

Furthermore, in the event that notice has been sent to the Applicant and the Applicant has failed to pay the increased amount into the escrow fund within the time period set forth in Section 4 and Board review of the application has been completed, the Applicant is hereby placed on notice that the Borough

will not cause certificates of occupancy to be issued and may take such further action including, but not limited to, refusing to perform any and all further inspection, issuance of stop work orders and other relief as may be necessary, including a lien on the subject property.

Section 11. *Performance Escrow – Inspections*

The provisions of this agreement shall apply to the performance escrow for inspection to be paid to the Borough. The performance escrow shall be posted prior to construction of an onsite, offsite, on-tract or off-tract improvement. The amount of the escrow shall be 10% of the cost of improvements as calculated by the Board's Engineer.

The Applicant hereby agrees that the Board Engineer will be notified in writing forty-eight (48) hours prior to the start of any construction. Failure of the Applicant to provide such notice may result in additional inspection costs.

Section 12. *Addresses to which Notices are to be Sent*

All notices required by this agreement in writing shall be sent to the following addresses:

Borough of Montvale
Treasurer and Land Use
Administrator
12 DePiero Drive
Montvale, NJ
07645
201-391-5700

Address of Applicant:

_____
NAME

_____
ADDRESS

_____
MUNICIPALITY STATE ZIP CODE

_____
TELEPHONE NUMBER

above.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that an application has been made by _____ for a major soil movement in accordance with the requirements of the Borough of Montvale, before the Montvale Planning Board as to property known as Block _____, Lot(s)_____ on the current official tax assessment map of the Borough of Montvale, also known as

_____

(street address)

The purpose of the application is for a major soil movement for the proposed improvements

_____

_____

_____

_____

_____

(Set forth specific relief requested) **PLEASE TAKE FURTHER NOTICE** that the Applicant will also request any and all other variances, exceptions, waivers, de minimus exceptions, interpretations and/or incidental relief from the requirements of the Borough of Montvale Ordinance that may be required by the Board after a review of the application.

TAKE FURTHER NOTICE that a public hearing has been ordered for Tuesday_____, 20 at 7:30pm before the Planning Board of the Borough of Montvale, at the Municipal Building, 12 DePiero Drive, Montvale, NJ. When this case is called, you may appear either in person or by attorney and present any opinion, which you may have with regard to the granting of the application.

The complete application is on file and is available for your inspection at the office of the Land Use Administrator at the Montvale Municipal Building on any business day between 8:30am and 4:30 pm Monday through Friday.

Applicant's Name _____

Street Address _____

Municipality & Zip Code _____

Date of this Notice _____