

**MAYOR and COUNCIL of the  
BOROUGH of HO-HO-KUS  
BERGEN COUNTY, NEW JERSEY**

**Resolution No. 14-41**

**Subject:** Authorize BOA Minor Site Plan

**Dated:** Jan 28, 2014

**WHEREAS**, Bank of America (BOA) applied to the Ho-Ho-Kus Planning Board for a Minor Site Plan Waiver for property located at Orvil Court/Sycamore Avenue, Block 1008, Lot 4; and

**WHEREAS**, the purpose of the proposal was to enable BOA. to comply with requirements of the American Disabilities Act (ADA), by reconstructing the sidewalk to a barrier free ramp with handrails, as indicated on a certain plan entitled “Bank of America, Minor Site Plan” prepared by Stonefield Engineering and Design, LLC, last revised April 25, 2013; and

**WHEREAS**, the Borough Engineer issued an opinion letter to the Planning Board dated October 3, 2013 that the proposed modifications were minimal and should not be considered an amendment to the property’s approved Site Plan; and

**WHEREAS**, at a meeting held on November 21, 2013 the Planning Board found that the proposal was reasonable, appropriate and served the purposes for which it was designed subject, however, to approval by the Mayor and Council; and

**WHEREAS**, the aforesaid barrier free ramp is to be located in the right of way of Orvil Court; and

**WHEREAS**, the Mayor and Council has reviewed the proposal at its meeting of December 17, 2013 and voted to approve BOA’s proposal subject to preparation of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Ho-Ho-Kus, that it does hereby authorize and approve the proposed improvement of BOA and the ramp to be located in the right of way of Orvil Court; and

**BE IT FURTHER RESOLVED** that said approval is subject to the following conditions:

1. Compliance with all requirements of the Uniform Construction Code; and
2. Execution by BOA of a hold harmless and indemnification agreement in favor of the Borough to be prepared by the Borough Attorney.

I, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Bergen County, New Jersey do hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council on January 28, 2014

*Laura Borchers, RMC/CMR  
Borough Clerk.*

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast	X		X			
Councilmember Lennon		X	X			
Councilmember Shea			X			
Councilmember Rorty			X			
Councilmember Weiss			X			
Councilmember Shell			X			

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT**

In consideration of the proposal by Bank of America (BOA) to provide barrier free access to the front of its building and ATM facility at Orvil Court/Sycamore Avenue, Block 1008, Lot 4, Ho-Ho-Kus, New Jersey pursuant to a plan entitled “Bank of America Minor Site Plan” prepared by Stonefield Engineering and Design, Last revised April 25, 2013; and

In further consideration of the approval by the Mayor and Council of the Borough of Ho-Ho-Kus of such proposal which will, in part, be located in the Orvil Court public right of way;

BOA hereby agrees as follows:

1. BOA shall defend, indemnify and hold harmless the Borough of Ho-Ho-Kus, its Officers, Officials, employees and authorized agents from and against any claims, liabilities, lawsuits, damages, fines, penalties and costs including reasonable attorney’s fees, which the indemnified parties may incur arising from use of a barrier free ramp with handrails located in the Orvil Court public right of way.

2. BOA shall obtain and maintain insurance issued by a reputable insurance carrier reasonably approved by the Borough naming the Borough of Ho-Ho-Kus, its Officers, Officials, employees and authorized agents as an additional named insured for liability purposes in an amount of not less than \$1,000,0000. A Certificate of said insurance evidencing compliance with this requirement shall be filed annually with the office of the Municipal Clerk.

BANK OF AMERICA

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By: