

MINUTES
Regular Council Meeting
Monday, June 10, 2019
8:00pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 8:01pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

Council President Bromberg asked all in attendance to rise and join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Bromberg read the Sunshine Statement into the record, as follows:

"In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office."

ROLL CALL

Councilman Ben-Yishay, Councilman Donovan, Councilwoman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

Also present: Mayor Glen Jasionowski, Business Administrator/CFO Gennaro Rotella, Township Attorney Michael Caulfield, Township Engineer Chris Statile, Township Clerk Karen Campanelli, Judge Galasso and Chief Sean Scheidle

Mayor's Comments

The Mayor reported that this past Saturday he attended Coffee with a Cop at Adam's Bagels. The event was very well attended and he received a lot of positive feedback. The Mayor thanked Police Officer Monforte who ran the event and the rest of the Department on a tremendous job.

Council Comments

Councilman Ben-Yishay had no comments.

Councilman Donovan welcomed everyone and offered his congratulations to the new Officer.

Councilwoman Sieg reported that she was also fortunate to attend Coffee with a Cop on Saturday and the event was awesome. She added that River Vale is a family that takes care of their own and we always go the extra mile especially with regard to our Emergency Services.

Councilman Criscuolo had no comments at this time.

Council President Bromberg commented that they have a great relationship with a great Police Department. He added that the Officers are there to protect and serve our community and are truly appreciated.

OATH OF OFFICE

Police Officer Kevin Illian

Mayor Jasionowski read a brief bio of Officer Kevin Illian into the record:

Officer Illian grew up in Hillsdale, graduating from Pascack Valley High School in 2013. While there he was a captain on his lacrosse and football teams. From there he attended SUNY Cortland earning a Bachelor in Science in Business Economics in 2017. Police Officer Illian attended the alternate route program at the Cape May County Police Academy graduating June 7th.

Officer Illian's mother Marianne will pin his badge and his father Scott will hold the Bible.

Judge Galasso administer the Oath of Officer to Police Officer Kevin Illian.

Council President Bromberg asked for a brief recess at 8:08pm. The Council reconvened at 8:12pm.

ROLL CALL

Councilman Ben-Yishay, Councilman Donovan, Councilwoman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

Business Administrator's Report

Mr. Rotella announced that the Farmers Market started this past Thursday. He also reported that the Town Wide Garage was a big success with 52 homes participating. Mr. Rotella next reported that Top Tracer is now at the Driving Range; which is bringing an added level of excitement to the Golf Course. Mr. Rotella concluded that the furniture for the Mark Lane Pavilion has been delivered and the DPW will be assembling shortly.

Township Engineer's Report

Mr. Statile reported that PSE&G is moving ahead with their gas main improvements project. He and Gennaro have worked out an agreement in which the Township will be reimbursed for the paving of any roads affected by the project. He next reported that they are awarding the 2019 Road program to D&L; the pre-construction meeting is this Wednesday and the paving will start next week. Mr. Statile also reported that the Township is awarding the Roberge School Safety Improvement Sidewalk Program which includes ½ mile of improvements to the sidewalks on Rivervale Road and Westwood Avenue. He added that part of the project is funded by the DOT.

Mr. Statile gave an update that the Fairways at Edgewood development was approved at the last Planning Board meeting. The Board will now move forward with a developer's agreement. Mr. Statile added that the Council will have to make a decision about how many light fixtures they are willing to accept because the Township will be responsible for the electric charges.

Councilman Donovan thanked Chris Statile for all of his effort and work securing grants for the Township.

1st Hearing of the Public

Motion by Councilwoman Sieg; second by Councilman Donovan to open the meeting to the public.

Linda Talaco—2 Manwarren Ct., Old Tappan—Ms. Talaco thanked the Mayor and Council for taking the time to listen to them. She also reported that in Florida they did not give people to opportunity to speak on the matter and it turned out to be a disaster. Ms. Talaco commented that they are the voice for these beautiful animals that do not harm us or cause any problems. She also commented that she has contacted the Bronx Zoo about helping with the deer problem and they are sending the paperwork to the appropriate department.

Dennis Nazzaro—653 Woodside Avenue—Mr. Nazzaro has lived in River Vale for 20 years and enjoys the wildlife. He also knows this is an emotional subject but wanted to discuss the facts. He had questions about the deer survey and whether the numbers are justified because the deer travel to different areas. Mr. Nazarro agrees he's seen more deer than 20 years ago but he's not certain the number is as large as the survey states. He also commented on the number of accidents stated in the survey and that most of the accidents happen on Rivervale Road. To help prevent some of the accidents Mr. Nazzaro suggested better lighting and possibly whistles. He also stated that Fish and Wildlife is made up of 11 members five of whom are sportsmen and therefore is bias towards eliminating the deer by lethal means.

Councilman Criscuolo commented that the study does address the fact that the deer could have moved between survey sections and been double counted or under counted and read the portion of the study pertaining to this issue.

Carol Sonnenberg—823 Bailey Road—Questioned if anyone has contacted the officials in Saddle River and whether it successful and did they notice a decrease in the number of deer. Also, have deer from other Towns moved in.

The Mayor Jasionowski has requested a meeting with their Mayor and he is waiting for a date.

Councilman Criscuolo mentioned that there have been articles in *The Record* or another newspaper that state there was a reduction; he is not certain of the numbers.

Eric Phoenix—26 Amelia Drive, Old Tappan—referenced an article that stated the deer in Saddle River were running with arrows in them and one deer in a state of confusion became impaled on a fence. He also questioned if we want to teach our kids that it is ok to solve a problem with violence.

Joan—22 Homestead, Hillsdale— has lived in Hillsdale for 40 years and taught in the Public School system for 40 years. She commented that the schools have spent thousands of dollars on anti-bullying campaigns. She feels they are taking about bullying the defenseless and the meek and the deer are one of nature's most gentle creatures. She also feels it's very important to consider the message they are sending. She stated that most disturbing of all is choosing the most painful and inhumane method of killing these beautiful creatures.

Elizabeth Pansic—Tappan, NY— commented that they are voted into office and people believe and trust them. She further commented that in 2016 a Deer Committee was formed and it was stated that the Mayor firmly oppose hunting and under his administration there would never be a deer hunt in Town.

The Mayor responded that that was correct. She questioned why he didn't stand by his word.

The Mayor responded that the safety of his residents is more important than anything and comes before his personal beliefs. He further commented that the State has made it clear that there are two choices; to do nothing or a bow hunt.

Barbara—Allendale—she has a friend that lives in River Vale. She feels the deer and wildlife increase property values compared to places like Paterson, Newark and Jersey City where the property values are lower.

Richard Tax—630 Montview Pl.—his primary concern is Lyme disease and if an infant or adult comes down with Lyme disease it could be fatal. Mr. Tax commented that having the deer hunt at the golf course won't solve the problem where he lives. He further commented that Lyme disease is a function of the population of the deer; where there is more deer there is more Lyme disease.

Mark Flannigan—Woodcliff Lake—Mr. Flannigan grew up in Hillsdale and the deer were always ever present in his backyard and he was quite fond of them. Mr. Flannigan commented that if traffic accidents are the issue then you should consider how to modify traffic. He further commented that the population, traffic and construction of houses has increased incredibly. Mr. Flannigan added that the infrastructure hasn't changed; the roads haven't changed and there's been no increase in lighting. He feels these changes would help minimize all accidents not just with the deer; he also suggested more signs be posted. Mr. Flannigan feels this is more preferable to being radical and slaughtering a herd. He further commented that the deer do not belong to River Vale; they don't migrate extensively but they are the same deer that are in Hillsdale and how it is River Vale's choice.

Council President Bromberg commented that lighting is a double edged sword. More lighting means more security and a reduction of crime; however, it's an expense and often an annoyance. He added that people have come before the Council to complain about certain types of lighting. Council President Bromberg doesn't want to see solving one problem by creating another.

Patty Kilbride—Westwood—suggested that everyone present that wants to protect the deer to go to the Animal Protection League of New Jersey and sign a petition. Ms. Kilbride commented that hunting is ineffective at curtailing Lyme disease; and cited studies stating same. She also had suggestions on signage to bring awareness to the deer problem. Ms. Kilbride added that hunting will reduce public safety and we need to show compassion to the animals and learn to live and co-exist with each other.

Lynn Phoenix—Amelia Drive, Old Tappan—lives on the border and she is concerned how this will affect Old Tappan. Ms. Phoenix is also concerned that the Old Tappan police are unaware of this and she feels the public is not being properly informed. She also referenced the Mayor's previous comments and she feels he does have ethics and morals for life. Ms. Phoenix also understand that the safety of human beings comes first. She does not agree with the car accidents and Lyme disease and cited some statistics in River Vale that she has also previously sent in a letter. Ms. Phoenix feels we have taken the land and we have to learn how share the land.

Councilman Criscuolo defended the Mayor and Administration. He is not sure what more they can do to educate their residents on this issue. They have had meetings, email blasts, newspaper articles and been as transparent as possible. Councilman Criscuolo cannot speak as to why residents in Westwood or Old Tappan are not hearing about it because their concern is River Vale.

Councilman Criscuolo commented that he is grateful they have not had a fatal car accident. He recalled a story of a friend that was driving down Rivervale Road at less than 30 mph, during the afternoon hours with his two children in the car. He was slowing down to turn onto Wittich when a deer ran in front of his car; he served to avoid the deer, hit telephone pole and the car flipped over. Thankfully, no one was hurt. Councilman Criscuolo stressed that just because there have been no fatal accidents it is still an issue to be concerned about in terms of safety.

The Mayor commented that he does believe the majority of the residents know this issue is being discussed. They have advertised, had it on the website and held no less than a dozen meetings on this issue. The Mayor explained that they have had both sides in to speak, sent multiple emails blasts to anyone registered and the Pascack Press has published several articles. They have also passed a no feed ordinance.

Mayor Jasionowski added this isn't what he believed; however, he's a facts person and he thought they would have multiple options. He further explained that the decision has been made and this is the best decision for River Vale.

Maria Beauckert—Emerson— commented that when she and her daughter were protesting for what they believe; her 12 year old daughter had to witness people saying very negative and terrible remarks to them.

The Mayor stated they have the right to protest and it is unacceptable that should happen; he further commented that the Police will make sure they have the proper space and ensure their safety. Mayor Jasionowski also respect their passion and their fight.

She is also hearing a lot of repeats. The Mayor commented that they have made their decision based on all the opinions and he does understand that a lot of people don't agree with this decision. Ms. Beakurt commented that she has been to a lot of meeting and there has been only one person who agrees with the hunt. She questioned where the people are and why they aren't here at a meeting.

Jeff Albrechtson—711 Rivervale Road—questioned when does the hunt begin. The Mayor responded there is no date yet and they have to plan with the State. He next questioned if there will be a Town hall style meeting with the residents near the golf course. The Mayor responded that there would not be a meeting and assured that the Police will make certain everything is safe.

Lloyd Fishman—412 Faletti Circle—Mr. Fishman is an 18 year resident. He understands that emotions are running high; and questioned how they are going to communicate this to the residents. The Mayor responded that once the State tells them what they would like them to do; this will then be run past the Police Department to ensure that it's a safe and adequate plan. The Mayor further explained that once that is done they will post on the website, send email blasts and publish in the paper what the plan is. The Mayor is also always available to speak to anyone on the issue or any other issue.

Mr. Fishman questioned if they consider a referendum. The Mayor explained that they are elected to make the tough decisions and not govern by referendum.

Beth Fishman—412 Faletti Circle— Ms. Fishman is against the hunt and questioned what the costs are associated with the hunt.

The Mayor responded that there are no costs. Council President Bromberg agreed that there is no cost to the taxpayers.

Lisa Sunegeri—Hillsdale—Ms. Sunegeri questioned that since the decision has been made will they be there with their children to witness this horrific act.

Mark Nagelhout—Park Ridge—commented on the costs to the Town and that in Saddle River there was the cost of Police time to assist the hunters track the deer. Mr. Nagel stated that this is cruel. He explained that Fish & Wildlife have their job to do which is to make money by promoting hunting and selling hunting licenses. Mr. Nagelhout attended the Englewood meeting and he feels Carol Stanko lied when she said it was false that bow hunting has a 50% wounding rate. He feels this is murder in a cruel way with a razor tip arrow.

Mr. Nagelhout questioned the State not approving surgical sterilization because they believe it's an experiment. He referenced a San Jose study on surgical sterilization of the deer. He cited from the study that in 2013 the deer count was 175; 105 does and 70 bucks. And in 2019 there were 42 does and 5 bucks; he added that this project worked too well and they are now worried about the deer not being able to reproduce enough. He believes River Vale would be a perfect place to do this project and we all need to push the State to get these plans approved.

Diane Theimann—55 Demarest Avenue—questioned if the decision was unanimous. The Mayor responded that it was.

Ms. Theimann doesn't understand the need for this and that the wildlife is part of the small Town charm of River Vale. She expressed her concern about what we will be teaching our children and to let our children see this. Ms. Theimann is also concerned about the deer that are shot, leaving the area and ending up on her lawn bleeding in front of her child. She has been in education for 22 years teaching children to do no harm; however what you are doing is a whole lot of harm.

Councilman Criscuolo commented that no one on the Council is ok with the deer hunt and killing the deer. They have two options and this is the option the State has given them and no one is ok morally with putting an arrow in a deer.

Kim Nagelhout—Park Ridge—commented on organizing a regional approach to the problem and as a group sue the State and demand allowing sterilization. She feels if all the Towns in Bergen County pushed they could get this done and it would be effective for the area.

Mayor Jasionowski commented that if the laws change they will change too. He will never say no to something that will make things better.

Councilman Donovan has struggled with this; and he would love to see a non-lethal option as it would make this decision so much easier for all of them. He is also in favor of seeing what they can do on the State level to give Towns options. Councilman Donovan asked for numbers and he was impressed with what they were given in the report. Because the herd is doubling they are going to be forced to do something. Councilman Donovan is hoping that by next year they might have another option instead of holding another hunt. He added that the impressive part about this group is the amount of people they have managed to get here to voice their opinions. Councilman Donovan implored them to take their ability to organize, your passion and help us come up with another option.

Sarah—915 Homestead Avenue, Hillsdale—stated that you do have an option; do nothing and instead buy time until there is another option; be the voice for the voiceless and this is not the answer.

There being no further questions or comments from the public. Motion by Councilman Criscuolo; second by Councilman Donovan to close the meeting to the public.

RESOLUTIONS

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to approve Resolution #2019-171 through #2019-193 as a Consent Agenda as follows:

Resolution #2019-171

RESOLUTION APPROVING LIQUOR LICENSE RENEWALS FOR THE JULY 1, 2019 THROUGH JUNE 30, 2020 TERM

WHEREAS, the following liquor license holders have filed or submitted their renewal applications through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holders have paid the municipal fee and Tax Clearance Certificates have been received; and

WHEREAS, the applicants are qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Township Ordinances.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby authorizes the renewal of the following liquor licenses for the July 1, 2019 through June 30, 2020 term.

BE IT FURTHER REOLVED that the Township Clerk is hereby authorized to issue liquor licenses as follows:

PLENARY RETAIL CONSUMPTION LICENSES

#0253-33-004-003	Edgewood Liquor License LLC 449 Rivervale Road River Vale, NJ 07675	\$2,000.00
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PLENARY RETAIL DISTRIBUTION LICENSE

#0253-44-008-006 RVK NJ1 LLC (Liquorland) \$1,500.00
209 Rivervale Road
River Vale, NJ 07624

Resolution #2019-172

RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE JOINT PLANNING BOARD (UNEXPIRED TERM)

BE IT RESOLVED by the Township Council of the Township of River Vale that Susan Vaccaro is hereby appointed to the Joint Planning Board as a Class IV member filling an unexpired term ending December 31, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution be forward to the Joint Planning Board.

Resolution #2019-173

A RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE

WHEREAS, the Municipality of River Vale has entered into a three year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate for the FY 2019-2020 term starting July 1, 2019 and ending on June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council hereby appoints Gennaro Rotella as its representative and Karen Campanelli as its alternate to serve on the Community Development Regional Committee for FY 2019-2020.

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601.

Resolution #2019-174

RESOLUTION APPROVING THE RAFFLE LICENSE FOR THE RIVER VALE VOLUNTEER FIRE DEPARTMENT (OFF PREMISES 50/50)

BE IT HEREBY RESOLVED that the following license to conduct an off Premises 50/50 raffle is issued to:

NAME: River Vale Volunteer Fire Department
330 Rivervale Road
River Vale, NJ 07675

LOCATION OF RAFFLE: South Fire House
330 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: October 6, 2019 (5:00pm – 8:00pm)

I.D. #: 426-9-29723

RAFFLE LICENSE: RL 574

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2019-175

REFUND

(Camp Have Some Fun Registration Fee)

WHEREAS, the following individuals have requested a refund of their Camp Have Some Fun registration fees; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refunds are approved and the Treasurer is hereby authorized to issue municipal checks payable as follows:

Payable to:

Marina Kovac
76 Rivervale Road
River Vale, New Jersey 07675

Payable to:

Karina Buldo
225 Oak Avenue
River Vale, New Jersey 07675

Refund Amount Camp Have Some Fun:

\$ 980.00

Refund Amount Camp Have Some Fun:

\$375.00

Resolution #2019-176

REFUND

(Mozart to Monet Registration Fee)

WHEREAS, the following individual is requesting a refund of the Mozart to Monet registration fee; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refund is approved and the Treasurer is hereby authorized to an issue municipal check payable as follows:

**Jihan Abbasi-Jafar
P.O. Box 2280
River Vale, NJ 07675**

Refund Amount: \$ 850.00

Resolution #2019-177

REFUND

(Kindergarten Kamp Registration Fee)

WHEREAS, the following individuals have requested a refund of the Kindergarten Kamp registration fees; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refund is approved and the Treasurer is hereby authorized to issue municipal checks payable as follows:

Payable to:

Nancy Lofty
50 Cherrywood Court
River Vale, NJ 07675

Payable to:

Katherine Baker
557 Victory Place
River Vale, New Jersey 07675

Refund Amount Kindergarten Kamp:

\$ 270.00

Refund Amount Kindergarten Kamp:

\$270.00

Resolution #2019-178

**RESOLUTION APPROVING THE FIREWORKS PERMIT FOR EDGEWOOD COUNTRY CLUB – JULY 5, 2019
(RAIN DATE JULY 12, 2019)**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the fireworks permit for Edgewood Country Club located at 449 Rivervale Road is hereby approved.

BE IT FURTHER RESOLVED, that the River Vale Fire Prevention Bureau permit fees have been paid in full; and

BE IT FURTHER RESOLVED, that the Fire Official has received all pertinent applications and approvals according to Township Ordinances and Statutes of the State of New Jersey.

Resolution #2019-179

**Enabling Resolution - 2019 Bergen County Open Space, Recreation, Farmland & Historic
Preservation Trust Fund Grant
River Vale Country Club Golf Course**

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Township of River Vale desires to further the public interest by obtaining a matching grant of \$85,000 from the County Trust Fund to fund the following project: River Vale Country Club Safety and Drainage Improvements; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on May 13, 2019; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Township Council of the Township of River Vale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Township Council of the Township of River Vale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Township Council of the Township of River Vale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Resolution #2019-180

RESOLUTION CONFIRMING CONTRACT WITH APPROVED STATE VENDOR FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-2a (BEYER FORD)

WHEREAS, the Township of River Vale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of River Vale has the need on a timely basis to purchase the following vehicle for the Police Department utilizing State contracts;

- **(1) 2019 Dodge Charger AWD**

and

WHEREAS, the State Contract price is

Vehicle Purchase Price: \$ 28,555.00

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in the Capital Account; and

WHEREAS, the Township of River Vale intends to enter into a Purchase/Lease agreement with Beyer Ford, 200 Ridgedale Avenue, Morristown, NJ 07690 (NJSC 3354882) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW THEREFORE BE IT RESOLVED, that the Township of River Vale authorizes the Purchasing Agent to purchase the above listed vehicle from Beyer Ford, pursuant to all conditions of the individual State contracts.

Resolution #2019-181

RESOLUTION CONFIRMING CONTRACT WITH APPROVED STATE VENDOR FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-2A (CLEAR SPAN FABRIC STRUCTURES INTERNATIONAL)

WHEREAS, the Township of River Vale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of River Vale has the need on a timely basis to purchase the following for the Department of Public Works utilizing State contracts;

- **Salt Shed**

WHEREAS, the total State Contract price is

\$ 46,979.80

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the Capital Account; and

WHEREAS, the Township of River Vale intends to enter into a Purchase contract with Clear Span Fabric Structures International, 1395 John Fitch Blvd., South Windsor, CT 06074 (Sourcewell Contract #030117-CSS) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW THEREFORE BE IT RESOLVED that the Township of River Vale authorizes the Purchasing Agent to purchase the above listed from Clear Span Fabric Structures International, pursuant to all conditions of the individual State contracts.

Resolution #2019-182

RESOLUTION AWARDING A CONTRACT TO CENTRAL SUPPLY CO.

WHEREAS, on January 3, 2019 the Township received a proposal for the construction of a concrete block Foundation for a new Salt Shed; and

WHEREAS, the Business Administrator has reviewed the proposal and recommends awarding a contract to

**Central Supply Co.
261 Central Avenue
Passaic, NJ 07055**

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 5,599.54 in the Capital account; and

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that the Business Administrator is hereby authorized to execute a contract on behalf of the Township with Central Supply Co.

Resolution #2019-183

RESOLUTION AUTHORIZING THE MAYOR TO SIGN MEMORANDUM OF UNDERSTANDING WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY (PSE&G)

WHEREAS, PSE&G is a public utility corporation of the State of New Jersey regulated by the New Jersey Board of Public Utilities and its principal business is the distribution and transmission of electric and gas service to residents of the State of New Jersey; and

WHEREAS, the Township is a municipal corporation of the State of New Jersey; and

WHEREAS, PSE&G is implementing a Gas System Modernization Project which was approved by the New Jersey Board of Public Utilities to improve the reliability and safety of natural gas infrastructure, to meet the needs of residents and businesses and to improve the environment by reducing methane emissions, a highly potent greenhouse gas

WHEREAS, the Project entails removing aging cast iron mains and replacing same with modern plastic mains; and

WHEREAS, PSE&G has proposed replacing approximately 10,480 linear feet of gas main in the Township between the years of 2019 and 2020 requiring a significant amount of excavation of the Township's streets; and

WHEREAS, the parties wish to enter into this Memorandum of Understanding to document the parties understanding of the requirements necessary in order to issue a Street Opening Permit; and

WHEREAS, upon completion of the Restoration, PSE&G will reimburse the Township \$360,000 for the costs associated with repaving streets associated with the Project.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that on behalf of the Township the Mayor is hereby authorized to execute the Memorandum of Understanding with PSE&G.

Resolution #2019-184

RESOLUTION

CHAPTER 159

PSE&G Gas System Modernization Project

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$360,000 which is now available from the PSE&G Gas System Modernization Project to be used towards the restoration and paving of Township roads associated with the Project.

BE IT FURTHER RESOLVED that the sum of \$ 360,000 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2019-185

RESOLUTION

(Shade Tree Escrow Refund)

WHEREAS, the residents of 552 Roosevelt Avenue (Block 1704, Lot 20) had made a \$2,700.00 contribution to the Shade Tree Fund as a requirement of their Soil Moving Application for the construction of a pool; and

WHEREAS, Township Engineer has confirmed that the applicant has planted more trees than originally planned and therefore the applicant should receive a refund from the Shade Tree Fund for the overpayment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the overpayment be released.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Treasurer is hereby directed to issue a municipal check as follows:

Payable to:

“Lenare & Alan Liptak.”

Mailing Address:

552 Roosevelt Avenue
River Vale, NJ 07675

Refund Amount: \$ 600.00

Resolution #2019-186

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF PARAMUS FOR THE PROVISION MAINTENANCE AND REPAIRS FOR THE RIVER VALE FIRE DEPARTMENT TRUCKS

WHEREAS, N.J.S.A. 40:8A-1, et seq., known as the “Interlocal Services Act,” authorizes Interlocal Services Agreements between public entities to share services; and

WHEREAS, the Borough of Paramus has offered to provide maintenance and repair services for the River Vale Fire Department trucks; and

WHEREAS, said Interlocal Services Agreement has been reviewed and approved by the Township Attorney; and

WHEREAS, the terms and conditions of said Interlocal Services Agreement are on file in the Clerk’s Office.

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to sign the Interlocal Services Agreement with the Borough of Paramus for the provision of maintenance and repairs services for the River Vale Fire Department trucks.

Resolution #2019-187

RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF THE REGISTRAR OF VITAL STATISTICS

WHEREAS, as per N.J.S.A. 26:8-13 the Local Registrar shall by Resolution be reappointed every three (3) years; and

WHEREAS, pursuant to the Statute a Municipal Clerk serving as a Registrar shall be concurrent with their term of office as a Municipal Clerk.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayoral appointment of Karen Campanelli as Registrar of Vital Statistic is hereby confirmed.

BE IT FURTHER RESOLVED that this term shall run concurrent with the Municipal Clerk's term and expire on December 31, 2020.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the State Registrar of Vital Statistics.

Resolution #2019-188

RESOLUTION
CHAPTER 159
2019 Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$ 21,308.92 which is now available from the Solid Waste Administration 2019 Clean Communities Grant program.

BE IT FURTHER RESOLVED that the sum of \$ 21,308.92 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2019-189

**RESOLUTION AWARDING THE BID FOR THE 2019 ROAD PROGRAM
& ROLLING HILL DRIVE IMPROVEMENTS**

WHEREAS, on June 6, 2019 the Township received bids for the 2019 Road Program and Rolling Hill Drive Improvements project; and

WHEREAS, one bid received from D & L Paving Contractors Inc., 675 Franklin Avenue, Nutley, New Jersey has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

Base Bid: \$ 579,482.45

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 579,482.70 in the Capital and Grant Fund accounts.

NOW THEREFORE BE IT RESOLVED the bid from D & L Paving Contractors Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are hereby authorized and requested to execute a Contract on behalf of the Township of River Vale for the 2019 Road Program and Rolling Hill Drive Improvements project as described in the Bid Specifications.

Resolution #2019-190

**RESOLUTION AWARDING THE BID FOR THE RIVERVALE ROAD & WESTWOOD AVENUE SIDEWALK
AND CURB IMPROVEMENTS PROJECT**

WHEREAS, on June 6, 2019 the Township received bids for the Rivervale Road & Westwood Avenue Sidewalk and Curb Improvements project; and

WHEREAS, one bid received from Covino & Sons Construction Co., Inc. has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

Base Bid: \$ 243,647.40

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 243,647.40 in the Capital and Grant Fund accounts.

NOW THEREFORE BE IT RESOLVED the bid from Covino & Sons Construction Co. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are hereby authorized and requested to execute a Contract on behalf of the Township of River Vale for the Rivervale Road & Westwood Avenue Sidewalk and Curb Improvements project as described in the Bid Specifications.

Resolution #2019-191

RESOLUTION CONFIRMING MAYORAL APPOINTMENT OF DEPUTY OEM COORDINATOR

BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayoral appointment of following individual as Deputy OEM Coordinator and their corresponding term is hereby confirmed.

Chief Sean Scheidle – Deputy OEM Coordinator – unexpired term ending December 31, 2019

BE IT FURTHER RESOLVED, this term shall be effective February 1, 2019.

Resolution #2019-192

RESOLUTION CONFIRMING APPOINTMENT TO THE RIVER VALE VOLUNTEER FIRE DEPARTMENT

WHEREAS, at the May 30, 2019 meeting of the Board of Officers of the River Vale Volunteer Fire Department approved the appointment of the following individual as a member of the Fire Department:

- **Thomas A. Fahey III – Probationary member**

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby confirms the appointment of above mentioned as a member of the River Vale Volunteer Fire Department.

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded the Chief of the River Vale Volunteer Fire Department.

Resolution #2019-193

RESOLUTION

CHAPTER 159

NJDOT 2019 Municipal Aid Program

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$207,000 which is now available from the NJDOT 2019 Municipal Aid Grant Program to be used towards the reconstruction of Rolling Hill Drive/The Plaza and Woodside School Access Safety Project.

BE IT FURTHER RESOLVED that the sum of \$ 207,000 is hereby appropriated under the caption of Public and Private Programs.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 1st Reading

ORDINANCE #354-2019

Motion to Introduce: Councilman Criscuolo

Motion Second: Councilman Ben-Yishay

AN ORDINANCE AMENDING CHAPTER 90, SECTION 90-4 OF THE CODE ENTITLED UNIFORM CONSTRUCTION CODES "FEES"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 90 "Construction Codes, Uniform," section 90-4 of the Code of the Township of River Vale is hereby amended as follows:

§ 90-4. Fees.

A. The fee for a construction or zoning permit shall be the sum of the subcode fees listed in Subsection A(1) through (6) of this section and shall be paid before the permit is issued.

(1) Building Subcode Fees. Minimum Fee Residential R3/R5: ~~\$60.~~ **\$70**

All Other Uses & Commercial: ~~\$100.~~ **\$125.**

(a) New construction or additions:

[1] Per cubic foot of volume: ~~\$0.04.~~ **\$.05.**

[2] Minimum fee (principal building): ~~\$250.~~ **\$950.**

[3] Minimum fee (accessory building): ~~\$150.~~ **\$750.**

[4] Modular structures: \$30 per \$1000 of estimated cost.

(b) Alterations, repairs, renovations, reconstruction & change of use:

[1] Per \$1,000 of estimated cost: ~~\$22.~~ **\$25.**

(c) Roofing, re-roofing and siding: No Permit Required

~~[1] Per \$1,000 of estimated cost: \$22.~~

(d) Demolition:

[1] Residential.

[A] Principal building: ~~\$350.~~ **\$850.**

[B] Accessory building: ~~\$100.~~ **\$300.**

[2] Nonresidential/Mixed use.

[A] Principal: ~~\$750.~~ **\$950.**

[B] Accessory Building: ~~\$200.~~ **\$400.**

[3] Interior Demolition, per subcode: No Permit Required

~~[A] Residential: \$100.~~

~~[B] Mixed Use/Commercial: \$200.~~

(e) State surcharge: calculated upon current state fees N.J.A.C. 5:23-4.19(b)

(f) Lead Hazard Abatement with Certificate of Clearance: \$145. **State Mandated**

(g) Asbestos Abatement with Administrative Certificate: \$160. **State Mandated**

(h) Certificate of Occupancy – U.C.C.:

[1] Residential (new construction or rehabilitation): ~~\$100.~~ **\$150.**

[2] Non-Residential: ~~\$200.-~~ **\$250.**

(i) Temporary Certificate of Occupancy - U.C.C., Initial issuance – No Fee

[1] Each subsequent renewal & request for Certificate of Occupancy: \$30. **State Mandated**

(j) Change of Contractor - ~~\$25~~ plus any additional items or cost. \$35.

(k) Plan review fee: 20% of the anticipated permit fee which is nonrefundable. **State Mandated**

(l) Withdrawn permit administrative fee: ~~30%~~ includes plan review. **20% State Mandated**

(m) Reinstatement of Lapse Permit Fee, 80% percent of original fee.

(n) Certificate of Continued Occupancy – U.C.C., applicant requested:

[1] General visual inspection by all Sub-code Officials: ~~\$100~~ per sub-code. **\$125.**

(o) Uniform Construction Code Variations:

[1] Residential: ~~\$125.~~ **\$150**

[2] Commercial/Mixed use: ~~\$250.~~ **\$300.**

(p) Zoning review fee (requires survey, a current survey depicts as exists): ~~\$30~~ **\$40.**

(q) Retaining walls: plus zoning review fee:

[1] Under 4’ in height: Zoning Permit ~~\$30.~~ **\$40.**

[2] Over 4’ in height: Per \$1000 of estimated cost: \$22.

(r) Patios: ~~\$50~~ plus zoning review fee: **\$60**

(s) Fences: plus zoning review fee.

[1] Not associated with pool:

[A] Fifty (50) feet of fencing or less in length:

[a] With a current property survey: ~~\$30.~~ **\$40**

[b] Without a current property survey: ~~\$50.~~ **\$60**

[B] More than fifty feet in length: ~~\$50.~~ **\$60.**

[2] Pool fence/barrier or fence over 6’ high:

[A] With a current property survey: Per \$1000 of estimated cost: ~~\$22.~~ **\$25.**

[B] Without a current property survey: Not Permitted

(t) Swimming pool: building permit only, does not include fence/barrier:
permit also requires zoning review fee:

[1] Aboveground: ~~\$150.~~ **\$200.**

[2] Semi-In-ground: ~~\$300.~~ Also requires Soil Movement Permit. **\$500.**

[3] In-ground: Per \$1000 of estimated cost: ~~\$22.~~ Also requires Soil Permit. **\$25.**

(u) Signs: plus zoning review fee:

[A] Up to twenty-four (24) square feet: ~~\$65~~ per sign. **\$85.**

[B] Twenty-five (25) to fifty (50) square feet: ~~\$100~~ per sign. **\$150.**

[C] Fifty (50) square feet and above: ~~\$150~~ per sign. **\$200.**

[D] Free standing sign: ~~\$200~~ two sided. **\$300.**

(v) **Trailers** used for construction offices and storage: plus zoning review fee:

[1] Residential: \$100 each.

[2] Nonresidential/Mixed use: \$300 each.

(w) **Sidewalks:**

[1] Public New/replacements/repairs over 25%: ~~\$25.~~ **\$50.**

[2] Private walkways: zoning review fee only.

(x) **Driveways:** plus zoning review fee:

[1] Re-surface same size:

[A] With a current property survey ~~\$30.~~ **\$40.**

[B] Without current property survey ~~\$60.~~ **\$70.**

[2] Enlargement:

[A] With a current property survey \$60. **\$70.**

[B] Without a property survey: Not Permitted.

Add (C) Curb Cut and/or Apron: \$25.

(y) **Change of Tenancy/Occupancy Zoning - Plus Fire Prevention Fees.**

[1] Residential: \$100 plus ~~\$40~~ each per additional unit. **\$50.**

[2] Non-Residential or mixed: \$200 plus \$100 per additional unit.

(z) **Shed:** (Only 2 permitted if under 150 square feet) plus zoning review fee:

[1] Under 100 square feet: **200**

[A] ~~With a current property survey: \$30.~~ **Under 150 Square feet with a current Property survey: \$60.**

Add (B) Over 151 Square feet to 199 with a current property survey: \$80.

(C) [B] Without a property survey: Not Permitted.

~~–[2] Between 100 & 200 square feet (U.C.C. permit): Delete~~

~~[A] With a current property survey: Per \$1000 of estimated cost: \$22.~~

~~[B] Without a current property survey: Not Permitted~~

~~–[3] Over 200 square feet: Requires Soil Movement Permit and Foundation. Delete~~

(2) Over 200 Square feet up to 600 Square feet plus zoning review fee: May also Require Soil Movement permit and foundation.

~~[A] With a current property survey: Per \$1000 of estimated cost \$22.~~

~~With a current property survey: \$25 per \$1000 of estimated cost.~~

[B] Without a current property survey: Not Permitted.

(aa) **Temporary Tents:**

[1] Over 900 square feet or thirty feet of length in one direction: ~~\$100.~~ **\$200.**

(bb) **Storage tanks in gallons per installation:**

- [1] Up to 330: ~~\$75.~~ **\$175.**
- [2] 331 to 660: ~~\$125.~~ **\$250.**
- [3] 661 to 1000: ~~\$200.~~ **\$400.**
- [4] 1,001 to 5000: ~~\$500.~~ **\$800.**
- [5] 5,001 or more ~~\$1000.~~ **\$1,500**

(cc) Tank Demolition, per tank:

- [1] Residential: ~~\$100.~~ **\$125.**
- [2] All Other Uses & Commercial: \$200.

(dd) Certificate of Compliance, annual inspection for public swimming pools, spas and hot tubs: ~~\$100.~~ **\$150.**

(ee) Relocation of structure: plus zoning review fee: **No Permit Required**

~~—[1] \$30 per \$1000 of estimated cost.~~

(ff) Special inspection fee request – for emergency/extraordinary situations:

[1] Special inspection fees. Any person, partnership or corporation who requests and obtains a required code inspection either before or after regular Building Department hours of business or on holidays and weekends shall be required to pay, in addition to any established permit and certificate fees, the current contractual hourly compensation rate (one and one half times their normal hourly salary) for the Code Officials performing the inspections, plus an administrative surcharge of 20% of said calculated amount. Said fee shall be calculated and based on the amount of time required for said inspections with payment for a minimum inspection time of no less than two hours with the calculated surcharge.

(gg) Search of Borough Records. Current year and back two years, no retrieval fee only the per page copy charges. Beyond two years from the date of request: ~~\$40~~ per hour or part thereof retrieval fee, plus copy charges per page. **\$50.**

(2). Electrical Subcode Fees. Minimum Fee Residential R3/R5: ~~\$60.~~ **\$70.**
All Other Uses & Commercial: ~~\$100.~~ **\$125.**

(a) Receptacles and Fixtures (lighting fixtures, receptacles, switches, detectors, light poles, motors–fractional horsepower, emergency & exit lights, communication points and alarm devices/fire alarm control panel):

- [1] One to 25 units: ~~\$65.~~ **\$70.**
- [2] Each additional 25 or fraction thereof: ~~\$25.~~ **\$30.**

(b) Motors and Electrical Devices over 1 HP up to:

- [1] One horsepower to 10 horsepower: ~~\$45.~~ **\$75.**
- [2] From 11 horsepower to 50 horsepower: ~~\$100.~~ **\$150.**
- [3] From 51 horsepower to 100 horsepower: ~~\$200.~~ **\$300.**
- [4] Greater than 101 horsepower: \$450.

(c) Transformers and Generators over 1 KW up to:

(equipment and appliances, including electrical range oven, dishwasher, dryer, water heater, boiler, furnace, baseboard heat, space heaters, transfer switches, or any other fixed or plug in appliance) each:

- [1] One kilowatt to 10 kilowatts: ~~\$30.~~ **\$75.**
- [2] Over 11 kilowatts to 45 kilowatts: ~~\$60.~~ **\$150.**
- [3] Over 46 kilowatts to 112.5 kilowatts: ~~\$100.~~ **\$300.**
- [4] Over 112.5 kilowatts: \$450.

(d) Service Panels, Entrances and Subpanels,

- [1] Less than or equal to ~~150 amps: \$60.~~ **200 amps: \$100.**
- [2] ~~151 amps or equal to 200 amps: \$70.~~ **201 amps or equal to 400 amps: \$300.**
- ~~[3] 201 amps or equal to 400 amps: \$200. Delete~~
- [3] 401 amps or equal to 1,200 amps: \$450.
- [4] Over 1201 amps: ~~\$750.~~ **\$1,000.**
- [5] Additional meters included in service: ~~\$35.~~ **\$75.**

(d) **Air conditioning units** (disconnect, compress/condenser and air handler):

- [1] Each: ~~\$60.~~ **\$75.**
- [2] Replacement of any system part: ~~\$35.~~ **\$50.**

(e) **Burglar Alarm System** (complete): ~~\$60.~~ **\$75.**

(f) **Hydro massage tub** (interior whirlpool tub/spa): ~~\$45.~~ **\$50.**

(g) **Swimming pools** (includes, receptacle, switch, trench, bonding and equip potential bonding matt):

- [1] Aboveground: ~~\$75.~~ **\$100.**
- [2] Semi-inground: ~~\$90.~~ **\$150.**
- [3] In-ground: ~~\$125.~~ **\$300.**
- [4] Light, each: ~~\$35.~~ **\$50.**

(g) **Hot tub or spa** (exterior): ~~\$100.~~ **\$150.**

(h) **Certificate of Compliance**, (annual inspection for public swimming pools, spas and hot tubs): ~~\$100.~~ **\$150.**

(3). Plumbing Subcode Fees. Minimum Fee Residential R3/R5: ~~\$60.~~ **\$70.**
All Other Uses & Commercial: ~~\$100.~~ **\$125.**

- [1] Water closet/toilet/urinals/bidets: ~~\$20.~~ **\$25.**
- [2] Bathtub: ~~\$20.~~ **\$25.**
- [3] Lavatory/sink: ~~\$20.~~ **\$25.**
- [4] Shower: ~~\$20.~~ **\$25.**
- [5] Floor drain: ~~\$20.~~ **\$25.**
- [6] Dishwasher: ~~\$20.~~ **\$25.**
- [7] Drinking fountain/water cooler: ~~\$20.~~ **\$25.**
- [8] Washing machine: ~~\$20.~~ **\$25.**
- [9] Hose bibb: ~~\$20.~~ **\$25.**
- [10] Stacks: ~~\$20.~~ **\$25.**
- [11] Water heater: Residential ~~\$60.~~ **\$70** Commercial: ~~\$100.~~ **\$125.**
- [12] Fuel oil piping: ~~\$65.~~ **\$70.**
- [13] Gas piping: ~~\$20~~ per connection. **\$25.**
- [14] Steam/Hot Water Boiler/Furnace: Residential: ~~\$65.~~ **\$75.** Commercial: ~~\$100.~~ **\$125.**
- [15] Sewer pump/ejector: ~~\$65.~~ **\$75.**
- [16] Interceptor/separators: ~~\$65.~~ **\$75.**
- [17] Backflow preventer: Residential ~~\$65.~~ **\$75.** Commercial with Test Ports: ~~\$100.~~ **\$125.**
- [18] Grease trap: ~~\$65.~~ **\$75.**

- [19] Sewer connection/Replace/Repair Residential: ~~\$65.~~ **\$75.** Commercial: ~~\$100.~~ **\$125.**
- [20] Water service connection/2 inch or less: ~~\$65.~~ **\$75.** Over 2 inch: \$100.
- [21] Refrigerant units: ~~\$65.~~ **\$75.**
- [22] Active solar system: ~~\$65.~~ **\$75.**
- [23] Garbage disposal: ~~\$20.~~ **\$25.**
- [24] Indirect connection: ~~\$20.~~ **\$25.**
- [25] Humidifier: ~~\$20.~~ **\$25.**
- [26] Condensate line/drain: ~~\$20.~~ **\$25.**
- [27] Roof drains: ~~\$20.~~ **\$50.**
- [28] Septic connection: ~~\$65.~~ **\$75.**
- [29] Water softener: ~~\$65.~~ **\$75.**
- [30] Swimming Pool: Above ground: ~~\$65.~~ **\$75** Semi-in-ground: ~~\$80.~~ **\$100.**
In-ground: ~~\$100.~~ **\$150.**
- [31] Annual Testing of Commercial Backflow devices: ~~\$75~~ per device. **\$50.**

(4). Fire Protection Subcode Fees. Minimum Fee Residential R3/R5: ~~\$60.~~ **\$75.**
All Other Uses & Commercial: ~~\$100.~~ **\$125.**

(a) Installation of Flammable/Combustible/Liquid Storage Tanks:

- [1] Up to 350 gallons: ~~\$75.~~ **\$100.**
- [2] Over 350 gallons to 1000 gallons: ~~\$100.~~ **\$150.**
- [3] Over 1000 gallons to 5000 gallons: ~~\$250.~~ **\$350.**
- [4] Over 5000 gallons to 10,000 gallons: ~~\$500.~~ **\$750.**
- [5] Over 10,000 gallons: ~~\$1000.~~ **\$1,500.**

(b) Alarm/Supervisory/Signaling Devices (smoke, heat, carbon monoxide, pull stations, water flow, tampers, low/high air, horn/ strobes & bells) each:

- [1] 1 thru 6: ~~\$60.~~ **\$75.**
- [2] Each additional device: ~~\$5.~~ **\$10.**

(c) Wet and Dry Sprinkler Heads:

- [1] 1 thru 19: ~~\$100.~~ **\$200.**
- [2] 20 thru 100: ~~\$200.~~ **\$400.**
- [3] 101 thru 200: ~~\$400.~~ **\$600.**

[4] 201 thru 400: ~~\$748.~~ **\$800.**

[5] 401 thru 1000: ~~\$1,036.~~ **\$1,500.**

[6] Over 1000: ~~\$1,323.~~ **\$2,000.**

(d) Stand Pipes: ~~\$289.~~ \$500.

(e) Kitchen Hood Exhaust System: ~~\$200.~~ \$300

(f) Pre-Engineered Systems:

[1] Wet Chemical: ~~\$150.~~ **\$250.**

[2] Dry Chemical: ~~\$150.~~ **\$250.**

[3] CO2 Suppression: ~~\$150.~~ **\$250.**

[4] Foam Suppression: ~~\$150.~~ **\$250.**

[5] FM200 Suppression: ~~\$150.~~ **\$250.**

(g) Smoke Control Systems: ~~\$500.~~ \$750.

(h) Gas or Oil Fired Appliance: ~~\$60.~~ \$75.

(i) Fireplaces: ~~\$75.~~ \$85.

(j) Fire Sprinkler Component Fee Costs in addition to Sprinkler Heads:

[1] Hydraulic calculations or alterations to pipe schedule, plan review: ~~\$75.~~ **\$100.**

[2] Dry pipe alarm, pre-action and similar devices: ~~\$75.~~ **\$100.**

[3] Supervisory devices, each: ~~\$25.~~ **\$30.**

[4] Water service for Fire Line:

[A] Up to 2 inch: ~~\$100.~~ **\$200.**

[B] 2 inch to 5 inch: ~~\$200.~~ **\$400.**

[C] 6 inch or larger: ~~\$300.~~ **\$600.**

[5] Fire pump: ~~\$500.~~ **\$1,000.**

(k) Fire Alarm System Components Fees in addition to Alarm Devices:

[1] Fire Alarm Panel, new installation or replacement: \$100.

[2] Fire Alarm System security and other devices (i.e. door locks, electromagnetic releases, hold open devices, elevator control valves and floor control valves): ~~\$10 each.~~ **\$15.**

- (l) **Metal Chimney or liners:** R3/R5 each: ~~\$60.~~ **\$75.** Mixed Use/Commercial ~~\$100.~~ **\$150.**
- (m) **Emergency Lights and Exit Signs,** each: ~~\$5.~~ **\$10.**

(5) Mechanical Subcode Fees.

(a) R3/R5 Structure/use group Minimum Fee: ~~\$60.~~ **\$70.**

- [1] Water Heater: ~~\$60.~~ **\$70.**
- [2] Fuel Oil Piping Connections: ~~\$65.~~ **\$70.**
- [3] Gas Piping Connections: ~~\$20.~~ per connection. **\$25.**
- [4] Steam Boiler with Backflow: \$130.
- [5] Hot Water Boiler with Backflow: \$130.
- [6] Hot Air Furnace: \$130.
- [7] Oil Tank **with Piping:** ~~\$75.~~ **\$100.**
- [8] LPG Tank: ~~\$75.~~ **\$100.**
- [9] Fireplace/**Woodstove:** ~~\$75.~~ **\$85.**
- [10] Hydronic Piping: ~~\$65.~~ **\$75.**
- [11] Radiant Heat Piping: ~~\$65.~~ **\$75.**

~~Delete [12] Lawn Irrigation System: \$60.~~
Add (12) Chimney Liner: \$100.
Add (13) A/C Unit Coils/Condensers: \$15.

(b) Minimum Fee Mixed Use/Commercial: ~~\$100.~~ **No Permit Required**

~~[1] Mechanical work on other than a R3/R5 structure/use group shall be calculated based upon: \$22 per \$1000 of estimated cost.~~

B. Certificate fee Schedule shall be:

- (1) Reserved.
- (2) Reserved.
- (3) For a Certificate of continued occupancy (CCO):
 - (a) Residential: ~~\$75.~~ **\$100.**
 - (b) Commercial: ~~\$100.~~ **\$200.**
- (4) For a letter of completion (minor work): \$10. ~~Delete~~**
- (5) For a letter of certification, which is the end result of an inspection process either confirming or denying in whole or part any provision of the Uniform Construction Code: \$20. ~~Delete~~**

~~C. Annual construction permit. The fee for an annual construction permit shall be paid annually. This fees shall be based on the assessed property value of the facility. The fee shall be in the amount of \$1 per \$10,000 of assessed property value, with a minimum permit fee of \$100. And a maximum permit fee of \$1,000. An annual construction permit shall become null and void on its anniversary date, one year after issuance. **Delete**~~

~~D. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Council biannually a report recommending a fee schedule based on the operating expenses of the Agency and other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). **C.**~~

~~E. In order to provide for the training, certification and technical support programs required by the State Uniform Construction Code Act and regulations, the Enforcing Agency shall collect, in addition to the fees~~

specified hereinbefore, a surcharge of ~~\$0.0016~~ **\$0.00190** per cubic foot of volume of new construction and additions. The fee for all other construction shall be ~~\$ 0.80~~ **\$ 0.00371** per \$1,000 of value of construction. **D.**

F. Exemption from fees for improvements to aid disabled persons. **E.**

This ordinance shall take affect 20 days after final adoption as required by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 1st Reading

ORDINANCE #355-2019

Motion to Introduce: Councilman Criscuolo

Motion Second: Councilman Donovan

AN ORDINANCE AMENDING CHAPTER 142 OF THE CODE LAND USE PART 2 “FLOOD HAZARD AREAS” ARTICLE XIV GENERAL PROVISIONS

BE IT ORDAINED, that Part 2, Sections 142-65 through 142-81 are replaced in their entirety as follows:

§ 142-65. Title.

Part 2 shall be known as the "River Vale Flood Hazard Area Regulation Ordinance."

§ 142-66. Statutory Authorization.

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of River Vale of Bregen County, New Jersey does ordain as follows:

§ 142-67. Findings of fact.

- a) The flood hazard areas of the Township of River Vale are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 142-68. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 142-69. Methods of reducing flood losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

§ 142-70. Word usage and definitions.

A. Word usage. For the purpose of this Part 2, unless the context clearly indicates a different meaning, the term "shall" indicates a mandatory requirement and the term "may" indicates a permissive action. Words used in the present tense include the future tense, singular usage includes the plural usage, and the plural usage includes the singular usage.

B. Interpretation. Unless specifically defined below, words or phrases used in this Part 2 shall be interpreted so as to give them meanings that they have in common usage and to give this Part 2 its most reasonable application.

C. Definitions. As used in this Part 2, the following terms shall have the meanings indicated:

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds fifty (50) percent of the market value of the

structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Article XV. Application, Interpretation, Penalties

§ 142-71. Applicability.

This Part 2 shall apply to all areas of special flood hazard within the jurisdiction of the Township of River Vale, County of Bergen and State of New Jersey.

§ 142-72. Basis for establishing areas of special flood hazard; study on file.

The areas of special flood hazard for the Township of River Vale, Community No. 340069, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)" dated August 28, 2019.
- b) "Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions)" as shown on Index and panels 34003C0092H, 34003C0094H, 34003C0111H, 34003C0113H, 34003C0182H, 34003C0201H, whose effective date is August 28, 2019.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 406 Rivervale Road, River Vale, New Jersey.

§ 142-73. Compliance; violations and penalties.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the penalties in Chapter 1, General Provisions, Article I, § 1-14, for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of River Vale, from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 142-74. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 142-75. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

§ 142-76. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of River Vale, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Article XVI. Enforcement, Standards, Severability, Enactment

§ 142-77. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section §142-72. Application for a Development Permit shall be made on forms furnished by the Construction official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section §142-81H.; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 142-78. Appointment of administrator.

The Chief Construction Official is hereby appointed to administer and implement this Part 2 by granting or not granting development permit applications in accordance with its provisions.

§ 142-79. Duties and responsibilities of Chief Construction Official.

The duties of the Chief Construction Official shall include but not be limited to:

A. Reviewing all development permits to determine that the permit requirements of this Part 2 have been fulfilled.

B. Reviewing of all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.

C. Reviewing of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, to assure that the encroachment provisions of § 142-80.J.(1) are fulfilled.

D. Use of other base flood data. When base flood elevation and floodway data has not been provided in accordance with § 142-72., Basis for establishing areas of special flood hazard; study on file, the Construction Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer § 142-81.G., Residential construction, and § 142-81.H., Nonresidential construction.

E. Information to be obtained and maintained:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level); and
 - b. maintain the floodproofing certifications required in section §142-77.c.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

F. Alteration of water courses

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

G. Substantial damage review

1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
3. Ensure substantial improvements meet the requirements of sections §142-81.G., Specific Standards, Residential Construction, §142-81.H., Specific Standards, Nonresidential Construction and §142-81.I., Specific Standards, Manufactured Homes.

H. Interpretation of FIRM boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section §142-80.

§ 142-80. Variance procedure.

A. Appeal Board

1. The River Vale Joint Planning Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The River Vale Joint Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the River Vale Joint Planning Board, or any taxpayer, may appeal such decision to the Superior Court, Law Division, as provided in N.J.S.A. 40:55D-1 et seq.
4. In passing upon such applications, the River Vale Joint Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of section § 142-80.A.4. and the purposes of this ordinance, the Joint Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a.-k. in section §142-80.A.4. have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section §142-80.A.4., or conflict with existing local laws or ordinances.
- a) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 142-81. Provisions for Flood Hazard Reduction.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision Proposals

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. Enclosure Openings

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

F. Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section § 142-72., Basis For Establishing the Areas Of Special Flood Hazard or in section § 142.79.D., Use Of Other Base Flood Data, the following standards are required:

G. Residential Construction

1. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,
2. Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

H. Nonresidential Construction

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

1. Elevated at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1, and
2. Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

1. Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section § 142-79.E.2.b.

I. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with section § 142-81.A.2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - a. Be consistent with the need to minimize flood damage,

- b. Be constructed to minimize flood damage,
- c. Have adequate drainage provided to reduce exposure to flood damage,
- d. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
- e. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

J. Floodways

Located within areas of special flood hazard established in §142-72. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. If section § 142-81.J.1. is satisfied, all new construction and substantial improvements must comply with section § 142-81.
- 3. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

§ 142-80. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

§ 142-81. Enactment

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law and shall remain in force until modified, amended or rescinded by Township of River Vale, Bergen County, New Jersey.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

There were no Ordinances for 2nd Reading

2nd Hearing of the Public

Motion by Councilman Criscuolo; second by Councilwoman Sieg to open the meeting to the public.

There being no questions or comments from the public motion by Councilman Criscuolo; second by Councilman Donovan to close the meeting to the public.

ADJOURNMENT

Motion by Councilman Donovan; second by Councilwoman Sieg to adjourn the meeting at 9:50pm.

ATTEST:
Karen Campanelli, Township Clerk

Council President
Mark Bromberg

