

MINUTES
Regular Council Meeting
Monday, June 24, 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 Donovan, Councilwoman Criscuolo, Councilwoman Sieg and Council President Bromberg were present. Councilman Ben-Yishay was absent.

Also present: Township Attorney Silvana Raso, Township Engineer Chris Statile and Township Clerk Karen Campanelli.

Council Comments

There were no Council comments this evening.

Township Engineer's Report

Mr. Statile reported that PSE&G is starting their gas main replacement program in Town. PSE&G will be increasing gas pressure on about 20 streets in Town. They hope to be done by the Fall and approximately 400 homes will be affected. Mr. Statile will solicit PSE&G's input for the 2020 Road Program to determine the streets that they plan to perform the same work on next year.

Council President Bromberg clarified that PSE&G will be giving the Township the funds to repave the affected roads curb to curb. Mr. Statile responded affirmatively that there is a memorandum of understating providing the Township with \$400,000 to pave the roads in 2020. PSE&G will be notifying the homeowners and work will be starting next week.

Mr. Statile next reported that on June 12th they had the pre-construction meeting for the 2019 Road Program. He further reported that at this time the work has already commenced, all the milling is complete and the contractor has started paving. Mr. Statile expects the paving to continue for the next 7 days. He also reported that the Roberge Sidewalk SRTS project is expected to start in two weeks.

Mr. Statile gave an update of the Fairways at Edgewood development which has been verbally approved for the preparation of an affirmative resolution. This resolution will be considered this Thursday evening at the Joint Planning Board meeting.

He next gave a brief update on grant applications. They are submitting grant application in July to the NJDOT for next year's road projects. In conclusion, Mr. Statile reported that the Township has asked his office to prepare contract specifications for a Press Box at the Mark Lane Football Field above the bleachers; the Football Association is paying for the work.

Councilman Donovan questioned; at the request of his daughter, what is the status of the miniature Golf Course. Mr. Statile responded that he and Gennaro are reconsidering how to bid the project and may do a

design/build specification. This will allow a perspective contractor the opportunity to both design and build the course.

1st Hearing of the Public

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

Pat Monaghan—518 High Road—Mr. Monaghan and his wife have been residents of River Vale for 41 years. Mr. Monaghan is speaking in opposition to the proposed culling of the deer herd. He and his wife oppose the deer hunt on both practical and humanitarian grounds. Mr. Monaghan explained that on practical grounds the hunt will not be successful; because the deer are smart and do not know the boundaries of River Vale. He further explained that there may be a temporary reduction in the deer population in River Vale but it will have no effect on the surrounding Towns and then possibly repopulate in River Vale.

Mr. Monaghan referenced the Mayor's letter which stated three basic reasons for a deer hunt. The first being Lyme disease; Mr. Monaghan has not seen any statistics of the incidence of River Vale residents being stricken with Lyme disease. The second reason being the number of accidents involving deer. Mr. Monaghan asked the Council if they considered the incidence of texting as a possible reason for the increase of accidents or excessive speed in the areas where the accidents occur. The third reason is foliage. Mr. Monaghan explained that he is a gardener and he admits that he doesn't like the deer eating his foliage. He further explained that one of the reasons he moved to Town was for its rural character which includes the animal population. Mr. Monaghan stated that they do have a lot of deer but they do not bother them. He suggested that if foliage is the problem then change it and get deer resistant plants such as flowering vinca.

Mr. Monaghan stated that the deer do not present a direct threat to humans; rather they are lovely wonderful creatures to observe.

Council President Bromberg commented that they have been discussing and investigating this issue for the past couple of years. They have had presentations from experts on both sides of the issue; and there are basically two options. Council President Bromberg explained that one option is do nothing and the other is the hunt. He further explained that there are no non-lethal sterilization or catch and release methods that are approved by the State of New Jersey. He next commented about Lyme disease and that the experts have told them that the vector that brings the tick into people's backyards are the deer. Council President Bromberg referenced an email with stats sent to him by Kim Nagelhout indicating there has been a decrease in Lyme disease in New Jersey. Council President Bromberg added that numbers have fluctuated over the years and they cannot base their decision on one year. Council President Bromberg also made everyone aware that they are not permitted to ask people any details about their medical history; therefore, it is not possible to take a survey of who has Lyme disease. He added that Lyme disease is prevalent, on the rise and there are other diseases that Dr. Ben-Yishay has shared and discussed.

Council President Bromberg stated that the biggest factor in their decision was the increase in motor vehicle accidents relating to deer. He added that there has been a sky rocketing increase in motor vehicle accidents involving deer and they have over 50 incidents reported. Council President Bromberg further added that it is this reason that motivated them to act and reduce the population. He explained that if they allow it to continue; they could not in good conscience wait. And then there is an accident involving a deer that has significant injuries or even a death.

He next addressed the concerns about humanity and that it's not pleasant to see an animal that has been hit on the side of the road. They don't want to see the animals inhumanly dispatched by motor vehicles. Council President Bromberg stated that they are looking to bring things back into balance for the protection of the residents and this is what they've decided to do based on the options before them.

Marina George—545 Piermont Avenue—Ms. George stated that her house faces the golf course; she expressed her concern about the deer hunt and what are the safeguards to prevent an arrow from ending up on her front lawn with her kids. And when this happens who's responsible.

Council President Bromberg responded that it is his understanding that this would be done in a restricted area, it will not be near any homes and the people will be in an elevated position firing down.

Ms. George stated that it is her understanding that they cannot fire within 200 yards of the residents but people make mistakes. She would also like to know who the people are that will be hunting.

Council President Bromberg responded that it is his understanding that it will be a professional group that specifically does this for the State. He clarified that they are not asking the State to open River Vale to general hunting and they are still working on the details.

Fran Darakjian—598 Faletti Way—Ms. Darakjian referenced the Mayor’s email and questioned how they determined that River Vale has an average of 96 deer per square mile.

Council President Bromberg responded that the Township hired a professional to perform a drone study of the deer population.

Ms. Darakjian added that the deer move and you don’t know if you’re counting the same deer twice.

Council President Bromberg added that the report is available online.

Bob Acerno—528 Green Lane—stated that there is no place on Edgewood Country Club that is safe and he questioned how there could not be a safety issue.

Council President Bromberg clarified that that they are not discussing Edgewood Country Club; the area they are considering is on the River Vale Country Club near the reservoir. He added this location is a significant distance from any residences.

Julian Ocejo—827 Blauvelt St.—Mr. Ocejo has lived in River Vale for 25 years and he moved here for what they are destroying. He stated that the Human Society considers bow hunting as cruelty to animals; and cruelty to animals is a crime in most States. Mr. Ocejo also stated that the New Jersey Department of Environmental Protection issues a Community Based Deer Management Manual for municipalities and questioned if they have consulted this manual. He added this manual discusses many options such as lighting and deer whistles. Mr. Ocejo feels this issue will negatively affect homes values and subsequently the tax rate. He added that God put the deer here and we are destroying his creation cruelly.

Lisa Antebi—563 Wayne Drive—Ms. Antebi questioned when this is supposed to begin.

Council President Bromberg stated that it has not yet been approved and the details are not yet determined.

Ms. Antebi questioned how long it takes for the deer to die after it’s been shot; she envisioned the deer being in pain and suffering.

Council President Bromberg explained that he has pulled over and seen the Police Department handle a deer that has been hit by a motor vehicle and it is a very difficult sight. He further explained that it is his understanding that with respect to hunting; the techniques that are approved by Fish & Wildlife are considered effective ways to dispatch the animal and in the most practical way possible.

Ms. Antebi asked if there are any other methods from the State.

Councilwoman Sieg responded that there isn’t another method and that’s the horror of this issue. She has asked people to write to their Congressmen, Assembly members and Governor to help them to have another solution to this problem.

Louise Tuckman—566 Wayne Drive—Ms. Tuckman moved to River Vale 46 years ago. She noted that River Vale has been named the Safest Town in New Jersey on two occasions. Ms. Tuckman suggested posting signs at points where you enter Town; stating that we love our Town, our deer, our children 10 miles per hour at night when you drive through here. She next discussed the baby fawns that live in her yard and would this happen when they are still nursing which would be cruel. Ms. Tuckman also questioned whether they have considered birth control.

Councilwoman Sieg responded that unfortunately the State will not allow it. Council President explained that the deer are basically the property of the State of New Jersey and are managed by Fish & Wildlife; therefore, the way to effectuate change is through State Government.

Ms. Tuckman knows the Council are residents too and feel as pained as they do; and that this is such an issue for many of them.

Carol Sonnenberg—823 Bailey Road—Commented that during the past three weeks the deer are gone from her yard. She explained that in their place she now has coyote and this concerns her. Ms. Sonnenberg stated that they are quite vicious and she is afraid to let her grandchild in the yard. She is also concerned that when the deer are gone another predator will move in. Ms. Sonnenberg questioned how they will lure the deer from the different parts of Town to the Golf Course.

Council President Bromberg stated that this is a concern they've had and that they don't want to wait for a coyote issue to materialize. He added that the coyote are another reason they felt compelled to act and move forward with their decision.

Pam Sturt—42 Maple Ave., Hillsdale—commented that the deer whistles work effectively and she encourages their use. Ms. Sturt discussed the details of how long it takes the deer to die from bow hunting and that it's not common for the deer to die instantly. She referenced the two options the Governing Body has and that the residents who are upset by the deer are not at a meeting complaining. Therefore, she feels there are more people against it. Ms. Sturt encouraged residents to drive slowly and watch the sides of the road. She further commented that even if there are too many deer, there are also too many people and River Vale has become over populated. Ms. Sturt questioned how it is fair that we are arbitrarily cutting down the deer population.

Gail P.—22 Homestead Ave. Hillsdale—commented that the deer have been crossing Cedar Lane for the past 40 years. She explained that they have the perfect opportunity to lead them in a positive direction. She stated they have the power to hit the pause button until they can make changes such as legislation and instead they chose brutality.

Kathleen Sullivan—430 Cedar Lane—stated that she is upset about people who are concerned about their plants; and suggested using lemon slices to deter the deer. Ms. Sullivan also read a letter from her granddaughter; Rachel Hort is 9 years old and a student Roberge School. In the letter, her granddaughter stated how sad she is about killing the deer, that she does want to see anything happen to the deer and asked if they could be taken to a safe place to live.

Ryan Markenson – 297 Spring Street—Mr. Markenson opposes the deer hunt. He explained that he drives a truck every day and doesn't feel River Vale has a problem compared to other Towns he travels through. Mr. Markenson also questioned the number of deer they plan to kill.

Council President Bromberg responded that will be decided by Fish & Wildlife.

Stuart Komrower—677 Alexander Court—Mr. Komrower saw the people at the 4 Corners on his way home from work and received some information. He added that this has been very informative and he's learned a lot this evening. Mr. Komrower commented that it's great to live in a democracy where people can express their opinions. His concerns are with regard to the process and when the plan is approved.

Council President Bromberg responded that more investigate and consultation needs to be done and more details will be forthcoming. He doesn't feel this will happen before the end of the year and probably more into the winter months. Council President Bromberg explained that some ordinances need to be passed, decisions need to be made but at this point they have decided to move forward with planning and investigating.

Mr. Komrower added that these meeting are helpful to dispel misinformation. He clarified that the Township is not issuing licenses to hunters to bring revenue to the Town.

Council President Bromberg concurred that the Township will not be issuing licenses; rather they will rely on the State to guide them with accurate information and a group of specific hunters that they rely on.

Councilman Criscuolo added that they have two choices; they do nothing or move forward with some deer management plan. He explained that the Council has decided that they need to do something; and have authorized the Mayor to start working with the State to determine what the deer management plan will be.

Ms. Raso agreed and added that the reason there is not a lot of specific information at this point. The State is going to tell River Vale, in the process of these conversations, what the approved plan will be. Ms. Raso explained at that point River Vale will have the option to move forward with what the State dictates or they will not. She clarified, that presently there have been meetings open to the public and advising them that the Mayor is having these conversations with the State to determine what if any plan would look like. Ms. Raso further clarified a decision has not been made nor a date set.

Mr. Komrower commented they are putting the cart before the horse and feels many people in Town are opposed to this. He questioned if it will be on the Golf Course and which course. Ms. Raso clarified that the State will dictate those details.

Council President Bromberg added that the thought is that it would be on the Township Course, as far away from the residents as possible. He added that there is no plan to have hunting on private property.

Mr. Komrower questioned if it is conceivable possibility that this could be derailed and would they consider a referendum.

Councilman Criscuolo commented that nothing is a done deal and all they have done is grant the Mayor the opportunity to talk to the State. He continued, that because they've decided to do something doesn't mean it's absolutely going forward. Councilman Criscuolo added that when the State comes back with a plan they can revisit and decide if it makes sense. Ms. Raso added that as she understands it the State will dictate the parameters and it will be up to the municipality to accept the plan. She is not certain how any modifications would work.

Council President Bromberg stated that it's safe to say that the State is not going to dictate that they have it on private property; we are only talking about Township owned property. He also responded that regarding a referendum; they decided not to defer it and instead make a decision on behalf of the residents.

Councilman Donovan state that the support he gave the Mayor to investigate this issue was under the belief that we were only discussing the River Vale Country Club. He further stated, if the State were to come back with other parameters that weren't discussed he would lose my support.

Alp Berrak—217 Sunrise Court—regarding the hunt; who are the people that decide what we can and can't do and how are they qualified.

Council President responded that the New Jersey Division of Fish & Wildlife are charged with the management of the wildlife in the State of New Jersey. They decide the parameters based on their scientific evidence.

Celia Gollub—582 Lockhaven Drive—Ms. Gollub stated that this issue makes her uncomfortable. She has asked previously and doesn't know what to tell her children as to why this is ok. Ms. Gollub also asked during the hunt where do they take the deer.

Council President Bromberg responded that he can't tell you personally how to deal with your own children. He agreed that it is a good question with regard to transport of the deer and they will inquire about the actual logistics.

Dr. Berrak—217 Sunrise Court—Dr. Berrak would like this paused and instead asked that they help guide them to talk to the right elected officials to help make changes rather than be cruel people.

Maria Buchert—31 Orchard Avenue, Emerson—questioned how do you know the other methods; such as the cloth on signs, don't work. Ms. Buchert questioned how do you know they don't work if you haven't tried them? She added that the only real failure is the failure to try. Ms. Buchert commented that pro-hunting people are not shy and they are not here tonight but there is a whole audience against it. Ms. Buchert also suggested that River Vale doesn't have a deer problem but rather a speeding problem. She also hopes the meeting at the Library will enlighten people about Lyme disease. Ms. Buchert also made note of the fact that the New Jersey Department of Fish & Game is comprised of mostly hunters.

Councilman Criscuolo commented that they have all received emails from people supporting the hunt. They may not be here and be as vocal but there are people who support the hunt. Councilman Criscuolo next referenced the accidents and he encouraged people to read the report about the deer population. He noted that in River Vale there are 96 deer per square mile and in an ideal environment the number is 10. Councilman Criscuolo also stated that the report addresses the possibility of the deer being double counted. He also noted the accident data in the report; and noted the fact that where the population of deer is less than 30 deer per square mile there are zero accidents. He further detailed, that where the deer population is 50 to 100 per square mile the number of deer accidents more than quadrupled. Councilman Criscuolo stressed that the data is pretty clear that there is correlation between the deer related accidents and the size the deer population.

Lisa Sangeri—16 Trinity Place, Hillsdale—expressed her concern that when they ask questions they don't have the answers; and if you know how many deer you have how do you not know how many to eliminate. Ms. Sangeri is also unclear how you can vote on something without a statement of work.

Councilman Criscuolo clarified that they have not approved a plan; they have only authorized that Mayor to have discussions with the State and work out a plan.

Ms. Raso clarified that there has been no vote and there has been no action taken by the Governing Body to move forward with a plan because there is no plan proposed. She explained that the Mayor; in this instance, has been more open to the public than he was required to be. Ms. Raso further explained that the Mayor had

these discussions about what is being contemplated in public during the course of these meetings. She added that the Mayor had the consensus of the Council as to how they felt about this issue.

Ms. Sangeri appreciated the clarification and feels they now have hope.

Council President Bromberg did not want to have any false impressions. He explained that at this point they are planning on moving forward and everyone on the dais backs the Mayor on this endeavor.

Lisa Boulanger—811 Loretta Drive—questioned how many residents support the hunt.

Council President Bromberg responded that he can't give a specific number.

Ms. Boulanger questioned how many emails they have received that support it. Council President Bromberg responded that most of the emails he receives are against it. Councilman Criscuolo responded that the emails he's received are 50/50 and this includes the ones that are against the hunt and have been anonymous. He noted that most that are against the hunt are coming in anonymous.

Ms. Boulanger also commented that it sounds like the hunt is going to happen and that Fish & Wildlife is for hunting as well. She also recalled the Mayor's comment about 500 signatures will change his mind and is this true.

Council President Bromberg can't speak for the Mayor. He also believes it was 500 River Vale residents showing up at a meeting, not signatures, because that is who they represent. They are also confident they have the prevailing opinion to move forward and that they are changed with figuring out a way to resolve this problem.

Ms. Boulanger questioned as to why not have a vote on the issue; as a way to hear the voice of the taxpayers, and that taxpayer money is paying for the hunt.

Council President Bromberg responded that taxpayer money will not be paying for this; he noted that there may be some associated costs for the Police Department. Council President Bromberg added that they don't run the Town by referendum.

Ms. Boulanger questioned what the results are from hunts in other Towns. Council President Bromberg responded that the only other Town that is similar is Saddle River. Council President Bromberg explained that Saddle River allowed hunting on private property and this created issues between neighbors. He believes there were 134 deer culled in Saddle River.

Ms. Boulanger suggested better lighting at areas on the road where they know the deer are crossing and petitioning the County to lower the speed limits. Ms. Boulanger does not want to see any deer killed; however, she does understand that 96 deer per square mile in a 5 square mile Town is a big deal. She has also had close calls with the car, has three children and one will be driving in a few years. Ms. Boulanger stated that it's more about being open and honest about what the plan is when it does happen because she feels at this point it will.

Mark Flannigan—Broadway, Woodcliff Lake—Mr. Flannigan commented on the three motives and feels they don't hold up. He feels the increase in accidents could be attributed to the increase in population and no change in infrastructure. Mr. Flannigan commented that you can't use Lyme disease as a reason because it can't be documented. He next referenced the landscaping which he feels doesn't make sense. Mr. Flannigan questioned the real fundamental reason and feels there is something very disingenuous as he did with Saddle River.

Diane Theimann—155 Demarest Avenue—referenced Mr. Monaghan's comments and that he made some very good points. Ms. Theimann puts lavender in her front yard where it's not fenced in and the deer don't touch it. And there are other plants and foliage that work as well. She is concerned about the bow hunter that may have an off day and may only injure the deer. Ms. Theimann questioned what happens when an injured deer leaves the location chosen for the deer hunt and will the Police Department put down the deer.

Ms. Theimann commented that as an educator for 28 years there is no way to explain to the children that the people they have faith in have decided that killing is the answer. She also questioned who's responsible if something goes wrong; the hunters or do they sue the Town of River Vale. Ms. Theimann also noted that the Mayor has previously stated that every Council person agrees with this and she questioned if it's unanimous that this hunt should happen.

Council President Bromberg responded that they are unanimous on moving forward at this time.

Peter Summereau—96 Terbell Pkwy—questioned when they will have the analysis for Saddle River. Council President Bromberg responded that he can't speak for Saddle River. Mr. Summereau asked that before they decide yes; could they wait for the analysis from Saddle River and did it work. Council President Bromberg feels confident that the Mayor will get this information from the Mayor of Saddle River. Mr. Summereau urged the Council to wait for the data from Saddle River.

Barbara D. – Rio Vista Drive, Allendale—commented that the only proper way to decide on a hunt or not is by vote and a referendum on November 5th.

Mark Nagelhout—45 Parkview Drive, Park Ridge—commented on the rally they had this afternoon and he showed the Council a video of a deer being feed in front of the 7 Eleven. Mr. Nagelhout is aware that the Township has a strict feeding ordinance; and this puts the public in jeopardy on a main road. He also commented that we all need to take more responsibility as we continue to build into more wildlife habitats.

Mr. Nagelhout commented that he has heard there have been 50 motor vehicle accidents in 2018 and in his analysis he counted 38. He also stated that the total accidents from 2017 to 2018 were up 33% in River Vale. He continued that in 2017 15% of the accidents were from deer and in 2018 it was 18%.

Mr. Nagelhout questioned who recommended the expert who did the drone survey. He also wanted to make them aware that J. Kelly; who did the drone study, has a pro-hunt bias and ties to Fish & Wildlife.

Councilman Donovan questioned that given that you believe he has a pro-hunt bias; do you question the scientific nature of the study.

Mr. Nagel responded yes, that he does believe there could have been some biases within the study that would have caused double counting.

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

RESOLUTIONS

Council President Bromberg tabled Resolution #2019-197.

Motion by Councilman Criscuolo; second by Councilman Donovan to approve Resolution #2019-194 as follows:

Resolution #2019-194

RESOLUTION APPROVING MINUTES MAY 13, 2019 REGULAR MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the May 13, 2019 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution #2019-195 through #2019-202 as a Consent Agenda as follows:

Resolution #2019-195

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

#0253-33-007-008	ZOZOS USA LLC 625 Rivervale Road River Vale, NJ 07675	\$2,000.00
#0253-33-002-006	DAYAWATI LLC 123 Van Riper Lane Woodcliff Lake, NJ 07677 (Pocket License)	\$2,000.00
#0253-33-005-005	P&D Inc. (Florentine Gardens) 97 Rivervale Road River Vale, NJ 07675	\$2,000.00

PLENARY RETAIL CONSUMPTION LICENSES

#0253-33-006-009	Blutarsky LLC (Valley Burgers & Brew) 640 Westwood Avenue River Vale, NJ 07675	\$2,000.00
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Resolution #2019-196

REFUND

(Camp Have Some Fun Registration Fee)

WHEREAS, the following resident has requested a refund of their Camp Have Some Fun 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 issue a municipal check payable as follows:

Payable to:
Paul Garfinkel
754 Tiffany Avenue
River Vale, NJ 07675

Refund Amount: \$ 375.00

Resolution #2019-198

RESOLUTION AUTHORIZING ENFORCEMENT OF THE PROPERTY MAINTENANCE CODE

BE IT RESOLVED, that the Township Council of the Township of River Vale hereby authorizes the Business Administrator to obtain estimates for property maintenance at the following property which has been deemed a hazardous condition:

- **650 Caruso Lane (Block 2206, Lot 39)**

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that upon the completion of the work the costs be forwarded to the Tax Collector in order for a lien for said work can be attached to the above mentioned property.

Resolution #2019-199

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Poplar Road Safety Improvement Project – Phase 2

WHEREAS, the Township of River Vale desires to receive \$397,672.20 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of making safety improvements along Poplar Road; and

WHEREAS, the Township Engineer has developed a plan of action and cost estimate to improve Poplar Road and key intersections through the addition of new guiderail, bridge rehabilitation and other physical complementary safety improvements; and

WHEREAS, the project will also improve safety to the local schools and commuter lines, thus leveraging the requested funds;

NOW, THEREFORE BE IT RESOLVED that the Council of the Township of River Vale, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application MA-2020-River Vale Township-00277 to the New Jersey Department of Transportation on behalf of the Township of River Vale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of River Vale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution #2019-200

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the for the Reconstruction of Wittich Terrace and Thurnau Drive

WHEREAS, the Township of River Vale desires to receive \$323,800.00 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of making safety improvements along Wittich Terrace and Thurnau Drive; and

WHEREAS, the Township Engineer has developed a plan of action and cost estimate to improve Wittich Terrace and Thurnau Drive and key intersections through the addition of new guiderail, bridge rehabilitation and other physical complementary safety improvements; and

WHEREAS, the project will also improve safety to the local schools and commuter lines, thus leveraging the requested funds;

NOW, THEREFORE BE IT RESOLVED that the Council of the Township of River Vale, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application MA-2020-River Vale Township-00272 to the New Jersey Department of Transportation on behalf of the Township of River Vale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of River Vale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution #2019-201

RESOLUTION APPROVING THE RAFFLE LICENSE FOR HSA ST. JOSEPHS (OFF PREMISES 50/50)

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

NAME: HSA St. Josephs

131 East Fort Lee Road
Bogota, NJ 07603

LOCATION OF RAFFLE: Valley Brook Golf Course
15 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: August 5, 2019 (7:00am – 3:00pm)

I.D. #: 45-5-5019

RAFFLE LICENSE: RL 575

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 #2019-202

PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale that the Business Administrator is hereby authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$	280,018.76
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	5,379.44
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	119,284.41
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:	\$	9,682.83
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
PUBLIC ASSISTANCE TRUST ACCOUNT claims in the amount of:	\$	784.00
RECREATION TRUST ACCOUNT claims in the amount of:	\$	5,785.62
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$	52,144.12
ACCUMULATED ABSENCE TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:	\$	5,798.87
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:		
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	39,741.28
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$	2,839.45
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	7,399.78
ZONING BOARD TRUST ACCOUNT claims in the amount of:	\$	2,275.65
TOTAL CLAIMS TO BE PAID	\$	531,134.21

BE IT FURTHER RESOLVED by the Township Council that the following claims have been paid by the Business Administrator prior to the Bill List Resolution in the following amounts:

CURRENT ACCOUNT claims in the amount of:	\$	4,990,343.73
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	900.66
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	180,162.79
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
TAX SALE PREMIUM TRUST ACCOUNT claims in the amount of:	\$	89,500.00
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	7.20
PUBLIC ASSISTANCE TRUST ACCOUNT claims in the amount of:	\$	1,480.99
RECREATION TRUST ACCOUNT claims in the amount of:	\$	5,885.00
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$	17,844.72
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:	\$	24,650.00
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:		
GREEN ACRES TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	40,022.42
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	280.00
PERFORMANCE BOND TRUST ACCOUNT claims in the amount of:		
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS PAID	\$	5,351,077.51

TOTAL BILL LIST RESOLUTION \$ **5,882,211.72**

**MANUAL DISBURSEMENTS
BILL LIST FOR June 24, 2019**

5/15/2019	Transfer Payroll	\$233,501.54
5/30/2019	Transfer Payroll	\$244,837.44
6/14/2019	Transfer Payroll	\$255,927.09

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS \$ **734,266.07**

ROLL CALL VOTE

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

Ordinances for 1st Reading

There were no Ordinances for 1st Reading.

Ordinances for 2nd Reading & Public Hearing

ORDINANCE #354-2019

Motion to Adopt: Councilman Donovan

Motion Second: Councilman Criscuolo

Motion by Councilman Criscuolo; second by Councilwoman Sieg to open the Public Hearing on Ordinance #354-2019.

There being no questions or comments motion by Councilman Criscuolo; second by Councilwoman Sieg to close the Public Hearing on Ordinance #354-2019.

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

Ordinance for 2nd Reading

ORDINANCE #355-2019

Motion to Adopt: Councilman Criscuolo

Motion Second: Councilman Donovan

Motion by Councilman Criscuolo; second by Councilwoman Sieg to open the Public Hearing on Ordinance #355-2019.

There being no questions or comments motion by Councilman Criscuolo; second by Councilman Donovan to close the Public Hearing on Ordinance #355-2019.

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

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 Councilman Criscuolo to adjourn the meeting at 10:35pm.

ATTEST:
Karen Campanelli, Township Clerk

Council President
Mark Bromberg

