A G E N D A
Combined Meeting of the Mayor and Council
Wednesday, October 9, 2013
7:30 PM

CALL THE MEETING TO ORDER –

STATEMENT –

This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official Newspapers of the Borough, filed with the Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.

SALUTE TO THE FLAG – SILENT PRAYER –

ROLL CALL -

Mayor Bazela, Councilwoman Libby, Councilman Marana, Councilman Piehler, Councilman Shepard, Councilman Sokoloski and Councilman Sotiropoulos.

APPOINTMENTS & PERSONNEL CHANGES –

Approve the appointment of Daniele Tracy as regular crossing guard, to fill the unexpired term of Sheldon Berg, effective immediately.
By: 2nd: RC:

Approve the appointment of Michele Netusil of Old Tappan as Alternate Registrar, effective immediately. (replacing Ms. Donna Gambutti, appointed January 2013).
By: 2nd: RC:

Approve the appointment of James C. Hoffmann of Bloomingdale as temporary Electrical Inspector in the absence of Peter DiCostanzo, effective immediately.
By: 2nd: RC:

Approve the appointment of Robert Brescia of 73 Poplar Street, Nanuet, NY 10952, as Assistant to the Tax Assessor, effective _____, 2013.
By: 2nd: RC:

PROCLAMATIONS –

Put the Brakes on Fatalities Day®

APPROVAL OF MINUTES –

DRAFT SUBJECT TO CHANGE

Approve the Minutes of the Combined Meeting of September 11, 2013
By: 2nd: RC:

MONTHLY REPORTS – (Correspondence on file in Borough Clerks Office)

Tax Collector – September
Police Department – September
Fire Prevention – September
Municipal Court – September
Building Department – September

CORRESPONDENCE –

1. Letter – Jaquelen Modery – 306 Mauro Court – September 24, 2013
   re: Requesting Change to Health Ordinance Against the Keeping of Fowl

2. Letter – Angela Musella, Health Officer – September 27, 2013
   re: Regarding above
   a. Township of Mahwah Ordinance – Fowl
   b. Section 209-1 – Northvale Code – Certain Animals Restricted

RESOLUTIONS –

#2013-104 Oppose United Water Rate Increase
By: 2nd: RC:

#2013-105 Confirm Endorsement of Community Development Projects – Senior Center
By: 2nd: RC:

#2013-106 Authorize the Chief Financial Officer to Issue a Refund Due to the Overpayment of Taxes
By: 2nd: RC:

#2013-107 AUTHORIZE THE TAX COLLECTOR TO ISSUE REVISED BILLS DUE TO COUNTY BOARD JUDGMENTS
By: 2nd: RC:

#2013-108 Payment of Bills
By: 2nd: RC:

ORDINANCES – 2nd reading –

DRAFT SUBJECT TO CHANGE

ORDINANCES – 1st reading –

ORDINANCE #925-2013 - AN ORDINANCE TO AMEND ORDINANCE #648-92 OF THE BOROUGH OF NORTHVVALE, KNOWN AND DESIGNATED AS "FLOOD DAMAGE PREVENITON ORDINANCE" OF THE BOROUGH OF NORTHVALE

By: 2nd: RC:

HEARING OF THE PUBLIC –

MAYOR & COUNCIL REPORTS –

BOROUGH ENGINEER REPORTS –

BOROUGH ATTORNEY REPORTS –

HEARING OF THE PUBLIC –

CLOSED SESSION –

#2013-109 Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act

By: 2nd: RC:

HEARING OF THE PUBLIC –

ADJOURNMENT –

By: 2nd: RC:

DRAFT SUBJECT TO CHANGE

PUT THE BRAKES ON FATALITIES DAY®

October 10, 201

October 10, 2013, has been declared "Put the Brakes on Fatalities Day® by the
BOROUGH OF NORTHVALE
AND
NORTHVALE POLICE DEPARTMENT

WHEREAS, Across the Nation, traffic crashes caused approximately 34,000 fatalities in 2012, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 589 individuals lost their lives in traffic crashes in 2012; and

WHEREAS, Alcohol-related crashes accounted for 27 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 70 motorcyclists, 14 bicyclists and 163 pedestrians were killed in New Jersey in traffic-related crashes in 2012; and

WHEREAS, Safer driving behaviors such as buckling up, ever ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, BE IT RESOLVED, that I, Paul J. Bazela, Mayor of the Borough of Northvale do hereby proclaim October 10, 2013, Put the Brakes on Fatalities Day®, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

Paul J. Bazela Mayor
Stanley "Ed" Piehler, Council President
Gloria Libby, Councilwoman
Patrick Marana, Councilman
Kenneth Shepard, Councilman
Roy Sokoloski, Councilman
Peter Sotiropoulos, Councilman

October 9, 2013

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

MOTION:

SECOND:

RESOLUTION #2013-104

RESOLUTION OPPOSING UNITED WATER RATE INCREASE

WHEREAS, the Borough of Northvale and other municipalities each received a notice of filing of petition of United Water New Jersey for approval of an increase in rates for water service and other tariff changes from United Water by fax dated August 5, 2013; and

WHEREAS, the Company is requesting an increase in base revenues of $29,994,809 or approximately 14.69% above the annual level of revenues for the post-test year period ending November 30, 2013; and

WHEREAS, general metered services charge changes for fixed monthly rates are proposed to be increased by 29.25%, consumption rates are to be increased by 16%; and

WHEREAS, the notice further states "If this proposal were to be adopted without further modification an average residential customer using 7,480 gallons of water per month will see his/her bill increase from $46.42 to $54.75 an increase of $8.33 per month or approximately 17.94%; and

WHEREAS, these rates, if approved would be an exorbitant increase and burden on our municipal budget and our taxpayers far exceeding the 2% mandated Cap of municipal government and would be particularly onerous of the residential and business community in this most difficult economic environment; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Northvale request the Board of Public Utilities (BPU) to consider the economic hardship and the impact on all government agencies, businesses and residents and the impact that granting this increase will have on each budget, and remind the BPU of the 2% mandate under which all New Jersey government is required to meet; and

BE IT FURTHER RESOLVED, that the Township of River Vale strongly opposes the increases requested in the Notice of Filing; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Christie, our State Legislators, the BPU and surrounding municipalities.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on _____, 2013

_____
Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	☐	☐	☐	☐
Marana	☐	☐	☐	☐
Piehler	☐	☐	☐	☐
Shepard	☐	☐	☐	☐
Sokoloski	☐	☐	☐	☐
Sotiropoulos	☐	☐	☐	☐

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

MOTION:

SECOND:

RESOLUTION #2013-105

Confirm Endorsement of Community Development Projects

WHEREAS, a Bergen County Community Development grant of $70,000.00 has been proposed by the Mayor and Council of the Borough of Northvale for the Operation of the James F. McGuire Memorial Senior Center; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Northvale; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Northvale hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

DRAFT NOT ADOPTED

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on _____, 2013

_____
Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	☐	☐	☐	☐
Marana	☐	☐	☐	☐
Piehler	☐	☐	☐	☐
Shepard	☐	☐	☐	☐
Sokoloski	☐	☐	☐	☐
Sotiropoulos	☐	☐	☐	☐

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

MOTION:

SECOND:

RESOLUTION #2013-106

AUTHORIZE THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND DUE TO THE OVERPAYMENT OF TAXES

BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that a warrant be drawn as indicated below in the designated amount representing a duplicate tax payment as follows:

Block/Lot	Name /Address	Date Paid	Amount
410/8	Kevin Kosuda 416 West Avenue Northvale, NJ 07647	8/22/2013	$2,857.75

BE IT FURTHER RESOLVED, that Mr. Kosuda has advised that he wants the refund rather that applying the payment to the next quarter property tax.

DRAFT NOT APPROVED

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on _____, 2013

_____
Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	☐	☐	☐	☐
Marana	☐	☐	☐	☐
Piehler	☐	☐	☐	☐
Shepard	☐	☐	☐	☐
Sokoloski	☐	☐	☐	☐
Sotiropoulos	☐	☐	☐	☐

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

MOTION:

SECOND:

RESOLUTION #2013-107

AUTHORIZE THE TAX COLLECTOR TO ISSUE REVISED BILLS DUE TO COUNTY BOARD JUDGMENTS

WHEREAS, the Bergen County Tax Board issued Judgments reducing the 2013 Assessments on 8 properties; and

WHEREAS, all 8 properties require revised tax bills to be issued since the 2013 Tax is not paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the Tax Collector shall issue revised tax bills to the properties listed as follows:

Block/Lot	Name/Address	Assessed Value	Judgment Value	Reduced Amount	Revised Bill
101/26	Jorge Hernandez 445 Andre Avenue	688,900	656,900	$804.80	X
108/5	Vasso Ziropoulos 406 Argenti Place	507,600	408,000	$2,504.94	X
111/7	Gary & Donna Miller 411 Glendale Road	392,700	372,699	$503.03	X
116/14	Jae Ho Choi 441 West Avenue	355,900	292,000	$1,607.09	X
406/4	Scott & Diane Firenze 604 Woodland Avenue	732,000	655,000	$1,936.55	X
703/11	Woo Hang & Boon Nam Lee 599 Wildwood Road, W	397,900	377,100	$532.12	X
1011/7	P Cuomo c/o Philip Cuomo 154 Walnut Street	419,100	399,000	$505.52	X
1011/24	J Cuomo c/o Philip Cuomo 159 Veterans Drive	306,600	233,300	$1,843.50	X

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on _____, 2013

_____
Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	☐	☐	☐	☐
Marana	☐	☐	☐	☐
Piehler	☐	☐	☐	☐
Shepard	☐	☐	☐	☐
Sokoloski	☐	☐	☐	☐
Sotiropoulos	☐	☐	☐	☐

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORINANCE# 925-2013

THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) Best Available Data Model Type D&E

AN ORDINANCE TO AMEND ORDINANCE #648-92 OF THE BOROUGH OF NORTHVVALE, KNOWN AND DESIGNATED AS "FLOOD DAMAGE PREVENITON ORDINANCE" OF THE BOROUGH OF NORTHVALE

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale, as follows:

SECTION 1.0 - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 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 Mayor and Council of the Borough of Northvale, of Bergen County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT –

[1] The flood hazard areas of the Borough of Northvale 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.

[2] 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.

1.3 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:

[1] Protect human life and health;
[2] Minimize expenditure of public money for costly flood control projects;
[3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
[4] Minimize prolonged business interruptions;
[5] 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;
[6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
[7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
[8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES –

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

[1] 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;
[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
[3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 - DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Area Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Area Map.

Advisory Flood Hazard Area Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

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

Area of Shallow Flooding — A designated AO, AH, or VO 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 — The 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 — The 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. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) 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.

Best Available Flood Hazard Data — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation— The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

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.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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.

Digital Flood Insurance Rate Map (DFIRM) — 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.

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 or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation 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. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the 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:

[1] The overflow of inland or tidal waters and/or

[2] 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.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed 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, useable 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 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.

Preliminary Flood Insurance Rate Map (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

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.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

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 piles, 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 its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. 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.

SECTION 3.0 - GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Northvale, Bergen County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Northvale, Community No. (comm ID D&E), are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report "Flood Insurance Study, (county) County, New Jersey (All Jurisdictions)" dated (effective date),
b) Flood Insurance Rate Map for (county) County, New Jersey (All Jurisdictions) as shown on Index and panel(s) (panels), whose effective date is (effective date).
c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 116 Paris Avenue, Northvale, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

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 fined not more than $500.00 or imprisoned for not more than 30 (thirty) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Northvale, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 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.

3.5 INTERPRETATION

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

[1] Considered as minimum requirements;

[2] Liberally construed in favor of the Mayor and Council; and,

[3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 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 Borough of Northvale, 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.

SECTION 4.0
ADMINISTRATION

4.1 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 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Code 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:

[1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

[2] Elevation in relation to mean sea level to which any structure has been floodproofed.

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[3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 5.2-2; and,

[4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Code Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Code Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 [1] are met.

[4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

[5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2 [4].

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Code 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 SECTIONS 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 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:
[i] verify and record the actual elevation (in relation to mean sea level); and
[ii] maintain the floodproofing certifications required in SECTION 4.1 [3].

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2[1] and 5.4-2[2](i) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section 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.

4.3-5 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 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning/Zoning Board as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning/Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Code Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning/Zoning Board, or any taxpayer, may appeal such decision to the any Court of the State of New Jersey, as provided in (statute).

[4] In passing upon such applications, the Planning/Zoning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) 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,

(xi) 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 4.4-1 [4] and the purposes of this ordinance, the Planning/Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Construction Code Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 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 (i-xi) in SECTION 4.4-1[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:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) 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 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] 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.

SECTION 5.0 - PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

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:

5.1-1 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.

5.1-2 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.

5.1-3 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.

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5.1-4 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).

5.1-5 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 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.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 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 and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot;

[2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one

foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 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:
either

[1] Elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation whichever is more restrictive, plus one foot; and

[2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[3] Be floodproofed so that below the base flood level plus one foot, or the best available flood hazard data elevation plus one foot, (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;

[4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[5] 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 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with SECTION 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus one foot (whichever is more restrictive).

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 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 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative 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.

5.4 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in SECTION 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 LOCATION OF STRUCTURES

[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or ~~manufactured home~~ subdivision.

5.4-2 CONSTRUCTION METHODS

[1] ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive,
and,

(ii) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

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[2] STRUCTURAL SUPPORT

(i) All new construction and substantial improvements shall be securely anchored on piling or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

[3] CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2 [1] and 5.4-2 [2] (i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

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(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.4-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

SECTION 6.0 - 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.

SECTION 7.0 - ENACTMENT

This Ordinance shall be effective on upon publication and shall remain in force until modified, amended or rescinded by the Borough of Northvale, County of Bergen, New Jersey.

PAUL J. BAZELA, Mayor

ATTEST:

Wanda A. Worner
Borough Clerk

Introduced: October 9, 2013

2nd reading: November 13, 2013

DRAFT NOT ADOPTED

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

MOTION:

SECOND:

RESOLUTION #2013-

Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

1. Matters required by law to be confidential
2. Matter involving individual privacy
3. Matters relating to a collective bargaining agreement

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on _____, 2012

_____
Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	☐	☐	☐	☐
Marana	☐	☐	☐	☐
Peihler	☐	☐	☐	☐
Shepard	☐	☐	☐	☐
Sokoloski	☐	☐	☐	☐
Sotiropoulos	☐	☐	☐	☐