

**MINUTES**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, October 9, 2013**  
**7:30 PM**

**CALL THE MEETING TO ORDER-**

Mayor Bazela called the meeting to order at 7:31 PM in the Council Chambers of the Municipal building located at 116 Paris Avenue, Northvale, New Jersey 07647.

**STATEMENT –**

Mayor Bazela read the “Sunshine Statement” into the record as follows:

*“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 –**

Mayor Bazela asked everyone to rise and then asked Theresa Criscuolo to lead in the Salute to the Flag and called for a moment of silent prayer asking everyone to remember our troops.

**ROLL CALL -**

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

Also present: Mr. Gregg Paster, Borough Attorney, Mr. Paul Niehoff, Borough Engineer, Mrs. Fran Weston, Deputy Borough Clerk.

**APPOINTMENTS & PERSONNEL CHANGES –**

Motion by Councilman Sotiropoulos, seconded by Councilwoman Libby to approve the retirement of Charles L. Amorosso, Captain of the Northvale Police Department, effective December 31, 2013. Mayor Bazela stated Captain Amorosso will be missed.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Piehler, seconded by Councilwoman Libby to approve the appointment of Daniele Tracy as regular crossing guard, to fill the unexpired term of Sheldon Berg, effective immediately.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Piehler, seconded by Councilman Shepard to approve the appointment of Michele Netusil of Old Tappan as Alternate Registrar, effective immediately. (replacing Ms. Donna Gambutti, appointed January 2013).

ROLL CALL VOTE: All present in favor.

Motion by Councilman Sotiropoulos, seconded by Councilman Shepard to approve the appointment of James C. Hoffmann of Bloomingdale as temporary Electrical Inspector in the absence of Peter DiCostanzo, effective immediately.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Shepard, seconded by Councilman Piehler to approve the appointment of Robert Brescia of 73 Poplar Street, Nanuet, NY 10952, as Assistant to the Tax Assessor, effective September 3, 2013.

Mayor Bazela explained Mr. Brescia will be replacing Mrs. Guercio who passed away.

ROLL CALL VOTE – All present in favor.

**PROCLAMATIONS –**

Mayor Bazela read the Proclamation in to the record, as follows;

**PUT THE BRAKES ON FATALITIES DAY®**

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

**CERTIFICATE OF RECOGNITION –**

Mayor Bazela presented each girl in Brownie Troop #94349 with a certificate for their “A World of Girls, It’s Your Story – Tell It!” project.

**APPROVAL OF MINUTES –**

Motion by Councilman Shepard, seconded by Councilman Piehler to approve the Minutes of the Combined Meeting of the Mayor and Council of September 11, 2013.

ROLL CALL VOTE: Councilman Piehler, Councilman Shepard and Councilwoman Libby voted yes. Councilman Sotiropoulos abstained.

**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

Mayor Bazela asked everyone at the meeting that is here to discuss the keeping of fowl to come forward: Jackie Modery of 306 Mauro Court, Brian England of 312 Danny Lane, Joe Belafore of 640 Wildwood Road, Scott Bendul of 420 West Avenue, Shawn McNamus of 413 Margene Court. Mayor Bazela advised them that they need to go to the next Board of Health meeting since this is a Board of Health issue. He informed them the next Board of Health meeting is November 7<sup>th</sup>. Councilman Sotiropoulos informed Ms. Modery that Nick Lepore will grant her a 30 day extension period until she meets with the Board of Health. Councilman Piehler stated the Council only had the information provided to them for the past two days and will need to review same. Ms. Modery informed the Mayor and Council that there is no smell with chickens, no noise, they go to bed early, and they do not disturb anyone. Mr. Rooney stated the ordinance was on the books before 1978. He said roosters are a problem and are very noisy. Ms. Modery is only looking to have chickens. Mr. Paster informed the residents to go before the Board of Health with exactly what they are looking for. Mr. Frank Petrilli of 401 Glendale Road spoke about a chicken coop his neighbor had that burnt down and damaged his property. Councilman Piehler advised he checked with other towns and their ordinances state a certain amount of feet the chicken coops have to be from the neighbor's property.

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
3. Letter - England E-mails  
re: Chickens
  - a. England Backup Documents - Chickens

**RESOLUTIONS** –

Motion by Councilman Sotiropoulos, seconded by Councilwoman Libby to approve Resolutions #2013-104 through 2013-110.

**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.

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#### **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.

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#### **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:

<b>Block/Lot</b>	<b>Name /Address</b>	<b>Date Paid</b>	<b>Amount</b>
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 than applying the payment to the next quarter property tax.

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**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:

<b>Block/Lot</b>	<b>Name/Address</b>	<b>Assessed Value</b>	<b>Judgment Value</b>	<b>Reduced Amount</b>	<b>Revised Bill</b>
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	\$523.12	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

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**RESOLUTION #2013-108**

**RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF A 2014 FORD 4 WHEEL DRIVE W/ADD-ONS TO CHAS S. WINNER INC. OF CHERRY HILL, NEW JERSEY FOR \$33,509.00 UNDER NJ STATE CONTRACT #A82925**

*(Funded from General Equipment Bond Ordinance)*

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

Whereas, the Borough of Northvale has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Borough of Northvale intends to enter into a contract with Chas S. Winner Inc. of Cherry Hill, New Jersey, through this resolution, which shall be subject to all the conditions applicable to the current State contract, for the purchase of Department of Public Works vehicles.

Now, Therefore, Be It Resolved, that the Borough of Northvale authorizes the purchase of a 2014 Wheel Drive Vehicle with add-ons pursuant to all conditions of the State contract at a cost of \$33,509.00.

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**RESOLUTION #2013-109**

**Approve Raffle License #RL 176 for the Northvale Fire Association**

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: Northvale Fire Association  
 ADDRESS: 204 Washington Street  
 LOCATION OF RAFFLE: Same  
 DATE OF RAFFLE: March 2, 2014 – 1:00 – 5:00 PM  
 I.D.#: 353-9-29752  
 RAFFLE LICENSE #: RL 177

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.

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**RESOLUTION #2013-110**

**PAYMENT OF BILLS**

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Appropriations	\$176,555.01
General Capital Fund	\$37,392.98
Animal License Trust	\$1.20
Developer’s Escrow Trust	\$15,572.02
Recreation Trust	\$40.00
Summer Recreation	\$69.67
<b>TOTAL</b>	<b>\$229,630.88</b>

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following amounts for the purpose specified below:

Payroll	09/13/2013	\$129,551.80
Payroll	09/27/2013	\$128,848.68
Health Benefits	September 2013	\$38,648.52
School Taxes Local	September 2013	\$717,521.00
School Taxes Regional	September 2013	\$524,674.80
<b>TOTAL</b>		<b>\$1,539,244.80</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$1,768,875.68** and ratified respectively.

The bill list is as follows:

vendor	checkno	chktotal	description
N.J. DEPT OF HEALTH & SENIOR S	142	1.20	EXPENDITURES ANIMAL TRUST
CHASAN LEYNER & LAMPARELLO	490	4988.45	VARIOUS
GREGG F. PASTER & ASSOC.	491	375.00	NORTHVALE SHOPPING CENTER
MASER CONSULTING P.A.	492	10068.75	VARIOUS
MATTHEW EVANISKO	493	139.82	MATTHEW EVANISKO
NORTH JERSEY MEDIA GROUP	597	154.98	
ZENITH CONSTRUCTION SVCS INC.	598	37238.00	ORD 911-12 SCHOOL RECR FIELDS
ORIENTAL TRADING CO, INC.	6707	0.00	VARIOUS
A.C. DAUGHTRY, INC.	8304	60.00	Buildings & Grounds
ALERT-ALL CORPORATION	8305	837.50	Fire Prevention O/E
BECKERLE LUMBER SUPPLY CO.	8306	599.58	VARIOUS
BERGEN COUNTY DEPT. OF PARKS	8307	1300.00	Board of Health O/E
BERGEN COUNTY TECHNICAL SCHOOL	8308	48.00	Tax Assessment O/E
BI-STATE BRAKE CO., INC.	8309	214.97	Recycling O/E
BLAUVELT AUTO SPA	8310	650.00	Fire O/E
BOROUGH OF NORWOOD	8311	14000.00	Sewer Contractual - Norwood
BPMIA,INC.	8312	150.00	VARIOUS
CAROLYN ESPOSITO	8313	120.00	McGuire Senior Center O/E
CDW GOVERNMENT	8314	1534.00	Administrative & Executive O/E
CDW-GOVERNMENT, INC	8315	4165.00	Construction Code O/E
CESCO	8316	172.52	Buildings & Grounds
CHASAN LEYNER & LAMPARELLO	8317	967.00	Planning Board O/E
CHERRY VALLEY TRACTOR SALES	8318	251.56	Recycling O/E
CHROMATE INDUSTRIAL CORP.	8319	705.45	Recycling O/E
CLEATUS FARMS INC.	8320	360.00	Buildings & Grounds
COMPOUND SIGNS	8321	300.00	DPW Streets & Roads O/E
COOPER ELECTRIC SUPPLY CO.	8322	152.16	Buildings & Grounds
D & E UNIFORMS	8323	182.80	VARIOUS
D'ERCOLE FARM & GARDEN CENTER	8324	119.00	Buildings & Grounds
DEARBORN NATIONAL	8325	88.20	Employee Group Insurance
DEBORAH KANIECKI	8326	160.00	McGuire Senior Center O/E
DELTA DENTAL PLAN OF N.J.,INC	8327	4733.79	Employee Group Insurance
DESESA ENG.CO.INC	8328	2025.00	Buildings & Grounds
DLP COMMUNICATION SOLUTIONS	8329	1907.90	Administrative & Executive O/E
DOLORES ALFIS	8330	408.83	VARIOUS
DOROTHY GARRY	8331	200.00	McGuire Senior Center O/E
DR. S. MCCAFFRETY	8332	150.00	Board of Health O/E
DURIE LAWN MOWER & EQUIP INC	8333	149.80	DPW Streets & Roads O/E
EAST COAST EMERGENCY LIGHTING	8334	3690.16	Police O/E
ELLEN J. SPRINGSTEEN	8335	60.00	Municipal Court O/E
GE CAPITAL	8336	834.00	VARIOUS
INFOCROSSING, A WIPRO CO.	8337	3411.78	VARIOUS
JACQUELINE WALKER	8338	236.94	McGuire Senior Center S/W
JEFFRY MARCASON	8339	111.76	Buildings & Grounds

JESCO, INC.	8340	43.65	Recycling O/E
KEVIN KOSUDA	8341	2857.75	TAX OVERPAYMENTS
LA CASA FORMOSA	8342	1700.00	McGuire Senior Center O/E
LAWMEN SUPPLY COMPANY	8343	3695.75	VARIOUS
LISA STABILE	8344	105.00	McGuire Senior Center O/E
MARGARET RASO	8345	639.85	VARIOUS
MASER CONSULTING P.A.	8346	3587.50	Engineering Services O/E
MAUREEN FELICI	8347	472.50	McGuire Senior Center S/W
METRO LANDSCAPE IRRIGATION	8348	220.15	Buildings & Grounds
MIELE SANITATION CO	8349	30354.34	Solid Waste Disposal
MILLENNIUM STRATEGIES LLC	8350	2500.00	Administrative & Executive O/E
MINUTEMAN PRESS	8351	30.00	McGuire Senior Center O/E
MOORE MEDICAL CORP.	8352	157.09	Police O/E
MUNIDEX, INC.	8353	458.38	Tax Collection O/E
N.J. DEPT OF COMMUNITY AFFAIRS	8354	3186.00	DUE TO STATE UCC FEES
NORTH EAST FIRE AND SAFETY	8355	45.05	Police O/E
NORTH JERSEY MEDIA GROUP	8356	2092.63	VARIOUS
NORTHWEST BERGEN REGIONAL	8357	7462.65	Board of Health O/E
NORWOOD CAR CARE	8358	3312.20	Police O/E
OAK TREE PRINTING,INC.	8359	85.00	Planning Board O/E
OFFICE BUSINESS SYSTEMS, INC.	8360	257.00	VARIOUS
ONE CALL CONCEPTS, INC.	8361	101.46	Sewer
PATERSON CARD AND PAPER COMPAN	8362	161.90	Construction Code O/E
PITNEY BOWES	8363	507.00	Administrative & Executive O/E
PITNEY BOWES PURCHASE POWER	8364	2000.00	Administrative & Executive O/E
POLAND SPRING WATER CO.	8365	307.98	Administrative & Executive O/E
PROFESSIONAL EQUIPMENT	8366	76.70	Fire Prevention O/E
PSE&G CO.	8367	209.27	Natural Gas
RACHLES / MICHELE'S OIL CO,INC	8368	5785.05	Gasoline
REGIONAL COMMUNICATIONS ,INC.	8369	1337.00	Police O/E
RFP SOLUTIONS, INC.	8370	3059.16	Administrative & Executive O/E
ROBERT CARLISLE	8371	84.00	McGuire Senior Center O/E
ROCKLAND ELECTRIC CO	8372	4771.13	Street Lighting
ROCKLAND ELECTRIC COMPANY	8373	5537.34	Electricity
RONALD QUACKENBUSH	8374	54.00	Fire O/E
ROSE SAVINCKI	8375	64.00	McGuire Senior Center O/E
RUDY'S RISTORNATE & PIZZERIA	8376	126.00	Recreation Senior Bus Trips
SRT TRAVEL, INC.	8377	875.00	Recreation Senior Bus Trips
STAPLES BUSINESS ADVANTAGE	8378	452.33	Library O/E
SUZANNE BURROUGHS	8379	321.98	VARIOUS
T-PC,INC.	8380	90.00	Police O/E
TANYA DMITRUK	8381	200.00	McGuire Senior Center O/E
THE CENTER FOR ALCOHOL & DRUG	8382	1500.00	Appropriated Grants
THE TERRE COMPANY	8383	652.50	Buildings & Grounds
TILCON NEW YORK INC.	8384	264.03	DPW Streets & Roads O/E
TOTAL BARCODE	8385	223.96	Library O/E
TREASURER, STATE OF NEW JERSEY	8386	30.00	Construction Code O/E
TRI STATE KNIFE GRINDING CORP.	8387	293.00	Recycling O/E
TYCO ANIMAL CONTROL SERVICES	8388	550.00	Animal Control O/E
UNITED WATER NEW JERSEY	8389	825.78	Water
UNITED WATER NEW JERSEY	8390	6974.78	Fire Hydrants Service
VALLEY HEALTH MEDICAL GROUP	8391	122.00	DPW Streets & Roads O/E
VALLEY PAINT & DECORATING	8392	194.97	Buildings & Grounds
VERIZON WIRELESS	8393	512.17	Telephone
VERIZON/BELL ATLANTIC	8394	112.33	Telephone
WANDA A. WORNER	8395	120.00	VARIOUS
WINNER FORD OF CHERRY HILL,INC	8396	29738.00	Police O/E
LORI LANGONE	10105	40.00	RESERVE RECREATION SOCCER
S&S WORLDWIDE , INC.	10162	69.67	RESERVE SUMMER RECR TRUST

ROLL CALL VOTE: All present in favor.

**ORDINANCES – 1<sup>st</sup> reading –**

**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 NORTHVALE, KNOWN AND DESIGNATED AS “FLOOD DAMAGE PREVENTION 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 ( $ABFE = SWEL + \text{wave effect}$ ) 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.
- [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.

#### **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].

## **[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.
- (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.

**Motion:** Councilman Piehler

**Second:** Councilman Shepard

ROLL CALL VOTE – All present in favor.

**HEARING OF THE PUBLIC –**

Mayor Bazela opened the meeting to the public. There being no questions from the public, Mayor Bazela closed the meeting to the public.

**MAYOR & COUNCIL REPORTS –**

**Mayor Bazela** - Mayor Bazela read Councilman Marana’s report in his absence, as follows:

**Budget Year to Date through 10/09** – Looking at it at the highest level possible, 85% of the year has passed and only 76% of the budget appropriations have been spent. Revenues are on target to hit budget estimates.

**2014 Budget** – Expect a first draft in mid-November; This is a bit later then we had a first pass 2013 budget in hand, but the CFO wants the time to watch a few line items. Its still months earlier than we ever had a budget draft available during my first term on the Council (2006 – 2008).

**Building Department permit revenues** through September 30:

Period	Amount
September	\$ 27,445
YTD through September 30	\$ 163,904

**Emergency Management** – I have asked the OEM Coordinator, Nick Lepore, to take an inventory of generators that would be available to the Borough during a weather related emergency. I also requested that he make whatever procurement recommendations he feels are necessary or beneficial.

**Zoning** – A Walnut Street resident build a 300’ long, 12” – 24” high berm that encroaches onto both the paper Union St. and two Borough owned lots. The berm was built in a flood plain. Nick has been in a lot of contact with Michelle Agnoli from the DEP. Nick sent her a lot of photos of the berm which Michelle reviewed with her Supervisor. As of 10/07, Michelle advises that the homeowner told her that the entire berm would be removed by this weekend. Nick will inspect once the removal has been “completed”.

Mayor Bazela would like to thank the Council, Diane Frohlich, DPW, Police and all the volunteers for making Northvale Day such a special day. The Streetscape will be starting from north to south. Mayor Bazela contacted United Water about the 4 corners which is being held up due to the fire hydrant. Also, Mayor Bazela received a letter that the Northvale Compost site is the neatest and most compliant facility. Tect Danzig is moving along and will be a great asset to the town.

**Councilman Piehler** – Councilman Piehler introduced Mr. Frank Petrilli in the audience as the new Recreation Commissioner. Soccer is underway. Councilman Piehler stated that the Northvale School system does not have a generator. He would like to look

into a joint purchase of a generator for the school. The grant for the gazebo has been approved at Hogan Park.

**Councilwoman Libby** - Councilwoman Libby reported there are no problems with the Senior Center. She will be giving them a monthly financial report. Chamber of Commerce had their networking meeting and was a huge success. The next meeting for the Chamber of Commerce is October 23<sup>rd</sup> at 6:30 PM at the American Legion.

**Councilman Sotiropoulos** – Councilman Sotiropoulos thanked the Northvale Town Day committee for giving 50% of the 50/50 to the Ambulance Corps. Volunteer Drivers for the Ambulance Corps are needed. The Police had 91 out of 100 candidates take the Police Test. The top 25 scorers went on to the physicals. They are waiting for the results.

**Councilman Shepard** - Councilman Shepard reported the Flu Clinic will be held on October 19<sup>th</sup> from 1:30 – 3:00 PM. There were 40 Fire Inspections.

**BOROUGH ENGINEER REPORTS –**

Mr. Paul Niehoff reported the work on Paris/Livingston Street should be completed the week of 10/18. He is meeting with Riverside Coop on October 10<sup>th</sup>. Livingston Streetscape Phase 2 has begun and should be completed in 30 days. The County ADA Ramp Program has submitted sketches to the County for approval. Tappan Road Paving is anticipated in the Spring or Summer of 2014.

**BOROUGH ATTORNEY REPORTS –**

Mr. Gregg Paster reported he will review the contract for the streetscape. The roof ordinance draft was completed today and Mr. Paster will forward it to Nick Lepore and the Mayor and Council for review. The Fire Department issue will be completed by the November meeting with Mr. Paster's suggestions on how to resolve.

**HEARING OF THE PUBLIC –**

**CLOSED SESSION –**

Motion by Councilman Shepard, seconded by Councilman Piehler to move into closed session and approve Resolution #2013-111, as follows:

**RESOLUTION #2013-111**

**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.

ROLL CALL VOTE – All present in favor.

Motion by Councilman Sotiropoulos, seconded by Councilman Shepard to return to open session and approve Resolution #2013-112, as follows:.

ROLL CALL VOTE – All present in favor.

Motion by Councilman Sotiropoulos, seconded by Councilman Shepard to approve Resolution #2013-112.

**RESOLUTION #2013-112**

**RESOLUTION OF THE BOROUGH OF NORTHVALE COUNTY OF BERGEN, STATE OF NEW JERSEY RATIFYING ASSIGNMENT AND AMENDMENT OF LEASE DOCUMENTS AND AUTHORIZING EXECUTION REGARDING LEASE AGREEMENT WITH CITNALTA, LLC ON BLOCK 303, LOT 5 ON THE BOROUGH TAX MAP**

**WHEREAS**, a certain Ground Lease Agreement and Purchase Option for lease of borough owned property commonly known as Lot 5 in Block 303 on the Borough Tax Map, also known as 254 Livingston Street, was executed and dated June 30, 2010; and

**WHEREAS**, the Borough agreed by the terms of that lease agreement to lease the subject premises to Citnalta, LLC, a New Jersey limited liability company; and

**WHEREAS**, the lessee, Citnalta, LLC, now seeks to assign the lease agreement and purchase option to the developer and intended occupant of the property; and

**WHEREAS**, for various reasons, the current purchase option is impractical and untenable and requires certain amendments to enhance the redevelopment and return to utility of the property; and

**WHEREAS**, the Borough now seeks to ratify the assignment and amendment documents and authorize their execution to effectuate the intent and purpose of the original lease agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Northvale, County of Bergen, State of New Jersey that the Consent to Assignment of Ground Lease and Purchase Option, First Amendment and Non-Disturbance Agreement; Assignment and Assumption of Lease; Ground Lessor Estoppel and; Amended Memorandum of Lease for Recording be, and hereby are, ratified and approved as tendered by the Lessee, Citnalta, LLC, and as reviewed and revised per the comments of the Borough Attorney; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk be and hereby are authorized to execute and deliver same forthwith to effectuate the intent and purpose thereof; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to provide a copy of this resolution to the Lessee and Assignees of the Lease Agreement and Purchase Option first referred to above via their respective counsel at their usual places of business.

ROLL CALL VOTE – All present in favor.

**HEARING OF THE PUBLIC –**

There was no further discussion from the public at this time.

**ADJOURNMENT –**

Motion by Councilman Shepard, seconded by Councilwoman Libby to adjourn the meeting at 9:05 PM.

ROLL CALL VOTE – All present in favor.

PAUL J. BAZELA, Mayor

ATTEST:

Frances M. Weston  
Deputy Borough Clerk

Wanda A. Worner  
Borough Clerk

Approved: November 13, 2013