

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
JUNE 16, 2025
188 Pascack Road
Woodcliff Lake, New Jersey
6:00 PM CLOSED SESSION
7:00 PM OPEN SESSION**

<https://us02web.zoom.us/j/84397333039?pwd=Pa3wvcebuElxoE4saOkjyAfgkqg21w.1>

Passcode:07677

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo
Councilman Christopher Bonanno
Councilwoman Julie Brodsky
Councilwoman Jennifer Margolis
Councilwoman Nicole Marsh
Councilman Benjamin Pollack
Council President Josh Stern

CLOSED SESSION

Resolution No. 25-171 A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

- Litigation Update

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 21, 2025 (Open)
May 21, 2025 (Closed)

PUBLIC COMMENT

(limited to 3 minutes per speaker)

PROCLAMATIONS

- LGTBQI+ Month

MAYOR'S REPORT

COUNCIL MEMBERS' REPORTS

- Councilman Bonanno
- Councilwoman Brodsky
- Councilwoman Margolis
- Councilwoman Marsh
- Councilman Pollack
- Council President Stern

ENGINEER'S REPORT

(please see attached report)

ADMINISTRATOR'S REPORT

ORDINANCES

Public Hearing Ordinance 25-06
Floodplain Management

Public Hearing Ordinance No. 25-07
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,325,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Introduction Ordinance No. 25-08
An Ordinance to Amend Chapter 168 Entitled "Fences" of the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

Introduction Ordinance No. 25-09
An Ordinance to Amend Chapter 380 Entitled "Zoning" of the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

CONSENT AGENDA

Resolution No. 25-172 Resolution Authorizing Payroll and Payment of Claims
Resolution No. 25-173 Resolution Authorizing Reappointment of Tax Assessor
Resolution No. 25-174 Resolution Renewing Liquor License for Woodcliff Wine Co.
Resolution No. 25-175 Resolution Approving Solicitors Licenses to Aptive Environmental, LLC
Resolution No. 25-176 Resolution of the Governing Body Certification of the Annual Audit
Resolution No. 25-177 Resolution to Approve the Corrective Action Plan for the Fiscal Year 2024 Audit Report of the Borough of Woodcliff Lake

- Resolution No. 25-178 Resolution Renewing Liquor License for Bareburger, BB Tices Corner LLC
- Resolution No. 25-179 Resolution Approving Retirement Payout
- Resolution No. 25-180 Resolution Authorizing Employees Who Waive the Borough's Health Benefits to Receive Waiver Benefit Payment
- Resolution No. 25-181 Resolution Authorizing the Acceptance of a \$1,000 Donation to be Used Exclusively for the Tree Sponsorship Program at Woodcliff Park
- Resolution No. 25-182 Resolution Designating a Municipal Housing Liaison for the Administration of the Affordable Housing Program
- Resolution No. 25-183 Resolution Authorizing Advertisement of Bid Rental of VFW Building
- Resolution No. 25-184 Resolution Authorizing a Refund of Overpaid Taxes Caused by Tax Court Judgements
- Resolution No. 25-185 Resolution Designating Property Identified as 200 Tice Boulevard, (Block 301, Lot 3.04) as a "Non-Condemnation Area in Need of Redevelopment" Pursuant to the New Jersey Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.)
- Resolution No. 25-186 Resolution Designating Property Identified as 300 Chestnut Ridge Road, (Block 601, Lot 1) as a "Non-Condemnation Area in Need of Redevelopment" Pursuant to the New Jersey Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.)
- Resolution No. 25-187 Resolution Authorizing the Borough of Woodcliff Lake to Enter Into a Cooperative Pricing Agreement
- Resolution No. 25-188 Resolution Authorizing the Acceptance of a \$1,000 Donation to be Used Exclusively for the Tree Sponsorship Program at Woodcliff Park
- Resolution No. 25-189 Resolution Authorizing the Acceptance of a \$1,000 Donation to be Used Exclusively for the Tree Sponsorship Program at Woodcliff Park
- Resolution No. 25-190 Resolution Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Overlook Drive Improvements Project
- Resolution No. 25-191 Resolution Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Overlook Drive Improvements Project

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

PROCLAMATION

WHEREAS, during Pride Month, we celebrate the extraordinary courage and contributions of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGTBQI+) community. We reflect on the progress we have made so far in pursuit of equality, justice and inclusion; and

WHEREAS, for generations, LGBTQI+ Americans have summoned the courage to live authentically and proudly – even when it meant putting their lives and livelihoods at risk. In 1969 at the Stonewall Inn in New York, brave LGBTQI+ individuals protested the violence and marginalization they faced, boosting a civil rights movement for the liberations of LGBTQI+ people that has transformed our Nation. Since then, courageous LGBTQI+ Americans continue to inspire and bring hope to all people seeking a life true to who they are; and

WHEREAS, members of the lesbian, gay, bisexual, transgender, asexual, aromantic, queer, two-spirit, non-binary, and intersex communities (LGBTQ) contribute to our state's success and strengths in great number of immeasurable ways; and

WHEREAS, LGBTQI+ people also continue to enrich every aspect of American life as educators, entertainers, entrepreneurs, athletes, actors, artists, scientists, scholars, diplomats, doctors, service members, veterans, and so much more; and

WHEREAS, this month we recommit to realizing the promise of America for all Americans, to celebrating courageous LGBTQI+ people, and to taking pride in the example they set forth for our Nation and the world.

NOW, THEREFORE, I, Carlos Rendo, Mayor of the Borough of Woodcliff Lake, proclaim June 2025 as

LESBIAN, GAY BISEXUAL, TRANSGENDER, QUEER AND INTERSEX PRIDE MONTH

and I call upon the people in Woodcliff Lake to recognize the achievements of the LGBTQI+ community, to celebrate the great diversity of the American people, and to wave their flags of pride high.

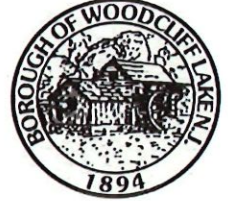
Mayor Carlos Rendo

Councilwoman Christopher Bonanno
Councilwoman Jennifer Margolis
Councilman Benjamin Pollack

Councilwoman Julie Brodsky
Councilwoman Nicole Marsh
Council President Josh Stern



JUNE ENGINEERS REPORT
BOROUGH OF WOODCLIFF LAKE
JUNE 12, 2025



1. Galaxy Gardens Civil Design and NJDEP Land Use Permitting

Project awarded to Applied Landscape for the total contract amount of \$2,753,123.00. Change Order No. 1 for Monument Area add-on and associated sitework in the amount of \$97,855.47 (3.55%) was approved by the Borough per Resolution No. 24-259. Project is substantially complete pending punch list items. Contractor working to complete all final punch list items for project closeout.

2. Werimus Lane Pump Station Flood Resilient Improvements

Bids were opened on December 5, 2024 and reviewed by our office. Award recommendation package provided to Borough on 12/6/2024 recommending award of a contract to J.Fletcher Creamer and Sons for the amount of \$1,892,500.00 which was the lowest of four (4) bids submitted. Preconstruction meeting was held January 21 2025. Contractor continuing with pre-project planning and submittals to secure long lead time items. Neglia to follow up with JFC for updated project start date based on availability of materials.

3. Campbell Avenue Paving Project NJDOT MA-2023 & Year 2023 Municipal Paving Project

The Borough of Woodcliff Lake received a grant in the amount of \$203,110.00 from the NJDOT for Campbell Avenue Paving Project as per the November 23, 2022 grant award letter. Project awarded to D&L Paving in the amount of \$551,105.11 for the Base Bid and Alternates A, B, C, and D for Campbell Avenue (NJDOT), Birchwood Road, Stacey Court, Renee Court, and Manhole Reconstructions. Pre-construction meeting was held on 6/6/2024. Birchwood Road drainage has been completed. Paving of Campbell Avenue, Stacey Court, Renee Court was completed. Birchwood Road paving was recently completed and awaiting project closeout following final invoicing from Contractor.

4. Werimus Road/Old Mill/Woodcliff Avenue Traffic Signal Warrant Analysis

Neglia completed and provided the Traffic Signal Warrant Analysis to the Borough and County of Bergen for review. BC's position is that although the intersection meets the pedestrian connectivity criteria, the vehicular traffic is not excessive at this time. Neglia prepared a Concept Plan for interim pedestrian improvements to enhance pedestrian safety for review and consideration ahead of any major future intersection improvements that is under review by BC. Neglia drafted the letter to Bergen County requesting reduction in speed on Werimus Road that is under review by BC.

LYNDHURST

34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p. 201.939.8805 f. 201.939.0846

MOUNTAINSIDE

200 Central Avenue
Suite 102
Mountainside, NJ 07092
p. 201.939.8805 f. 732.943.7249

5. **MS4 Stormwater Mapping, MS4 Updated MSWP, Phase Watershed Improvement Plan**
MS4 Stormwater Mapping

Neglia provided a proposal for MS4 Stormwater Mapping to address the latest NJDEP MS4 Regulations to the Borough. Neglia is prepared to proceed with the MS4 Stormwater Mapping once our proposal is approved/authorized by the Borough. This mapping needs to be completed and submitted by **January 1, 2026** for Borough MS4 Compliance. We would respectfully request that this proposal authorized asap in order to have sufficient time to complete the work for the January 1, 2026 NJDEP deadline as we estimate it will take approximately 8-12 months to complete the work.

MS4 Updated Municipal Stormwater Management Plan (MSWMP)

Neglia provided a proposal to prepare a revised Municipal Stormwater Management Plan (MSWMP) as required by the NJDEP. The Borough's MSWP is from 2005 and the NJDEP requires the plan be updated at a minimum once every 10 years based on the most current Stormwater Control Ordinance (SCO).

Watershed Inventory Report – Phase I Watershed Improvement Plan

The Borough of Woodcliff Lake, along with all other municipalities in the State of New Jersey must prepare a Watershed Improvement Plan as part of the NJDEP Municipal Stormwater Management Program (MS4). Phase 1 of this Plan is to prepare the Watershed Inventory Report. This Report must be submitted to the NJDEP no later than **January 01, 2026**. Therefore, we would respectfully request that this proposal be authorized no later than mid-2025 to ensure that sufficient time is provided to prepare this NJDEP-required document.

6. **Broadway Corridor Streetscape Improvement Project (NJDOT MA-2024)**

The Borough of Woodcliff Lake received a grant in the amount of \$233,364.00 from the NJDOT for the Broadway Corridor Streetscape Improvements Project (Prospect to Campbell) as per the November 1, 2023 NJDOT grant award letter. Neglia has provided a proposal for the Engineering Design and Construction Management for review & execution by the Borough in order to stay on track with the NJDOT MA 2024 award deadline of **October 31, 2025**. Neglia is prepared to proceed with the survey, design, and NJDOT PMRS pre-bid submissions once our proposal is approved/authorized by the Borough.

Neglia prepared a set of draft Broadway Streetscape Standard Details to comply with the Borough's Ordinance 24-15 containing the design standards for properties fronting Broadway for the sidewalks, paver belt, shade trees, and decorative post top street lighting. These details, will be utilized by developers along the Broadway corridor and also for the Borough's Broadway Corridor Streetscape Improvements Project for consistency.

7. **NJDOT FY2025 Grant – West Hill Road**

Neglia completed plans and specifications and submitted to the NJDOT for mandatory pre-bid review on 5/11/2025. Plans approved by NJDOT and a bid opening is scheduled for July 24, 2025 for anticipated award at the August 18, 2025 meeting pending a favorable bid so that paving can be completed this year.

8. Brookview Drive Roadway Improvements (Municipal Paving)

Neglia completed plans and specifications for bidding this paving project together with the West Hill Road NJDOT paving project following NJDOT and Borough approval of the same. Neglia met with DPW to add include the replacement of a compromised storm drain in Brookview Drive near the intersection of Colonial Avenue into the bid specifications. Plans approved by NJDOT and a bid opening is scheduled for July 24, 2025 for anticipated award at the August 18, 2025 meeting following a favorable bid so that paving can be completed this year.

9. Old Barn Site and Train Station Parking Lot (North Side)

NJDEP Land Use Approval was received on 4/16/2025. All pre-bid submissions and approvals have been received. A bid opening is scheduled for June 26, 2025 for an anticipated award at the July 21, 2025 meeting pending a favorable bid with a preconstruction meeting to follow.

10. Woodcliff Lake Tennis Courts

Neglia understands that the Borough of Woodcliff Lake intends to pursue upgrades to the existing tennis court complex locate within Block 1401 Lot 5 in the Borough of Woodcliff Lake. Survey was completed and Preliminary Concept Plan for redevelopment of the site with new courts, and Preliminary estimate was provided to the Borough. A proposal for full engineering design, bidding and NJDEP permitting was provided to the Borough. Neglia is prepared to proceed with the design and NJDEP pre-bid submissions once our proposal is approved/authorized by the Borough.

11. Digital Tax Maps

Neglia provided a proposal to the Borough for Surveying and GIS services to provide updated Digital Tax maps to meet all current NJ Regulations and Standards as requested.

12. Woodcliff Avenue & Woodcliff Middle School Drainage Improvements

As requested, Neglia provided a proposal to the Borough for survey, design, and NJDEP Land Use permitting to perform a drainage study for the purposes of designing proposed drainage improvements to address storm drainage conveyance issues and concerns both upstream and downstream of Woodcliff Avenue that are adversely impacting the Woodcliff Middle School property for review by the Borough and for coordination with the Borough, School, and County of Bergen. Woodcliff Middle School has submitted an application to the NJDEP Division of Land Use for field improvements. Neglia has conducted a cursory review of plans and drainage for their upcoming project as requested.

13. Chestnut Ridge Road Bergen County ADA Ramps

Neglia met with Bergen County ADA Coordinator Jaison Alex on 4/3/2025 to identify the ADA Ramps on Chestnut Ridge Road to be reconstructed by Bergen County ahead of the upcoming County Paving Project. As per BC requirements, Borough Engineer is required to provide design sketches and ADA ramp certifications for design and post construction. Neglia submitted a proposal for the ADA Ramp Design and Construction Management to address all BC requirements and provide certifications as required ahead of the County paving of Chestnut Ridge Road. Neglia has completed and submitted the ADA Ramp Designs to Bergen County for review.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,
Neglia Group



Anthony Kurus, P.E., P.P., C.M.E.
For the Borough Engineer
Borough of Woodcliff Lake

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BOROUGH OF WOODCLIFF LAKE

ORDINANCE NO.. 25-06

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF BOROUGH OF WOODCLIFF LAKE**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WOODCLIFF LAKE TO REPEAL CHAPTER 188 "FLOOD HAZARD AREAS" TO ADOPT A NEW CHAPTER 188 ENTITLED "FLOOD MANAGEMENT REGULATIONS" TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Borough of Woodcliff Lake and such areas may be subject to periodic inundation which may result 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, and

WHEREAS, the Borough of Woodcliff Lake was accepted for participation in the National Flood Insurance Program on September 2, 1981 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Borough of Woodcliff Lake is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough of Woodcliff Lake is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough of Woodcliff Lake is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Repeal Chapter 188, Flood Hazard Areas, §188-1 through §188-24, inclusive and replace with Chapter 188, Flood Management Regulations.

SECTION 101 SCOPE AND ADMINISTRATION

101.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of Borough of Woodcliff Lake (hereinafter "these regulations").

101.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

101.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines.
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C.

5:23, the Uniform Construction Code, that the Borough of Woodcliff Lake administer and enforce the State building codes, the Mayor and Council of Borough of Woodcliff Lake does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

101.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

101.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

101.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

101.8 Violations and 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 violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of up to \$2000, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine up to \$2000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

101.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 102 APPLICABILITY

102.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

102.2 Establishment of Flood Hazard Areas. The Borough of Woodcliff Lake was accepted for participation in the National Flood Insurance Program on September 2, 1981.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Office of the Borough Clerk, Municipal Building, 188 Pascack Road, Woodcliff Lake, New Jersey 07677.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions) dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top-level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34003C0087	2019-08-28	J	34003C0094	2019-08-28	H
34003C0089	2019-08-28	H			

34003C0091	2019-08-28	H			
34003C0093	2019-08-28	H			

- 2) **Federal Best Available Information.** Borough of Woodcliff Lake shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
<i>None as of the date of this ordinance.</i>			

- 3) **Other Best Available Data.** Borough of Woodcliff Lake shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Woodcliff Lake. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Pascack Bk	I0000015	14
Pascack Bk	I0000016	15
Musquapsink Bk	I0000021	20
Township Bk, Tandy Bk	I0000023	22
Bear Bk	I0000024	23

Reservoir Bk, Echo Glen Bk	I0000027	26
Holdrum Bk	I0000029	28
Hillsdale Bk	I0000031	30

102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Floodplain Administrator Designation. The Borough Construction Official is designated

the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

103.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

103.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.

- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Woodcliff Lake have been modified.
- (14) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

103.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

103.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

103.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting

flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

103.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

103.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

103.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

103.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

103.12 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

103.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated

water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

103.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 101.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4)** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

103.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

103.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 104 PERMITS

104.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

104.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

104.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

104.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the

basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source

when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.

- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

105.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the

applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

106.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

106.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

106.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 107 VARIANCES

107.1 General. The Planning Board of the Borough of Woodcliff Lake shall hear and decide

requests for variances. The Planning Board of the Borough of Woodcliff Lake shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board of the Borough of Woodcliff Lake has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

107.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

107.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

107.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

107.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) 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, streets, and bridges.

107.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code but is regulated by these regulations and that is determined to be a violation.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine up to \$2000.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

201.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C.

5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

201.2 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

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

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

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other non-residential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a

community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual 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 – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – 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, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

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 preliminary 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 AREA- The areal mapped extent associated with the most recent available preliminary 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 preliminary flood elevation 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.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal

A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency 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 Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water

from any source. See "Flood or flooding."

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.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

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

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

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board of the Borough of Woodcliff Lake requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or

requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective

Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the tax assessor's office, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

REPETITIVE LOSS – any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities,

halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – "Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The **Start of Construction is as follows:**

- a. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, 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 building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, 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.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, 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 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, 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. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

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.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

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 before damaged condition 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 taking place, 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:

- a. 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
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural

structures that have been issued variances by the community.

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

301.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

401.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

401.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

401.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities

into flood waters, or impairment of the facilities and systems.

401.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

401.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

401.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

401.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

401.7 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

SECTION 501 MANUFACTURED HOMES

501.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

501.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which

minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

501.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 RECREATIONAL VEHICLES

601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

701.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

801.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;

- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the

- enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
- iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

801.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

801.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

801.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design

Elevation in accordance with N.J.A.C. 7:13.

- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

901.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

901.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

1001.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

1001.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

1001.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ORDINANCE NO. 25-07

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,325,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Woodcliff Lake, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment, new communication and signal systems equipment, new additional furnishings and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the State grants and the down payment appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the State grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the

estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department consisting of (i) an SUV and (ii) computer equipment.

Appropriation and Estimated Cost	\$ 130,000
Down Payment Appropriated	\$ 6,200
Bonds and Notes Authorized	\$ 123,800
Period of Usefulness	5 years

B. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Police Department consisting of (i) an alcoltest machine and (ii) portable radios.

Appropriation and Estimated Cost	\$ 41,000
Down Payment Appropriated	\$ 1,960
Bonds and Notes Authorized	\$ 39,040
Period of Usefulness	10 years

C. Undertaking of various improvements to public buildings and facilities. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 25,000
Down Payment Appropriated	\$ 1,200
Bonds and Notes Authorized	\$ 23,800
Period of Usefulness	15 years

D. Acquisition of new additional or replacement equipment and machinery consisting of containers for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 13,000
Down Payment Appropriated	\$ 620
Bonds and Notes Authorized	\$ 12,380
Period of Usefulness	15 years

E. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 125,000
Down Payment Appropriated	\$ 5,960
Bonds and Notes Authorized	\$ 119,040
Period of Usefulness	10 years

F. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) turnout gear and (ii) forcible entry training equipment.

Appropriation and Estimated Cost	\$ 39,000
Down Payment Appropriated	\$ 1,860
Bonds and Notes Authorized	\$ 37,140
Period of Usefulness	5 years

G. Acquisition of new additional furnishings for use at Old Mill Swim Pool consisting of (i) lounges, (ii) tables, (iii) chairs and (iv) umbrellas.

Appropriation and Estimated Cost	\$ 8,000
Down Payment Appropriated	\$ 400
Bonds and Notes Authorized	\$ 7,600
Period of Usefulness	5 years

H. Undertaking of the 2025 Road Improvement Program (including drainage, curb and sidewalk improvements, where necessary) at various locations, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 785,000
Down Payment Appropriated	\$ 37,390
Bonds and Notes Authorized	\$ 747,610
Period of Usefulness	10 years

I. Undertaking of the Broadway Corridor Streetscape Improvement Project.

Appropriation and Estimated Cost	\$ 295,000
State Grant Appropriated	\$ 233,364
Down Payment Appropriated	\$ 2,936
Bonds and Notes Authorized	\$ 58,700
Period of Usefulness	10 years

J. Resurfacing of West Hill Road (from Emery Lane to Lyons Court), including drainage, curb and sidewalk improvements, where necessary. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 184,000
State Grant Appropriated	\$ 133,035
Down Payment Appropriated	\$ 2,435
Bonds and Notes Authorized	\$ 48,530
Period of Usefulness	10 years

K. Funding the Borough's portion of the cost of upgrading the Tri-Boro fuel tank located at the Park Ridge DPW facility.

Appropriation and Estimated Cost	\$ 160,000
Down Payment Appropriated	\$ 7,620
Bonds and Notes Authorized	\$ 152,380
Period of Usefulness	15 years

L. Undertaking of stormwater sewer system mapping in connection with future system improvements.

Appropriation and Estimated Cost	\$ 125,000
Down Payment Appropriated	\$ 6,210
Bonds and Notes Authorized	\$ 118,790
Period of Usefulness	5 years

M. Supplemental funding for the undertaking of various improvements to the Train Station parking lot. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$450,000 for such improvement pursuant to Ord. No. 24-10 adopted on June 17, 2024.

Appropriation and Estimated Cost	\$ 395,000
Down Payment Appropriated	\$ 18,810
Bonds and Notes Authorized	\$ 376,190

Period of Usefulness 10 years

Aggregate Appropriation and Estimated Cost	\$2,325,000
Aggregate Grants Appropriated	\$ 366,399
Aggregate Down Payment Appropriated	\$ 93,601
Aggregate Amount of Bonds and Notes Authorized	\$1,865,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$317,601 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$233,364 received or to be received as a grant from the State of New Jersey Department of Transportation ("NJDOT") is hereby appropriated to the payment of the cost of the streetscape improvement authorized in Section 4.I hereof.

Section 7. The sum of \$133,035 received or to be received as a grant from the NJDOT is hereby appropriated to the payment of the cost of the improvement of West Hill Road authorized in Section 4.J hereof.

Section 8. It is hereby determined and stated that moneys exceeding \$93,601, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$93,601 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,865,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,865,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall

at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.73 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,865,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the State grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 17. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

**RESOLUTION NO. 25-171
JUNE 16, 2025**

WHEREAS, the Borough of Woodcliff Lake is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 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 Borough of Woodcliff Lake to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____1. Matters Required by Law to be Confidential. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____2. Matters Where the Release of Information Would Impair the Right to Receive Funds. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____3. Matters Involving Individual Privacy. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing,

relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____4. Matters Relating to Collective Bargaining Agreements. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____5. Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed specifically with respect to _____. The minutes will be released on or before _____, 20__ when the issues pertaining to the property located at _____ have been approved and finalized.

____6. Matters Relating to Public Safety and Property. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

X 7. Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege, any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, specifically with respect to: Litigation Update

The minutes will be released in approximately ninety (90) days or upon the resolution through settlement or court decision and the time period for any and all appeals.

____8. Matters Relating to the Employment Relationship. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, specifically: personnel discussion.

The minutes will be released within ninety (90) days or earlier upon the resolution of the matter through settlement or court decision and the time period for any and all appeals.

_____ 9. Matters Relating to the Potential Imposition of a Penalty. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, assembled in public session on June 16, 2025 that an Executive Session closed to the public shall be held on June 16, 2025 at 6:00 PM at the Borough of Woodcliff Lake Town Hall, 188 Pascack Road, regarding the discussion of matters relating to the specific items designated above.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

**RESOLUTION NO. 25-172
JUNE 16, 2025**

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 5/30/2025	\$ 234,359.33
Payroll Released 6/15/2025	\$ 237,023.61

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment.

Current Fund:	\$ 1,839,980.83
Total Trust Funds Other	\$ 624.00
Animal Control:	\$ 69.90
General Capital:	\$ 375,945.18

CERTIFICATION OF FUNDS

I, Jonathan DeJoseph, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

Jonathan DeJoseph
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 16, 2025.

Deborah A. Dakin, RMC, CMR
Borough Clerk

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION APPOINTING TAX ASSESSOR

RESOLUTION NO. 25-173

JUNE 16, 2025

WHEREAS, Anthony Mazzola presently serves as Tax Assessor for the Borough of Woodcliff Lake; and

WHEREAS, Anthony Mazzola’s appointment will expire as of June 30, 2025; and

WHEREAS, the Mayor and Council have reviewed this matter and recommend the appointment of Anthony Mazzola as the Borough Tax Assessor effective July 1, 2025; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal tax assessor shall hold his office for a term of four (4) years; and

WHEREAS, the Tax Assessor shall be paid an annual salary determined by the Salary Ordinance in his position as Tax Assessor for the Borough; and

WHEREAS, the Tax Assessor shall work all hours necessary to fulfill his job duties and responsibilities as Tax Assessor and specifically have office hours every Tuesday from 4:30 to 6:00 p.m. or as determined and approved by the Borough Administrator.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey, that Anthony Mazzola be and he is hereby appointed Tax Assessor for the Borough of Woodcliff Lake for a four-year period effective July 1, 2025 through June 30, 2029; and

BE IT FURTHER RESOLVED, that Anthony Mazzola will be paid an annual salary of \$25,000.00 in his position as Tax Assessor for the Borough of Woodcliff Lake; and

BE IT FURTHER RESOLVED, that the Tax Assessor shall work all hours necessary to fulfill his job duties and responsibilities as Tax Assessor and specifically have office hours every Tuesday from 4:30 p.m. to 6:00 p.m. or as determined and approved by the Borough Administrator; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Anthony Mazzola immediately upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION RENEWING LIQUOR LICENSE FOR WOODCLIFF WINE CO.

**RESOLUTION NO. 25-174
JUNE 16, 2025**

WHEREAS, WOODCLIFF WINE CO, has applied for renewal of their respective Plenary Retail Distribution License; and

WHEREAS, the said applicant has, in the opinion of the Mayor and Council, complied with the requirements of the Alcoholic Beverage Control Commission, and the Ordinance of the Borough of Woodcliff Lake.

NOW THEREFORE, BE IT RESOLVED, that Plenary Retail Distribution License No. 0268-44-002-008 is hereby granted to **WOODCLIFF WINE CO.** for the sale of alcoholic beverages for the period of July 1, 2025 to June 30, 2026, in accordance with the requirements of said Act and said Ordinance, on premises located at 500 Chestnut Ridge Road, Store #2.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION APPROVING SOLICITORS LICENSES TO THE ACTIVE ENVIRONMENTAL

**RESOLUTION NO. 25-175
JUNE 16, 2025**

WHEREAS, Sebastian Narvaez, Skyler Bronson, and Deven Ritayik of Aptive Environmental have applied to the Borough Clerk’s Office for a solicitor’s license to pest control services; and

WHEREAS, the Police Department has stated that there is no reason to deny these applications; and

WHEREAS, the applicants have been advised of the rules and guidelines established in the Borough of Woodcliff Lake and strict adherence to this policy must be followed.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to issue a solicitor’s licenses to Sebastian Narvaez, Skyler Bronson, and Deven Ritayik.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION OF THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

**RESOLUTION NO. 25-176
JUNE 16, 2025**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its book, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2024 has been filed by a Registered Municipal Accountant with the "Borough Clerk" pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgates N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolutions of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION TO APPROVE THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2024 AUDIT REPORT OF THE BOROUGH OF WOODCLIFF LAKE

**RESOLUTION NO. 25-177
JUNE 16, 2025**

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough relative to findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the Governing Body is required by resolution, to approve said "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the Borough Clerk's office;

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Woodcliff Lake hereby approved the "Corrective Action Plan" for the Fiscal Year 2024 Audit Report submitted by the Chief Financial Officer.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

BOROUGH OF WOODCLIFF LAKE, N.J.

CORRECTIVE ACTION PLAN

2024 AUDIT – YEAR ENDED DECEMBER 31, 2024

Finding/Condition No. 1

It is recommended that payroll transactions are reviewed to ensure compliance with the bargaining unit agreement.

Recommendation

The Borough will verify payroll transactions to ensure staff is receiving the appropriate compensation.

Explanation and
Corrective Action

Effective January 1, 2026, the payroll changes will be updated to reflect the compensation based upon the CNA.

Implementation Date

January 1, 2026

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION RENEWING LIQUOR LICENSE FOR BAREBURGER, BB TICES CORNER LLC

**RESOLUTION NO. 25-178
JUNE 16, 2025**

WHEREAS, BAREBURGER, BB TICES CORNER LLC, has applied for renewal of their respective Plenary Retail Consumption License; and

WHEREAS, the said applicant has, in the opinion of the Mayor and Council, complied with the requirements of the Alcoholic Beverage Control Commission, and the Ordinance of the Borough of Woodcliff Lake.

NOW THEREFORE, BE IT RESOLVED, that Plenary Retail Consumption License No. 0268-33-001-010 is hereby granted to **BAREBURGER, BB TICES CORNER LLC**, for the sale of alcoholic beverages for the period of July 1, 2025 to June 30, 2026, in accordance with the requirements of said Act and said Ordinance, on premises located at 453 Chestnut Ridge Road.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION APPROVING RETIREMENT PAYOUT

RESOLUTION NO. 25-179

JUNE 16, 2025

WHEREAS, Lieutenant Craig DeGeorge will be retiring from his position with the Woodcliff Lake Police Department effective July 1, 2025; and

WHEREAS, Lieutenant Craig DeGeorge is entitled to the following in accord with his contract with the Borough: (a) 78 sick days, paid at 2 for 1, totaling \$29,082.69 (b) 25 vacation days totaling \$18,642.75; and (c) 28.5 days compensatory time totaling \$21,229.43 for a total payout of \$68,954.87; and

WHEREAS, this will be paid out to him with the June 30, 2025 payroll.

WHEREAS, the Borough Administrator has reviewed this matter and approves of the total payout to Lieutenant Craig DeGeorge in the amount of \$68,954.87 to be paid in the manner referenced herein.

NOW THEREFORE BE IT RESOLVED, that Lieutenant DeGeorge's total payout as referenced above in the amount of \$68,954.87 be and is hereby approved to be paid to him with the June 30, 2025 payroll; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Woodcliff Lake Police Department and Lieutenant DeGeorge upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

**RESOLUTION AUTHORIZING EMPLOYEES WHO WAIVE THE BOROUGH'S HEALTH BENEFITS TO RECEIVE
WAIVER BENEFIT PAYMENT**

**RESOLUTION NO. 25-180
JUNE 16, 2025**

WHEREAS, there is a program offered to municipal employees/plan participants eligible for health benefits through the Borough Employee Health Benefit Program to waive participation in consideration of an annual financial incentive; and

WHEREAS, in consideration of the following incentive, an employee eligible for medical benefits through the Borough may elect to waive coverage; and

WHEREAS, the annual financial incentive is 25% of the net plan premium up to \$5,000, whichever is less; and

WHEREAS, following the election of waiver of benefits, payment of the annual financial incentive by the Borough will be made semi-annually – in June and in December.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake to certify the following list of eligible employees and authorize payments to them with the June 30, 2025 payroll:

<u>Name</u>	<u>Payment</u>
Michael Charnesky	\$ 2,500.00
Megan Doherty	\$ 2,500.00
John Kurz	\$ 1,447.59
Gervonna Ragland	\$ 2,083.35
Kyle Tammen	\$ 284.23

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A OF \$1,000.00 DONATION TO BE USED EXCLUSIVELY FOR THE TREE SPONSORSHIP PROGRAM AT WOODCLIFF PARK

**RESOLUTION NO. 25-181
JUNE 16, 2025**

WHEREAS, the Borough of Woodcliff Lake seeks to establish a Tree Sponsorship Program to provide opportunities for individuals, families, and organizations to donate funds for the installation of trees, thereby enhancing the aesthetic and recreational value of the Borough’s newest park; and

WHEREAS, the Borough acknowledges the generosity of Megan Lewis, who has expressed a desire to contribute to this initiative for the benefit of the community; and

WHEREAS, the Borough of Woodcliff Lake has been notified of a donation from Megan Lewis in the amount of one thousand dollars (\$1,000.00) to support the Tree Sponsorship Program; and

WHEREAS, N.J.S.A. 40A:5-29 authorizes municipalities to accept donations made to the municipality for public purposes by resolution of the governing body; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the donation and have determined same is consistent with the laws of the State of New Jersey and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that a Tree Sponsorship Program to provide opportunities for individuals, families and organizations to donate funds for the installation of trees, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the donation from Megan Lewis in the amount of \$1000.00 to the Tree Sponsorship Program for a Tree at the Woodcliff Park is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized and directed to take all steps necessary to secure the donation in the amount of \$1,000.00 from Megan Lewis for the Woodcliff Park and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Megan Lewis upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

**RESOLUTION DESIGNATING A MUNICIPAL HOUSING LIAISON FOR THE ADMINISTRATION
OF THE AFFORDABLE HOUSING PROGRAM**

**RESOLUTION NO. 25-182
JUNE 16, 2025**

WHEREAS, the Mayor and Borough Council of Woodcliff Lake endorsed an Amendment to the Housing Element and Fair Share Plan adopted by the Borough of Woodcliff Lake Planning Board on September 11, 2023; and

WHEREAS, pursuant to N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq., the Borough of Woodcliff Lake is required to appoint a Municipal Housing Liaison for administration of the Borough's Affordable Housing Program to enforce the requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, pursuant to Borough Code, Chapter 380, Article V, Section 16 of the Code of the Borough of Woodcliff Lake, Woodcliff Lake shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent; and

WHEREAS, Woodcliff Lake hereby creates the position of Municipal Housing Liaison and shall adopt a Resolution appointing a Municipal Housing Liaison; and

WHEREAS, the Borough Administrator recommends the appointment of Clairesse Aquilino as the Municipal Housing Liaison for the administration of the affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey that Clairesse Aquilino is hereby appointed as the Municipal Housing Liaison for the administration of the affordable housing program pursuant to and in accordance with Chapter 380, Article V of the Code of the Borough of Woodcliff Lake; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to forward a copy of this resolution to Clairesse Aquilino upon the passage of same.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING ADVERTISEMENT OF BID RENTAL OF VFW BUILDING

RESOLUTION NO. 25-183

JUNE 16, 2025

WHEREAS, the Governing Body desires to prepare bid specifications for the rental of the VFW Building located at 281 Broadway; and

WHEREAS, the bid specifications are in the process of being prepared; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed this matter and recommend that the bid specifications for the rental of the VFW Building located at 281 Broadway be advertised upon completion of the bid specifications.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the preparation and advertisement of the bid specifications for the rental of the VFW Building located at 281 Broadway be and are hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to advertise the Bid Specifications upon completion of same; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be kept on file in the Office of the Clerk.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENTS

**RESOLUTION NO. 25-184
JUNE 16, 2025**

WHEREAS, the owners of Block 801; Lot 1, 221 Chestnut Ridge Road, Woodcliff Lake N.J. have been successful in their appeal to The Tax Court of New Jersey and have agreed upon a settlement adjusting their assessed value for the following years:

- 2019 - \$1,619,700 to \$1,600,000 = \$411.53
- 2020 - \$1,665,500 to \$1,500,000 = \$3,477.16
- 2021 - \$1,630,900 to \$1,500,000 = \$2,866.71
- 2022 - \$1,629,400 to \$1,500,000 = \$2,831.27
- 2023 - \$1,706,500 to \$1,450,000 = \$5,553.23
- 2024 - \$1,761,800 to \$1,400,000 = \$7,822.12

WHEREAS, this has resulted in overpaying their property taxes for the years 2019 through 2024 for the total amount of **\$22,962.02**; and

WHEREAS, they have been awarded these judgments and therefore are entitled to a refund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the Tax Collector be authorized to refund the overpayments in the total amount of **\$22,962.02** to the owner of record Levent Temiz c/o McCarter & English, LLP.

CHECK MAILED TO:

Lee S. Holtzman, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
PO Box 652
Newark, NJ 07101-0652

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION DESIGNATING PROPERTY IDENTIFIED AS 200 TICE BOULEVARD (BLOCK 301, LOT 3.04) AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT" PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT HOUSING LAW (N.J.S.A. 40A: 12A-1 ET SEQ.)

**RESOLUTION NO. 25-185
JUNE 16, 2025**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "area in need of redevelopment" as described in Section 5 of the Redevelopment Law; and

WHEREAS, to determine whether a certain parcel of land constitutes an area in need of redevelopment, the Borough Council of the Borough of Woodcliff Lake, by way of Resolution #24-222 dated October 21, 2024, authorized and directed the Borough of Woodcliff Lake Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 301, Lot 3.04 as shown on the Tax Map of the Borough of Woodcliff Lake (the "Study Area"), meets the criteria set forth in Section 5 of the LRHL and should be designated as a "Non-Condemnation Area In Need of Redevelopment;" and

WHEREAS, the Board authorized its planner DMR Architects ("DMR") to assist the Board in its preliminary investigation of the Study Area; and

WHEREAS, DMR issued a report of Preliminary Investigation for Determination of an area in need of redevelopment dated January 2025 (the "Study"); and

WHEREAS, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as a "Non-Condensation Area In Need of Redevelopment" at which hearing the Board shall hear all persons who are interested or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Township's assessment records; and

WHEREAS, the Board held a public hearing (the "Public Hearing") to determine whether the Study Area is a "Non-Condensation Area In Need of Redevelopment" under the criteria set forth in Section 5 of the LRHL on April 22, 2025; and

WHEREAS, prior to the date of the Public Hearing, the Board published and served a legal notice as required under the LRHL providing the date, time and location of its meeting and indicated that the Study Area, a map showing the boundaries of the Study Area, and the DMR Study were all available for inspection at the office of the Borough Clerk and at the office of the Board Secretary during its regular business hour and was also available on the Borough Website, all available not less than ten (10) days before the Public Hearing; and

WHEREAS, at the April 22, 2025 Public Hearing, testimony was provided by Daniel Hauben, Planner at DMR, regarding the conditions in the Study Area and whether such conditions warranted a finding that the Study Area qualifies as a "Non-Condensation Area In Need of Redevelopment" under the LRHL; and

WHEREAS, at the Public Hearing, the Board reviewed the Study and considered testimony of Mr. Hauben; and

WHEREAS, the Board also gave members of the public an opportunity to speak and ask questions related to this matter; and

WHEREAS, after the conclusion of the Public Hearing, and in consideration of the Study and the substantial and credible testimony presented, the Board determined the Study Area met one or more criteria to designate the Study Area as a "Non-

Condemnation Area In Need of Redevelopment” which finding was memorialized by way of Land Use Board Resolution at the May 20, 2025 meeting; and

WHEREAS, the Borough Council agrees with the recommendation of the Board that the Study Area be designated as a “Non-Condemnation Area In Need of Redevelopment” pursuant to the LRHL.

WHEREAS, the Borough Council now desires to authorize and direct the Board to cause a redevelopment plan to be prepared for the parcels designated within the Study Area and present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake, County of Bergen, New Jersey, as follows:

1. The Borough Council hereby designates 200 Tice Boulevard (Block 301, Lot 3.04) as a “Non-Condemnation Area in Need of Redevelopment” pursuant to the LRHL.
2. The Determination shall authorize the Borough of Woodcliff Lake to use all of the powers provided by the Legislature for use in a redevelopment area excluding the use of eminent domain, thus designating it a “Non-Condemnation Redevelopment Area.”
3. The Borough Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of Community Affairs (the “Commissioner”) for review. The Determination of the Study Area as a “Non-Condemnation Area In Need of Redevelopment” shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal, the Determination shall be deemed approved.
4. Notice of the Determination (the “Notice”) shall be served within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the Tax Assessor’s records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which the notice of Determination may be sent.
5. A property owner who received notice of Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

**RESOLUTION DESIGNATING PROPERTY IDENTIFIED AS 300 CHESTNUT RIDGE ROAD
(BLOCK 601, LOT 1) AS A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT"
PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT HOUSING LAW
(N.J.S.A. 40A: 12A-1 ET SEQ.)**

**RESOLUTION NO. 25-186
JUNE 16, 2025**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "area in need of redevelopment" as described in Section 5 of the Redevelopment Law; and

WHEREAS, to determine whether a certain parcel of land constitutes an area in need of redevelopment, the Borough Council of the Borough of Woodcliff Lake, by way of Resolution #24-311 dated December 16, 2024, authorized and directed the Borough of Woodcliff Lake Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 601, Lot 1 as shown on the Tax Map of the Borough of Woodcliff Lake (the "Study Area"), meets the criteria set forth in Section 5 of the LRHL and should be designated as a "Non-Condemnation Area In Need of Redevelopment;" and

WHEREAS, the Board authorized its planner DMR Architects ("DMR") to assist the Board in its preliminary investigation of the Study Area; and

WHEREAS, DMR issued a report of Preliminary Investigation for Determination of an area in need of redevelopment dated April 2025 (the “Study”); and

WHEREAS, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as a “Non-Condensation Area In Need of Redevelopment” at which hearing the Board shall hear all persons who are interested or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Township’s assessment records; and

WHEREAS, the Board held a public hearing (the “Public Hearing”) to determine whether the Study Area is a “Non-Condensation Area In Need of Redevelopment” under the criteria set forth in Section 5 of the LRHL on April 22, 2025; and

WHEREAS, prior to the date of the Public Hearing, the Board published and served a legal notice as required under the LRHL providing the date, time and location of its meeting and indicated that the Study Area, a map showing the boundaries of the Study Area, and the DMR Study were all available for inspection at the office of the Borough Clerk and at the office of the Board Secretary during its regular business hour and was also available on the Borough Website, all available not less than ten (10) days before the Public Hearing; and

WHEREAS, at the April 22, 2025 Public Hearing, testimony was provided by Daniel Hauben, Planner at DMR, regarding the conditions in the Study Area and whether such conditions warranted a finding that the Study Area qualifies as a “Non-Condensation Area In Need of Redevelopment” under the LRHL; and

WHEREAS, at the Public Hearing, the Board reviewed the Study and considered testimony of Mr. Hauben; and

WHEREAS, the Board also gave members of the public an opportunity to speak and ask questions related to this matter; and

WHEREAS, after the conclusion of the Public Hearing, and in consideration of the Study and the substantial and credible testimony presented, the Board determined the Study Area met one or more criteria to designate the Study Area as a “Non-

Condemnation Area In Need of Redevelopment” which finding was memorialized by way of Land Use Board Resolution at the May 20, 2025 meeting; and

WHEREAS, the Borough Council agrees with the recommendation of the Board that the Study Area be designated as a “Non-Condemnation Area In Need of Redevelopment” pursuant to the LRHL.

WHEREAS, the Borough Council now desires to authorize and direct the Board to cause a redevelopment plan to be prepared for the parcels designated within the Study Area and present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake, County of Bergen, New Jersey, as follows:

1. The Borough Council hereby designates 300 Chestnut Ridge Road (Block 601, Lot 1) as a “Non-Condemnation Area in Need of Redevelopment” pursuant to the LRHL.
2. The Determination shall authorize the Borough of Woodcliff Lake to use all of the powers provided by the Legislature for use in a redevelopment area excluding the use of eminent domain, thus designating it a “Non-Condemnation Redevelopment Area.”
3. The Borough Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of Community Affairs (the “Commissioner”) for review. The Determination of the Study Area as a “Non-Condemnation Area In Need of Redevelopment” shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal, the Determination shall be deemed approved.
4. Notice of the Determination (the “Notice”) shall be served within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the Tax Assessor’s records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which the notice of Determination may be sent.
5. A property owner who received notice of Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property

within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

**RESOLUTION NO. 25-187
JUNE 16, 2025**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on June 16, 2025 the Governing Body of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Woodcliff Lake.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Chief Financial Officer and/or Borough Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A OF \$1,000.00 DONATION TO BE USED EXCLUSIVELY FOR THE TREE SPONSORSHIP PROGRAM AT WOODCLIFF PARK

**RESOLUTION NO. 25-188
JUNE 16, 2025**

WHEREAS, the Borough of Woodcliff Lake seeks to establish a Tree Sponsorship Program to provide opportunities for individuals, families, and organizations to donate funds for the installation of trees, thereby enhancing the aesthetic and recreational value of the Borough’s newest park; and

WHEREAS, the Borough acknowledges the generosity of the Padilla and Angulo Families, who have expressed a desire to contribute to this initiative for the benefit of the community; and

WHEREAS, the Borough of Woodcliff Lake has been notified of a donation from the Padilla and Angulo Families in the amount of one thousand dollars (\$1,000.00) to support the Tree Sponsorship Program; and

WHEREAS, N.J.S.A. 40A:5-29 authorizes municipalities to accept donations made to the municipality for public purposes by resolution of the governing body; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the donation and have determined same is consistent with the laws of the State of New Jersey and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that a Tree Sponsorship Program to provide opportunities for individuals, families and organizations to donate funds for the installation of trees, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the donation from the Padilla and Angulo Families in the amount of \$1000.00 to the Tree Sponsorship Program for a Tree at the Woodcliff Park is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized and directed to take all steps necessary to secure the donation in the amount of \$1,000.00 from the Padilla and Angulo Families for the Woodcliff Park and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to the Padilla and Angulo Families upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A OF \$1,000.00 DONATION TO BE USED EXCLUSIVELY FOR THE TREE SPONSORSHIP PROGRAM AT WOODCLIFF PARK

**RESOLUTION NO. 25-189
JUNE 16, 2025**

WHEREAS, the Borough of Woodcliff Lake seeks to establish a Tree Sponsorship Program to provide opportunities for individuals, families, and organizations to donate funds for the installation of trees, thereby enhancing the aesthetic and recreational value of the Borough’s newest park; and

WHEREAS, the Borough acknowledges the generosity of Chestnut Ridge Pediatrics, who have expressed a desire to contribute to this initiative for the benefit of the community; and

WHEREAS, the Borough of Woodcliff Lake has been notified of a donation from Chestnut Ridge Pediatrics in the amount of one thousand dollars (\$1,000.00) to support the Tree Sponsorship Program; and

WHEREAS, N.J.S.A. 40A:5-29 authorizes municipalities to accept donations made to the municipality for public purposes by resolution of the governing body; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the donation and have determined same is consistent with the laws of the State of New Jersey and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that a Tree Sponsorship Program to provide opportunities for individuals, families and organizations to donate funds for the installation of trees, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the donation from Chestnut Ridge Pediatrics in the amount of \$1000.00 to the Tree Sponsorship Program for a Tree at the Woodcliff Park is hereby approved; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized and directed to take all steps necessary to secure the donation in the amount of \$1,000.00 from Chestnut Ridge Pediatrics for the Woodcliff Park and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Chestnut Ridge Pediatrics upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OVERLOOK DRIVE IMPROVEMENTS PROJECT

**RESOLUTION NO. 25-190
JUNE 16, 2025**

WHEREAS, the Borough’s Engineer has recommended that the Borough Council of Woodcliff Lake apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2026 Municipal Aid Grant Program to complete the Overlook Drive Improvements Project.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “MA-2026-Woodcliff Lake Borough-00387” to the New Jersey Department of Transportation on behalf of the Borough of Woodcliff Lake.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodcliff Lake, that their signatures constitute acceptance of the terms and conditions of the grant agreement, and that they approve the execution of the grant agreement.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno						
Brodsky						
Margolis						
Marsh						
Pollack						
Stern						
Mayor Rendo						

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OVERLOOK DRIVE IMPROVEMENTS PROJECT

**RESOLUTION NO. 25-191
JUNE 16, 2025**

WHEREAS, the Borough’s Engineer has recommended that the Borough Council of Woodcliff Lake apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2026 Local Transportation Improvement Fund Grant Program to complete the Overlook Drive Improvements Project.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and/or Administrator and Borough Clerk are hereby authorized to submit an electronic grant application identified as *LTPF-Woodcliff Lake Borough-00110* to the New Jersey Department of Transportation on behalf of the Borough of Woodcliff Lake; and

BE IT FURTHER RESOLVED, that the Mayor and/or Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodcliff Lake and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 16, 2025.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**