MAYOR AND COUNCIL
BOROUGH OF CLOSTER

WORK SESSION AGENDA: WEDNESDAY - MARCH 26, 2025 at 7:00 PM

THIS REGULARLY SCHEDULED MEETING OF THE CLOSTER MAYOR AND COUNCIL WILL BE HELD IN-PERSON, TELEPHONICALLY, and VIA ZOOM VIDEO. You may join the Zoom meeting including video by accessing the information posted in the **Borough Calendar** on the Borough website by visiting www.closterboro.com and clicking the link on the left sidebar for **Calendars and Notice of Meetings** and click on the corresponding date. **To join via Telephone Audio Only:** +1 301-715-8592**; MEETING ID:** 864 2063 3673; **PASSWORD:** 8675309

1. **PLEDGE OF ALLEGIANCE**

2. **OPEN PUBLIC MEETINGS ACT STATEMENT**

This meeting is called pursuant to the provisions of the Open Public Meetings Act of the State of New Jersey, was included in the Notice of 2025 Mayor and Council Meetings which was published in The Record on December 29, 2024 and The Star-Ledger on December 30, 2024, was posted on the Municipal Clerk's bulletin board and on the Borough website, and has remained posted as the required notices under the Statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. **ROLL CALL**

Mayor Glidden
Councilwoman Amitai
Councilman Cho
Council Chung
Councilwoman Latner
Councilwoman Maroules
Council President Yammarino

4. **REVIEW AND DISCUSSION OF COMMUNICATION ITEMS:**

a. MAIL LIST of March 14, 2025
b. MAIL LIST of March 21, 2025

5. **ORDINANCES:**

INTRODUCTION:

a. **ORDINANCE NO. 2025:1358**
AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLOSTER AMENDING THE BOROUGH OF CLOSTER CODE OF ORDINANCES TO REPEAL CHAPTER 108 FLOOD DAMAGE PROTECTION, SECTIONS 1 THROUGH 17, ADOPTED MARCH 23, 1983 BY ORD. NO. 1983:446; TO ADOPT NEW FLOODPLAIN MANAGEMENT REGULATIONS CHAPTER 108, ARTICLE 1, GENERAL REGULATIONS, SECTIONS 108A.1 TO 108S.6; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

b. **ORDINANCE NO. 2025:1362**
AN ORDINANCE AUTHORIZING SALE OF LAND WITHOUT PUBLIC AUCTION PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

ADOPTION:

a. **ORDINANCE NO. 2025:1357**
AN ORDINANCE AMENDING ORDINANCE NUMBER 2024-1348 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CLOSTER, NEW JERSEY ON NOVEMBER 25, 2024

b. **ORDINANCE NO. 2025:1359**
CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

c. **ORDINANCE NO. 2025:1360**
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301, FEES AND DEPOSITS SPECIFICALLY, 301-1 A. BOROUGH CLERK

d. **ORDINANCE NO. 2025:1361**
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 SEWERS AND STABLISHING ARTICLE V, MAINTENANCE OF SEWER LATERALS

6. **REVIEW AND DISCUSSION OF CONSENT AGENDA ITEMS FOR REGULAR MEETING**

*25-101 AUTHORIZING THE EXECUTION OF A PERMANENT ROAD WIDENING EASEMENT – PIERMONT ROAD AND VER VALEN STREET

*25-102 GRANTING PERMISSION TO BERGEN COUNTY MOSQUITO CONTROL DIVISION TO PERFORM AERIAL SPRAYING DURING THE 2025 MOSQUITO BREEDING SEASON

*25-103 WAIVING THE SIDEWALK REQUIREMENT OF THE CLOSTER CODE FOR THE PROPERTY AT 543 CLOSTER DOCK ROAD

*25-104 APPROVING RELEASE OF ESCROW FUNDS - DOWNES TREE SERVICE

*25-105 APPROVING RELEASE OF ESCROW FUNDS SANZARI SERVICES LLC

*25-106 AUTHORIZING THE TRANSFER OF 2024 BUDGET APPROPRIATIONS

*25-107 WAIVING THE SIDEWALK REQUIREMENT OF THE CLOSTER CODE FOR THE PROPERTY AT 67 HICKORY LANE

*25-108 RECOGNIZING MARCH 2025 AS WOMEN'S HISTORY MONTH IN THE BOROUGH OF CLOSTER

*25-109 CELEBRATING 204TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

*25-110 PROCLAIMING MARCH 2025 IRISH-AMERICAN HERITAGE MONTH

*25-111 APPROVING RELEASE OF TREE BOND ESCROW – 178 ALPINE DRIVE

*25-113 COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEEDS FOR AFFORDABLE HOUSING OBLIGATIONS IN AGREEMENT WITH THE NEW JERSEY BUILDERS ASSOCIATION

7. **COMMITTEE REPORTS**

a. FINANCE AND TECHNOLOGY – YAMMARINO (Cho/Maroules)
Committees - Finance & Technology Commission Liaison - Recreation, Shade Tree, Food & Assistance

b. PUBLIC SAFETY - LATNER (Chung/Amitai)
Committee - Public Safety Liaison - NVRHS Board of Education & Library Board of Trustees

c. PUBLIC WORKS - CHUNG (Yammarino/Cho)
Committee - Public Works Liaison - Closter Board of Education, Board of Health

d. ORDINANCES - CHO (Amitai/Latner)
Committee - Ordinance & Legislative Commission Liaison-Environmental, Zoning, Fire

e. HUMAN RESOURCES – MAROULES (Latner/Yammarino)
Committee - Personnel Liaison- Historic Preservation/

f. LAND USE AND CONSTRUCTION - AMITAI (Chung/Maroules)
Building Liaison - Closter Improvement, Planning Board, Senior Citizens

g. MAYOR'S REPORT
Ambulance Corps Northern Valley Mayor's Association

8. **OLD BUSINESS**

9. **NEW BUSINESS**

10. **OPEN MEETING FOR PUBLIC COMMENTS (5 MINUTE LIMIT)**

11. **RESOLUTION *25-112 CLOSED SESSION**

2025-03-26-1	Tactics & Techniques Tax Assessments	N.J.S.A. 10:4:12 (b) (6)
2025-03-26-2	Contract Negotiations Village School Development	N.J.S.A. 10:4-12 (b) (7)
2025-03-26-3	Anticipated Litigation Closter vs New Jersey Builders Association	N.J.S.A. 10:4-12 (b) (7)
2025-03-26-4	Anticipated Litigation Closter vs Reuten	N.J.S.A. 10:4-12 (b) (7)

12. **ADJOURNMENT**

AGENDA SUBJECT TO CHANGE

BOROUGH OF CLOSTER
ORDINANCE NO. 2025:1358

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLOSTER AMENDING THE BOROUGH OF CLOSTER CODE OF ORDINANCES TO REPEAL CHAPTER 108 FLOOD DAMAGE PROTECTION, SECTIONS 1 THROUGH 17, ADOPTED MARCH 23, 1983 BY ORD. NO. 1983:446; TO ADOPT NEW FLOODPLAIN MANAGEMENT REGULATIONS CHAPTER 108, ARTICLE 1, GENERAL REGULATIONS, SECTIONS 108A.1 TO 108S.6; 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 **the Borough of Closter** 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 Closter** was accepted for participation in the National Flood Insurance Program on April 18, 1983 and the **Mayor and Council of the Borough of Closter** 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 Closter** 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 Closter** 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 Closter** 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 Closter** of **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): **Chapter 108 Flood Damage Prevention**.

SECTION 108ASCOPE AND ADMINISTRATION

108A.1Title. 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 **the Borough of Closter** (hereinafter "these regulations").

108A.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 108B of these regulations.

108A.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.

108A.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 Closter** administer and enforce the State building codes, the **Mayor and Council of the Borough of Closter** of 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.

108A.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 108C.14 of this ordinance.

108A.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.

108A.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

108A.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 not more than $1250, 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 greater than $1250 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.

108A.8.1Solid 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 $2,500 or up to a maximum penalty by a fine not exceeding $10,000 under N.J.S.A. 40:49-5.

108A.8.2Abrogation 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

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regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 108B APPLICABILITY

108B.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.

108B.2 Establishment of Flood Hazard Areas. The **Borough of Closter** was accepted for participation in the National Flood Insurance Program on **March 23, 1983**.

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 Construction Code Official, Borough of Closter Building Department, 295 Closter Dock Road, Closter, New Jersey 07624.**

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 108B.2(1) whose top-level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.

   Table 108B.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34003C0182	08/28/2019	H	34003C0204	08/28/2019	H
34003C0201	08/28/2019	H	34003C0206	08/28/2019	H
34003C0202	08/28/2019	H	34003C0210	08/28/2019	H
34003C0203	08/28/2019	H			

2) **Federal Best Available Information. The Borough of Closter** 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 108B.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34003C0206J	2014-08-29		
34003C0210J	2014-08-29		

3) **Other Best Available Data. The Borough of Closter** 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 Closter. 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 108B.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 108B.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Oradell Reservoir	W0000006	1 of 2
Oradell Reservoir	W0000007	2 of 2
Dwars Kill	W0000003	1 of 2
Dwars Kill	W0000004	2 of 2
Tenakill Brook	W0000013	1 of 3
Kips Brook	I0000006	5
Steinel Ditch	I0000008	7
Charles Ck, Tenakill Trib, Kips Brook	I0000007	6
Steinals Ditch	I0000008	7
Dorotockeys Run	I0000010	9

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108B.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 108B.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 108B.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 108B.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 108E.2 and 108E.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 108C DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

108C. 1Floodplain Administrator Designation. The **Construction Code Official** is

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

108C.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 108G of these regulations.

108C.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

108C.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 108B 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 108C.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 108G 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 108F 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 108G of these regulations.

(13) Cite violations in accordance with Section 108H of these regulations.

(14) Notify the Federal Emergency Management Agency when the corporate boundaries of **the Borough of Closter** have been modified.

(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 108B.2.

108C.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.

108C.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.

108C.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

(16) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or

(17) 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 108B.2 and 108B.3 respectively. This information shall be provided to the Construction Official and documented according to Section 108C.15.

108C.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.

108C.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.

108C.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.

> **108C.10.1Floodway 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.

108C.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.

> **108C.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.

108C.12Alterations 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.

108C.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.

108C.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 **f**or 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 108A.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.

108C.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.

108C.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 108D PERMITS

108D.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.

108D.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 108E 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.

108D.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.

108D.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.

108D.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 108E SITE PLANS AND CONSTRUCTION DOCUMENTS

108E.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 108E.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 108E.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.

108E.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:

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(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.

108E.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 108E.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 108E.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).

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108E.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 108F INSPECTIONS

108F.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.

108F.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.

108F.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 108Q.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 108Q.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 108Q.2.

4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 108Q.2 shall be submitted to the Construction Official on an Elevation Certificate.

108F.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 108G VARIANCES

108G.1 General. The **Zoning Board of Adjustment** shall hear and decide requests for

variances. The **Zoning Board of Adjustment** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 108G.5, the conditions of issuance set forth in Section 108G.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The **Zoning Board of Adjustment** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

108G.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.

108G.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.

108G.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 108E.3(1) of these regulations.

108G.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,

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electrical and water systems, streets, and bridges.

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108G.6 Conditions for issuance. Variances shall only be issued upon:

(11) 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.

(12) 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.

(13) 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.

(14) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(15) 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 108H VIOLATIONS

108H.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.

108H.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.

108H.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.

108H.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 greater than $1,250.00 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.

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SECTION 108J DEFINITIONS

108J.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.

108J.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 nonresidential 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 108G of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Zoning Board of Adjustments 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 a 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.

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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.

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.

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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 108K SUBDIVISIONS AND OTHER DEVELOPMENTS

108K.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.

108K.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 108LSITE IMPROVEMENT

108L.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 108E.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 108E.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 108Q.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

108L.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.

108L.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.

108L.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.

108L.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

108L.5Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

108L.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.

108L.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.

SECTION108M MANUFACTURED HOMES

108M.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).

108M.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 108Q.2.

108M.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.

108M.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.

108M.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 108Q.2.

108M.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 108Q.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 108Q.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 108N RECREATIONAL VEHICLES

108N.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

108N.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.

108N.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 108Q.2 for habitable buildings and Section 108M.3.

SECTION108P TANKS

108P.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 108Q OTHER DEVELOPMENT AND BUILDING WORK

108Q.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 108E.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 108B.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 108B.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.

108Q.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 108J) 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 108B.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 108B.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 108Q.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;

108Q.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

108Q.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 108E.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 108G of this ordinance.

108Q.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 108E.3(1) of these regulations and N.J.A.C. 7:13.

108Q.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 108E.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

108Q.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 108E.3(1) of these regulations.

SECTION 108RTEMPORARY STRUCTURES AND TEMPORARY STORAGE

108R.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.

108R.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.

108R.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 108E.3(1) of these regulations.

SECTION 108S UTILITY AND MISCELLANEOUS GROUP U

108S.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.

108S.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 108B.3.

108S.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 108B.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

108S.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 108Q.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.

108S.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 108B.3.

108S.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 108B.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 take effect on **{insert date}.**

[Jurisdiction to add signature blocks.]

DRAFT

BOROUGH OF CLOSTER
ORDINANCE NO. 2025:1362

AN ORDINANCE AUTHORIZING SALE OF LAND WITHOUT PUBLIC AUCTION PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of certain real property owned by a municipality where such real property is less than the minimum size required for development; and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject real property; and

WHEREAS, the Governing Body has determined that Borough owned property identified as Lot 6 in Block 2011, located on Venus Drive, containing approximately 14,000 square feet, as more particularly described in the property record card attached hereto as Exhibit A ("Subject Property") meets the statutory criteria of N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Governing Body has determined that the Subject Property is not needed for public purposes except for an access easement; and

WHEREAS, the sale of the Subject Property is in the best interests of the Borough of Closter.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Closter as follows:

1. The Governing Body of the Borough of Closter shall offer the real property known as Lot 6, Block 2011 as more fully described in the property record card attached hereto as Exhibit A, for sale to the owners of the real property contiguous to the subject property, and located at on 86 Venus Drive, Closter, New Jersey ("Contiguous Owners"), for the price of $8,000.00.
2. At the time of closing the Borough shall deliver marketable title to the Subject property to the Contiguous Owner, with closing to occur within sixty (60) days of the acceptance of the offer of sale herein.
3. The Deed of Conveyance for said property shall contain the following restriction which shall be binding upon the heirs, successors and assigns of the Contiguous Owner as purchaser:

"THE WITHIN LANDS SHALL BE MERGED WITH THE LANDS COMMONLY KNOWN AS 86 VENUS DRIVE, CLOSTER, NEW JERSEY, WHICH IS DESIGNATED ON THE TAX MAP OF THE BOROUGH OF CLOSTER AS LOT 35 IN BLOCK 2102, WHICH LANDS ARE OWNED BY THE GRANTEE HEREOF. SAID LANDS SHALL HEREAFTER NOT BE USED OR SUBDIVIDED IN ANY WAY EXCEPT AS PART OF A CONFORMING LOT BEING USED IN CONFORMANCE WITH THE USE AND BULK REGULATIONS SET FORTH IN THE CLOSTER LAND USE ORDINANCES AS MAY FROM TIME TO TIME BE AMENDED.

THE GRANTEE HEREBY EXPRESSLY GRANTS A PERMANENT MAINTENANCE EASEMENT TO THE GRANTOR FOR THE STORM SEWER LINE THAT RUNS ON THE SUBJECT PROPERTY."

DRAFT

4. The Contiguous Owner shall prepare and file any and all documents to effectuate the permanent maintenance easement for the aforementioned sewer line on the subject property.

BE IT FURTHER ORDAINED that the Governing Body finds and determines, in accordance with N.J.S.A. 40A:12-13(b)(5) that the said purchase price set for this property and including the limitation on the future use of the property and the Borough's easement on this property, in accordance with this Ordinance, is equal to or greater than the fair market value of the Subject Property. The Governing Body retains the right, as mandated by statute, to reconsider this Ordinance not later than thirty (30) days from the date hereof. A copy of this Ordinance shall be posted on the bulletin board of the Governing Body and published in the official newspaper of the Borough of Closter within five (5) days following the adoption hereof. Written acceptance by a Contiguous Owner of the within offer of sale, together with the additional submissions and payments required in accordance with the terms and conditions of this Ordinance shall be made to the Clerk for the Borough of Closter within twenty (20) days following the adoption and advertisement of this Ordinance. The Borough Clerk is Mari J. Margiotta, RMC, CMR and the said acceptance, submissions and payment should be directed by personal delivery per certified mail to 295 Closter Dock Road, Closter, New Jersey 07624, not later than twenty (20) days after the advertisement. Such written acceptance shall be accompanied by a certified or bank check in an amount of ten percent (10%) of the sale price ($8,000.00) ("Deposit"), which check shall be made payable to the Borough of Closter. Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 373 Kinderkamack Road, Westwood, New Jersey 07675. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance at the Borough's option, shall be by quit claim deed. If title is not acceptable to the Contiguous Owner, the transaction shall be deemed void, the Deposit shall be returned, and the Borough shall have no other responsibility. As a condition of sale, the Contiguous Owner shall submit a survey and Metes and Bounds description, to be approved by the Borough Engineer, within thirty (30) days of submission of the acceptance and payment required hereunder to the Borough of Closter. The cost of both shall be the sole responsibility of the purchaser. The Contiguous Owner shall also be responsible for all engineering fees, legal fees, costs and expenses relating to the sale of the subject property. As a further condition of the sale, the Contiguous Owner shall file the Deed of Conveyance with the County and any other documents necessary to complete the sale of the property and to record the easement. All filing costs shall be the sole responsibility of the Contiguous Owner.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law. This Ordinance shall take effect upon final passage and publication in accordance with law.

DRAFT

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Introduced:
Adopted:

ATTEST:

APPROVED BY:

Mari J. Margiotta
Borough Clerk

John C. Glidden, Jr.
Mayor

DRAFT

EXHIBIT A

DRAFT

HUNTINGTON BAILEY, L.L.P.

COUNSELLORS AT LAW

RUSSELL R. HUNTINGTON
WILLIAM J. BAILEY
DERMOT J. DOYLE
SIOBHAN SPILLANE BAILEY •
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WWW.HUNTINGTONBAILEY.COM

• Also Member PA Bar

ERDAL TURNACIOGLU
of Counsel

March 14, 2025

VIA EMAIL
Donna Vellekamp, Esq.
Attorney at Law
161 McKinley Street, 2nd floor
Closter, NJ 07624

RE: Your clients – Ram and Judy Shalvi
Offer to Purchase Lot 6, Block 2011
On the Tax Map of the Borough of Closter

Dear Ms. Vellekamp:

We represent the Borough of Closter in this matter. Your clients', Ram and Judy Shalvi (hereinafter "Purchasers"), offer to purchase Lot 6, Block 2011 ("subject property") for a sale price of $8,000 has been accepted by the Borough **subject to Mayor and Council approval which shall be evidenced by the adoption of an Ordinance and further subject to their agreement to the following conditions:**

1. Written acceptance by Purchasers of the within terms of sale, together with the additional submissions and payments required in accordance with the terms and conditions of this sale shall be made to the Clerk for the Borough of Closter within twenty (20) days following the adoption of the Ordinance authorizing the sale. The Borough Clerk is Mari J. Margiotta, RMC, CMR and the said acceptance, submissions and payment should be directed by personal delivery or by certified mail to 295 Closter Dock Road, Closter, New Jersey 07624.

2. Such written acceptance shall be accompanied by a certified or bank check in an amount of ten percent (10%) of the sale price ($8,000.00) ("Deposit"), which check shall be made payable to the Borough of Closter. Closing shall occur within 60 days of acceptance of the offer.

3. Purchasers shall expressly grant to the Borough of Closter a permanent easement on the subject property to maintain the storm sewer line which runs on the subject property and shall prepare, provide and file all documents necessary to effectuate said easement.

4. Purchasers shall submit a survey and Metes and Bounds description, to be approved by the Borough Engineer, within thirty (30) days of submission of the acceptance and payment required hereunder to the Borough of Closter. The cost of both shall be the sole responsibility of the purchasers. Purchasers shall also be responsible for all engineering fees, legal fees, costs (including closing costs) and expenses relating to the sale of the subject property. As a further condition of the sale, the Purchasers shall file the Deed of Conveyance with the County and any other documents

necessary to complete the sale of the property and record the easement. All filing costs shall be the sole responsibility of the Purchaser.

5. Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 373 Kinderkamack Road, Westwood, New Jersey 07675. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance at the Borough's option, shall be by quit claim deed. If title is not acceptable to the Purchaser, the transaction shall be deemed void, the Deposit shall be returned, and the Borough shall have no other responsibility.

Very truly yours,
HUNTINGTON BAILEY, L.L.P.
JoAnn Riccardi Schuman
JoAnn Riccardi Schuman

cc: William J. Bailey, Borough Attorney
James Winters, Borough Administrator
Nick DeNicola, Borough Engineer

READ AND AGREED:

Donna Vellakamp, Esq.
on behalf of Ram and Judy Shalvi

DATED:

3/16/25

Block: 2011	Land Desc: 0.32 AC	Owners Name:	BOROUGH OF CLOSTER		Land:	161,500	Exemption	Net Taxable Value	Deductions
Lot: 6	Bldg Desc:	Street Address:	295 CLOSTER DOCK RD	Bank:	Impr:	0	Code:		Cd No-Ow
Qual:	Addl Lots: 5	City & State:	CLOSTER NJ	Zip: 07624	Total:	161,500	Value: 0	161,500	
Card: M (#1 of 1)	Acreage: 0.323 Class: 15C	Property Loc:	RUCKMAN RD	Zone: R-A			Map:	CLOSTER	

SALES HISTORY

Grantor	Date	Book/Page	Price	Nu#

ASSESSMENT HISTORY

Year	Land	Impr	Total
2018	135700	0	135700
2019	135700	0	135700
2020	135700	0	135700
2021	135700	0	135700

BUILDING PERMITS/REMARKS

Date	Work Description	Amount	Compl.

LAND CALCULATIONS

Frt	Rr	SB	T	FF	Avgd	Tabl	EqF	Rate	Site	Cond			Value

Units	Rate	Site	Cond			Value
0.323 AC	500000	0	100	100	100	161500

Net Adj: 100.00 SF: 14,086 Auto: Y Land Value: 161,500

VACANT LAND*NO IMPROVEMENTS*DRAINAGE WAY

SITE INFORMATION

Road:	Utilities:
	Sewer:
Curbs:	Water:
Sidewalk:	Gas:
Measured: RL	Topo:
Info:	
Inspected: Y 11/28/17	Neigh: 100
	VCS: A100

BUILDING INFORMATION

Type and Use:	Class/Quality:
Story Height:	Condition:
Style: VACANT LAND	Year Built/EffA: 0000 / 99 (Y)
Exterior Finish:	Info By:
Roof Type:	Livable Area: 0 SF
Roof Material:	Interior Cond:
Foundation:	Interior Wall:

Baths: M: A: O:
Kitchens: M: A: O:

ROOM COUNT

	B	1	2	3/A	Tot
Living Rm					
Dining Rm					
Kitchen					
Dinette					
5 Fixt Bath					
4 Fixt Bath					
3 Fixt Bath					
2 Fixt Bath					
Bed Room					
Fam Room					
Den/Other					

Old B: 301 0
Old L: 14 03/14/25

RESIDENTIAL COST APPROACH

Basement

Main Bldg

Heat/AC

Plumbing

Fireplace

Attic

Deck/Patio/Garage/Misc

Base Cost:	0	CCF: 159 CLA: 0		Cost New:	0
Phys Depr:	30.00 (Y)	Func Depr:		Net Depr:	70.00
Loc Depr:		Mkt+:	Mkt-:	Bldg Value:	0

Detached Items:

A:	0	M:			
B:	0	N:			
C:	0	O:			
D:	0	P:			
E:	0				
F:	0				
G:	0				
H:	0				
I:					
J:					
K:					
L:					

Land: 161,500 Impr: 0 Total: 161,500

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BOROUGH OF CLOSTER
ORDINANCE 2025:1357

AN ORDINANCE AMENDING ORDINANCE NUMBER 2024-1348 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CLOSTER, NEW JERSEY ON NOVEMBER 25, 2024

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CLOSTER, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Ordinance of the Borough Council of the Borough of Closter, in the County of Bergen, New Jersey (the "Borough") entitled "An Ordinance Providing For Engineering Design and Construction Inspection Services For The 2025 Road Program For The Borough Of Closter And Appropriating $120,000 For Such Purpose" finally adopted on November 25, 2024 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 2 of the Ordinance is hereby amended in its entirety as follows: "The amount of $120,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Fund Balance".

Section 3. This Ordinance shall take effect immediately upon due passage and publication according to law.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Introduced: March 12, 2025
Adopted:

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

DRAFT

BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2025-1359

CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Closter in the County of Bergen finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to $146,391 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Closter, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Closter shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $512,369, and that the CY 2025 municipal budget for the Borough of Closter be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Introduced: March 12, 2025
Adopted:

ATTEST:

_____
Mari J. Margiotta, RMC, CMR
Borough Clerk

APPROVED:

_____
John C. Glidden, Jr.
Mayor

DRAFT

BOROUGH O F CLOSTER
ORDINANCE NO. 2025:1360

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A301, FEES AND DEPOSITS SPECIFICALLY, 301-1 A. BOROUGH CLERK

WHEREAS, the Governing Body has determined there is a need to update Chapter A301 of the Code of the Borough of Closter, County of Bergen, State of New Jersey; and

WHEREAS, the proposed change was recommended by the Borough Clerk; and

WHEREAS, the proposed change was reviewed by the Ordinance Committee which recommends adoption and by the Borough Attorney who deems it to be in order; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Closter as follows:

SECTION 1.

Revise §A301-1, A. Borough Clerk as follows:

(1) Alcoholic Beverages
  (a) Plenary retail consumption Class C (33): $2,500.00
  (b) Plenary retail distribution Class D (44): $2,500.00
  (c) Club licenses (31): $188.00

All other provisions of this section of the Code remain the same.

SECTION 2.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3.

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 4.

This Ordinance shall take effect immediately upon final publication as provided by law.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Introduced:
Adopted:

ATTEST:

_____
Mari J. Margiotta, RMC, CMR
Borough Clerk

APPROVED BY:

_____
John C. Glidden, Jr.
Mayor

DRAFT

BOROUGH OF CLOSTER
ORDINANCE NO. 2025:1361

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 SEWERS AND STABLISHING ARTICLE V, MAINTENANCE OF SEWER LATERALS

WHEREAS, the Governing Body has determined there is a need to revise Chapter 160, Sewers, in order to establish Article V, Maintenance of Sewer Laterals, of the Code of the Borough of Closter, County of Bergen, State of New Jersey; and

WHEREAS, the intent of this ordinance is to explicitly outline the responsibilities of homeowners in the Borough for sewer laterals; and

WHEREAS, the Ordinance Committee has reviewed this ordinance and recommends its adoption.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor Council of the Borough of Closter as follows:

SECTION 1.

Establish a new Article in Chapter 160, Sewers entitled: Article V, Maintenance of Sewer Laterals, which shall read as follows:

§160-15 Designation of sewer collection system.
The sewer system of the Borough is the sewer collection system presently constructed in the roadway or easements and servicing all of the many adjoining properties in the Borough. The sewer collection system will consist of the main sewer line and all manholes.

§160-16 Designation of sewer connections.
The sewer connection (sewer lateral) shall be the portion extending from the owner's property and/or the improvements on the property to the Borough's sewer collection system, leading up to and including the connection.

§160-17 Responsibility to repair.
It shall be the responsibility of the property owner to make all necessary repairs to any existing sewer laterals and/ or new sewer laterals. The cost of such repairs shall be at the property owner's sole expense.

§160-18 Responsibility to maintain.
It shall be the responsibility of the property owner to clean and maintain, at the property owner's sole expense, the entire sewer connection, whether such connection was constructed by the Borough or otherwise. The entire sewer connection includes the sewer lateral and all piping and any appurtenances from the building to the sewer collection system.

§160-19 Installation of new sewer laterals.
Where there are no existing laterals and it is determined by the Borough that there is a need to install a new sewer lateral, it shall be the sole responsibility of the property owner to install the sewer lateral and/or connection to the sewer collection system, at the property owner's sole cost and at no expense to the Borough.

§160-20 Construction of missing sections.
A. In the event that a roadway within the Borough does not have a section of the sewer collection system constructed therein and it is determined by the Borough that it is necessary to construct said missing section of the sewer collection system in order to allow a property owner to connect a sewer lateral into the existing sewer collection system, the cost of installing said missing section of the sewer collection system shall be the responsibility of the property owner.

B. However, upon application of said property owner, the Governing Body may by resolution authorize said work on any part thereof, to be the responsibility of the Borough. The Borough Council shall consider in connection with the above application, the location in question, the availability of that portion of the sewer collection system to be constructed to additional property owners and the recommendation of the Department of Public Works. This section shall not be deemed to allow the Borough to assume the cost of installing sewer laterals.

SECTION 2.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3.

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 4.

DRAFT

This Ordinance shall take effect immediately upon final publication as provided by law.

Introduced: March 12, 2025
Adopted:

ATTEST:

_____
Mari J. Margiotta, Borough Clerk

APPROVED BY:

_____
John C. Glidden, Jr., Mayor

BOROUGH OF CLOSTER
RESOLUTION #2025-101
MARCH 26, 2025

AUTHORIZING THE EXECUTION OF A PERMANENT ROAD WIDENING EASEMENT – PIERMONT ROAD AND VER VALEN STREET

WHEREAS, the Borough of Closter has authorized a project entitled "Intersection Improvements to Piermont Road & Ver Vale Street" which would, among other changes, widen the road in that area to improve traffic flow and public safety; and

WHEREAS, the Borough Engineer has prepared plans for this project and submitted same to the proper State agencies for approval; and

WHEREAS, the project requires that the Borough obtain a permanent easement of approximately 45 square feet from the property located at Block 1702, Lot 8 on the Tax Map of the Borough of Closter, more commonly known at 624 Piermont Road; and

WHEREAS, the property owner has agreed to grant the easement to the Borough for nominal consideration; and

WHEREAS, the Borough Attorney prepared the Deed of Permanent Road Widening Easement (hereinafter "Easement") and the Borough Engineer prepared the Map and Metes and Bounds description which are attached to the Easement; thereafter the entire document was forwarded to the attorney for the property owner for execution; and

WHEREAS, the partially executed Easement is attached hereto as EXHIBIT A; and

WHEREAS, at the public meeting held on March 12, 2025, the Governing Body determined that it is in the best interest of the residents to authorize the Mayor to execute the Easement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Closter, County of Bergen, State of New Jersey that:

This memorializes the decision of the Governing Body to authorize the Mayor to execute the Deed of Permanent Road Widening Easement hereto as attached Exhibit A.

The Clerk is hereby authorized to file same with the County.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

EXHIBIT A

Ferraro & Stamos, LLP

Attorneys at Law

FRANK FERRARO*

CONSTANTINE STAMOS*

*Member of NJ & NY Bars
frankf@ferrarostamos.com
deans@ferrarostamos.com

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Mailing Address:
P.O. Box 158
Rockleigh, NJ 07647-0158

March 12, 2025

Via Hand Delivery
Mr. James Winters
Borough Administrator
Borough of Closter
295 Closter Dock Road
Closter, N.J. 07624

RE: Deed of Permanent Road Widening Easement
Address: 624 Piermont Road, Closter, NJ

Dear Mr. Winters:

Enclosed please find the original Deed of Permanent Road Widening Easement executed by my client.

Should you require anything further, please advise.

Very truly yours,

Dean Stamos

Encl.

Prepared by:
William J. Bailey, Esq.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Huntington Bailey, L.L.P.
373 Kinderkamack Road
Westwood, NJ 07675
Attn: William J. Bailey, Esq.

DEED OF PERMANENT ROAD WIDENING EASEMENT

THIS DEED OF PERMANENT ROAD WIDENING EASEMENT, made this _____ day of _____ 2025, by and between Piermont Realty, LLC located at 409 Grand Avenue, City of Englewood, County of Bergen, and State of New Jersey, hereinafter referred to as "Grantor:"

AND

The Borough of Closter, a municipal corporation of the State of New Jersey having an office at 295 Closter Dock Road, Borough of Closter, County of Bergen, State of New Jersey ("Closter"), hereinafter referred to as "Grantee."

WHEREAS, Grantor is the owner of the real property located at 624 Piermont Road, Lot 8, Block 1702 on the Tax Map of the Borough of Closter ("subject property"); and

WHEREAS, Grantee desires to widen a road using a portion of the subject property for that purpose and for keeping transportation routes safe and clear.

NOW THEREFORE, for **consideration of $1.00** and in further consideration of the mutual covenants herein, Grantor hereby grants to Grantee a permanent, non-exclusive Easement to enter upon, construct, maintain, repair, replace, and access the Easement Area which more particularly described in the Metes and Bounds description and Map prepared by Boswell Engineering and attached hereto and made part hereof as Exhibit A.

Rights Granted:

1. Grantee shall have the right to enter the Easement Area at reasonable times with necessary personnel and equipment to construct the road.

2. Grantee shall have the right to access the Easement Area at reasonable times to maintain, repair and replace the road as needed.

3. Grantee shall have the right to use existing access points or create new access points within the Easement Area as necessary for the construction and maintenance activities.

4. This Easement is Perpetual and shall continue for as long as the road remains in use.

Restrictions on Grantor:

1. Grantor shall not erect any structures or plant any vegetation within the Easement Area that would interfere with the construction, maintenance or operation of the road.

2. Grantor shall provide reasonable notice to the Grantee prior to undertaking activities with the Easement Area that could potentially affect the road.

3. Grantee shall indemnify and hold harmless Grantor from any claims arising from the construction, maintenance or operation of the road within the Easement Area, provided such claims are not caused by the gross negligence of the Grantor.

The Grantor does hereby covenant with the said Grantee as follows:

1. That the Grantor is lawfully seized of the land upon which said Easement is granted and has good and marketable title to such real estate, and the Grantor therefore has good and lawful right to convey the Easement reference herein.

2. That the said Easement is free and clear from encumbrances of record, which would interfere with the intended use by Grantee.

3. That the Grantee shall quietly enjoy its rights in and to the said Easement without disturbance and interference by the Grantor.

4. That the Grantor herein reserves the right to cross the Easement herein described for ingress and egress to and from the remainder of the Grantor's property.

5. That the Grantor does hereby expressly permit entry by the Grantee for any purpose hereof upon said Easement without furnishing notice of said entry to Grantor.

6. That, notwithstanding the language of Paragraph 5 above, the Grantee agrees that it shall cause minimal intrusion to the Grantor in the Grantor's enjoyment of the use of the remainder of the subject property. The Grantor also agrees that if any disturbance or damage is caused to the subject property as a result of the Grantee's exercise of the rights and privileges afforded to it under this instrument, the Grantee shall restore the affected area as near as practicable to its original condition.

7. That the Grantor agrees, acknowledges and affirms that the permanent Easement hereunder granted shall be binding upon his heirs, successors and assigns.

8. This Easement shall be construed in accordance with the laws of the State of New Jersey.

9. If any provision of this Easement, or portion thereof, or the application thereof to any person or circumstances, shall, to any extent be held invalid, inoperative or unenforceable, the remainder of this Easement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby; it shall not be deemed that any such invalid provision affects the consideration for this Easement; and each provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties hereof have caused this Easement to be executed under seal as of the day and year first above written.

WITNESS:

Sign: _____

Print name: Constantine Stamos, Esq.

PIERMONT REALTY, LLC

Sign: _____

Title: Hasim Sujak, Member

STATE OF NEW JERSEY)
) ss.
COUNTY OF BERGEN)

On this 4th day of March, 2025, before me personally appeared Hasim Sujak, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and who, being duly sworn, did depose and say that he/she the individual duly authorized to sign this document on behalf of Piermont Realty, LLC, owner of 624 Piermont Road, Closter, New Jersey and acknowledged to me that he/she executed the same in his/her capacity as the authorized individual and that by his/her signature on the instrument, executed the instrument.

IN WITNESS WHEREOF I have hereunto set my hand the day and year first above written.

ALVINA SUJAK
A Notary Public of New Jersey
My Commission Expires July 16, 2026

_____
Notary Public

WITNESS:

_____
Mari J. Margotta, Borough Clerk

BOROUGH OF CLOSTER

By: _____
John C. Glidden, Jr., Mayor

STATE OF NEW JERSEY)
) ss.
COUNTY OF BERGEN)

On this ____ day of _____, 2025, before me personally appeared JOHN C. GLIDDEN, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and who, being duly sworn, did depose and say that he is the Mayor of the Borough of Closter, a municipal corporation of the State of New Jersey, the municipal corporation described herein and acknowledged to me that he executed the same in his capacity as Mayor and that by his signature on the instrument, the municipal corporation upon behalf of which the individual acted, executed the instrument.

IN WITNESS WHEREOF I have hereunto set my hand the day and year first above written.

_____
Notary Public

BOSWELL

Headquarters
330 Phillips Avenue
South Hackensack, NJ 07606

O 201 641 0770
info@boswellengineering.com
boswellengineering.com

Deed Description

Intersection Improvements to Piermont Road & Ver Valen Street
Proposed Road Widening Easement
Owner: N/F Piermont Realty, LLC
Tax Block 1702, Lot 8, Borough of Closter, Bergen County, New Jersey

All that certain land and premises, situate, lying and being in the Borough of Closter, County of Bergen, and the State of New Jersey and being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Piermont Road (width varies), said point being located North 33 degrees 07 minutes 16 seconds East, a distance of 129.27 feet from the intersection of the said northwesterly line of Piermont Road and the northeasterly line of High Street (50 feet wide), if so produced, and running thence;

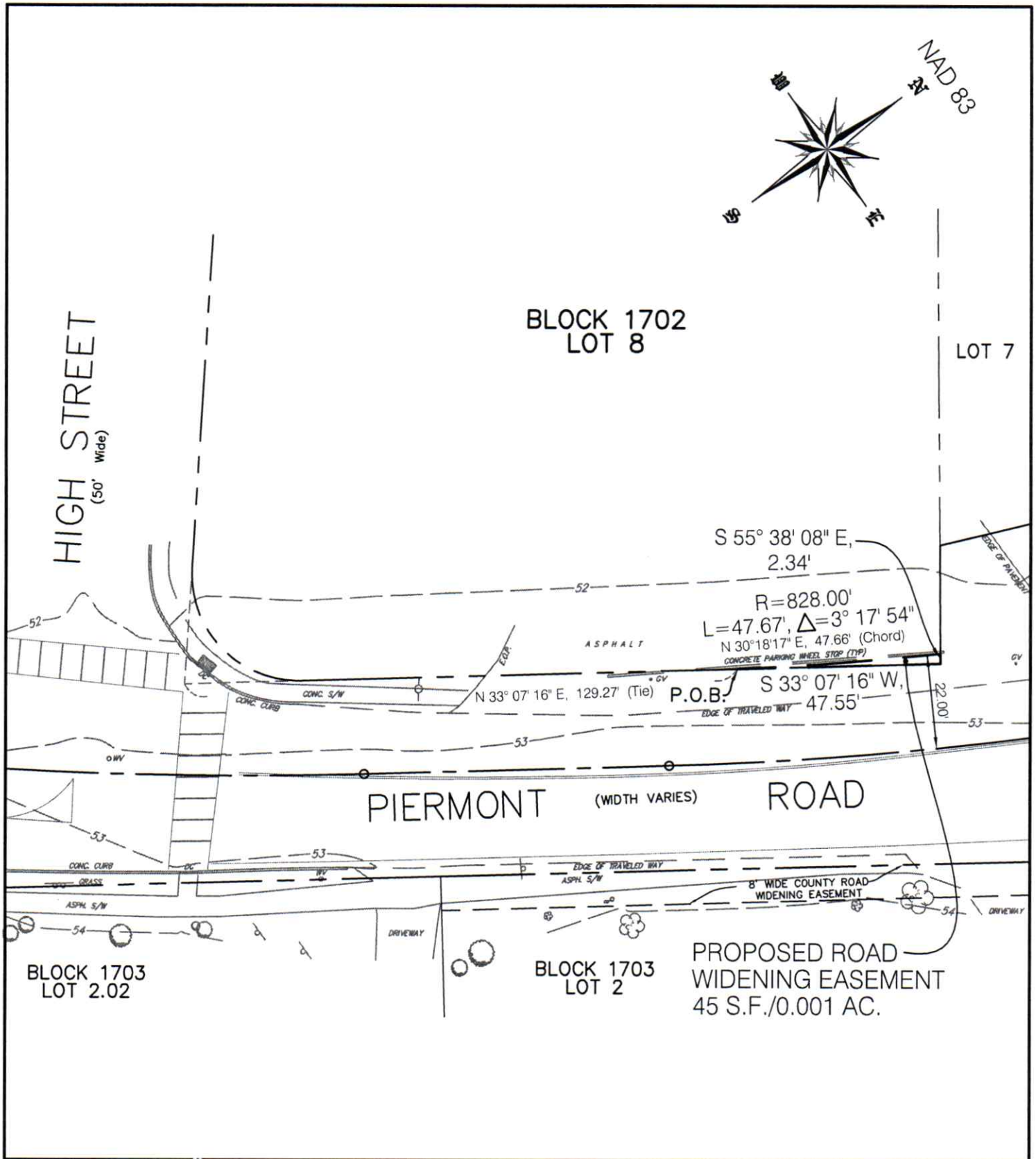
1) Through Lot 8 in Block 1702, along a curve to the left 22.00 feet distant northwesterly, measured radially, from the proposed construction baseline of Piermont Road having a radius of 828.00 feet and a central angle of 3 degrees 17 minutes 54 seconds (whose chord is defined as North 30 degrees 18 minutes 17 seconds East, a distance of 47.66 feet), an arc distance of 47.67 feet to a point, thence;

2) Along the northeasterly line of said Lot 8, South 55 degrees 38 minutes 08 seconds East, a distance of 2.34 feet to a point, thence;

3) Along the aforementioned northwesterly line of Piermont Road, South 33 degrees 07 minutes 16 seconds West, a distance of 47.55 feet to the point or place of BEGINNING.

Said Proposed Roadway Widening Easement parcel contains 45 square feet or 0.001 acre more or less.

BOSWELL ENGINEERING
Frank M. Krupinski
Digitally signed by Frank M. Krupinski
Date: 2025.02.18 13:32:24 -05'00'
Professional Land Surveyor
N.J. License No. 24GS03719700
February 18, 2025
CL-1340



FRANK M. KRUPINSKI
Digitally signed by Frank M. Krupinski
Date: 2025.02.18 13:35:54 -05'00'
PROFESSIONAL LAND SURVEYOR, N.J. Lic. 24GS03719700

BOSWELL ENGINEERING
PH. 201-641-0770 FAX 201-641-1757
330 PHILLIPS AVE., SOUTH HACKENSACK, N.J. 07606
N.J. CERTIFICATE OF AUTHORIZATION No. 24GA27958000

PROPOSED ROAD WIDENING EASEMENT

LOT 8 ~ BLOCK 1702

BOROUGH OF CLOSTER

BERGEN COUNTY NEW JERSEY

30 15 0 30
GRAPHIC SCALE IN FEET

SCALE : 1"=30'
DATE: 02/18/25
JOB# CL-1340
SURVEYED BY : AB
DRAWN BY : GM
CHECKED BY : FMK

Boswell ENGINEERING

BOROUGH OF CLOSTER
RESOLUTION #2025-102
MARCH 26, 2025

GRANTING PERMISSION TO BERGEN COUNTY MOSQUITO CONTROL DIVISION TO PERFORM AERIAL SPRAYING DURING THE 2025 MOSQUITO BREEDING SEASON AND AUTHORIZING LETTER OF APPROVAL TO BERGEN COUNTY MOSQUITO CONTROL DIVISION

WHEREAS, the Director of the Bergen County Mosquito Control Division sent correspondence to the Borough of Closter wherein he requested written permission to perform aerial spraying for mosquito larvae in the Borough during the 2025 mosquito breeding season; and

WHEREAS, the Governing Body has determined that it is in the best interest of the health, safety and welfare of the residents of the Borough to grant said permission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Closter, County of Bergen, State of New Jersey as follows:

1. Permission for the Bergen County Mosquito Control Division to perform aerial spraying for mosquito larvae in the Borough during the 2025 mosquito breeding season is hereby granted; and

2. The Borough Administrator is hereby authorized to send a letter to the Division Director indicating the aforementioned permission has been granted.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

COUNTY OF BERGEN
DEPARTMENT OF PUBLIC WORKS
MOSQUITO CONTROL DIVISION
220 E. Ridgewood Ave – Suite 203. • Paramus, N.J. 07653
(201) 634-2880/2881 • Fax (201) 634-2888

James J. Tedesco III
County Executive

Brian Niland
Department Director

Warren Staudinger
Division Director

March 4, 2025

Dear Sir/Madam:

On occasion, the Bergen County Mosquito Control Division conducts aerial spraying for mosquito larvae in your town during the mosquito breeding months. We are required, by law, to receive from your borough a letter granting us permission to perform this service as needed throughout the summer months.

Would you please furnish us with a letter granting us permission no later than April 4, 2025 for our mosquito season of 2025

If you should have any questions regarding this matter, please do not hesitate to contact me at 201-634-2883 or by email to my staff at: GGrootenboer@BergenCountyNJ.gov .

Sincerely,

Warren Staudinger

Warren Staudinger
Division Director

WS:gg

BOROUGH OF CLOSTER
RESOLUTION #2025-103
MARCH 26, 2025

WAIVING THE SIDEWALK REQUIREMENT OF THE CLOSTER CODE FOR THE PROPERTY AT 543 CLOSTER DOCK ROAD

WHEREAS, the owners of the property located at 543 Closter Dock Road, Viorel and Natalia Cozma, requested a waiver of the Borough's sidewalk requirement pursuant to Closter Code Section 171-29A(2); and

WHEREAS, the property owners appeared before the Mayor and Council at the public meeting held on January 8, 2025, pursuant to their request for the sidewalk waiver; and

WHEREAS, the property owners informed the Governing Body that in order to install a sidewalk, they would have to remove all of the greenery, six trees would have to be taken down, and there is no crosswalk for pedestrian traffic; and

WHEREAS, the Chairman of the Zoning Board spoke in support of the property owners' waiver request and stated that years ago the Planning Board had recommended putting in curbs for drainage and suggested that this would suffice now; he further stated that there are no sidewalks on adjoining properties; and

WHEREAS, in exchange for the waiver, the property owners have agreed to make a contribution of $8,000 to the Borough's sidewalk fund; and

WHEREAS, the Governing Body took a voice vote at the January 8, 2025, meeting and agreed to grant the property owners' sidewalk waiver request.

NOW, THEREFORE, BE IT RESOLVED that this memorializes the decision by the Mayor and Council of the Borough of Closter that the Borough's sidewalk requirement for the property located at 543 Closter Dock Road is hereby waived and the property owners shall make a contribution of $8,000 to the Borough's sidewalk fund.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-104
MARCH 26, 2025

APPROVING RELEASE OF ESCROW FUNDS
DOWNES TREE SERVICE

WHEREAS, the following vendor has posted escrow with the Borough of Closter for Police Traffic Director Services in compliance with Local Finance Notice 2000-14; and

WHEREAS, the Chief of Police, having been satisfied that all payments to the Police Officers for said services have been accounted for as well as a 25% Administrative Fee retained by the Borough, recommends release of all remaining funds to:

Applicant	Amount
Downes Tree Service **65 Royal Avenue** **Hawthorne, NJ 07506** **Trust Account: T-13-56-000-096-144**	**$104.42**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to return the remaining escrows to the above-named vendor.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-105
MARCH 26, 2025

APPROVING RELEASE OF ESCROW FUNDS
SANZARI SERVICES LLC

WHEREAS, the following vendor has posted escrow with the Borough of Closter for Police Traffic Director Services in compliance with Local Finance Notice 2000-14; and

WHEREAS, the Chief of Police, having been satisfied that all payments to the Police Officers for said services have been accounted for as well as a 25% Administrative Fee retained by the Borough, recommends release of all remaining funds to:

Applicant	Amount
Sanzari Services LLC **28 Paradise Road** **Oak Ridge, NJ 07438** **Trust Account: T-13-56-000-096-133**	**$138.35**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to return the remaining escrows to the above-named vendor.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-106
MARCH 26, 2025

AUTHORIZING THE TRANSFER
OF 2024 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-59 provides that should if, during the first 3 months of any fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation chargeable to said appropriation , and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body, may, by resolution adopted by no less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter, the Assistant Financial Officer be and is hereby authorized to make the following transfers in the 2024 Budget Appropriations as follows:

FROM S&W

General Admin.	4-01-20-100-000-011	$ 607.57
Municipal Clerk	4-01-20-120-000-011	$ 142.00
		$ 749.57

TO S&W

Financial Admin.	4-01-20-130-000-011	$ 399.58
Construction	4-01-21-195-000-011	$ 207.99
Zoning Officer	4-01-22-196-000-011	$142.00
		$ 749.57

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-107
MARCH 26, 2025

WAIVING THE SIDEWALK REQUIREMENT
OF THE CLOSTER CODE FOR THE PROPERTY AT 67 HICKORY LANE

WHEREAS, the owner of the property located at 67 Hickory Lane, Amichai Levy, requested a waiver of the Borough's sidewalk requirement pursuant to Closter Code Section 171-29A(2); and

WHEREAS, the property owner forwarded documentation to the Mayor and Council stating that the surrounding properties in the area do not have sidewalks and the construction of a sidewalk at this site would disrupt the natural landscape and create an inconsistent streetscape; and

WHEREAS, in exchange for the waiver, the property owner has agreed to make a contribution of $4,360.00 to the Borough's sidewalk fund; and

WHEREAS, the Borough Engineer reviewed the documentation in this matter and recommends that the waiver be granted.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Closter that the Borough's sidewalk requirement for the property located at 67 Hickory Lane is hereby waived and the property owner shall make a contribution of $4,360.00 to the Borough's sidewalk fund.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

HUNTINGTON BAILEY, L.L.P.

COUNSELLORS AT LAW

RUSSELL R. HUNTINGTON
WILLIAM J. BAILEY
DERMOT J. DOYLE
SIOBHAN SPILLANE BAILEY *
DAVID S. LAFFERTY
MAURA O'HALLORAN DEEGAN
JOANN RICCARDI SCHUMAN

373 KINDERKAMACK ROAD
WESTWOOD, NEW JERSEY 07675
(201) 666-8282
FAX (201) 666-9625

WWW.HUNTINGTONBAILEY.COM

* Also Member PA Bar

ERDAL TURNACIOGLU
of Counsel

VIA EMAIL

March 17, 2025

Amichai Levy
67 Hickory Lane
Closter, NJ 07625

RE: Request for Sidewalk Waiver – 67 Hickory Lane

Dear Mr. Levy:

We are Borough Attorneys for the Borough of Closter. We received your letter requesting a sidewalk waiver for the above captioned property. The Governing Body is prepared to make a determination on your request at the next available council meeting. However, if a waiver is granted, it will be subject to a contribution from you to the Borough's Sidewalk Fund in the amount $4,360.00. The amount was calculated by the Borough Engineer in accordance with a standard formula. Contributions to the Sidewalk Fund are used to install sidewalks in other areas of the Borough.

If you agree to the aforementioned condition, kindly sign this letter and email the executed document back to me. Please note that, if you want to have the waiver considered at the March 26, 2025, Council meeting, I must receive your executed letter by close of business on Wednesday, March 18, 2025 in order to meet the deadline for agenda items.

If you have any questions, do not hesitate to contact me. Thank you.

Very truly yours,
HUNTINGTON BAILEY, L.L.P.
JoAnn Riccardi Schuman

JoAnn Riccardi Schuman

cc: James Winters, Borough Administrator
Nick DeNicola, Borough Engineer

I understand that as a condition of granting a sidewalk waiver at 67 Hickory Lane, the Governing Body shall require that I make a contribution in the amount of $4360.00 to the Borough's Sidewalk Fund.
I hereby expressly agree to make the required contribution in the amount of $4360.00 to the Borough's Sidewalk Fund. I further understand that I must complete my contribution prior to the waiver becoming effective and if I fail to make the aforementioned contribution in full, the waiver shall be null and void.

READ AND AGREED: DATED:

amichailevy 03/20/25

Amichai Levy

BOROUGH OF CLOSTER
RESOLUTION #2025-108
MARCH 26, 2025

RECOGNIZING MARCH 2025 AS WOMEN'S HISTORY MONTH IN THE BOROUGH OF CLOSTER

WHEREAS, American women of every race, class, sexual identity, gender identity, and ethnic background have made historic contributions to our nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in our nation; and

WHEREAS, American women have been leaders in many movements, including suffragist, abolitionist, labor, and civil rights movements, to name only a few; and

WHEREAS, March 8th, 2025, was International Women's Day, a global day celebrating the social, economic, cultural, and political achievements of women, and also marking a call to action for accelerating women's equality; and

WHEREAS, the theme for International Women's Day 2025 is "Accelerate Action," emphasizing the urgency of making faster, more effective strides toward gender equality; and

WHEREAS, there have been incredible strides toward equality, exemplified by the historic swearing-in of the first woman as Vice President of the United States; and

WHEREAS, for generations, women have resolved conflicts in their homes, schools, and communities; and

WHEREAS, from legal defense and public education to direct action and civil disobedience, women have employed inclusive, democratic, and active means to promote the common good;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby recognizes March as Women's History Month in the Borough of Closter.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-109
MARCH 26, 2025

CELEBRATING 204TH ANNIVERSARY OF
GREEK INDEPENDENCE DAY

WHEREAS, Greek Independence Day is annually observed on March 25th; and

WHEREAS, March 25, 2025 marks the 205th anniversary of Greece's independence from the Ottoman Empire following the Greek Revolution of 1821; and

WHEREAS, reflecting the spirit of American and uniting the nation around the core principles of liberty, justice and the rule of law that are the foundation of American democracy, the founders looked to Greece as the the birth place of democracy; and

WHEREAS, according to the data obtained from the United States Census Bureau, the New York City Metropolitan Area, including Bergen County, New Jersey, is home to the largest Greek population in the United States; and

WHEREAS, New Jersey ranks as one of the top five states with the highest concentrations of Americans of Hellenic, or Greek ancestry; and

WHEREAS, numerous annual events, in and around New Jersey, including Bergen County, mark Greek culture with parades, festivals and commemorative celebrations of Greek art, literature, books, food and culture.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Closter, that this Resolution commemorates Greek Independence Day.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-110
MARCH 26, 2025

PROCLAIMING MARCH IRISH-AMERICAN HERITAGE MONTH

WHEREAS, four of the individuals who signed the Declaration of Independence were Irish-born, and another nine signers were of Irish ancestry; and

WHEREAS, nearly one million people immigrated from Ireland to the United States of America by 1850 due to the Irish Potato Famine; and

WHEREAS, upon arrival to America, Irish immigrants helped to shape the future of our country by taking jobs as laborers, building railroads, canals, and schools; and

WHEREAS, 23 Presidents of the United States claim Irish heritage; and

WHEREAS, the world's first ever St. Patrick's Day occurred on March 17, 1762 in New York City; and

WHEREAS, there are nearly 34 million Irish Americans living in America in which over 121,000 residents are currently residing and contributing to the County of Bergen; and

WHEREAS, those of Irish descent contribute to science, education, art, agriculture, business, literature, music, athletic, military, and governmental service; and

WHEREAS, Irish-American Heritage Month was first proclaimed in 1991; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Closter declares March 2025 as Irish-American Heritage Month.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-111
MARCH 26, 2025

APPROVING RELEASE OF TREE BOND ESCROW
178 ALPINE DRIVE

WHEREAS, all applicable Borough professionals have finalized inspections on improvements made and approve the release of bond and/or escrow funds to the depositor of monies as indicated in the attached Project Detail Inquiry for 178 Alpine Drive.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Closter that the Finance Clerk is and hereby authorized to release the bond and escrow monies to the depositor as indicated in the attached Project Detail Inquiry in the amount of $750.00.

Account #: 2010057307 Amount: $750.00

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

Project Id: 2010057307
Description: 178 ALPINE DRIVE Status: Active
Starting Date: 0 Ending Date: 03/12/25 Po Transactions: Summarized
* Transaction is included in Previous and/or Opening Balance ** Transaction is not included in Balance
En = PO Line Item First Encumbrance Date

Date	Description	Trans Amount	Balance
12/09/21	Add Acct	0.00	0.00
12/09/21	Deposit Meth: EXQUITY REALTY LLC - TREE BOND Post Ref: E 905 1	750.00	750.00

BOROUGH OF CLOSTER
RESOLUTION #2025-113
MARCH 26, 2025

COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEEDS FOR AFFORDABLE HOUSING OBLIGATIONS IN AGREEMENT WITH THE NEW JERSEY BUILDERS ASSOCATION

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "A4" or "Amended FHA"); and,

WHEREAS, P.L. 2024, c.2, modified the process upon which municipalities could comply with their affordable housing obligations pursuant to the Mount Laurel doctrine; and,

WHEREAS, P.L. 2024, c.2 required the Borough to pass a binding resolution determining its present need obligation ("rehabilitation") and its prospective need obligation ("new construction") by January 31, 2025, and file it, along with a declaratory judgment ("DJ") complaint in the Superior Court of New Jersey, Bergen Vicinage; and,

WHEREAS, in furtherance of P.L. 2024, c.2, the Borough adopted Resolution 2025-066 on January 22, 2025, and thereafter filed a DJ complaint with the Court within 48 hours of its passage, which has resulted in the case: In the Matter of the Application of the Borough of Closter, Docket No. BER-L-00549-25; and,

WHEREAS, the Borough determined its Round 4 rehabilitation obligation to be 16 units and its new construction obligation to be 228 units; and,

WHEREAS, P.L. 2024, c.2 enabled interested parties to challenge a municipality's number prior to February 28, 2025; and,

WHEREAS, the New Jersey Builders Association ("NJBA") filed an objection to the Borough's Round 4 number; and,

WHEREAS, the NJBA argued that the Borough's new construction obligation was 251 units; and,

WHEREAS, pursuant to P.L. 2024, c.2, the Borough and the NJBA were to engage in good faith negotiations regarding the Borough's Round 4 number; and,

WHEREAS, the parties did so engage in good faith negotiations and, as a result of those negotiations, the Borough and NJBA agreed to a rehabilitation obligation of 16 units and a new construction obligation of 241 units for the Borough; and,

WHEREAS, the Borough seeks to bind itself to the agreed upon number between itself and NJBA for its Round 4 Rehabilitation number of 16 and New Construction obligation of 241; and,

WHEREAS, nothing in this resolution shall be interpreted as an acknowledgement that the Borough improperly calculated its Round 4 new construction obligation in Resolution 2025-066 nor diminish its immunity from Mount Laurel builder's remedy lawsuits it has maintained as a result of following the procedural requirements of P.L. 2024, c.2, and,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Council of Closter, County of Bergen, State of New Jersey, as follows:

1. The Mayor and Council hereby commit to a Round 4 Present Need Obligation of 16 units and the Round 4 Prospective Need Obligation of 241 units, as agreed upon by the NJBA, subject to the following conditions and/or reservations of rights:

a. Nothing in this resolution shall or subsequent order be interpreted as an adjudication or determination of the Borough's right to an adjustment of its number predicated upon lack of developable land, sewer, water or similar adjustments. All parties reserve all rights relative to those issues, disputes and adjustments.

b. It is anticipated that any order effectively implementing this resolution will expressly recognize the Borough's immunity from Builder's Remedy lawsuits for a time certain.

c. If a third party successfully challenges this resolution or any order, judgment or determination effectuating this agreed-upon number, all parties reserve the right to return to *status quo ante* and reserve all litigation rights.

2. The Mayor and Council hereby authorize the Borough Attorney to take whatever steps are necessary to effectuate the terms of this resolution with the Program or a court of competent jurisdiction, which authorization shall include, but is not limited to, the execution of an agreement, MOU, consent order or similar document effectuating only the terms of this resolution.

3. This resolution shall take effect immediately.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

_____
Mari J. Margiotta, Borough Clerk

BOROUGH OF CLOSTER
RESOLUTION #2025-112
MARCH 26, 2025

CLOSED SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Closed, County of Bergen, State of New Jersey, as follow:

1. That the public shall be excluded from the March 26, 2025 Closed Session and discussion of the hereinafter specified subject matter:

Closed Session Docket#	Item Title of Description	Statutory Reference
2025-03-26-1	Tactics & Techniques Tax Assessments	N.J.S.A. 10:4:12 (b) (6)
2025-03-26-2	Contract Negotiations Village School Development	N.J.S.A. 10:4-12 (b) (7)
2025-03-26-3	Anticipated Litigation Closter vs New Jersey Builders Association	N.J.S.A. 10:4-12 (b) (7)
2025-03-26-4	Anticipated Litigation Closter vs Reuten	N.J.S.A. 10:4-12 (b) (7)

2. Formal action may/may not be taken.

3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

COUNCILMEMBER	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Councilwoman Amitai						
Councilman Cho						
Councilwoman Chung						
Councilwoman Latner						
Councilwoman Maroules						
Council President Yammarino						

Adopted: March 26, 2025

ATTEST: APPROVED:

_____ _____
Mari J. Margiotta, Borough Clerk John C. Glidden, Jr., Mayor

Certified to be a true copy of Resolution adopted by the Mayor and Council of the Borough of Closter at the Regular Meeting held March 26, 2025.

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Mari J. Margiotta, Borough Clerk