

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, September 28, 2022
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, The Sentinel and Desi Talk on November 25, 2021 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **REVIEW OF MINUTES:**
 - a. Worksession Meeting of June 13, 2022
 - b. Regular Meeting of July 27, 2022
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution extending Contract for Emergency Medical Services to HMH Hospital d/b/a JFK Medical Center (Resolution R.618-092022)
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through September 22, 2022 (Resolution R.604-092022)
 - b. Resolution authorizing refund in the amount of \$39,919.28 for redemption of tax sale certificates (Resolution R.605-092022)
 - c. Resolution authorizing refund for tax overpayments totaling, \$152,673.00 Resolution R.606-092022)
 - d. Resolution cancelation & refund of Taxes for Exempted Disabled Veteran on 66 Westervelt Avenue (Resolution R.607-092022)
9. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution authorizing the execution of a subordination agreement between the Township of Edison and Metuchen Catholic Charities Senior Development Urban Renewal, L.P.(Resolution R.608-092022)
 - b. Resolution referring the amended “Beauty Rest Motel Redevelopment Plan” (520 U.S. Route 1 aka block 252, 24 A. and block 254 Lot 19) to the Planning Board pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A: 12A-1 et. Seq. (Resolution R.617-092022)
 - c. Resolution authorizing Municipal support and preference for JHAK Retail, LLC to receive a Class 5 Cannabis Retail License from the New Jersey Cannabis Regulatory Commission to operate within the Township of Edison. (Resolution R.619-092022)

10. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Resolution provides for refund for Senior Permit fee. (Resolution R.611-092022)
11. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Resolution to release Street Opening Escrow (2) (Resolution R.612-092022 and R.613-092022)
 - b. Resolution awarding Contract/Purchase Order for Tree Removal Services (\$31,976.80) (Resolution R.620-092022)
 - c. Resolution awarding Contract/Purchase Order for Snowplow spreader/parts (not to exceed \$50,000.00) (Resolution R.621-092022)
 - d. Resolution awarding Contract/Purchase Order for Fences at various locations (\$544,256.79) (Resolution R.622-092022)
 - e. Resolution awarding Contract/Purchase Order for Automotive Parts-(5 Vendors - not to exceed \$502,500.00) (Resolutions R.623-092022 through R.627-092022)
12. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Resolution awarding payment to various non-profit organization for League Recreational Services Funding Sports (\$256,200.50) (Resolution R.609-092022)
 - b. Resolution authorizing a reimbursement for the ABC Program (Resolution R.610-092022)
 - c. Resolution awarding contract/purchase order for pre-packaged crafts (not to exceed \$30,000.00) (Resolution R.628-092022)
 - d. Resolution authorizing a reimbursement for summer trips (Resolution R.629-092022)
13. **FROM THE CHIEF OF POLICE:**
 - a. Resolution for Automated License Plate Reader Function for in car Camera (3 yrs. \$99,489.60) (Resolution R.630-092022)
14. **FROM THE TOWNSHIP CLERK:**
 - a. Resolution authoring the issuance of a New Retail Consumption (Hotel/Motel Exception) License to AIC Edison, LLC t/a Quality Inn (Resolution R.614-092022)
 - b. Resolution authorizing the sale of One (1) Plenary Retail Consumption Liquor License and further authorizing Township clerk to advertise for bid proposals for same pursuant to N.J.S.A. 33:1-19.1 (Resolution R.615-092022)
 - c. Resolution authorizing a refund for a raffle permit (\$100.00) (Resolution R.616-092022)
15. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**
16. **UNFINISHED BUSINESS:**
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND FINAL ADOPTION:

O.2156-2022

**Ordinance establishing the not to exceed Salary for the
Municipal Council**

- O.2157-2022** **Ordinance establishing the not to exceed Salaries of Certain Officers, Departments heads and employee of the Township.**
- O.2158-2022** **An Ordinance Amending Chapter 39 “Land Use,” Subsection 39-12.23, “Schedule Of Escrow Deposit Fees” Of The Code Of The Township**
- O.2159-2022** **An Ordinance Amending Chapter 39 “Land Use,” Subsection 39-12.18, “Schedule Of Application Fees” Of The Code Of The Township.**
- O.2160-2022** **AN ORDINANCE BY THE Mayor and Council AMENDING THE Township of Edison CODE OF ORDINANCES TO REPEAL Chapter 33 Flood Damage Prevention and Protection; TO ADOPT A NEW Chapter 33: Floodplain Management regulations; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

17. DISCUSSION ITEMS:

Council President Coyle

- a. None

Councilmember Brescher

- a. None

Councilmember Harris

- a. None

Councilmember Patel

- a. None

Councilmember Patil

- a. None

Councilmember Poyner

- a. None

Councilmember Ship-Freeman

- a. None

18. APPROVAL OF MINUTES:

- a. Worksession Meeting of June 13, 2022
b. Regular Meeting of July 27, 2022

19. **COUNCIL PRESIDENT'S REMARKS**

20. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

- | | |
|--------------------|---|
| O.2156-2022 | Ordinance establishing the not to exceed Salary for the
Municipal Council |
| O.2157-2022 | Ordinance establishing the not to exceed Salaries of Certain
Officers, Departments heads and employee of the Township. |
| O.2158-2022 | An Ordinance Amending Chapter 39 "Land Use," Subsection
39-12.23, "Schedule Of Escrow Deposit Fees" Of The Code Of
The Township |
| O.2159-2022 | An Ordinance Amending Chapter 39 "Land Use," Subsection
39-12.18, "Schedule Of Application Fees" Of The Code Of The
Township. |
| O.2160-2022 | AN ORDINANCE BY THE Mayor and Council AMENDING
THE Township of Edison CODE OF ORDINANCES TO
REPEAL Chapter 33 Flood Damage Prevention and
Protection; TO ADOPT A NEW Chapter 33: Floodplain
Management regulations; TO ADOPT FLOOD HAZARD
MAPS; TO DESIGNATE A FLOODPLAIN ADMNISTRATOR;
AND PROVIDING FOR SEVERABILITY AND EFFECTIVE
DATE. |

21. **PUBLIC COMMENT ON THE RESOLUTIONS**

22. **PROPOSED RESOLUTIONS**

Copies of these Resolutions are available for review only and are posted in the Council Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

R.604-092022 Report of Disbursements through September 22, 2022.

R.605-092022 Resolution authorizing refund in the amount of \$39,919.28 for redemption of tax sale certificates.

R.606-092022 Resolution authorizing refund for tax overpayments totaling, \$152,673.00.

R.607-092022 Resolution cancelation & refund of Taxes for Exempted Disabled Veteran on 66 Westervelt Avenue.

R.608-092022 Resolution authorizing the execution of a subordination agreement between the Township of Edison and Metuchen Catholic Charities Senior Development Urban Renewal, L.P.

- R.609-092022 Resolution awarding payment to various non-profit organization for League Recreational Services Funding Sports in the amount of \$256,200.50.
- R.610-092022 Resolution authorizing a reimbursement to Kathleen Roe for the ABC Program in the amount of \$140.00.
- R.611-092022 Resolution provides for refund for Senior Permit fee for 33 Brookville Road, Permit #2022-2823 in the amount of \$240.00.
- R.612-092022 Resolution to release Street Opening Escrow for Permit No. DEV-22-0517, blk. 82.D and Lot 5, aka 63 Eardley Road in the amount of \$200.00.
- R.613-092022 Resolution to release Street Opening Escrow for Permit No. DEV-20-0534, blk. 694.G, Lot 12, aka 16 Lafayette Avenue in the amount of \$200.00.
- R.614-092022 Resolution authoring the issuance of a New Retail Consumption (Hotel/Motel Exception) License to AIC Edison, LLC t/a Quality Inn.
- R.615-092022 Resolution authorizing the sale of One (1) Plenary Retail Consumption Liquor License and further authorizing Township clerk to advertise for bid proposals for same pursuant to N.J.S.A. 33:1-19.1
- R.616-092022 Resolution authorizing a refund for a raffle permit to East Brunswick Education Foundation in the amount of \$100.00.
- R.617-092022 Resolution referring the amended "Beauty Rest Motel Redevelopment Plan" (520 U.S. Route 1 aka block 252, 24 A. and block 254 Lot 19) to the Planning Board pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A: 12A-1 et. Seq.
- R.618-092022 Resolution extending Contract for Emergency Medical Services to HMH Hospital d/b/a JFK Medical Center.
- R.619-092022 Resolution authorizing Municipal support and preference for JHAK Retail, LLC to receive a Class 5 Cannabis Retail License from the New Jersey Cannabis Regulatory Commission to operate within the Township of Edison.
- R.620-092022 Resolution awarding Contract/Purchase Order for Tree Removal Services to Rich Tree Service in the amount of \$31,976.80.
- R.621-092022 Resolution awarding Contract/Purchase Order for Snowplow (4) new Fisher Salter/Spreaders through the Educational Services Commission of New Jersey in an amount not to exceed \$50,000.00.
- R.622-092022 Resolution awarding Contract/Purchase Order to Consolidated Steel & Aluminum Fence Co., Inc. for Fences at various locations in the amount of \$544,256.79.
- R.623-092022 Resolution awarding Contract for Public Bid No. 22-03-10 Automotive Parts and Accessories to Air Brake and Equipment in an amount to exceed \$15,000.00.
- R.624-092022 Resolution awarding Contract for Public Bid No. 22-03-10 Automotive Parts and Accessories to Freehold Ford in an amount not to exceed \$145,000.00.
- R.625-092022 Resolution awarding Contract for Public Bid No. 22-03-10 Automotive Parts and Accessories to Genuine Parts in an amount not to exceed \$235,000.00.
- R.626-092022 Resolution awarding Contract for Public Bid No. 22-03-10 Automotive Parts and Accessories to parts Authority LLC in an amount not to exceed \$102,500.00.

- R.627-092022 Resolution awarding Contract for Public Bid No. 22-03-10 Automotive Parts and Accessories to Finger Radiator Hospital, Inc. in an amount not to exceed \$5,000.00.
- R.628-092022 Resolution awarding contract/purchase order for pre-packaged crafts to Econocrafts in an amount not to \$30,000.00
- R.629-092022 Resolution authorizing a reimbursement to Vijauy Hingorani for Summer Trips in the amount of \$220.00.
- R.630-092022 Resolution for Automated License Plate Reader Function for in car Camera to Axon Enterprise, Inc. in the amount of \$99,489.60 for three years.

23. **ORAL PETITIONS AND REMARKS**

24. **ADJOURNMENT**

ORDINANCE O.2156-2022

EXPLANATION: An Ordinance establishing the not-to-exceed salaries of certain officers, department heads and employees of the Township.

WHEREAS, the municipal council (“Municipal Council”) of the Township of Edison (“Township”) seeks to establish the not-to-exceed salaries of certain officers, department heads and employees of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey as follows:

Section 1. The not-to-exceed salary(ies) for the following positions shall be as follows:

**SALARY RANGE FOR PRESENT JOB TITLES
MUNICIPAL COUNCIL**

<i>Municipal Council</i>	<i>Salary (not-to-exceed)</i>
Council President	\$18,500.00
Councilperson	\$17,500.00

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The Chief Financial Officer of the Township is hereby authorized to transfer such sums as may be necessary to cover such payroll as authorized herein.

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This ordinance shall become effective upon final passage and publication according to law.

ORDINANCE O.2157-2022

EXPLANATION: An Ordinance establishing the not-to-exceed salaries of certain officers, department heads and employees of the Township.

WHEREAS, the municipal council (“Municipal Council”) of the Township of Edison (“Township”) seeks to establish the not-to-exceed salaries of certain officers, department heads and employees of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey as follows:

Section 1. The not-to-exceed salary(ies) for the following positions shall be as follows:

**SALARY RANGE FOR PRESENT JOB TITLES
UNCLASSIFIED EMPLOYEES**

	<i>TITLE</i>	<i>RANGE-LOW</i>	<i>RANGE-HIGH</i>
1	Director of Health and Human Services	\$110,000	\$175,000
2	Business Administrator	\$160,000	\$230,000
3	Director of Water and Sewer	\$110,000	\$190,000
4	Director of Finance	\$110,000	\$175,000
5	Director of Public Works	\$110,000	\$175,000
6	Director of Planning and Engineering	\$110,000	\$175,000
7	Director of Park and Recreation	\$110,000	\$175,000
8	Chief Financial Officer	\$100,000	\$160,000
9	Construction Code Official	\$100,000	\$160,000
10	Mayor	\$150,000	
11	Court Administrator	\$75,000	\$130,000
12	Municipal Clerk	\$75,000	\$130,000
13	Tax Assessor	\$85,000	\$125,000
14	Tax Collector	\$85,000	\$125,000
15	Municipal Judge	\$45,000	\$75,000
16	Deputy Municipal Clerk	\$45,000	\$75,000
17	Prosecutor	\$20,000	\$60,000

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The Chief Financial Officer of the Township is hereby authorized to transfer such sums as may be necessary to cover such payroll as authorized herein.

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This ordinance shall become effective upon final passage and publication according to law.

ORDINANCE O.2158-2022

AN ORDINANCE AMENDING CHAPTER 39 “LAND USE,” SUBSECTION 39-12.23, “SCHEDULE OF ESCROW DEPOSIT FEES” OF THE CODE OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Township of Edison (hereinafter referred to as “Township”) is desirous of amending Chapter 39 “Land Use” by amending Subsection 39-12.23, “Schedule of Escrow Deposit Fees,”

NOW, THEREFORE BE IT ORDAINED, by the Township Council of Edison Township that the following subsections of Chapter 39 of the Township Code be and are hereby amended to read as follows:

Deletions are noted by ~~strike-throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

SECTION I

§ 39-12.23 Schedule of Escrow Deposit Fees.

a. The escrow deposit fees are established to cover the costs of professional services, including but not limited to: engineering, legal, planning, landscaping, traffic, environmental and other expenses incurred by the Township for the review of submitted materials for specific development applications. **Escrow deposits required for professional services shall be based on the following:**

~~a. Escrow Deposits for Professional Services.~~

- ~~1. The Township, acting through its Planning board and/or board of adjustment shall require fees for technical and/or professional services and testimony employed to the Board in reviewing an application. Fees required for this purpose shall be held in an escrow account by the Township.~~
- ~~2. Fees for technical and/or professional services shall be in addition to any and all other required fees.~~
- ~~3. The applicant shall pay for professional review services which are reasonably necessary for the review, processing, research and/or memorialization of any application for development. These services may include, but need not be limited to, an attorney, professional planner, professional engineer, traffic engineer, environmental consultant and/or other professional as deemed reasonable and necessary by the reviewing board.~~
- ~~4. If the Board determines that because of the complexity of an application, the services of a traffic engineer or professional other than engineer, planner and attorney are needed, an additional escrow fee equal to the cost of the services may be required before the next scheduled hearing.~~

- ~~5. All costs for the review and inspection of any application for development shall be paid before any construction permit is issued, and all remaining costs shall be paid in full before an occupancy of the premises is permitted or a certificate of occupancy issued.~~
- ~~6. The review services of these professionals shall be charged at the hourly rate authorized or paid by the Township for professional services based upon the current fee schedule.~~
- ~~7. Each applicant shall provide the Township with a Federal tax identification number or Federal social security number.~~
- ~~8. All payments charged to the individual application escrow deposit shall be pursuant to charges from the professionals stating the hours spent, the hourly rate and the expenses incurred. The municipality shall render a written final accounting to the developer on the uses to which the escrow deposit was put. Thereafter, the municipality shall, upon written request, provide copies of the vouchers to the developer.~~
- ~~9. If the salary, staff support and overhead for a professional review are provided by the municipality, the charge to the escrow deposit shall not exceed two hundred (200%) percent of the sum of the products resulting from multiplying the hourly base salary of each of the in-house professionals and support staff by the number of hours spent on the respective review of the application for development. For other professionals, the charge to the deposit shall be at the same rate as all other work of the same nature by the professionals for the municipality.~~
- 1. The Township, acting through its Planning Board, Zoning Board of Adjustment and/or Technical Review Committee shall require fees for technical and/or professional services and testimony employed to the Board in reviewing an application. Fees required for this purpose shall be held in an escrow account by the Township.**
- 2. Fees for technical and/or professional services shall be in addition to application fees, and any and all other required fees.**
- 3. By filing any type of application or appeal, an applicant shall consent to pay for professional review services which are reasonably necessary for the review, processing, research and/or memorialization of such application. These services may include, but need not be limited to, an attorney, professional planner, professional engineer, traffic engineer, environmental consultant and/or other professional as deemed reasonable and necessary by the reviewing board.**
- 4. If the Board determines that, because of the complexity of an application, the services of a traffic engineer, sound expert, or other professional specialty other than board engineer, planner and attorney are needed, an additional escrow fee equal to the cost of the services may be required before the next scheduled hearing.**
- 5. All costs for the review of any Application for Development shall be paid before any construction permit is issued. Any remaining costs created during the construction process shall be paid in full before any temporary or full certificate of occupancy is issued.**

- 6. The review services of these professionals shall be charged at the hourly rate authorized or paid by the Township for professional services based upon the current fee schedule.**
- 7. Each applicant shall provide the Township with a federal tax identification number or federal social security number.**
- 8. All payments charged to the individual escrow account shall be pursuant to charges from the professionals stating the hours spent, the hourly rate and the expenses incurred. The municipality shall render a written final accounting to the applicant on the uses to which the escrow deposit was invoiced. Thereafter, the municipality shall, upon written request, provide copies of the vouchers to the applicant.**
- 9. The charge to the deposit shall be at the same contractual rate as all other work of the same nature by the professionals for the municipality. If the salary, staff support, and overhead for a professional review are provided by the municipality, the charge to the escrow deposit shall not exceed two hundred (200%) percent of the sum of the products resulting from multiplying the hourly base salary of each of the in-house professionals and support staff by the number of hours spent on the respective review of the application for development.**

b. Exception from Escrow Deposit Requirements. **Residential Exceptions, Partial Waiver, and Resubmission Fee Waivers from Escrow Deposit Requirements.**

1. A waiver of not more than fifty (50%) percent of all municipal subdivision, site plan and/or variance escrow fees may be granted by the approving municipal agency for all housing units being provided by the applicant for low and moderate income families consistent with the criteria established by the New Jersey Council on Affordable Housing.
2. Residential fencing, decks, pools and minor residential building additions of less than three hundred (300) square feet gross floor area shall be exempt from escrow deposit requirements.
3. Development of or improvement to one (1) single family dwelling on an existing lot where no off tract improvements or municipal improvements which extend beyond the frontage of the lot are involved shall be exempt from escrow deposit.
4. When the reviewing board determines that the application will serve a public purpose and promote the public health, safety and welfare, the following applicants shall submit fifty (50%) percent of the required escrow deposit:
 - (a) Public organizations and/or agencies;
 - (b) Charitable and/or philanthropic organizations;
 - (c) Fraternal and/or religious nonprofit organizations.
5. Any organization qualifying for paragraph b4(b) above must hold a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. Section 501(c) or (d)).

~~6. The Planning Board or the Board of Adjustment may, at its discretion, waive the requirement for submission of additional escrow deposit fees for the resubmission of the second or subsequent set of revised plans or applications when fifty (50%) percent of the previously submitted escrow deposit funds remain available and unused in the escrow deposit account of that particular applicant.~~

1. Residential applications including but not limited to fencing, sheds, porches, patio's, decks, pools and minor residential building additions of less than three hundred (300) square feet gross floor area shall be exempt from escrow deposit.

2. Development of or improvement to one (1) single-family dwelling on an existing lot where no off-tract or municipal improvements which extend beyond the frontage of the lot are involved shall be exempt from escrow deposit requirements.

3. Charitable and/or philanthropic organizations, civic, fraternal and/or religious nonprofit organizations may apply to the reviewing board for a reduction of twenty-five (25%) percent of the required escrow deposit. To qualify, any such organization must hold a tax-exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. Section 501(c) or (d)). Notwithstanding the reduced escrow fee, the applicant shall still be responsible to pay all costs directly associated with the review and memorialization of the application even if those costs exceed the sum of fees collected.

~~c. Submission of Escrow Deposit.~~ **Escrow Fee Submission Required for Completeness.**

~~1. The applicant shall submit the required escrow deposit to the administrative officer prior to the application being reviewed for completeness. No application shall be determined complete, reviewed by professional staff or placed on the agenda for public hearing until the required escrow deposit is paid.~~

~~2. Required escrow deposits shall be in the form of cash, money order or check payable to the Township.~~

1. The applicant shall submit the required escrow fee to the administrative officer prior to the application being reviewed by the Technical Review Committee for completeness. No application shall be determined complete, reviewed by professional staff, or placed on the agenda for a technical meeting or public hearing until the full required escrow fee has been submitted. If a technical question arises as to whether a particular fee is required, the Administrative Officer shall consult with the Technical Review Committee and appropriate Board Attorney to clarify the matter, however no application may be deemed complete or scheduled for a public hearing until all unresolved fees have been paid.

2. Required escrow deposits shall be in the form of money order or check payable to the Township of Edison.

3. The Administrative Officer shall maintain and provide to the Technical Review Committee and reviewing board, as a completeness item, an up-to-date record of all application and escrow fees calculated and collected for each application being heard. This shall be provided at every meeting of the committee or Board.

4. The Administrative Officer shall reject and return any attempted submission of plans delivered without the appropriate escrow fee, and shall direct the developer to provide the applicable fee to process any plan submission.

d. Escrow for Informal Review. Escrow Fee for Informal or Concept Review

- ~~1. Whenever an applicant requires an informal review of an application for development, involving technical or professional advisors, an escrow deposit shall be required in accordance with the schedule for formal applications. The deposit must be received prior to professional review. There shall be a fee assessed for each informal review that might be required for any reason.~~
- ~~2. Informal review fees shall be as follows:~~
 - ~~(a) Minor subdivision or minor site plan: one hundred (\$100.00) dollars.~~
 - ~~(b) Major subdivision, major site plan or use variance: five hundred (\$500.00) dollars.~~
 - ~~(c) Request by private property owners for the vacation of a public road or portion thereof pursuant to N.J.S.A. 40:66-21: two thousand five hundred (\$2,500.00) dollars. No such escrow shall be required if the vacation is initiated by the Township.~~
- ~~3. Any escrow deposit received for informal review shall be credited to the required escrow deposit for formal applications. The cost for professional services involved in the informal review shall be considered part of the formal application review and charged to the escrow account.~~
- ~~4. Capital project review fees shall be seven hundred fifty (\$750.00) dollars.~~

1. Whenever an applicant requests an informal review of a concept plan involving technical or professional consultation, an escrow deposit shall be submitted in accordance with the schedule below which must be received prior to professional review. The fees listed below are for each informal review session. Any subsequent informal review sessions shall require submission of an additional review fee.

2. Informal review fees shall be as follows:

- (a) Subdivision, site plan, use variance or any combination thereof shall be one-thousand (\$1000.00) dollars.**
- (b) Capital project review fees shall be one-thousand (\$1000.00) dollars.**
- (c) Request by private property owners for the vacation of a public road or portion thereof pursuant to N.J.S.A. 40:66-21: one-thousand (\$1000.00) dollars.**
- 3. When escrow fees are submitted for professional services for informal review, those fees submitted shall be considered an advance on the formal application fee for a subsequent application for the same development. When the subsequent full application is filed and the relative escrow fees are calculated for that submission, the applicant shall be entitled to an escrow credit equal to the amount submitted for the concept review. Any**

remaining escrow fees after an informal review shall be allocated to the applicant's escrow account for that development.

e. ~~Schedule of Required Fees for Escrow Deposits.~~ **Escrow Fees for Development Applications.**

The following sums ~~sums~~ **fees** are required to be deposited in an escrow account for applications to the Planning Board and/or Board of Adjustment:

1. Variances. **(Fees shall be in addition to any required subdivision or site plan approval).**

~~(a) Bulk (hardship) variance under N.J.S.A. 40:55D-70c, not requiring site plan or subdivision approval: one hundred (\$100.00) dollars.~~

~~(b) Variance under N.J.S.A. 40:55D-70d, not requiring site plan or subdivision approval (use, etc.): two thousand five hundred (\$2,500.00) dollars.~~

~~(c) Conditional use approval (fees shall be in addition to site plan approval): one thousand (\$1,000.00) dollars.~~

2. ~~Site Plan Applications (Fees Shall be in Addition to any Required Variances).~~

~~(a) Residential Site Plan (Involving Dwelling Units).~~

~~(1) Preliminary approval:~~

Number of Units	Fee
1 to 9	\$3,000.00
10 to 25	\$4,500.00
26 to 50	\$6,000.00
51 to 100	\$7,500.00
101 to 250	\$10,000.00
251 to 500	\$12,000.00
Over 500	\$14,000.00

~~(2) Final approval: twenty (20) percent of preliminary approval escrow fee or a minimum of one thousand (\$1,000.00) dollars whichever is greater.~~

~~(b) Nonresidential Site Plan (Not Involving Dwelling Units).~~

~~(1) Preliminary approval with principal buildings over one thousand (1,000) square feet of gross floor area:~~

Gross Floor Area	Fee
(square feet)	
1,001 to 2,500	\$2,500.00
2,501 to 5,000	\$4,000.00
5,001 to 10,000	\$6,000.00
10,001 to 15,000	\$8,000.00
15,001 to 20,000	\$10,000.00
20,001 to 25,000	\$12,500.00
25,001 to 100,000	\$15,500.00
Over 100,000	\$18,000.00

~~(2) Preliminary approval without principal buildings over one thousand (1,000) square feet gross floor area:~~

Lot Area	Fee
Up to an acre	\$2,500.00
1 to 5	\$4,000.00
5 to 10	\$5,000.00
Over 10	\$6,000.00

~~(3) Final approval: twenty (20%) percent of preliminary approval escrow fee or a minimum of one thousand (\$1,000.00) dollars, whichever is greater.~~

~~(4) Minor site plan: one thousand (\$1,000.00) dollars.~~

~~3. 3 Subdivision Applications (Fees Shall be in Addition to any Required Variances).~~

~~(a) Minor subdivision (three (3) lots or fewer): Two thousand five hundred (\$2,500.00) dollars.~~

~~(b) Preliminary subdivisions:~~

~~(1) Preliminary approval of four (4) to ten (10) lots: four thousand (\$4,000.00) dollars.~~

~~(2) Preliminary approval of eleven (11) to twenty five (25) lots: five thousand (\$5,000.00) dollars.~~

~~(3) Preliminary approval of twenty six (26) to fifty (50) lots: six thousand (\$6,000.00) dollars.~~

~~(4) Preliminary approval of fifty one (51) to one hundred (100) lots: eight thousand (\$8,000.00) dollars.~~

~~(5) Preliminary approval of one hundred one (101) to two hundred fifty (250) lots: ten thousand (\$10,000.00) dollars.~~

~~(6) Preliminary approval of two hundred fifty one (251) to five hundred (500) lots: twelve thousand (\$12,000.00) dollars.~~

~~(7) Preliminary approval of over five hundred (500) lots: fourteen thousand (\$14,000.00) dollars.~~

~~(c) Final Subdivisions:~~

~~(1) Final approval of four (4) lots to twenty five (25) lots: two thousand (\$2,000.00) dollars.~~

~~(2) Final approval of twenty six (26) lots to one hundred (100) lots: three thousand (\$3,000.00) dollars.~~

~~(3) Final approval of one hundred one (101) lots to five hundred (500) lots: four thousand (\$4,000.00) dollars.~~

~~(4) Final approval of over five hundred (500) lots: five thousand (\$5,000.00) dollars.~~

~~4. Planned Unit Development. Fees shall be as for a simultaneous major site plan and major subdivision application, with fees for residential and nonresidential development computed separately, and thereafter cumulatively upon the applicant.~~

~~5. Concept Plan Applications:~~

~~(a) Minor subdivision or minor site plan: one hundred (\$100.00) dollars.~~

~~(b) Major subdivisions: five hundred (\$500.00) dollars.~~

~~(c) All site plans with more than one thousand one (1,001) square feet of gross floor area: five hundred (\$500.00) dollars.~~

~~(d) Use variance application: five hundred (\$500.00) dollars.~~

~~(e) All fees for concept plans or informal submission: to be credited toward required escrow fees for the review of the formal application for the same development.~~

~~6. General development plan: one thousand (\$1,000.00) dollars (in addition to any other site plan and/or subdivision fees which may also be required).~~

~~7. Resubmissions:~~

~~(a) Applicants shall pay escrow deposit fees based upon thirty three (33%) percent of the original submission fee for each resubmission of revised plans, including applications for use variances, preliminary subdivisions, final subdivisions, preliminary site plans, final site plans and planned unit development applications.~~

~~(b) If plans are resubmitted in accordance with conditions of approval by the appropriate board, the escrow deposit fee for resubmission shall be one third (1/3) of the original escrow fee.~~

~~8. Special Design Elements. Applicants shall pay escrow fees based upon twenty (20%) percent of the original escrow fee, when and as determined by the reviewing board that the proposed project includes a special design consideration, such as but not limited to a sanitary sewer pump station, detention or retention ponds, a potable water storage facility, traffic signalization devices, off tract improvements, etc.~~

~~9. Request for Rezoning. Any property owner seeking a rezoning of its property shall, in addition to the fee paid pursuant to subsection 39-12.18d8, pay an escrow fee of two thousand (\$2,000.00) dollars.~~

~~10. Single Family Lot Where Off Tract Improvements or Municipal Improvements Which Extend Beyond Frontage of Lot. The development of or improvement to an individual single family dwelling on an existing lot where off tract improvements or municipal improvements extend beyond the frontage of the lot shall require the payment of an escrow fee of two thousand (\$2,000.00) dollars.~~

~~11. Single Family Lot Involving Construction in Flood Hazard Area. The development of an improvement to an individual single family dwelling on an existing lot involving construction in a flood hazard area as set forth in Chapter 33, Flood Damage Prevention and Protection, shall require the payment of an escrow of two thousand (\$2,000.00) dollars.~~

(a) Appeal or interpretation under N.J.S.A. 40:55D-70a or b: one-thousand (\$1000.00) dollars.

(b) Bulk variance under N.J.S.A. 40:55D-70c: (\$500.00) five-hundred dollars per each variance

(c) Variance under N.J.S.A. 40:55D-70d: five-thousand (\$5,000.00) dollars per each variance.

(d) Conditional use approval: five-thousand (\$5,000.00) dollars.

(e) Variance/Permit under N.J.S.A. 40:55D-36: one-thousand (\$1,000.00) dollars

2. Site Plan Applications: (Fees shall be in addition to any required variances or subdivision).

3.

<u>Type of Site Plan</u>	<u>Gross Floor Area or Number dwelling units</u>	<u>Escrow Fee</u>
<u>Minor Site Plan:</u>	<u>N/A</u>	<u>\$4,000.00</u>
<u>Major Site Plans:</u>		
<u>Preliminary Non-residential</u>	<u>1 to 5,000 sf</u>	<u>\$5,000.00</u>
<u>Preliminary Non-residential</u>	<u>5,001 to 25,000 sf</u>	<u>\$10,000.00</u>
<u>Preliminary Non-residential</u>	<u>25,001 to 100,000 sf</u>	<u>\$15,000.00</u>
<u>Preliminary Non-residential</u>	<u>Over 100,000 sf</u>	<u>\$20,000.00</u>
<u>Preliminary Residential</u>	<u>1 to 10 units</u>	<u>\$10,000.00</u>
<u>Preliminary Residential</u>	<u>11 to 25 units</u>	<u>\$15,000.00</u>
<u>Preliminary Residential</u>	<u>Over 50 units</u>	<u>\$20,000.00</u>
<u>Final Site Plan</u>	<u>All applications</u>	<u>\$5,000.00</u>

Subdivision Applications (Fees shall be in addition to any required site plan or variances).

<u>Type of Application</u>	<u>Total Number Lots Proposed</u>	<u>Escrow Fee</u>
<u>Minor Subdivision</u>	<u>N/A</u>	<u>\$4,000.00</u>
<u>Major Subdivision:</u>		
<u>Preliminary</u>	<u>1 to 10 lots</u>	<u>\$10,000.00</u>

<u>Preliminary</u>	<u>11 to 25 lots</u>	<u>\$15,000.00</u>
<u>Preliminary</u>	<u>26 to 50 lots</u>	<u>\$20,000.00</u>
<u>Preliminary</u>	<u>51 to 100 lots</u>	<u>\$25,000.00</u>
<u>Preliminary</u>	<u>Over 100 lots</u>	<u>\$30,000.00</u>
<u>Final Subdivision</u>	<u>All Applications</u>	<u>\$ 7,500.00</u>

4. Mixed uses. For an application involving more than one use, or a mixed-use application, the fee shall be calculated as the cumulative fee for each component of the development based on the above Preliminary and Final Major Site Plan fees for residential and non-residential development, plus any Subdivision, variance or other fees that are applicable.
5. Planned Unit Developments. For a planned unit development, fees shall be calculated as the cumulative fee of each component of a development based on the above Preliminary and Final Major Site Plan fees for residential and non-residential development, plus any subdivision or variance fees that are applicable.
6. General Development Plan. The fee shall be five-thousand (\$5,000.00) dollars, in addition to any other Site Plan, Subdivision or Variance fees which may be applicable.
7. Special Design Elements. When, and as determined by the reviewing board, the proposed project includes a special design consideration, such as but not limited to a sanitary/storm sewer pump station, a potable water storage facility, traffic signalization devices, street vacation or improvement, or other off-tract improvements, the additional escrow fee shall be five-thousand (\$5,000.00) dollars.
8. Request for Rezoning. Any property owner seeking a rezoning of property shall, in addition to the fee paid pursuant to subsection §39-12.18d8, submit an escrow fee of four-thousand (\$4,000.00) dollars.

9. Single Family Lot with Off-Tract Improvements Extending Beyond the Frontage of the Lot. The development of or improvement to an individual single family dwelling on an existing lot where off-tract improvements or municipal improvements extend beyond the frontage of the lot shall require an escrow fee of three-thousand (\$3,000.00) dollars.
10. Single Family Lot Involving development or construction in a Wetlands, Wetlands Buffer, Steep Slope area, FEMA Repetitive Loss Area, and/or Flood Hazard Area. The development of or an improvement to an individual single family dwelling on an existing lot involving construction in any of the above circumstances or in a flood hazard area as set forth in Chapter 33, Flood Damage Prevention and Protection, shall require the payment of an escrow fee of three-thousand (\$3,000.00) dollars.
11. Total Escrow Fee. The sum of all Subdivision, Site Plan, Variance and other fees required by this subchapter shall be calculated to determine a “Total Original Escrow Fee.”
12. Resubmissions.
 - (a) After an initial plan submission, each subsequent plan submission to the Township Planning/Zoning Department shall be considered a plan resubmission. Resubmissions shall include any submission of revised plans before, during, or after the technical review, public hearing, or resolution compliance period, or any time thereafter to satisfy conditions of approval or modify a proposed or approved plan.
 - (b) When submitting a revised plan resubmission, all applicants shall be required to pay a “Resubmission Escrow Fee” based on fifty (50%) percent of the “Total Original Escrow Fee” which shall be deposited into the applicant’s escrow account to replenish funds therein. This resubmission fee shall be required for each resubmission of revised plans, regardless of how many times plans are resubmitted. This resubmission fee shall apply to all development applications.
 - (c) The “Resubmission Escrow Fee” shall apply to submission of all engineering and architectural plats and plans, and shall not be applicable to submission of revised reports, typewritten documents, response letters, memorandum, or outside agency permits and approvals. When multiple engineering and architectural plats or plans, including any supporting documents, are submitted together in a single instance, this shall be considered one (1) resubmission.
 - (d) The Administrative Officer shall reject and return any attempted resubmission of plans delivered without the resubmission fee, and shall direct the developer to provide the applicable fee to process any plan resubmission.
 - (e) The Administrative Officer shall maintain and provide to the Technical Review Committee and/or reviewing board a record of all resubmission fees calculated and collected for each application. This shall be provided at every meeting of the committee or Board.
 - (f) The “Resubmission Escrow Fee” shall be applicable to all submissions described hereinabove, but shall not be applicable to plan submissions after an application has

been formally withdrawn or for applications for which the escrow account for has been terminated by way of refund. In those instances, a new “Original Escrow Fee” shall be calculated and apply.

f. Review of Escrow Deposit Amount.

1. ~~Prior to making a determination of completeness upon any application, the administrative official shall review the application to determine whether the escrow amount set forth above is sufficient. If the amount set forth is determined insufficient by the administrative official or reviewing board to cover professional costs anticipated for the application, additional funds in the amount of one third (1/3) of the initially required escrow fee shall be deposited by the applicant prior to declaring the application complete. The application shall not be declared complete or placed on the agenda for public hearing until such additional escrow deposit is received.~~

2. ~~Further additional escrow deposit fees may be required at any time upon determination by the reviewing board. All approvals shall be conditional upon receipt of such additional fees deposited by the applicant in increments of one third (1/3) of the initially required escrow fee, when and as determined necessary by the reviewing board. No building permits or certificates of occupancy shall be issued until all required escrow funds have been received.~~

1. **Prior to certifying completeness upon any application, the Administrative Officer and Technical Review Committee shall review the application materials, content, checklist, and fees to verify the escrow amount set forth above is sufficient for the professional review of the application. If the amount set forth is determined insufficient to cover professional costs anticipated for the application, additional funds in the amount of thirty three (33%) of the initially required escrow fee shall be deposited by the applicant prior to declaring the application complete. The application shall not be declared complete or placed on the agenda for public hearing until such additional escrow deposit is received.**

2. **Further additional escrow deposit fees may be required at any time upon determination by the Administrative Officer.**

3. **All approvals shall be conditional upon receipt of such additional fees deposited by the applicant in increments of fifty percent (50%) of the “Total Original Escrow Fee,” when and as determined necessary by the Administrative Officer. All costs for the review of any Application for Development shall be paid before any construction permit is issued. Any remaining costs created during the construction process shall be paid in full before any temporary or full certificate of occupancy is issued.**

- g. Appeal of Escrow Fees. In the event that the applicant believes the fees to be unreasonable, the Planning Board or Board of Adjustment shall hear and decide whether such fees are reasonable. The applicant may appeal the decision of the Planning Board or Board of Adjustment to the Governing Body, provided that the applicant shall provide to the Governing

Body transcripts of the Planning Board or Board of Adjustment hearing on fees, at his or her cost, and such appeal shall be on the record. The Governing Body shall set a meeting date, with notice to the applicant. The applicant may submit oral and/or written arguments on the record, provided that the applicant provides a court-certified stenographer to record the meeting and provides a transcript of the meeting. The Governing Body may reverse a Planning Board or Board of Adjustment decision upon showing that the Board's decision is not sustained by the preponderance of the evidence.

- h. Escrow Deposit ~~Submission~~ **Accounts**. The escrow amount shall be deposited by the Township into an official depository of the Township in a separate interest-bearing escrow account in the name of the Township and the applicant. The custodian of the account shall be the **Township Director of Finance**. The custodian shall notify the applicant, in writing, of the name and address of the depository and the amount of the deposit. Disbursements for professional review services shall be made in accordance with State law and Township procedures. Deposit amounts shall be transmitted pursuant to State statute and applicable Township regulations and ordinances. When charges for review fees are received by the custodian of the escrow account, the amounts shall be transferred to the **appropriate account(s) of the general fund of the Township** for approval and disbursements. In accordance with N.J.S.A. 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant. **If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow as detailed elsewhere in this subsection.**
- i. Escrow Accounts Over Five Thousand Dollars; Conditions. Pursuant to N.J.S.A. 40:55D-53.1, whenever an amount of money in excess of five thousand (\$5,000.00) dollars shall be deposited by an applicant in the Township for professional services employed by the Township to review applications, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided for therein, shall continue to be the property of the applicant and shall be held in trust by the municipality. Money deposited shall be held in escrow in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Township shall not refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars, that entire amount shall belong to the applicant and shall be refunded to him or her by the Township at the time that the unexpended deposit is repaid or applied to the purpose for which it was deposited, as the case may be; except that the Township shall retain for administrative expenses a sum equivalent to no more than thirty-three and one-third (33 1/3%) percent of that entire amount which shall be in lieu of all other administrative and custodial expenses.
- j. Accounting of Fees. In the event that any applicant desires an accounting of the expenses or fees paid by him or her for professional review, he or she shall request such in a letter directed to the **Township Director of Finance** administrative officer. **In the event that there are found insufficient escrow funds in the account to pay all outstanding invoices, the outstanding balance shall be submitted by the applicant prior to issuance of a certificate of occupancy or building permit.** ~~Such additional amount as may be required for the~~

accounting shall be paid to the Planning Board or Board of Adjustment prior to issuance of a certificate of occupancy in the event that there are insufficient escrow funds to pay for the account.

- k. Refunds. All escrow funds described herein shall be utilized by the appropriate board to pay the cost of any technical and/or professional services incurred by the Board for review and/or testimony in connection with the particular application. All **remaining** funds not expended shall be refunded to the applicant **upon request** within one hundred twenty (120) days after the final determination by the board with respect to such application. **If conditions of approval are required by any approving resolution, the escrow account may remain active for such extended time as to allow the applicant to pursue resolution compliance via submission and professional review of revised plans or documents. However, in any case, no** ~~No~~ amount shall be refunded prior to **written** certification by the ~~board secretary~~ **Administrative Officer that all professional services invoices are paid.** ~~the application has been finally determined.~~
- l. Rules and Regulations. Pursuant to municipal Charter, the Township shall promulgate rules and regulations for the administration of all processing of the provisions of this escrow deposit ordinance in compliance with all applicable Township ordinances and State laws.

1. **Refunds after Application Withdrawal. Upon submission of a written withdrawal request, all remaining funds not expended shall be refunded to the applicant within one-hundred twenty (120) days after withdrawal. However, in all cases, no amount shall be refunded prior to written certification by the Administrative Officer that all professional services invoices are paid.**

m. Refunds Without Resolution Compliance. If an Application for Development has been approved subject to conditions of approval, and the applicant later withdraws the application and/or requests a refund of escrow fees without satisfying the required conditions of approval, the escrow account may be terminated and all remaining funds not expended shall be refunded to the applicant within one-hundred twenty (120) days after withdrawal and/or request. However, in all cases, no amount shall be refunded prior to written certification by the Administrative Officer that all professional services invoices are paid.

n. Refund and/or Application Withdrawal shall Constitute Termination of Application. A request for withdrawal and/or refund shall be considered an affirmative act of termination of the application. After which, any subsequent resubmission of an application, with or without changes, shall be considered a new application and shall be subject to the Original Escrow Fee in effect for a new application, not the Resubmission Escrow Fee permitted elsewhere in this subsection.

o. Rules and Regulations. Pursuant to municipal Charter, the Township shall promulgate rules and regulations for the administration of all processing of the provisions of this escrow deposit ordinance in compliance with all applicable Township ordinances and State laws.

p. Non-payment. Filing of an Application for Development shall inherently include an agreement to pay for the reasonable costs of the professional review and memorialization of

that application. If an applicant or property owner refuses to, or fails to, pay any outstanding and reasonable costs incurred in the review or memorialization of an application, regardless of the Board's determination, the Township will place a lien on said property associated with the application to recover the professional costs incurred to the Township, in compliance with all applicable Township ordinances and State laws.

SECTION II

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

ORDINANCE O.2159-2022

**AN ORDINANCE AMENDING CHAPTER 39 “LAND USE,” SUBSECTION 39-12.18,
“SCHEDULE OF APPLICATION FEES” OF THE CODE OF THE TOWNSHIP OF
EDISON,
IN THE COUNTY OF MIDDLESEX, NEW JERSEY**

WHEREAS, the Township of Edison (hereinafter referred to as “Township”) is desirous of amending Chapter 39 “Land Use” by amending Subsection 39-12.18, “Schedule of Application Fees,”

NOW, THEREFORE BE IT ORDAINED, by the Township Council of Edison Township that the following subsections of Chapter 39 of the Township Code be and are hereby amended to read as follows:

Deletions are noted by ~~strike throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

SECTION I

§ 39-12.18 Schedule of Application Fees.

a. Purpose.

1. ~~The fees listed below, for applications for the rendering of any approval by the Planning Board or the Zoning Board of Adjustment or for any administrative staff for the enforcement of Chapters 36 and 37, are required in order to defray the costs incurred by the Township. Every application for development shall be accompanied by a check payable to the Township. The application fee is a flat charge to cover direct administrative expenses and is nonrefundable.~~
2. ~~All fees set forth are for various application types, and if an application has a request for approval of more than one (1) type, the fee to be paid shall be equal to the sum of the fee for each type of application.~~

1. **The Township, acting through its Planning Board, Zoning Board of Adjustment and/or Technical Review Committee shall require the following application fees for the filing, administrative processing and hearing of any application. The fees listed below for applications seeking any approval by the Planning Board or the Zoning Board of Adjustment or for any administrative staff for the enforcement of Chapters 36 and 37, are required in order to defray the costs incurred by the Township.**

2. Application Fees services shall be in addition to escrow fees, and any and all other required fees.
 3. The application fee is a flat charge to cover direct administrative expenses and is non-refundable.
 4. Payment of Fees. All fees listed above shall be paid to the Edison Township Administrative Officer at the time of the application.
 5. When a single Application for Development includes several approval requests, the total application fee shall be the sum of the individual fees for each requested variance, site plan or subdivision, or other element of the application.
 6. All application fees for an Application for Development shall be paid before any construction permit is issued. Any remaining costs created during the construction process shall be paid in full before any temporary or full certificate of occupancy is issued.
- b. Application for Subdivision. Application Fee Submission Required for Completeness. The fees for applications for subdivision shall be as follows:
1. ~~Minor subdivision plat: three hundred (\$300.00) dollars, plus an additional fifteen (\$15.00) dollars per lot proposed to be created.~~
 2. ~~Preliminary subdivision plat: five hundred (\$500.00) dollars, plus an additional fifteen (\$15.00) dollars per lot to be created.~~
 3. ~~Final subdivision plat: three hundred (\$300.00) dollars, plus an additional fifteen (\$15.00) dollars per lot proposed to be created.~~
 4. ~~Concept plat: two hundred (\$200.00) dollars.~~
 5. ~~Resubmission of any revised plan: one third (1/3) of the original submission fee.~~
1. The applicant shall submit the required application fee to the Administrative Officer prior to the application being reviewed by the Technical Review Committee or reviewing board for completeness. No application shall be determined complete, reviewed by professional staff, or placed on the agenda for a technical meeting or public hearing until the full required application fee has been submitted. If a technical question arises as to whether a particular fee is required, the Administrative Officer shall consult with the Technical Review Committee and appropriate Board Attorney to clarify the matter, however no application may be deemed complete or scheduled for a public hearing until all unresolved fees have been paid.
 2. Required escrow deposits shall be in the form of money order or check payable to the Township of Edison.
 3. The Administrative Officer shall maintain and provide to the Technical Review Committee and reviewing board, as a completeness item, an up-to-date record of all application and escrow fees calculated and collected for each application being heard. This shall be provided at every meeting of the committee or Board.

4. The Administrative Officer shall reject and return any attempted submission of plans delivered without the appropriate application fee, and shall direct the developer to provide the applicable fee to process any plan submission.

c. Application for Site Plans. **Application Fee for Informal or Concept Review.**

The fees for application for site plans shall be as follows:

1. ~~Minor site plan: three hundred (\$300.00) dollars.~~
2. ~~Preliminary site plan: five hundred (\$500.00) dollars; plus:~~
 - (a) ~~For nonresidential preliminary site plans:~~
 - (1) ~~A sum equal to three (\$0.03) cents per square foot of building area for the first ten thousand (10,000) feet of building, plus~~
 - (2) ~~A sum equal to one (\$0.01) cent per square foot of building area for the next ninety thousand (90,000) square feet of building area, plus~~
 - (3) ~~A sum equal to five tenths (\$0.005) cent per square foot of a building area for all square footage of building area in excess of one hundred thousand (100,000) square feet;~~
 - (b) ~~For residential preliminary site plans:~~
 - (1) ~~Ten (\$10.00) dollars per unit to be developed up to five hundred (500) units.~~
 - (2) ~~Five (\$5.00) dollars per unit for every unit to be developed over five hundred (500) units.~~
3. ~~Final site plan: three hundred (\$300.00) dollars or one third (1/3) of the fee paid for preliminary site plan application, whichever is greater.~~
4. ~~Concept site plan: two hundred (\$200.00) dollars.~~
5. ~~General development plan: three hundred (\$300.00) dollars.~~
6. ~~Resubmission of any revised plan: one third (1/3) of the original submission fee.~~

1. Whenever an applicant requests an informal review of a concept plan involving technical or professional consultation, an application fee of two-hundred fifty (\$250.00) dollars shall be required, which must be received prior to professional review. The fee is for each informal review session. Any subsequent informal review sessions shall require submission of an additional application fee.

2. The application fee for informal review shall not be considered part of, or credited to a subsequent formal application fee.

d. Variances, Appeals, Vacations and Interpretations.

The fees for variances, appeals and interpretations shall be as follows:

- ~~1. Appeals per N.J.S.A. 40:55D-70a: one hundred (\$100.00) dollars.~~
- ~~2. Interpretations per N.J.S.A. 40:55D-70b: seventy-five (\$75.00) dollars.~~
- ~~3. Hardship (bulk variances) per N.J.S.A. 40:55D-70c: one hundred twenty-five (\$125.00) dollars per variance.~~
- ~~4. Use variance per N.J.S.A. 40:55D-70d: two hundred fifty (\$250.00) dollars per variance.~~
- ~~5. Permit per N.J.S.A. 40:55D-34 and 40:55D-35: one hundred fifty (\$150.00) dollars.~~
- ~~6. Appeal to Township Council: two hundred fifty (\$250.00) dollars.~~
- ~~7. Conditional use application: two hundred (\$200.00) dollars (in addition to any other site plan or subdivision fees which may also be required).~~
- ~~8. Request for rezoning: five hundred (\$500.00) dollars for any rezoning request made by a property owner (other than for a rezoning initiated by the Township or any of its constituent boards, bodies or agencies).~~
- ~~9. Request by private property owners for the vacation of a public road or portion thereof pursuant to N.J.S.A. 40:67-21: One hundred (\$100.00) dollars. No such application fee shall be required if the vacation is initiated by the Township.~~

1. Appeals or Interpretations per N.J.S.A. 40:55D-70a & b: five-hundred (\$500.00) dollars.

2. Bulk variances per N.J.S.A. 40:55D-70c: five-hundred (\$500.00) dollars per variance.

3. "D" or Use variance per N.J.S.A. 40:55D-70d: one-thousand (\$1,000.00) dollars per variance.

4. Permit per N.J.S.A. 40:55D-35 or 40:55D-36: five-hundred (\$500.00) dollars.

5. Appeal of Decision or Fee to Township Council: one-thousand five-hundred (\$1,500.00) dollars.

6. Conditional use application: one-thousand (\$1,000.00) dollars in addition to any other site plan or subdivision fees which may also be required.

7. Request for rezoning made by a property owner: two-thousand five-hundred (\$2,500.00) dollars.

8. Request by private property owners for the vacation of a public road or portion thereof pursuant to N.J.S.A. 40:67-21: one-thousand (\$1,000.00) dollars.

c. Other Fees. **Site Plans.**

~~Other fees shall be as follows:~~

- ~~1. For a certified list of property owners: twenty-five (\$0.25) cents per name or ten (\$10.00) dollars, whichever is greater.~~

~~2. For a copy of transcripts prepared at cost to the Township: one dollar and fifty (\$1.50) cents per page for first copy of the page, plus fifty (\$0.50) cents per copy of each additional copy of the page. The estimated amount of the cost shall be deposited into an escrow account.~~

~~3. Copy of minutes or decisions:~~

~~(a) One (1) to ten (10) copies: fifty (\$0.50) cents per page.~~

~~(b) Eleven (11) to twenty (20) copies: twenty-five (\$0.25) cents per page.~~

~~(c) Twenty-one (21) plus copies: ten (\$0.10) cents per page.~~

~~4. Capital project review: one hundred (\$100.00) dollars.~~

~~5. Waiver request of Township design standards: seventy-five (\$75.00) dollars per each standard waiver requested.~~

1. Minor Site Plan: two-thousand five-hundred (\$2,500.00) dollars.

2. Preliminary Major Site Plan: seven-thousand five-hundred (\$7,500.00) dollars

3. Final Major Site Plan: two-thousand five-hundred (\$2,500.00) dollars

4. Informal or concept plan: one-thousand (\$1,000.00) dollars

5. General Development Plan: seven-thousand five hundred (\$7,500.00) dollars

f. Payment of Fees. **Subdivisions.**

~~All fees listed above shall be paid to the Edison Township administrative officer at the time of the application.~~

1. Minor Subdivision: two-thousand five hundred (\$2,500.00) dollars

2. Preliminary Major Subdivision: five-thousand (\$5,000.00) dollars

3. Final Major Subdivision: two-thousand (\$2,000.00) dollars

g. Miscellaneous. **Other Fees shall be as shown below.**

~~1. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid.~~

~~2. Each applicant for subdivision or site plan approval shall agree, in writing, to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree, in writing, to pay all reasonable costs for~~

~~the municipal inspection of the constructed improvement. All such costs for review and inspection must be paid before any construction permit is issued, and all remaining costs must be paid in full before any occupancy of the premises is permitted or a certificate of occupancy issued.~~

- ~~3. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant, who shall arrange for the reporter's attendance. One (1) copy of each transcript prepared shall be made available to the Township at no cost to the Township.~~
- ~~4. Notwithstanding any other provision of this chapter, a waiver of not more than fifty (50%) percent of all municipal subdivision and site plan application fees may be granted by the approving municipal agency for all housing units being provided by the applicant for low- and moderate-income families.~~

1. For a certified list of property owners: one-hundred (\$100.00) dollars

2. For a copy of transcript prepared by others: one-hundred (\$100.00) dollars plus cost of transcript.

3. The fee for a copy of minutes or decisions shall be based on the Township Clerk's fee for requesting general public documents.

4. Capital project review or hearing by government entity: five-hundred (\$500.00) dollars.

5. Request for Rezoning: five-hundred (\$500.00) dollars.

6. Mixed uses. For an application involving more than one use, or a mixed-use application, the fee shall be calculated as the cumulative fee for each component of the development based on the above Preliminary and Final Major Site Plan fees for residential and non-residential development, plus any Subdivision, Variance or other fees that are applicable.

h. Total Application Fee.

The sum of all Subdivision, Site Plan, Variance and other fees required by this subchapter shall be calculated to determine a "Total Original Application Fee."

i. Resubmissions.

1. After an initial plan submission, each subsequent plan submission to the Township Planning/Zoning Department or Administrative Officer shall be considered a plan resubmission. Resubmissions shall include any submission of revised plans before, during, or after the technical review, public hearing, or resolution compliance period, or any time thereafter to satisfy conditions of approval or modify a proposed or approved plan. This resubmission fee shall apply to all development applications.

2. When submitting a revised plan resubmission, all applicants shall be required to pay a "Resubmission Application Fee" of fifty percent (50%) of the Total Original Application Fee per each resubmission.

3. This resubmission fee shall be required for each resubmission of revised plans, regardless of how many times plans are resubmitted.
4. The “Resubmission Application Fee” shall apply to submission of all engineering and architectural plats and plans, but shall not be applicable to submission of revised reports, typewritten documents, response letters, memorandum, or outside agency permits and approvals. When multiple engineering and architectural plats or plans, including any supporting documents, are submitted together in a single instance, this shall be considered one (1) resubmission.
5. The Administrative Officer shall reject and return any attempted resubmission of plans delivered without the sufficient Resubmission Application Fee, and shall direct the applicant to provide the applicable fee to process any plan resubmission.
6. The Administrative Officer shall maintain and provide to the Technical Review Committee and reviewing board a record of all resubmission fees calculated and collected for each application. This shall be provided at every meeting of the committee or Board.

j. Non-payment.

1. Filing of an Application for Development shall inherently include an agreement to pay all application fees and resubmission application fees associated with that application. If an applicant or property owner or fails to pay any outstanding fees, regardless of the Board's determination, the Township may place a lien on the associated property in an amount equal to the outstanding fee in compliance with all applicable Township ordinances and State law. Additionally, each applicant shall agree, in writing, to pay all reasonable costs for the municipal inspection of the constructed improvement. All costs for the application and review of any Application for Development shall be paid in full before any construction permit is issued. Any remaining costs created during the construction process shall be paid in full before any temporary or full certificate of occupancy is issued.

k. Miscellaneous Provisions.

1. Notwithstanding any other provision of this chapter, a waiver of not more than twenty five (25%) percent of all municipal subdivision and site plan application fees may be granted by the approving municipal agency for a 100% affordable housing development for low-and/or moderate-income families.

SECTION II

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF THE TOWNSHIP OF EDISON**

ORDINANCE NO. 2160-2022

**AN ORDINANCE BY THE Mayor and Council AMENDING THE Township of Edison
CODE OF ORDINANCES TO REPEAL Chapter 33 Flood Damage Prevention and
Protection; TO ADOPT A NEW Chapter 33: Floodplain Management regulations;
TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN
ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **the Township of Edison** 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 **Township of Edison** was accepted for participation in the National Flood Insurance Program on **August 16, 1982** and the **Mayor and Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

WHEREAS, the **Township of Edison** 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 **Township of Edison** 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 **Township of Edison** 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 Township of Edison** 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): **Ord. No. O.1739-2010/Chapter 33**

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Township of Edison** administer and enforce the State building codes, the **Mayor and Council of the Township of Edison** does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and

construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of 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.

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

101.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The **Township of Edison** was accepted for participation in the National Flood Insurance Program on August 16, 1982.

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 **Township's Engineer's Office, 100 Municipal Boulevard, Edison, New Jersey 08817.**

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, Middlesex County, New Jersey (All Jurisdictions) effective date July 6, 2010 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is July 6, 2010 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34023C0032	7/6/2010	F	34023C0053	7/6/2010	F
34023C0034	7/6/2010	F	34023C0054	7/6/2010	F
34023C0039	7/6/2010	F	34023C0061	7/6/2010	F
34023C0041	7/6/2010	F	34023C0062	7/6/2010	F

34023C0042	7/6/2010	F	34023C0063	7/6/2010	F
34023C0043	7/6/2010	F	34023C0064	7/6/2010	F
34023C0044	7/6/2010	F	34023C0131	7/6/2010	F
34023C0051	7/6/2010	F	34023C0132	7/6/2010	F
34023C0052	7/6/2010	F	34023C0151	7/6/2010	F
			34023C0152	7/6/2010	F

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

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34023C0063G	1/31/2014	34023C0132G	1/31/2014
34023C0064G	1/31/2014	34023C0151G	1/31/2014
34023C0131G	1/31/2014	34023C0152G	1/31/2014

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

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Trib to Mill Bk	C0000005	1
Bound Bk	C0000031	BD-6

S River	D0000005	SO-1
Raritan Rv	D0000019	R-5
Raritan Rv	D0000020	R-4
Raritan Rv	D0000021	R-3
Raritan Rv	D0000022	R-2
Lawrence Bk	D0000038	L-1

102.3 Establishing the Local Design Flood Elevation (LDFE).

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

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

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

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Floodplain Administrator Designation. The **Township Engineer** is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate

performance of certain duties to other employees.

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

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

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

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

seek variances in accordance with Section 107 of these regulations.

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

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

(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, 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. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- (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 when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

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

SECTION 104 PERMITS

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

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

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

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

104.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for

a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

104.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

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

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

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

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

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

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

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

SECTION 107 VARIANCES

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

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

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

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

SECTION 108 VIOLATIONS

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

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

108.3 Unlawful continuance. Any person who shall continue any work after having

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine 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.

SECTION 201 DEFINITIONS

201.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

201.2 Definitions

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

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

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

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

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

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

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

pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other 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.

COASTAL A ZONE – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

COASTAL HIGH HAZARD AREA – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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.

DEEP FOUNDATIONS – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The 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 an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an

effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

LIMIT OF MODERATE WAVE ACTION (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

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.

LOWEST HORIZONTAL STRUCTURAL MEMBER - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

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 Property Appraiser, or (3) established by a qualified independent appraiser.

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

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

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

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A

recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

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

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

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

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

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

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage

of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term also includes structures which have incurred “repetitive loss” or “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 official 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.

V ZONE CERTIFICATE - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

V 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 in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

- (1) All such proposals are consistent with the need to minimize flood damage.

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

401.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal A Zones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.
- (3) Basements or enclosures that are below grade on all sides are prohibited.
- (4) The use of fill for structural support of buildings is prohibited.

401.3 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C.

5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

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

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

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

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

401.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 105.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 801.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

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

SECTION 501 MANUFACTURED HOMES

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

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

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322

of the Residential Code.

501.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a

regulated floodway;

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

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:

1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
- iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

2) Construction and Elevation in V Zones and Coastal A Zones.

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all

electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

- c. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 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 4 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.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall 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:
 - i. 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.
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
 - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
 - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements

in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

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

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

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

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

801.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones.

In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and
- (3) On-site filled or mound sewage systems.

801.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

1001.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and

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

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

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

[Jurisdiction to add signature blocks.]

RESOLUTION R.604-092022

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 21, 2022.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through, September 21, 2022.

FUND	AMOUNT
Current	\$5,619,499.04
Affordable Housing	0.00
Capital	160,858.82
Cash Performance	34,323.31
CDBG	2,594.00
Developers Escrow	24,453.34
Dog (Animal Control)	81.00
Federal Forfeited	832.65
Grant Funds	0.00
Law Enforcement	19,713.15
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	450,838.95
Sanitation Fund	187,616.94
Self Insurance	0.00
Sewer Utility	195,711.96
Street Opening	0.00
Tax Sale Redemption	511,974.96
Tree Fund	0.00
Tree Planting	13,442.30
Trust	48,240.54
Edison Water Utility	763,455.71
Edison Landfill Closure Trust	0.00
TOTAL	\$8,033,636.67

/s/ Nicholas C. Fargo
Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the above-referenced disbursements report is hereby approved.

RESOLUTION R.605-092022

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

WHEREAS, the Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$39,919.28**.

RESOLUTION R.606-092022

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments, and

WHEREAS, applications have been made to the Tax Collector for refunds of the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$152,673.00.**

RESOLUTION R.607-092022

Authorizing Cancellation & Refund of Taxes for Exempted Disabled Veteran on 66 WESTERVELT AVE

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, Attached listing includes veterans who have been determined to have suffered a 100% service-related disability, with the determination of said disability being retroactive to the indicated effective date; and their respective owned properties, identified with their block, lot and qualifier, were already billed for indicated tax year; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of a municipality may cancel by resolution taxes due on a property which would have been exempt had the claim been made at the time they were due; and

WHEREAS, as permitted by N.J.S.A. 54:4-3.32, Township Code Section 5-7(d) also authorizes the return of property taxes for the current year and prior year but not greater than for a twenty-four (24) month period in the aggregate, or, should the Veteran's Administration determine that a veteran's disability date is greater than twenty-four (24) months from the date the applicant submits his/her application with the Tax Assessor's office, the Township will only be obligated to return taxes for a period of no greater than twenty-four (24) months from receipt of a completed application to the Tax Assessor; and

WHEREAS, pursuant to Township Code Section 5-7(d) the listed applicants are also due a refund of property taxes paid from the effective date of the determination; and the Tax Collector has reviewed the applications, approvals and taxes paid and recommends that the listed applicants are entitled to receive refund of paid taxes in the amount indicated on the attached list.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Edison that property taxes due and assessed as specified on the attached list be cancelled for the indicated quarters, tax years and amounts, and also refunded for the municipal property taxes already paid from the effective date; and

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted disabled parties for the taxes already paid during the applicable exemption periods set forth and for the amount specified in the attached list totaling **\$1,867.49**.

RESOLUTION R.608-092022

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBORDINATION AGREEMENT BETWEEN THE TOWNSHIP OF EDISON AND METUCHEN CATHOLIC CHARITIES SENIOR DEVELOPMENT URBAN RENEWAL, L.P.

WHEREAS, Metuchen Catholic Charities Senior Development Urban Renewal, L.P. (hereinafter referred to as the “Developer”) is the owner of a 42-unit affordable residential development located at 635 Amboy Avenue, Block No. 748, Lot No. 36, in the Township of Edison (hereinafter referred to as the “Property”); and

WHEREAS, the Property is subject to a an affordable housing deed restriction on resale and refinancing dated October 23, 2019 between the Township and Developer; and

WHEREAS, the Developer now seeks to refinance the Project through a mortgage loan issued by CPC Mortgage Company, LLC (hereinafter referred to as the “Lender”) which has required that the Developer enter into an Agreement with the Township recognizing the subordination of the existing Developer’s Agreement to the Lender’s mortgage loan; and

WHEREAS, the Township Attorney has reviewed the attached Subordination Agreement; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Subordination Agreement in a form substantially similar to the attached Subordination Agreement, subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison as follows:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Township Clerk be and are hereby authorized to execute the Subordination Agreement in a form substantially similar to the attached Agreement subject to the review and approval of the Township Attorney.

RESOLUTION R.609-092022

**RESOLUTION AWARDING PAYMENT TO VARIOUS NON-PROFIT ORGANIZATIONS FOR
LEAGUE RECREATIONAL SERVICES FUNDING SPORTS**

WHEREAS, there exists an ordinance for the Township of Edison to provide for League Recreational Services Funding for sports activities sponsored by certain nonprofit sports organizations; and

WHEREAS, funds in the amount of \$256,200.50 have been certified to be available in the Recreation Other Professional Services Account Number 2-01-28-0370-000-028; and

WHEREAS, the below listed nonprofit sports organizations will be eligible for the amounts specified as their annual allotment, after complying with all requirements listed in the contracts between the Leagues and the Township of Edison:

Buddy Ball of Edison	\$ 5,659.50
Edison Angels Softball	\$20,880.00
Edison Boys Baseball	\$49,846.00
Edison Jets Football	\$10,565.00
Edison Midtown Softball	\$21,282.00
Edison United Soccer Association	\$52,000.00
Edison Youth Basketball	\$17,834.00
Falcon's Jr. Cricket Club	\$ 9,000.00
Fords/Clara Barton Little League	\$ 3,888.00
Little Eagles Wrestling	\$ 4,000.00
No. Edison Athletic Association-Shamrocks	\$ 9,720.00
No. Edison Baseball & Softball Asso.	\$48,526.00
No. Edison Rec Wrestling Club	\$ 3,000.00

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that authorization be given, to release said funds to these nonprofit sports organizations.

CERTIFICATION

I hereby certify that funds in the amount of \$256,200.50 are available for the above payment in Account 2-01-28-0370-000-028.

RESOLUTION R. 610-092022

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
KATHLEEN ROE FOR THE ABC PROGRAM**

WHEREAS Kathleen Roe made payment in the amount of \$140.00 for her child Michael Roe's participation in the ABC Program at Lincoln Elementary School for the month of October 2022; and

WHEREAS the child was removed from the ABC Program prior to attending in October; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$140.00 to Kathleen Roe, 33 Parkerson Rd., Edison, NJ, 08817, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$140.00 are available in Account #2-01-55-0291-000-000.

RESOLUTION R.611-092022

EXPLANATION: This resolution provides for refund to Bill Leary 6 Green Street Metuchen N.J. 08840 for senior Bernard Eskin 33 Brookville Rd, Edison NJ 08817

WHEREAS, on July 21, 2022 a Construction Permit # 2022-2823 check #1849 Was posted in the total amount of \$264.00 by Bill Leary HVAC, 6 Green St. Metuchen, 08840

WHEREAS, the application was submitted for a replacement of furnace & AC. The home owner is a Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2022-2823, in the amount of \$264.00, less \$24.00 DCA fee for total refund to Bill Leary HVAC 6 GREEN ST.. METUCHEN, NJ 08840

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$240.00 on construction permit fees posted by Bill Leary For 33 Brookville, Edison N.J.08817

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$240.00 from the Refund of Revenue Fund to Bill Leary, 6 Green St. Metuchen, NJ 08840

RESOLUTION R.612-092022

RESOLUTION TO RELEASE STREET OPENING ESCROW

WHEREAS, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000699, to the following:

Permit Number: DEV-22-0517

Opening Location: 63 EARDLEY RD

Block/Lot: 82.D/5

Applicant's Name & Address:

**PROGRESSIVE RENOVATION
168 CANAL ST
PATERSON NJ 07503**

Initial Deposit Date: 08/05/2022

Deposit Amount: \$ 200.00

Paid by & refunded to:

**PROGRESSIVE RENOVATION
168 CANAL ST
PATERSON NJ 07503**

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

RESOLUTION R.613-092022

RESOLUTION TO RELEASE STREET OPENING ESCROW

WHEREAS, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000705, to the following:

Permit Number: DEV-20-0534

Opening Location: 16 LAFAYETTE AVE

Block/Lot: 694.G/12

Applicant's Name & Address:

**MATTHEW EICHER
16 LAFAYETTE AVE
EDISON NJ 08837**

Initial Deposit Date: 08/30/2022

Deposit Amount: \$ 200.00

Paid by & refunded to:

**MATTHEW EICHER
16 LAFAYETTE AVE
EDISON NJ 08837**

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

RESOLUTION R.614-092022

**RESOLUTION OF THE TOWNSHIP OF EDISON,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE ISSUANCE OF A HOTEL EXCEPTION LICENSE
TO AIC EDISON, LLC t/a QUALITY INN EDISON**

WHEREAS, AIC EDISON, LLC t/a Quality Inn Edison (hereinafter "Licensee"), was awarded a new Hotel Exception License by Resolution R.494-072022 and

WHEREAS, the Licensee has a facility containing 100 or more sleeping rooms (a total of 111 rooms); and

WHEREAS, the Licensee has complied with state law and Township ordinance, and has submitted the proper application and license fees; and

WHEREAS, it is the desire of the governing body of the Township of Edison to issue a Hotel Exception License to **AIC EDISON, LLC t/a Quality Inn Edison**, using the Historical Method as defined by the Division of Alcoholic Beverage Control.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. That a Hotel Exception License be issued to AIC Edison, LLC t/a Quality Inn Edison, located at 21 Cortland Street , Edison, New Jersey, for the term of September 28, 2022 to June 30, 2023.
2. That this license is issued as a hotel exception for a facility with 100 or more sleeping rooms, and must be used in connection with a hotel or motel.
3. That a certified copy of this resolution shall be forwarded by the Township Clerk to **AIC EDISON, LLC t/a Quality Inn Edison.**

RESOLUTION R. 615-092022

Explanation: A Resolution authorizing the sale of one (1) Plenary Retail Consumption Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A. 33:1-19.1

WHEREAS, there are presently thirty-three (33) plenary retail consumption licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.14, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 3,000 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 107,000 people and may issue a new plenary retail consumption license; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to issue one (1) new plenary retail consumption license and to sell same at public sale, pursuant to the authority granted under State law and Chapter VI, Section 6-3.4 of the Township Code of Ordinances (“Code”); and

WHEREAS, the Municipal Council has determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, as follows:

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail consumption license for the sale of alcoholic beverages, in accordance with the procedures set forth at N.J.S.A. 33:1-19 *et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than **Wednesday, November 9, 2022 at 1:00 p.m.** All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to **Wednesday, November 9, 2022 at 1:00 p.m.**
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 *et seq.* (“ABC Act”), the regulations promulgated thereunder at N.J.A.C. 13:2-1.1 *et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 30 days of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.
6. The minimum bid price for the new retail consumption license shall be \$750,000.00.
7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and

requirements and knows of no reason why he or she would be disqualified from having an interest in a retail consumption license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on **Wednesday, November 9, 2022 shortly after 1:00 p.m.**, being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on **Wednesday, November 16, 2022 at 1:00 p.m.**) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.

8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.

9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.

10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.

11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.

12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.

13. The sale may be postponed or canceled at any time prior to the opening of the bids on **Wednesday, November 16, 2022 at 1:00 p.m.**

RESOLUTION R.616-092022

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
East Brunswick Education Foundation for a Raffle Permit**

WHEREAS, East Brunswick Education Foundation made payment in the amount of \$100.00 for Raffle License #5572-2022.

WHEREAS, East Brunswick Education is no longer hosting the raffle in Edison and is requesting a refund for the permit.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$100.00 to East Brunswick Education Foundation, 760 Route 18, East Brunswick, NJ 08816 this amount represents the refund for a Raffle License.

RESOLUTION R.617-0920212

EXPLANATION: A resolution referring the amended “Beauty Rest Motel Redevelopment Plan” (520 U.S. Route 1 aka Block 252, Lot 24.A and Block 254, Lot 19), to the Planning Board, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the Municipal council (the “**Township Council**”) of the Township of Edison (the “**Township**”), by way of Resolution R.519-072016, adopted July 27, 2016, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as 520 U.S. Route 1, and more commonly known as Block 252, Lot 24.A and Block 254, Lot 19 on the Township's tax maps (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on September 19, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on September 28, 2016, the Township Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 252, Lot 24.A and Block 254, Lot 19 (also known as 520 U.S. Route 1) as an "area in need of redevelopment" (“**Redevelopment Area**”) in accordance with the Redevelopment Law; and

WHEREAS, on February 22, 2017, pursuant to *N.J.S.A. 40A:12A-7f*, the Planning Board prepared a redevelopment plan entitled “Beauty Rest Motel Redevelopment Plan” (the “**Redevelopment Plan**”), held a hearing regarding same, and ultimately referred the Redevelopment Plan to the Township Council for adoption; and

WHEREAS, on April 12, 2017, upon review of the Planning Board’s referral of the Redevelopment Plan, the Township Council adopted the Redevelopment Plan to ensure the success of redevelopment within the Redevelopment Area in conformity with the Township’s redevelopment objectives; and

WHEREAS, the Township has determined a need to amend the Redevelopment Plan to include a Self-Storage Facility with Parking as a permitted use; and

WHEREAS, in order to permit a Self-Storage Facility with Parking as a permissible use, the Township Council has prepared proposed amendments to the Redevelopment Plan, entitled “Amended Permitted Uses and Bulk Standards of the Beauty Rest Motel Redevelopment District” – Block 252, Lot 24.A and Block 254, Lot 19, (the “**Amended Redevelopment Plan**”); and

WHEREAS, the Township Council desires to refer the Amended Redevelopment Plan, a copy of which is attached hereto as Exhibit A, to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Township Council hereby refers the Amended Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Amended Redevelopment Plan and submit same to the Municipal

Council within forty-five (45) days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Amended Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

RESOLUTION R.618-092022

**RESOLUTION EXTENDING CONTRACT FOR EMERGENCY MEDICAL SERVICES TO HMM
HOSPITALS DBA JFK MEDICAL CENTER**

WHEREAS, the Township of Edison is in need of emergency medical services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 et seq, the Township authorized the use of competitive contracting for Emergency Medical Service; and

WHEREAS, on May 26, 2017 the Township issued Requests for Proposals for Basic Life Support Services, Emergency Medical and Emergency Transportation services (Bid 17-03-06); and

WHEREAS, the Township of Edison awarded Emergency Medical Services to JFK Medical Center by Resolution No. R. 402-062017 at a regular meeting of the Township of Edison (the "Township") held on June 28, 2017; and

WHEREAS, pursuant to the terms of the Agreement, the contract expired on July 31, 2022; and

WHEREAS, as it is necessary for the Township to continue the emergency medical services, Resolution R.445-072022 extended the agreement until October 31, 2022 while the Township was in the process of rebidding; and

WHEREAS, bids for this service are scheduled to be opened October 6, 2022 so it is necessary to extend the contract further - an additional three months – not to exceed January 31, 2023 until a new contract is in effect; and

WHEREAS, HMM HOSPITALS DBA JFK Medical Center has agreed to extend the Agreement for an additional three months at the same costs and rates established in the Agreement and 2017 RFP; and

WHEREAS, the Township would like to extend their contract with JFK Medical Center for Emergency Medical Services to a date until a new contract is in place - not to exceed January 31, 2023;

NOW THEREFORE IT IS RESOLVED by the Municipal Council of the Township Edison, County of Middlesex, State of New Jersey as follows:

1. An additional three month contract extension is hereby authorized to HMM Hospitals DBA JFK Medical Center to continue Emergency Medical Services at the same costs and rates as established in the August 1, 2017 Agreement and 2017 RFP.
2. The Mayor or his designee is hereby authorized to execute the contract extension for the services and any other documents with HMM Hospitals DBA JFK Medical Center relative to the services.
3. This resolution shall take effect immediately.

RESOLUTION R.619-092022

**RESOLUTION AUTHORIZING MUNICIPAL SUPPORT AND PREFERENCE FOR JHAK RETAIL LLC
TO RECEIVE A CLASS 5 CANNABIS RETAIL LICENSE FROM THE NEW JERSEY CANNABIS
REGULATORY COMMISSION TO OPERATE WITHIN THE TOWNSHIP OF EDISON**

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16 known as the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (hereinafter referred to as “CREAMMA”); and

WHEREAS, CREAMMA establishes six (6) marketplace classes of licensed cannabis businesses, specifically including a Class 5 Cannabis Retailer License for locations at which cannabis items and related supplies are sold to consumers; and

WHEREAS, Section 31a of CREAMMA authorizes municipalities to adopt by ordinance the number of each class of cannabis licenses that will be available in a municipality; and

WHEREAS, on August 19, 2021 the Township of Edison’s (hereinafter referred to as “Township”) Municipal Council adopted Ordinance No. 2112-2021 which established that all Class of Cannabis Licenses would be permitted in the area southeast of Woodbridge Avenue between Amboy Avenue and Mill Road; and

WHEREAS, cannabis licenses are prohibited in any part of the above-described zone that is zoned for any class of residential use or within 1000 feet of any area zoned for any class of residential uses and as other restricted by Ordinance No. 2112-2021; and

WHEREAS, Ordinance No. 2112-2021 further established that there is a three (3) license limit imposed by the Township on Class 5 Cannabis Retail licenses that are permitted to be issued; and

WHEREAS, as part of JHAK Retail LLC’s application of a cannabis license to the New Jersey Cannabis Regulatory Commission (hereinafter referred to as “CRC”) a proof of local support must be enclosed, pursuant to *N.J.A.C. 17:30-7.10(b)(9)*; and

WHEREAS, pursuant to *N.J.A.C 17:30-6.3(a)*, in addition to a Resolution of support, the Township is authorized to express preference to the CRC; and

WHEREAS, the Township recognizes that the ultimate decision to approve any new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested to the discretion of the CRC; and

WHEREAS, the issuance of a license to the licensee would not exceed an limit on the number of licensed cannabis businesses in the Township at the present time.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of Edison, in the County of Middlesex, State of New Jersey, as follows:

1. The above recitals are hereby incorporated as if restated herein in full.
2. The issuance of a Class 5 Cannabis Retailer License to JHAK Retail, LLC would not exceed any limit on the number of Class 5 Cannabis Retailer Licenses granted by the Township at this current time.
3. JHAK Retail, LLC has identified that it intends to locate its proposed Class 5 Retail Cannabis License at 2880 Woodbridge Avenue which is located in a preferred zone where such uses are permitted under the Ordinance.

4. The Mayor and Township Council find and determine that JHAK Retail, LLC has presented the Township with sufficient evidence that if it is granted a Class 5 Cannabis Retailer License, it will have control of a lawful site within the Township's approved zone.
5. This Resolution of Support pursuant to *N.J.A.C. 17:30-7.10(b)(9)* is specifically subject to and conditioned upon the applicant filing an application with the Township in accordance with applicable ordinances, including payment of the \$2,500.00 application fee.
6. By way of this Resolution, the Township Council expresses preference to the New Jersey Cannabis Regulatory Commission of JHAK Retail LLC's application in accordance with *N.J.A.C 17:30-6.3(a)*.
7. Nothing in this Resolution shall preclude the Mayor and Township Council from issuing additional resolutions of municipal support to other applicants, to the extent that may be permissible under the regulations promulgated by the Cannabis Regulatory Commission.
8. The Mayor and Township Council believe that the Township will benefit from the location of a cannabis retail facility within the Township's boundaries, subject to compliance with all applicable ordinances, permits, and approvals.
9. In the event that the Cannabis Regulatory Commission issues JHAK Retail, LLC a license to operate as a retail facility pursuant to CREAMMA this Resolution should be viewed by the State as support of JHAK Retail, LLC's application, and an indication that the intended location is appropriately located or otherwise suitable for the activities related to the retail sale of cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.
10. A certified copy of this Resolution shall be provided to the appropriate representatives of JHAK Retail, LLC.
11. This resolution shall take effect immediately.

RESOLUTION R.620-092022

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO RICH TREE SERVICE FOR THE
REMOVAL OF DEAD AND HAZERDOUS TREES FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there is a need for the removal of dead and hazardous trees for the Township of Edison; and

WHEREAS, RICH TREE SERVICE, 333 Bergen St., South Plainfield, NJ 07080 has been awarded State Contract Number 18-DPP-00645 under T0465/Tree Trimming, Pruning, and Removal Services; and

WHEREAS, the total amount for the removal of the hazardous trees is \$31,976.80; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, funds in the amount of \$31,976.80 have been certified to be available in the Parks and Trees Other Contractual Items Account, Number 2-01-28-0375-000-029; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$31,976.80 and any other necessary documents, with RICH TREE SERVICE, 333 Bergen St., South Plainfield, NJ 07080 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract Number 18-DPP-00645 under T0465.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$31,976.80** are available for the above in Account No. **2-01-28-0375-000-029**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.621-092022

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE FOUR (4) NEW AND UNUSED FISCHER SALTER/SPREADERS AND FISCHER PARTS THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey hereinafter referred to as the “Lead Agency” has offered voluntary participation in a cooperative pricing system for the purchase of goods and services; and

WHEREAS, CLIFFSIDE BODY CORPORATION, 130 Broad Ave, Fairview, NJ 07022 has been awarded Contract # ESCNJ 20/21-55 Class 4 – 8 Trucks under NJ state approved coop #65MCECCPS; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with CLIFFSIDE BODY CORPORATION, for the purchase of four (4) new and unused Fischer Salter/Spreaders and Fischer Parts under this contract; and

WHEREAS, the total amount of this contract shall not to exceed \$50,000.00 (\$32,902.00 for the salters/spreaders and an additional \$17,098.00 as may be needed for parts); and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$50,000.00, and any other necessary documents, with CLIFFSIDE BODY CORPORATION, the approved Educational Services Commission of New Jersey vendor through this resolution, which shall be subject to all the conditions applicable to the current Educational Services Commission of New Jersey cooperative pricing system contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

RESOLUTION R.622-092022

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CONSOLIDATED STEEL & ALUMINUM FENCE CO., INC. FOR THE PURCHASE AND INSTALLATION OF FENCING AT VARIOUS LOCATIONS THROUGHOUT THE TOWNSHIP

WHEREAS, there is a need for the purchase and installation of fencing at various locations throughout the Township; and

WHEREAS, CONSOLIDATED STEEL & ALUMINUM FENCE CO., INC., 316 North 12th St., P.O. Box 643, Kenilworth, NJ 07033, has been awarded State Contract Number 88680 under T-0640/Fence: Chain Link, Rock Fall, Wooden, Vinyl and Ornamental (Install & Replace); and

WHEREAS, the total amount of this contract is \$544,256.79, broken down as follows:

- Swales Park Back Stop \$42,588.00;
- Swales Park Base Line Fencing \$12,852.00;
- Oak Tree Tennis Courts \$138,995.25;
- Central Ave. Tennis \$81,977.70;
- Central Ave. Basketball \$12,880.10;
- Mid-Town Baseball \$21,483.00;
- Paterniti Tennis \$62,481.50;
- Gloria Street \$6,809.60;
- Recycling Area (Town Hall) \$26,493.24;
- Truman Garage \$132,386.40;
- Meadow Road \$5,310.00; and

WHEREAS, funds in the amount of \$55,440.00 have been certified to be available in the Improvements to Various Parks Capital Account, Number C-04-20-2089-104-004, funds in the amount of \$324,627.15 have been certified to be available in the Upgrade Lighting, Courts, and Fields Capital Account, Number C-04-16-1948-101-000, funds in the amount of \$46,781.65 have been certified to be available in the MCIA Recycling Grant Account, Number G-02-18-0290-789-000, funds in the amount of \$19,545.59 have been certified to be available in the Solid Waste Recycling Tonnage Grant Account, Number G-02-19-0290-787-000, funds in the amount of \$97,982.40 have been certified to be available in the Solid Waste Recycling Tonnage Grant Account, Number G-02-20-0290-787-000; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

3. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of \$544,256.79, and any other necessary documents, with CONSOLIDATED STEEL & ALUMINUM FENCE CO., INC., for the purchase and installation of fencing at Swales Park as described herein.
4. This contract is authorized pursuant to the authority set forth in N.J.S.A 40A:11-12 of the Local Public Contracts Law, and State Contract, No. A88680/T-0640.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of funds in the amount of **\$55,440.00** have been certified to be available in the Improvements to Various Parks Capital Account, Number **C-04-20-2089-104-004**, funds in the amount of **\$324,627.15** have been certified to be available in the Upgrade Lighting, Courts, and Fields Capital Account, Number **C-04-16-1948-101-000**, funds in the amount of **\$46,781.65** have been certified to be available in the MCIA Recycling

Grant Account, Number **G-02-18-0290-789-000**, funds in the amount of **\$19,545.59** have been certified to be available in the Solid Waste Recycling Tonnage Grant Account, Number **G-02-19-0290-787-000**, funds in the amount of **\$97,982.40** have been certified to be available in the Solid Waste Recycling Tonnage Grant Account, Number **G-02-20-0290-787-000**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.623-092022

**RESOLUTION ACCEPTING BID AND AWARDED A CONTRACT TO AIR BRAKE AND EQUIPMENT
FOR AUTOMOTIVE PARTS & ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on June 30, 2022 for Public Bid No. 22-03-10 Automotive Parts and Accessories; and

WHEREAS, AIR BRAKE AND EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$15,000.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. All bids have been reviewed, and the bid submitted by AIR BRAKE AND EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205 for Automotive Parts and Accessories, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$15,000.00 for the first year and any succeeding renewal year and any other necessary documents, with AIR BRAKE AND EQUIPMENT as described herein.

RESOLUTION R.624-092022

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO FREEHOLD FORD FOR
AUTOMOTIVE PARTS & ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on June 30, 2022 for Public Bid No. 22-03-10 Automotive Parts and Accessories; and

WHEREAS, FREEHOLD FORD INC., 3572 US Route 9, Freehold, NJ 07728 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$145,000.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. All bids have been reviewed, and the bid submitted by FREEHOLD FORD INC., 3572 US Route 9, Freehold, NJ 07728 for Automotive Parts and Accessories, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$145,000.00 for the first year and any succeeding renewal year and any other necessary documents, with FREEHOLD FORD INC. as described herein.

RESOLUTION R.625-092022

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO GENUINE PARTS COMPANY
FOR AUTOMOTIVE PARTS & ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on June 30, 2022 for Public Bid No. 22-03-10 Automotive Parts and Accessories; and

WHEREAS, GENUINE PARTS COMPANY, 1770 New Durham Rd., So. Plainfield, NJ 07080 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$235,000.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. All bids have been reviewed, and the bid submitted by GENUINE PARTS COMPANY, 1770 New Durham Rd., So. Plainfield, NJ 07080 for Automotive Parts and Accessories, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$235,000.00 for the first year and any succeeding renewal year and any other necessary documents, with GENUINE PARTS COMPANY as described herein.

RESOLUTION R.626-092022

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO PARTS AUTHORITY, LLC
FOR AUTOMOTIVE PARTS & ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on June 30, 2022 for Public Bid No. 22-03-10 Automotive Parts and Accessories; and

WHEREAS, PARTS AUTHORITY, LLC, 3 Dakota Dr., Suite 110, New Hyde Park, NY 11042 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$102,500.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. All bids have been reviewed, and the bid submitted by PARTS AUTHORITY, LLC, 3 Dakota Dr., Suite 110, New Hyde Park, NY 11042 for Automotive Parts and Accessories, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$102,500.00 for the first year and any succeeding renewal year and any other necessary documents, with PARTS AUTHORITY, LLC as described herein.

RESOLUTION R.627-092022

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO FINGERS RADIATOR HOSPITAL, INC. FOR AUTOMOTIVE PARTS & ACCESSORIES

WHEREAS, bids were received by the Township of Edison on June 30, 2022 for Public Bid No. 22-03-10 Automotive Parts and Accessories; and

WHEREAS, FINGERS RADIATOR HOSPITAL, INC., 2006 Route 1 North, North Brunswick, NJ 08902 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$5,000.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. All bids have been reviewed, and the bid submitted by FINGERS RADIATOR HOSPITAL, INC., 2006 Route 1 North, North Brunswick, NJ 08902 for Automotive Parts and Accessories, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$5,000.00 for the first year and any succeeding renewal year and any other necessary documents, with FINGERS RADIATOR HOSPITAL, INC. as described herein.

RESOLUTION R.628-092022

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO
ECONOCRAFTS FOR THE PURCHASE OF PRE-PACKAGED CRAFT KITS FOR THE TOWNSHIP OF
EDISON**

WHEREAS, the Township of Edison, Department of Recreation, needs to purchase pre-packaged craft kits for the Township for use in their programs throughout the year; and

WHEREAS, neither the Township contracted vendors nor other vendors contacted could supply these items; and

WHEREAS, the Township plans to purchase these items from ECONOCRAFTS, 29 Riverside Ave, Bldg 2, Newark, NJ 07104 pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the total amount of this contract/Purchase Order(s) in the amount not to exceed \$30,000.00 cannot be encumbered at this time; and

WHEREAS, this amount exceeds \$17,500.00 and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, prior to entering into a contract, ECONOCRAFTS, will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit ECONOCRAFTS from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. The Mayor or his designee is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, with ECONOCRAFTS, in the amount not to exceed \$30,000.00 for the purchase of pre-packaged craft kits as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.629-092022

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
VIJAY HINGORANI FOR SUMMER TRIPS**

WHEREAS, Vijay Hingorani made payments for his child Siddharth Hingorani to attend multiple 2022 summer playground trips;

WHEREAS, Siddharth Hingorani was injured and could no longer participate in the summer playground program;

WHEREAS, Vijay Hingorani made payment prior to Siddharth Hingorani attending multiple trips.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$220.00 to Vijay Hingorani, 9 Denise Dr., Edison, NJ 08820, which amount represents the cost of multiple summer playground trips.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$220.00 are available in Account #2-01-55-0291-000-000.

RESOLUTION R.630-092022

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO AXON ENTERPRISE, INC. TO ADD
THE AUTOMATED LICENSE PLATE READER FUNCTION TO THE IN CAR CAMERAS
FOR THE DIVISION OF POLICE**

WHEREAS, the Township of Edison currently has in-car cameras through AXON ENTERPRISE; and

WHEREAS, AXON ENTERPRISE, INC. offers as a function of the equipment we currently have, automated license plate reader technology; and

WHEREAS, the cost associated with this function is for data storage only in the amount of \$33,163.20 per year; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, AXON ENTERPRISE, INC., 17800 N 85TH Street, Scottsdale, AZ 85255, has been awarded State Contract Number 17-FLEET-00738 under T0106 Law Enforcement Firearms Equipment and Supplies for this purchase; and

WHEREAS, the initial contract period shall be two (2) years with one (1) year renewal at the sole option of the Township; and

WHEREAS, for the years 2022 and 2023, funds in the amount of \$66,326.40 are available for the above in the Federal Forfeited Property account, T-13-00-000-000-008; and

WHEREAS, Year 3, of the contract shall not exceed \$33,163.20 and is subject to and contingent upon appropriation of sufficient funds in the subsequent year temporary and/or permanent budgets; and

WHEREAS, the total amount of the purchase shall be \$99,489.60; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

3. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents with AXON ENTERPRISE, INC., 17800 N 85TH Street, Scottsdale, AZ 85255, in the amount of \$66,326.40 for the first two years and \$33,163.20 for year 3, subject to and contingent upon appropriation of sufficient funds in the subsequent years temporary and/or permanent budget as set forth above.
4. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, number 17-FLEET-00738/T0106.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$66,326.40** are available for the above in Account No. **T-13-00-000-000-008** and funds in the amount of **\$33,163.20** are subject to and contingent upon appropriation of sufficient funds in the subsequent years temporary and/or permanent budget as set forth above.

Nicholas C. Fargo
Chief Financial Officer