

**REGULAR MEETING**  
**June 17, 2019**

**A REGULAR SCHEDULED COUNCIL MEETING** of the Mayor and Council of the Borough of Carlstadt was held in the Council Chambers of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Monday, June 17, 2019 at 6:01 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett and James Lenoy were present. Councilman Joseph Emerson arrived at 6:50 P.M. and Councilman William Roseman arrived at 7:10 P.M.

Mayor Lahullier led all present in the Pledge of Allegiance to the Flag.

Mayor Lahullier – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 5, 2019 and the Herald News on January 5, 2019 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Notification of the time change was published in The Record on Monday, June 10, 2019.

Mayor Lahullier said at this time he would like to change the regular order of business to make presentations of certificates to the recycling poster contest winners. On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier acknowledged all the people involved with the recycling program and thanked them for all the work they do. He also asked everyone to please follow the recycling calendar and if anyone has any questions to call the DPW for advice.

Mayor Lahullier called upon Mary Anderson, Recycling Committee member and Kenneth Foy, Principal of the Carlstadt Public School to read the names of the winners of the 2019 Recycling Poster Contest Awards.

<b>GRADE</b>	<b>PLACE</b>	<b>WINNER</b>	<b>GIFT CERTIFICATE</b>
<b>KINDERGARTEN</b>	<b>3<sup>RD</sup> PLACE</b>	<b>ZOE YOUMSHAKIAN</b>	<b>\$ 25.00</b>
	<b>2<sup>ND</sup> PLACE</b>	<b>NICHOLAS SIRADZE</b>	<b>50.00</b>
	<b>1<sup>ST</sup> PLACE</b>	<b>BRIANNA CARUSO</b>	<b>100.00</b>
<b>1<sup>ST</sup> GRADE</b>	<b>3<sup>RD</sup> PLACE</b>	<b>SEBASTIAN DELGADO</b>	<b>\$ 25.00</b>
	<b>2<sup>ND</sup> PLACE</b>	<b>ALESSIA YOSHIMOTO</b>	<b>50.00</b>
	<b>1<sup>ST</sup> PLACE</b>	<b>GEORGIA MURPHY</b>	<b>100.00</b>
<b>2<sup>ND</sup> GRADE</b>	<b>3<sup>RD</sup> PLACE</b>	<b>TSERING DOLKAR</b>	<b>\$ 25.00</b>

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	2 <sup>ND</sup> PLACE	BLAKE WOYCE	50.00
	1 <sup>ST</sup> PLACE	SALIH YIGITTURK	100.00
	1 <sup>ST</sup> PLACE	EVAN KRIETE	100.00
3 <sup>RD</sup> GRADE	3 <sup>RD</sup> PLACE	GIANNA SAAVEDRA	25.00
	2 <sup>ND</sup> PLACE	ALEX KIM	50.00
	1 <sup>ST</sup> PLACE	VALERIE BODZIONY	100.00
4 <sup>TH</sup> GRADE	3 <sup>RD</sup> PLACE	SAMARA DELISE	\$ 25.00
	2 <sup>ND</sup> PLACE	JOLIE MIKHAIL	50.00
	1 <sup>ST</sup> PLACE	LOGAN RENGIFO	100.00
5 <sup>TH</sup> G RADE	3 <sup>RD</sup> PLACE	GABRIELA LOPEZ	\$ 25.00
	2 <sup>ND</sup> PLACE	MIA SOTO	50.00
	1 <sup>ST</sup> PLACE	NATHAN BELLO	100.00
6 <sup>TH</sup> GRADE	3 <sup>RD</sup> PLACE	MELANIE ZEA	\$ 25.00
	3 <sup>RD</sup> PLACE	AUBREY PAUL	25.00
	2 <sup>ND</sup> PLACE	VANESSA FIGUERIA	50.00
	1 <sup>ST</sup> PLACE	JEANELLE TELLADO	100.00
7 <sup>TH</sup> GRADE	3 <sup>RD</sup> PLACE	MADISON KLEINMAN	\$ 25.00
	2 <sup>ND</sup> PLACE	DEMI DEMBINSKI	50.00
	1 <sup>ST</sup> PLACE	BROOKE EMERSON	100.00
8 <sup>TH</sup> GRADE	3 <sup>RD</sup> PLACE	TRINITY HANSEN	\$ 25.00
	2 <sup>ND</sup> PLACE	EMILY AMAYA	50.00
	1 <sup>ST</sup> PLACE	KEIRA TELLADO	100.00
OVERALL WINNER		VALERIE BODZIONY	\$100.00

Everyone was invited to go downstairs in the firehouse for refreshments.

**EXECUTIVE SESSION MEETING ACT  
RECESS INTO CLOSED SESSION**

**WHEREAS**, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: property.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: property.

**AND, BE IT FURTHER RESOLVED** that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

**AND, BE IT FURTHER RESOLVED** that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Lahullier entertained a motion to go into closed session at 6:26 P.M. On motion by Lenoy, seconded by Bartlett, unanimous on call of roll of those present.

The meeting went back into open session at 6:55 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett and Lenoy.

**READING OF MINUTES:**

Mayor Lahullier entertained a motion to accept the minutes of 5/16/19 Finance Meeting and 5/20/19 Council Meeting (Open and Closed Sessions). On motion by Zimmermann, seconded by Emerson, unanimous on call of roll of those present.

**CORRESPONDENCE:**

Claire Foy, Borough Clerk received a letter from the Carlstadt Ambulance Corps requesting to add Robert Fescue, Jr. to the per diem roster as of June 17, 2019.

Mayor Lahullier entertained a motion to add Robert Fescue, Jr. to the per diem list. On motion by Stoltz, seconded by Zimmermann, unanimous on call of roll of those present.

Also a letter was received from the Carlstadt Fire Department Board of Officers accepting the resignation of Brandon Lopez from Bergen Engine Company One.

Mayor Lahullier entertained a motion to accept the resignation of Brandon Lopez with regrets. On motion by Bartlett, seconded by Zimmermann, unanimous on call of roll of those present.

**REPORT OF THE MAYOR:**

He mentioned how great the School Picnic was and how well it was attended. He thanked the School Picnic committee for a job well done.

**SPECIAL REPORTS:**

The Construction Official's report was read for the month of May. This report will be filed.

The Borough Clerk's report was read for the month of May. This report will be filed.

The Tax Collector's report was read for the month of May. This report will be filed.

**STANDING COMMITTEES:**

**FINANCE** – Councilman Emerson said we have resolutions.

**CONSENT AGENDA**

**RESOLUTION NO. 2019-138**

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**BE IT RESOLVED** by the Mayor and Council that the proper Borough Officials are hereby authorized and directed to make the following disbursements.

Carlstadt Board of Education	\$ 1,028,212.90
Regional Board of Education	\$ 620,552.07

**RESOLUTION NO. 2019-139**

**BE IT RESOLVED** by the Mayor and Council that the following payments made by the Chief Financial Officer from Valley National Bank during the month of May 2019 be ratified:

<u>Date</u>	<u>Ck #</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
5/21/19	501772	Current	Narita Maraj	\$ 1,300.72
5/21/19	501773	Current	Neglia	1,487.52
5/22/19	501774	Current	US Postal Service	1,850.00
5/22/19	501775	Current	Payroll	371,360.61
5/22/19	501776	Current	Medical	37,000.00
5/24/19	501777	Current	Fedex	152.05
5/24/19	501778	Current	Comcast	393.67
5/28/19	501779	Current	Comcast	98.00
5/28/19	501780	Current	Denise Kimak	2,756.29
5/28/19	501781	Current	PSE&G	39.42
5/28/19	501782	Current	Verizon	45.96
5/28/19	501783	Current	Payroll	18,932.13
5/28/19	501784	Current	UNUM Life	3,303.66
5/31/19	501785	Current	Medical	38,000.00
5/22/19	997	Trust	B.C Prosecutor	6,335.00

**RESOLUTION NO. 2019-140**

**WHEREAS**, the Borough of Carlstadt has adopted a Property Maintenance Ordinance to provide the property owners of the Borough of Carlstadt the best value for their tax dollars and to provide a minimum standard of maintaining their property; and

**WHEREAS**, the Carlstadt Zoning Department is charged with the responsibility to regulate and inspect properties as per the Property Maintenance Ordinance; and

**WHEREAS**, inspections were made at the following properties for sanitation violations and overgrowth of weeds and grass, etc. and that the property owners were notified to correct the violations and did not respond in the prescribed time frame; and

**WHEREAS**, the Zoning Department contracted with a vendor to correct said violations.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt that all charges paid by the Borough of Carlstadt to clean up and landscape the following properties shall be passed onto the property owners as a Municipal Charge and added to their property tax accounts. The properties and charges are listed below:

Block	Lot	Name	Address	Amount
24	7	Ruhle, F.	326 Union Street	\$100.00

The Carlstadt Tax Collector shall adjust his books accordingly.

The payment for the landscaping clean up shall be made payable to: Lawnboys Landscaping and Design, P.O. Box 444, Wood-Ridge, New Jersey 07075 (Invoice # 1994 dated 5/16/2019).

#### **RESOLUTION NO. 2019-141**

**WHEREAS**, the Borough of Carlstadt has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body hereby appoints Joseph Crifasi as its representative to participate on the Community Development Regional Committee; and

**BE IT FURTHER RESOLVED** that Jane Fontana be appointed as the alternate representative; and

**BE IT FURTHER RESOLVED** that David Stoltz and Gregory Polyniak be appointed as additional alternate representatives.

#### **RESOLUTION NO. 2019-142**

**WHEREAS**, fifteen (15) applications have been filed requesting renewal of Plenary Retail Consumption Licenses; and

**WHEREAS**, three (3) applications have been filed requesting renewal of Plenary Retail

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Distribution Licenses; and

**WHEREAS**, the regular fee of one thousand seventy-four dollars (\$1,074.00) has been submitted with each application in accordance with the Borough Ordinance governing the same; and

**WHEREAS**, one (1) application has been filed requesting renewal of a Hotel/Motel Exception License together with the fee of one thousand seventy-four dollars (\$1,074.00) in accordance with the Borough Ordinance governing the same; and

**WHEREAS**, one (1) application has been filed requesting renewal of a Club License together with the fee of one hundred and fifty dollars (\$150.00) in accordance with the Borough ordinance governing the same.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, that the fifteen (15) applications for renewal of Plenary Retail Consumption Licenses, the three (3) applications for Plenary Retail Distribution Licenses, the one (1) application for renewal of the Hotel/Motel Exception License and the one (1) application for renewal of the Club License are hereby approved. All licenses when granted, will be effective on the First Day of July, 2019 and expire on the Thirtieth Day of June 2020; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk be and she is hereby authorized and directed to issue the following licenses for Plenary Retail Consumption, Plenary Retail Distribution, Hotel/Motel Exception License and Club License.

**PLENARY RETAIL CONSUMPTION**

0205-33-002-007	Triple J's Bar & Grill, LLC	446 Hackensack Street
0205-33-004-001	Carlstadt Turnverein Inc.	500 Broad Street
0205-33-006-005	Wil-Dam Corp.	295 Hoboken Road
0205-33-008-008	Leekay, L.L.C.	843 Washington Avenue
0205-33-011-003	Anthony Calandra & Luciano Calandra Jr.	204 First Avenue Newark, NJ 07107 (Mailing Address)
0205-33-012-011	Biggies Clam Bar Route 17 LLC	430 Route 17 South
0205-33-013-007	Il Jamra, LLC	60 Montclair Avenue, Cedar Grove, NJ 07009 (Mailing Address)
0205-33-014-003	Palsi Corp.	317 Washington Avenue
0205-33-015-009	Spain USA 645 LLC	645 Washington Avenue
0205-33-016-011	335 PPR, LLC	335 Paterson Plank Road
0205-33-017-010	CJD2L Corp.	2 Palmer Terrace
0205-33-018-003	Veroli, Inc.	651 Route 17 North
0205-33-021-005	Four Brothers Food and	

0205-33-022-005	Beverage II LLC	320 Route #17 South
0205-33-024-005	Steve's Steakhouse Inc.	620 Route 17 South
	Merwind Inc.	710 Fifth Street
		Carlstadt, NJ 07072
		(Mailing Address)

**PLENARY RETAIL DISTRIBUTION**

0205-44-005-007	Dawd Rizk H.	287 Broad Street
0205-44-010-007	Wine Shop Inc.	434 Hackensack Street
0205-44-019-007	Amrutha, LLC	675 Paterson Avenue

**HOTEL/MOTEL EXCEPTION**

0205-36-030-001	Calandra Enterprises Inc.	304 Paterson Plank Road.
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**CLUB**

0205-31-026-001	GC Burkadt Post #69	412 Third
	American Legion, Inc.	
	Street	

All licenses are issued subject to any special conditions now existing or hereafter imposed by the A.B.C. or the Borough of Carlstadt. All renewals where fees have been paid by uncertified check are subject to said check being cleared for payment on or before June 30, 2019.

**RESOLUTION NO. 2019-143**

**WHEREAS**, notification was received that the following handicapped parking space is no longer needed and should be removed from this location:

1. 505 Ninth Street

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Borough Clerk notify the DPW to remove the above mentioned handicapped parking space and that the Police Chief remove same from the certified list of handicapped parking spaces.

**RESOLUTION NO. 2019-144**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Carlstadt that a handicapped parking space is hereby approved at the following location:

1. 326 Division Avenue

all in accordance with the requirements as stated in Chapter 10-3.10 and with the recommendation of the Police Chief of the Carlstadt Police Department.

**BE IT FURTHER RESOLVED** that said location shall be added to the certified list of designated handicapped parking spaces.

**RESOLUTION NO. 2019-145**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that permission is granted to the following for the use of facilities on the specified date:

**Community Center:**

1. Dance Theater Workshop – Mondays from 4:30 P.M. to 9:00 P.M. for practice and choreography sessions.

**Council Chambers**

1. Carlstadt/East Rutherford Cub Pack 51/65 – the third Wednesday of each month from 7:00 P.M. to 10:00 P.M. to have leaders' meetings.

**RESOLUTION NO. 2019-146**

**WHEREAS**, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for one additional limousine license; and

**WHEREAS**, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Pegasus Transport Service, Inc. to operate one additional limousine license at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby is approved for VIN#87013.

**AND, BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized and directed to issue the license to operate one additional limousine at the above referenced location for the period of one year, commencing June 18, 2019 and ending on June 18, 2020 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

**RESOLUTION NO. 2019-147**

**WHEREAS**, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for the renewal of five (5) limousine licenses; and

**WHEREAS**, the renewal application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Pegasus Transport Service, Inc. to renew five (5) limousine licenses at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby is approved for Vin #45507, #22115, #38586, #04472 and #93552.

**AND, BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized and directed to issue the renewal of the five (5) limousine licenses at the above referenced location for the period of one year, commencing June 18, 2019 and ending on June 18, 2020 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

#### **RESOLUTION NO. 2019-148**

**WHEREAS**, Mary Ventoso of 309 Ninth Street, Carlstadt, NJ 07072 paid \$100.00 to the Construction Office for building permits; and

**WHEREAS**, Mary Ventoso has requested a refund of \$100.00 due to the fact that she will no longer need the permits.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that Mary Ventoso of 309 Ninth Street, Carlstadt, NJ 07072 be issued a refund of \$100.00 from the Construction Office and the records will be adjusted accordingly.

#### **RESOLUTION NO. 2019-149**

#### **AWARD OF CONTRACT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

#### **GARBAGE DISPOSAL**

be awarded to Interstate Waste Services Transfer Systems of New Jersey, Inc. for the bid amount as follows:

Year 1 – July 01, 2019 to June 30, 2020	\$74.95 per ton
Year 2 – July 01, 2020 to June 30, 2021	\$76.45 per ton
Year 3 – July 01, 2021 to June 30, 2022	\$77.95 per ton

being the lowest of two (2) bids submitted. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

**RESOLUTION NO. 2019-150**

**APPROVAL TO SUBMIT A GRANT APPLICATION  
AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT  
OF TRANSPORTATION FOR THE FIFTH STREET ROADWAY IMPROVEMENTS –  
PHASE III PROJECT.**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Carlstadt formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Fifth Street Roadway Improvements – Phase III-00050 to the New Jersey Department of Transportation on behalf of the Borough of Carlstadt.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Carlstadt and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION NO. 2019-151**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the following bill for the NJEDA Project 40029 – Carlstadt Road and Storm Drainage Improvements having been approved by the Finance Committee is approved herewith for payment by the NJEDA:

Neglia Engineering Associates	\$ 8,060.93
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Mayor Lahullier entertained a motion to approve the Consent Agenda. On motion by Emerson, seconded by Zimmermann, unanimous on call of roll of those present.

**RESOLUTION NO. 2019-152**

**WHEREAS**, the Borough of Carlstadt has previously entered into a Memorandum of Understanding with Novus Chemical to purchase vacant property designated on the Tax Map of the Borough of Carlstadt as Block 18, Lots 6, 7, 8, 9 and 10 and Block 19, Lots 9 and 10, located at Garden-Orchard and Broad Streets; and

**WHEREAS**, the Borough of Carlstadt desires to further the public interest by acquisition of said vacant property located in the southwest portion of the borough for open space conservation and/or outdoor recreation purposes; and

**WHEREAS**, the Borough has been awarded a grant of One Million Seven Hundred Thirty Two Thousand Five Hundred Dollars (\$1,732,500) from the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund to fund the acquisition of property located at Garden-Orchard and Broad Streets from the County Trust Fund; and

**WHEREAS**, the Governing Body has adopted Bond Ordinance 19-7 for purposes of funding the acquisition of said properties to be maintained as open space conservation purposes and utilized for outdoor recreation facilities; and

**WHEREAS**, the Mayor and Council intends to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is desirous of entering a Contract for Sale with Novus Fine Chemicals, LLC, a Delaware Limited Liability Company, whose sole member is Prashand Malladi, Prashantidhaim Developers, LLC, a New Jersey Limited Liability Company, whose sole members are MFS Investment Group, LLC & Novus Fine Chemicals, LLC, and joined by Prashand Malladi, individually, all having an address at 50 Cragwood Road, South Plainfield, New Jersey 07080 (collectively "Seller") for the acquisition of the property at Garden-Orchard and Broad Street in the form attached hereto.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Carlstadt that the Mayor be and hereby is authorized to execute the Contract for Sale with the Novus Chemical for the purchase of the subject property in the form attached hereto as approved by Special Counsel for the Borough.

**AND, BE IT FURTHER RESOLVED** that the Mayor be and hereby is authorized to execute any and all documents required for the closing of title of said property under the terms and conditions as set forth in the Contract of Sale.

**Certification as to the availability of funds:**

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds have or will be secured

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and available to fund the purchase price established in the Contract of Sale at the closing of title. On motion by Zimmermann, seconded by Stoltz, unanimous on call of roll of those present.

**POLICE/OEM** – Mayor Lahullier read his report for the month of May. This report will be filed.

**FIRE/WATER** - Councilman Bartlett read his reports for the month of May. These reports will be filed.

**PUBLIC WORKS/PUBLIC PROPERTY** – Councilman Stoltz read his report for the month of May. This report will be filed.

**PLANNING** – Councilman Roseman read his report for the month of May. This report will be filed.

**ZONING** – Councilman Lenoy read his report for the month of May. This report will be filed.

**PUBLIC HEALTH** – Councilman Bartlett had no report.

**RECREATION** – Councilman Emerson read his report for the month of May. This report will be filed.

**BOROUGH EQUIPMENT** – Councilman Zimmermann read his report for the month of May. This report will be filed.

**RECYCLING** – Councilman Lenoy read his report for the month of May. This report will be filed.

**PROJECTS** – Councilman Zimmermann read his report for the month of May. This report will be filed.

**HUMAN RESOURCES** – Mayor Lahullier had no report.

**REPORTS OF SPECIAL COMMITTEES:**

There were no reports of special committees.

**READING OF BILLS:**

**RESOLUTION NO. 2019-153**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the following bills having been approved by the Finance Committee are approved herewith for payment:

	<u><b>CAPITAL ACCOUNT</b></u>	
Motorola Solutions Inc.		\$145,568.96
AJM Contractors		151,957.33

**TRUST ACCOUNT**

Current Account	39,809.54
Walter M. Slominski Jr. Esq.	2,810.75

**DOG WARDEN TRUST**

N.J. Dept. of Health & Senior Services	59.40
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**CURRENT ACCOUNT**

AERO-RISE LLC	900.00
AGGRESSIVE ENERGY LLC	3,933.92
AMERICAN PAPER & SUPPLY	2,519.05
ARAMARK UNIFORM SERVICES	340.15
ARROW ELEVATOR INC.	200.00
ATLANTIC COAST FIBERS	808.22
BALCO INDUSTRIES	1,089.00
BELLAVIA	147.45
BERGEN MUNICIPAL EMPLOYEE	17,186.00
BEVERLY FAIST	117.00
BEYER BROTHERS CORP.	1,854.81
BLAUVELT-DOYLE REFRIGERATION	202.00
BLUE 360 MEDIA	405.12
BMW MOTORCYCLE OF HASBROUCK	564.05
BOROUGH OF RUTHERFORD	8,460.12
BRAEN STONE INDUSTRIES INC.	112.14
CAPITAL ACCOUNT	400,000.00
CAROUSEL INDUSTRIES OF NORTH	1,000.00
CARLSTADT FIRE DEPARTMENT	2,664.52
CARLSTADT BOARD OF EDUCATION	1,028,212.90
CHEM-TEC	389.26
CHRISTOPHER GARVIN ESQ.	400.00
CHRISTOPHER HASCH	55.00
CLARK PRINTING	125.00
CLINICAL SERVICES MGMT P C	1,669.50
COLANERI BROTHERS	137.80
COMPLETE SAW & GARDEN EQUIP.	54.00
COMFORTABLE SOLUTION	990.74
COUNTY OF BERGEN	593.35
CURRENT ACCOUNT	57,162.71
D-LANZO PLUMBING & SEWER	3,500.00
DAVID F. CORRIGAN	1,609.50
DELGADO INTERPRETING SERVICES	220.00

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DELUXE SALES & SERVICE	497.94
DIRECT ENERGY BUSINESS	1,231.06
DRAGER INC.	179.00
EAST COAST EMERGENCY LIGHTING	97.19
ENVIRONMENTAL RENEWAL LLC	1,875.00
EXPERT SEWER & DRAIN LLC	275.00
THE CHOI LAW GROUP LLC	3,725.00
FILEMAKER INC.	859.00
FIRST PRESBYTERIAN CHURCH	350.00
GABRIELLI KENWORTH	448.23
GARDEN STATE BOBCAT	1,655.29
GREAT AMERICA FINANCIAL SVCS.	425.00
GUARDIAN TRACKING LLC	1,136.00
HOMETOWN AUTO PARTS	573.89
HUDSON TIRE EXCHANGE	3,617.14
I.D.A.	79,122.34
IKEN MEDIA	85.27
ILONA DOVIAK	75.68
IMPRESSIVE PRINTING	1,752.45
INTERGLOBE COMMUNICATIONS INC.	3,570.87
INTERSTATE BATTERY SYSTEM	66.00
ISFSI	125.00
INTERSTATE WASTE SERVICES INC.	20,043.09
J & A COPIER	195.00
JOHNNY ON THE SPOT INC.	124.45
JOSEPH R. DONAHUE LLC	3,700.00
LEXISNEXIS RISK SOLUTIONS	50.00
LOWE'S BUSINESS ACCT/GEMB	1,589.62
MARIO'S LOCKSMITH	37.25
MCNERNEY & ASSOCIATE	350.00
MEADOWLANDS DINER	381.15
MEADOWLANDS HARDWARE	151.84
MEDICAL BENEFITS ACCT	34,000.00
MERCHANTS ALARM SYSTEMS	3,980.00
METRO FIRE & SAFETY EQUIPMENT	159.00
MGL PRINTING SOLUTIONS	2,470.00
MSI TECHNOLOGIES LLC	2,759.85
NARITA MARAJ LLC	1,012.59
NEGLIA ENGINEERING ASSOCIATES	4,488.90
NEXTEL COMMUNICATIONS	82.30
NJ FIRE EQUIPMENT	228.00
NJ STATE LEAGUE OF MUNICIPALITIES	115.00
NORTH JERSEY MEDIA GROUP INC.	127.55

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NORTHEAST SWEEPERS & RENTALS	375.98
OFFICE BUSINESS SYSTEMS	932.00
OLGA RODRIGUEZ	80.00
OLYMPIC GLOVES & SAFETY CO. INC.	191.95
PANORAMA TOURS INC	965.00
PAYROLL ACCOUNT	876.90
PERENNIAL SERVICES LLC	1,390.00
ESS, INC	4,005.00
PORTER LEE CORPORATION	744.00
PRESTI, ROSARIO JR., ESQ.	836.66
PSE&G	2,058.54
RE-TRON TECHNOLOGIES INC.	992.97
REGAL STAMP CO.	36.00
REGIONAL BOARD OF EDUCATION	620,552.07
REMINGTON AND VERNICK	938.50
RICHARD MILLER ELECTRICAL CONT	2,133.00
RIDGEHURST AUTO PARTS	2,225.15
ROBERT T. REGAN, ESQ.	510.60
R.S. KNAPP CO.	24.67
SHERWIN WILLIAMS, INC.	146.34
SLOMIENSKI, WALTER M	1,066.66
SP & SK LLC	250.00
STAN'S SPORT CENTER	1,450.40
QUALITY AUTO MALL	3,010.89
STAPLES ADVANTAGE	1,078.98
STEPHEN P. SINISI ESQ. LLC	93.75
TCTA OF BERGEN COUNTY	35.00
TETERBORO CHYRSLER JEEP	150.00
CHILDREN AID & FAMILY SERVICE	3,000.00
THE TERRE CO.	303.00
TILCON NEW YORK INC.	260.80
T&R ALARM SYSTEMS INC	547.50
TRANSUNION RISK & ALTERNATIVE	600.00
TRAFFIC SAFETY & EQUIPMENT	1,734.45
TREASURER, STATE OF NJ	2,000.00
TRUST ACCOUNT	2,883.94
TURN OUT UNIFORMS	287.69
SUEZ WATER NEW JERSEY	10,745.97
US POSTAL SERVICE	366.00
US POSTAL SERVICE (CMRS-FP)	2,000.00
ADPP ENTERPRISES INC	176.36
VERMEER	612.61
VERIZON	763.10

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VERIZON WIRELESS	969.53
VERIZON	129.99
WALTER BEESE	670.12
921-PRAXAIR DIST MID-ATLANTIC	75.00
WILLIAM L. REEVES	300.00
WILDCAT FOOTBALL SIDELINE CLUB	250.00
MEDICAL BENEFITS ACCT	152,000
CLAIRE FOY	651.94
PAYROLL ACCOUNT	18,801.01
VERIELLA'S BAKERY	180.00
PAYROLL ACCOUNT	366,026.10
GIRESI CATERERS, INC.	1,093.00

**TOTAL** \$2,929,990.37

**TOTAL BILLS FOR THE MONTH** \$3,270,196.35

The Chief Financial Officer certified there are sufficient funds available for payment of the aforementioned bills.

On motion by Emerson, seconded by Zimmermann, unanimous on call of roll.

**UNFINISHED BUSINESS:**

Mayor Lahullier entertained a motion to approve a sponsorship sign for the Wildcats Football Sideline Club for \$250.00. On motion by Zimmermann, seconded by Stoltz, unanimous on call of roll.

Mayor Lahullier entertained a motion to have the Borough Attorney attend a deposition meeting with Christopher Assenheimer, Fire Inspector regarding The Balcony. On motion by Bartlett, seconded by Roseman, unanimous on call of roll.

Mayor Lahullier entertained a motion to approve two Special Police Officers for the Becton High School Graduation on Thursday, June 20, 2019. On motion by Zimmermann, seconded by Stoltz, unanimous on call of roll.

Mayor Lahullier entertained a motion to open the hearing of citizens. On motion by Roseman, seconded by Bartlett, unanimous on call of roll.

**HEARING OF CITIZENS:**

**Donald Molzon, 530 Madison Street** – he mentioned to the Mayor and Council that the light poles in front of Borough Hall don't work at night and he feels it is very dark. He asked the possibility of updating the sound system for the Council Chambers. Also he mentioned the parking in front of the Borough Hall is not getting any better and suggested to change the parking times for cleaning and include Saturdays. The Mayor told him he will talk to Joseph

Crifasi, DPW Operations Manager.

**Gunter Kuprat, 507 Washington Street** – he asked the Mayor and Council the possibility of doing a survey to install more stop signs because drivers don't slow down.

**Jeffrey Fucci, 530 Hackensack Street** – he mentioned if it is possible by Zimmermann Park to install blocks by the retainer walls for safety and also commented that some towns use Nixle to alert residents of road construction, closures etc. and he would like to see it been implemented in Carlstadt.

**Ron Stull, 638 8<sup>th</sup> Street** – he asked the Mayor and Council if would be better to build a community park instead of senior housing at the old Lincoln School site. Also he mentioned the Becton High School formula and the amount of money Carlstadt pays and if the Borough is looking to litigate. The Mayor replied we are still working on it. Mr. Stull asked if the property on Garden Street is owned by the Borough. The Mayor replied the Borough finalized the contract for the property.

Mayor Lahullier entertained a motion to close the hearing of citizens. On motion by Roseman, seconded by Zimmermann, unanimous on call of roll.

## CONSIDERATION OF ORDINANCES:

### FIRST READING

#### ORDINANCE NO. 19-8

#### AN ORDINANCE AMENDING CHAPTER XII "BUILDINGS AND CONSTRUCTION", SUBCHAPTER 12-8 "FLOODPLAIN MANAGEMENT", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

#### THE FLOOD DAMAGE PREVENTION ORDINANCE

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Carlstadt that Chapter XII "Buildings and Construction", Subchapter 12-8 entitled "Floodplain Management", shall be deleted in its entirety and is hereby amended and supplemented to read as follows:

#### 12-8 FLOODPLAIN MANAGEMENT

#### 12-8.1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND

**OBJECTIVES**

**12-8.1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designated to promote public health, safety and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey does ordain as follows:

**12-8.1.2 FINDINGS OF FACT**

a. The flood hazard areas of the Borough of Carlstadt are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**12-8.1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**12-8.1.4 METHODS OF REDUCING FLOOD LOSSES**

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

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

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

### 12.8.2.0 DEFINITIONS

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

**AH Zone** – 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 Zone** – 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.

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

**Area of Shallow Flooding** — A designated AO or AH zone on a community's Flood Insurance Rate Map with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** - Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1 through A30, AE A99, or AH.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the Stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting

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from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** — any area of the building having its floor subgrade (below ground level) on all sides.

**Best Available Flood Hazard Data** – The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but no limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

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

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Cumulative Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

**Development** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood.

In an Area of Special Flood Hazard “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Erosion** – The process of gradual wearing a way of land masses.

**Existing Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** — the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

**Flood proofing** – 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.

**Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of flood plain 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 conditions such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**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:

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1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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 to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

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

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or

any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more 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 twenty (25) percent of the market value of the structure before the damages occurred.

**Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. Substantial improvement also means “cumulative substantial improvement.” This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed or “repetitive loss”. The term does not, however, included either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions;

or

- (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Variance** — a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** – The failure of a structure or other development to be fully compliant with this ordinance.

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A new or substantially improved structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in 44 CFR Section 60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### **12-8.3.0 GENERAL PROVISIONS**

#### **12-8.3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Carlstadt, Bergen County, New Jersey. Properties that lie within the Borough of Carlstadt but under regional zoning jurisdiction of the Hackensack Meadowlands District that are designated as areas of special flood hazards shall also be subject to any and all regulations regarding special flood hazard areas as promulgated by the NJSEA.

#### **12-8.3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of Carlstadt, Community No. 340022, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report “Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019.
- b. Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions) as shown on Index and panels 34003C0251H, 34003C0252H, 34003C0253H, 23003C0254H, whose effective date is August 28, 2019.
- c. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at Carlstadt Memorial Municipal Building, 500 Madison Street, Carlstadt, New Jersey.

#### **12-8.3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Carlstadt from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **12-8.3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **12-8.3.5 INTERPRETATION**

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

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and,
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **12-8.3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Carlstadt, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **12-8.4.0 ADMINISTRATION**

##### **12-8.4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 12-8.3.2. Application for a Development Permit shall be made on forms furnished by the Construction Code Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been flood proofed.
- c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in section 12-8.5.2-2; and,
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **12-8.4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

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

### **12-8.4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

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

#### **12-8.4.3-1 PERMIT REVIEW**

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

#### **12-8.4.3-2 USE OF OTHER BASE FLOOD DATA**

When base flood elevation data has not been provided in accordance with section 12-8.3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Code Official shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer sections 12-8.5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 12-8.5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

#### **12-8.4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood proofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the flood proofing certifications required in section 12-8.4.1 c).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

#### **12-8.4.3-4 ALTERATION OF WATERCOURSES**

- a. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

#### **12-8.4.3-5 SUBSTANTIAL DAMAGE REVIEW**

- a. After an event resulting in building damages, assess the damage to the structures due to flood and non-flood causes.
- b. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c. Ensure substantial improvements meet the requirements of Sections 12-8.5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 12-8.5.2-2 SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 12-8.5.2-3, SPECIFIC STANDARDS MANUFACTURED HOMES.

#### **12-8.4.3-6 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 12-8.4.4.

#### **12-8.4.4 VARIANCE PROCEDURE**

##### **12-8.4.4-1 APPEAL BOARD**

- a. The Carlstadt Planning Board or Zoning Board of Adjustment, depending on which has appropriate jurisdiction over the project, as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b. The Planning or Zoning Board, as applicable, shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Code Official in the enforcement or administration of this ordinance.
- c. Those aggrieved by the decision of the Planning or Zoning Board, as applicable, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Bergen County, as provided by statute.
- d. In passing upon such applications, the Planning or Zoning Board, as applicable, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. the danger that materials may be swept onto other lands to the injury of others;
  - ii. the danger to life and property due to flooding or erosion damage;
  - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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- iv. the importance of the services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. the compatibility of the proposed use with existing and anticipated development;
  - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e. Upon consideration of the factors of section 12-8.4.4-1 d) and the purposes of this ordinance, the Planning or Zoning Board, as applicable, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f. The Construction Code Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

**12-8.4.4-2 CONDITIONS FOR VARIANCES**

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 12-8.4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
- i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 12-8.4.4- 1 d), or conflict with existing local laws or ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and

that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **12-8.5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **12-8.5.1 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

#### **12-8.5.1-1 ANCHORING**

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

#### **12-8.5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### **12-8.5.1-3 UTILITIES**

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **12-8.5.1-4 SUBDIVISION PROPOSALS**

- a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

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- b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

**12-8.5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

**12-8.5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 12-8.3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 12-8.4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

**12-8.5.2-1 RESIDENTIAL CONSTRUCTION**

- a. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
- b. Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least (3) three feet if no depth number is specified) or at or above the best available flood hazard data

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

### **12-8.5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

a. Elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, above the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1;

b. Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

c. Be flood proofed so that below the more restrictive base flood elevation (published FIS/FIRM) plus one (1) foot, above the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6.1, the structure is watertight with walls substantially impermeable to the passage of water;

d. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

e. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 12-8.4.3-3 b) ii.

### **12-8.5.2-3 MANUFACTURED HOMES**

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- a. Manufactured homes shall be anchored in accordance with section 12-8.5.1-1 b).
- b. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - i. Be consistent with the need to minimize flood damage,
  - ii. Be constructed to minimize flood damage,
  - iii. Have adequate drainage provided to reduce exposure to flood damage,
  - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,
  - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**REPEALER:** All Ordinances and parts thereof repealed to the extent that they are in such conflict or inconsistent.

**SEVERABILITY:** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance which shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**EFFECTIVE DATE:** This Ordinance shall be effective upon publication and shall remain in force until modified, amended or rescinded by the Borough of Carlstadt, Bergen County, New Jersey.

**RESOLUTION NO. 2019-154**

**BE IT RESOLVED** that the ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER XII “BUILDINGS AND CONSTRUCTION”, SUBCHAPTER 12-8 “FLOODPLAIN MANAGEMENT”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11<sup>TH</sup> day of July, 2019 at 7:00 o’clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final

passage.

On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll.

**MISCELLANEOUS AND NEW BUSINESS:**

**None.**

Mayor Lahullier entertained a motion to adjourn the meeting at 7:45 P.M On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll.

APPROVED: \_\_\_\_\_  
CRAIG LAHULLIER, MAYOR

ATTEST: \_\_\_\_\_  
CLAIRE FOY, BOROUGH CLERK