

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING JULY 14, 2011

CALL TO ORDER

Mayor Sam Race called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meetings Act" this meeting has been advertised in the Star-Gazette, Belvidere, NJ and the Express-Times, Easton, PA; the Agenda has been posted at the Municipal Building.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Race, Committeeman Herb and Committeewoman Mackey, Attorney Brian Tipton and Clerical Assistant Gayle Farrell. The clerk was absent.

ENGINEERING UPDATE

Paul Sterbenz reported on the following matters:

- Nature's Choice – Two field meetings with representatives of the NJDEP occurred. Significant violations were issued for damaging run-off. Nature's Choice owners have committed to correcting the problems. Further inspections will be scheduled.
- Castle Ridge – The Morris County Co-Op vendor will be used to finish the road. RFP's were mailed to several contractors for the landscaping and survey monument work. Only one quote was received for each job. Finelli Consulting Engineers quoted \$3750 for the monument installations and Flowerland Growers quoted \$18,750 for trees and plants to be installed around the detention basin and \$26,500 for installation of trees along Lisa Court. No action was taken at this point as the Township is waiting for the Letter of Credit to be processed.
- Wastewater Management Planning – A meeting was held with DEP representatives regarding the township's objections to the wastewater maps. Regulations require additional studies if the township wishes to pursue having Route 46 included in the sewer service areas. The township is currently seeking grant money to offset the cost of these studies. The Warren County Health Department is also seeking grant funds for the same purpose. The DEP will continue to take the township's concerns under advisement.
- Free Union/Tamarack Roads – Pavement work will commence August 1st.
- Stormwater Compliance – the Environmental Commission has been able to secure the

necessary points for stormwater compliance. Due to the secretary position being vacant, the township must be sure that it continues to get the points if the Commission does not.

PUBLIC COMMENTS

Myron Rasely, representing the Hazen Church, was present to thank the committee for supporting the Warren County Land Preservation Grant to make upgrades to the Church. He also announced a new application is being filed and would appreciate the continued support of the committee.

Jim Christine and Linda Stettler, representing the Goodwill Fire Company, thanked the committee for their financial contribution to the recently purchased aerial ladder truck. A wet down is scheduled for Saturday to celebrate the purchase.

Several Country View Village residents (unidentified) voiced their opposition to the public water system being proposed by the landlord.

RESOLUTIONS

Res. 2011-36: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2011 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount, thereof, was not determined at the time of the adoption of the budget; and

WHEREAS, the director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township White, County of Warren, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$6420.00 which is now available from ‘RMP Compliance Grant Program’, State of New Jersey.

BE IT FURTHER RESOLVED, that a like sum of \$6420.00 is hereby appropriated under the caption 'RMP Compliance Grant O/E'.

Res. 2011-37: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted. The Developer's Agreement and Bond are on file in the Municipal Clerk's Office.

RESOLUTION AUTHORIZING WHITE TOWNSHIP TO ENTER INTO A DEVELOPER'S AGREEMENT WITH PP&L RENEWABLE ENERGY, LLC IN RESPECT TO THE "SOLAR DEVELOPMENT" PROJECT, BLOCK 7, LOT 3

WHEREAS, PP&L Renewable Energy, LLC plans to develop property in White Township called "Solar Development" located at Block 7, Lot 3, South Foul Rift Road; and

WHEREAS, a condition of township land use board approvals of the development is the execution of a Developer's Agreement; and

WHEREAS, a Developer's Agreement has been drafted, negotiated and finalized by the developer's counsel and township attorney, and is now acceptable in form and substance,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White that the mayor be and hereby is authorized to execute the attached Developer's Agreement.

Res. 2011-38: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION GRANTING THE APPROVAL OF THE PURCHASE OF THE DEVELOPMENT EASEMENT ON THE MARTIN FARM BLOCK 14 LOT 37 IN WHITE TOWNSHIP

WHEREAS, the Township Committee has determined that the property known as the Martin Farm, located on Block 14 Lot 37, in White Township, consisting of approximately 80 acres, has available for purchase a development easement in accordance with the requirements of the farmland preservation programs; and

WHEREAS, the tract would encourage the survivability of production agriculture in White Township, and said tract falls within a predetermined Agricultural Development Area; and

WHEREAS, the pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, the State Agricultural Development Committee has certified the fair market value of said tract at its regular meeting held March 24, 2011.

WHEREAS, the county's share in regard to the purchase of said easement is estimated at \$200,000 and the funds have been appropriated.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of White as follows:

The Township Committee hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above.

Res. 2011-39: Motion to adopt the following resolution made by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

WHEREAS, a Municipal Tax Assessor's initial appointment is for four years; and

WHEREAS, the White Township Tax Assessor, Michelle Trivigno, was appointed at a Special Meeting held on June 20, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee that Michelle Trivigno is reappointed to the position of White Township Municipal Tax Assessor for a second term, her tenure term, retroactive to July 1, 2011.

BE IT FURTHER RESOLVED, the terms of employment continue according to the annual salary resolution and no benefits are included with this position.

Res. 2011-40: Motion to adopt the following resolution made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Resolution adopted.

RESOLUTION TO PROVIDE FOR THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSE FOR 2011-2012 IN THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY.

WHEREAS, proper applications and appropriate fees have been received by the White Township Clerk;

WHEREAS, Clearance Certificates have been received from the New Jersey Division of Taxation, verifying compliance with Chapter 161, Laws of N. J., by all applicants.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of White, County of Warren, State of New Jersey, that the following Plenary Retail Consumption License in the Township of White, is hereby renewed for the 2011-2012 licensing year, said renewal effective July 14, 2011:

2123-33-003-002 Armando & Joan Fratezi., T/A Pequest Bend Tavern

ORDINANCES – FIRST READING

Ord. 2011-5: Motion to introduce the following ordinance on First Reading made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Public Hearing is scheduled for September 8th.

THE FLOOD DAMAGE PREVENTION ORDINANCE
Chapter 140

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

140-1 STATUTORY AUTHORIZATION

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

140-2 FINDINGS OF FACT

[A] The flood hazard areas of Township of White 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 floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

140-3 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 second 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.

140-4 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.

140-5 DEFINITIONS

A. 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.

B. As used in this chapter, the following terms shall have the meanings indicated:

Appeal — A request for a review of the Engineer's interpretation of any provision of this ordinance or a request for a variance.

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

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood — The flood having a one percent 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.

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.

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

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

Elevated Building — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level 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.

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

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance 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.

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.

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.

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

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is:

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

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building

access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

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.

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

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

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

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its 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, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

140-6 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of White, Warren County, New Jersey.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the areas of special flood hazard for the Township of White, Community No. 340497, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Warren County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- b) Flood Insurance Rate Map for Warren County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34041C0119E, 34041C0201E, 34041C0202E, 34041C0203E, 34041C0204E, 34041C0206E, 34041C0207E, 34041C0208E, 34041C0209E, 34041C0211E, 34041C0212E, 34041C0214E, 34041C0219E, 34041C0220E, 34041C0226E, 34041C0228E, 34041C0229E; whose effective date is September 29, 2011.

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 555 County Route 519, Belvidere, New Jersey.

C. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, 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 [\$1,500.00] or imprisoned for not more than [30] 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 Township of White from taking such other lawful action as is necessary to prevent or remedy any violation.

D. 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.

E. INTERPRETATION

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

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

F. 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 Township of White, 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.

140-7 ADMINISTRATION

A. 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 140-6B. Application for a Development Permit shall be made on

forms furnished by the Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 140-9B2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. DESIGNATION OF THE LOCAL ADMINISTRATOR

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

C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Engineer shall include, but not be limited to:

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.
- [c] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of SECTION 140-9C[1] are met.

2. USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 140-6B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 140-9B1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 140-9B2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

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 floodproofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the floodproofing certifications required in SECTION 140-7A[3].

[c] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. ALTERATION OF WATERCOURSES

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

5. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SECTION 140-8.

140-8 VARIANCE PROCEDURE

A. APPEAL BOARD

- [1] The Zoning Board of Adjustment as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Engineer in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h & 18.
- [4] In passing upon such applications, the Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of SECTION 140-8A[4] and the purposes of this ordinance, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 140-8A[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 140-8A[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

140-9 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

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 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.

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.

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] 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.

4. SUBDIVISION PROPOSALS

- [a] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [b] All subdivision proposals 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 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 development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The

bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 140-6B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 140-7C2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

1. RESIDENTIAL CONSTRUCTION

- [a] 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 to or above base flood elevation;
- [b] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

2. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- [a] Elevated to the level of the base flood elevation; and
- [b] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- [a] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [b] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [c] 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 140-7C3[b] [ii].

3. MANUFACTURED HOMES

- [a] Manufactured homes shall be anchored in accordance with SECTION 140-9A1[b].
- [b] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

C. FLOODWAYS

Located within areas of special flood hazard established in SECTION 140-6B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If SECTION 140-9C[1] is satisfied, all new construction and substantial improvements must comply with SECTION 140-9 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

OLD BUSINESS

The committee took no action on the request for installation of public water at Country View Village. The landlord was not present with any additional information from the last meeting.

Mayor and Committee discussed the Environmental Secretary vacancy. Mrs. Mackey suggested a member of the commission take notes of the meeting and the township clerk can formalize the minutes. Mr. Herb and Mayor Race were reluctant to commit to this idea without first speaking with the Commission Chairman. He will be asked to attend an upcoming meeting to get more details on what the secretary's responsibilities include. The committee also discussed the possibility of paying a member \$25 per meeting to take notes and formalize the minutes. No formal action was taken.

CORRESPONDENCE

Bryan Vande Vrede requested use of the pavilion on August 27th. This was approved on

motion by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote. Herb – yes, Mackey – yes, Race – yes. Motion carried. The Youth Athletic Association will be contacted for final approval.

Mayor and Committee acknowledged receipt of a letter from the Highlands Council regarding completion of Modules 6 and 7. No action was taken.

PRESENTATION OF MINUTES

Motion made by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote to approve the June 9, 2011 Regular Meeting Minutes and June 9, 2011 Executive Session Meeting Minutes as presented. Herb – yes, Mackey – yes, Race – yes. Motion carried.

PRESENTATION OF VOUCHERS

On motion by Mr. Herb, seconded by Mrs. Mackey and carried by unanimous favorable vote, Mayor and Committee approved the following list of bills:

<u>Check No.</u>	<u>Amount</u>	<u>Payee</u>
11418	\$ 1,450.00	ARAE Network Solutions
11419	\$ 450.46	Betty Wysocki
11420	\$ 500.00	BHS Project Graduation
11421	\$ 25,000.00	Brannaugh Masonry LLC
11422	\$ 298.00	Caesars Hotel
11423	\$ 50.00	CenturyLink
11424	\$ 637.58	CenturyLink
11425	\$ 100.11	Comcast
11426	\$ 15.25	Culligan
11427	\$ 50.00	Dawn Decker
11428	\$ 152.76	Debra A. Vasko
11429	\$ 71.00	J.J. Ehrlich Co., Inc.
11430	\$ 44.63	Elizabethtown Gas
11431	\$ 183.69	Elizabethtown Gas
11432	\$ 241.90	Fastenal Company
11433	\$ 3,422.00	Florio, Perrucci, Steinhardt
11434	\$ 98.28	Gary W. Gray Trucking
11435	\$ 1,350.00	Gebhardt & Keifer
11436	\$ 61.60	Hatch Mott MacDonald
11437	\$ 135.00	Haydee Ballester Montero
11438	\$ 26.39	Hope Township
11439	\$ 200.00	Irene Brownell

11440	\$ 1,779.86	JCP&L
11441	\$ 66.08	Jim Flynn's Truck Repair, Inc.
11442	\$ 60.00	Kathleen Reinalda
11443	\$ 270.37	Lamb Printing Inc.
11444	\$ 5,739.84	Maser Consulting, P.A.
11445	\$ 100.00	Michael Clancy
11446	\$ 17,964.40	Micro Pave Systems Inc.
11447	\$ 250.00	Mr. John, Inc.
11448	\$ 3,671.00	N. Matera & Sons LLC
11449	\$ 949.74	NJ American Water Company
11450	\$ 576.00	NJN Publishing
11451	\$ 19,930.00	Public Alliance Ins Coverage
11452	\$ 144.00	Pitney Bowes
11453	\$ 28,671.86	Precision Building & Constr
11454	\$ 151.00	Ralph Price
11455	\$ 1,482.00	Regional Municipal Alliance
11456	\$ 29,620.00	R.J. Doerr Co., LLC
11457	\$ 532.00	Robert Blease, DVM
11458	\$ 552.00	Rutgers, The State University
11459	\$ 61.49	Sanico Inc.
11460	\$ 1,042.46	S&L Equipment Rental, Inc.
11461	\$ 236.87	Smith Motor Company
11462	\$ 998.45	Tilcon New York
11463	\$ 29.97	Tractor Supply Credit Plan
11464	\$ 150.00	Treasurer, State of NJ
11465	\$ 185.67	Verizon Wireless
11466	\$ 550.00	Vital Communications
11467	\$ 1,244.97	Warren County Treasurer
11468	\$ 103.35	Warren Materials
11469	\$ 167.00	West Group
11470	\$548,495.00	White Twsp Board of Education
11471	\$ 500.00	White Twsp. PTO
11472	\$ 375.00	William Gold, Esq.
11473	\$ 570.98	Xerox Corporation

Total Amount Paid: \$701,760.01

CURRENT FUND MANUAL CHECKS

2038	23,192.96	Payroll Account
2039	3805.21	Payroll Account
2040	1012.00	Postmaster

2041	14,546.99	Payroll Account
2042	59.22	Horizon Blue Cross Blue Shield

CAPITAL ACCOUNT

1396	93.75	Maser Consulting, P.A.
1397	787.69	S&L Equipment Rental

BANK OF AMERICA ESCROW ACCOUNT

2389	739.50	Florio, Perrucci, Steinhardt & Fader
2390	2096.00	Gebhardt & Kiefer, P.C.
2391	1324.40	Hatch, Mott, MacDonald
2392	2063.60	Hatch, Mott, MacDonald
2393	853.75	Maser Consulting P.A.
2394	3448.25	Maser Consulting P.A.
2395	343.75	Maser Consulting P.A.
2396	62.50	Maser Consulting P.A.
2397	150.00	William Gold, Esq.

SEWER ACCOUNT

1163	50.00	Vital Communications
1164	270.36	Lamb Printing
1165	1800.00	Warren County (PR) MUA
1166	80,253.00	Warren County (PR) MUA
1167	585.44	Belvidere Sewer Utility

ANIMAL CONTROL ACCOUNT

1083	\$25.80	NJ Department of Health & Senior Services
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GRAVEL PIT ESCROWS

179	215.75	Maser Consulting, P.A.
173	215.75	Maser Consulting P.A.
172	215.75	Maser Consulting P.A.
169	215.75	Maser Consulting P.A.

TOTAL ALL FUNDS.....\$840,187.18

PUBLIC COMMENTS

Barry Wessner commented that he feels there is a disconnect amongst the boards and its members. He went on to explain that members do not attend the various other meetings to keep up with what's going on in the township.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 9:00pm on motion by Mrs. Mackey, seconded by Mr. Herb and carried by unanimous favorable vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk

