



BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
MEETING AGENDA & MATERIALS
THURSDAY,
JUNE 12, 2025
7:00 P.M.

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
COMBINED WORK AND REGULAR SESSION
JUNE 12, 2025 AT 7:00 P.M.

Mayor
Amy Wilczynski
Councilmembers
Matthew O'Toole
Liz Homan
Susanne Lovisolo
Edward O'Connell
Tyler Yaccarino
Joseph Daloisio

A combined Work and Regular Session of the Mayor and Council of the Borough of Allendale will be held in-person on June 12, 2025 beginning at 7:00 pm in the Mayor & Council Chambers at the Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey 07401.

CALL TO ORDER:

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

ROLL CALL:

SALUTE TO FLAG:

PRESENTATIONS:

- A. Certificates of Commendations: CPR/Defibrillator Rescue.
- B. Proclamation: Armed Forces Appreciation Day.
- C. Proclamation: A Ceremonial Proclamation For LGBTQ+ Pride Month.
- D. Proclamation: Tourette Syndrome Awareness Day in the Borough of Allendale.

AGENDA REVIEW:

PUBLIC COMMENT ON AGENDA ITEMS ONLY:

SECOND READING AND PUBLIC HEARING:

ORDINANCE 25-09: AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, VEHICLES AND TRAFFIC, CHAPTER 252-62(A).

INTRODUCTION OF ORDINANCES:

ORDINANCE 25-10: CAPITAL ORDINANCE OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$642,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND AND FROM VARIOUS GRANTS.

ORDINANCE 25-11: AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, VEHICLES AND TRAFFIC, CHAPTER 252-7(A).

ORDINANCE 25-12: AN ORDINANCE BY THE BOROUGH OF ALLENDALE GOVERNING BODY AMENDING THE BOROUGH OF ALLENDALE CODE OF ORDINANCES TO REPEAL CHAPTER 132; TO ADOPT A NEW CHAPTER 132; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

RESOLUTIONS:

RES 25-161: A RESOLUTION EXPRESSING THE BOROUGH' S INTENT TO PURCHASE TWO AFFORDABLE UNITS AT AN AFFORDABLE PRICE, TO EXTEND THE DEED RESTRICTIONS ON TWO OTHER AFFORDABLE UNITS AND TO RESERVE THE RIGHT TO BUY TWO ADDITIONAL UNITS AT THE AFFORDABLE PRICE.

CONSENT AGENDA:

Matters listed below are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

<u>RES 25-162:</u>	Authorize Renewal of ABC Liquor Licenses for 2025-2026.
<u>RES 25-163:</u>	Approval of Waiver of fees for 2025 Crestwood Lake Membership.
<u>RES 25-164:</u>	Resolution authorizing the execution of a Memorandum of Understanding with Teamsters Local 11 to add Juneteenth as a Paid Holiday.
<u>RES 25-165:</u>	Approval of Tax Overpayments
<u>RES 25-166:</u>	Authorization to enter into and the execution of the amended Allendale Mural Project Independent Contractor Services Agreement.
<u>RES 25-167:</u>	Appointment of Hourly Part-Time Building Monitors.
<u>RES 25-168:</u>	Approval for the display of rainbow ribbons by The Democratic Club of The Borough of Allendale in Recognition of LGBTQ+ Pride Month.
<u>RES 25-169:</u>	Approval of Waiver of Fees For 2025 Crestwood Lake Membership Membership Account Number #1584626.
<u>RES 25-170:</u>	Approval of Waiver of Fees For 2025 Crestwood Lake Membership Membership Account Number #1852543.
<u>RES 25-171:</u>	Authorization Of 2025 Crestwood Lake Salaries Supplement Two
<u>RES 25-172:</u>	A Resolution authorizing the Lighting of the Menorah in the Borough of Allendale.
<u>RES 25-173:</u>	Approval of June 12, 2025 List of Bills.

ADMINISTRATION:

- A. Council Report
- B. Staff Reports
- C. Mayor's Report

UNFINISHED BUSINESS:

NEW BUSINESS:

PUBLIC COMMENTS ON ANY MATTER:

Those wishing to speak will have a three (3) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.

ADJOURNMENT:

This agenda was prepared as of 06/11/2025 with all available information as of this date. Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda.

BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY

ORDINANCE # 25-09

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE
BOROUGH OF ALLENDALE, VEHICLES AND TRAFFIC, CHAPTER 252-62(A)

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 252-62(A) of the Code of the Borough of Allendale, be and hereby is amended, supplemented and revised to add the following provision to said Chapter:

§ 252-62. Parking permits; residents and nonresidents; shopper parking; parking meters.

A. Annual parking permits shall be issued by the Police Department for commuter parking in areas designated in the West Side Parking Area and East Side Parking Area. The Mayor, Council and Administrative Officer are empowered to establish rules and regulations for the sale and implementation of parking permits. Such rules and regulations shall be on file for public inspection at the office of the Borough Clerk. The hours of operation for the commuter parking shall be 5:00 a.m. prevailing time to 5:00 p.m. prevailing time. The yearly fee for said permits shall be established by resolution of the Borough Council and shall renew in September of each year. In addition, the fee for said permits for a partial year, March 1 through August 31, may also be established each year by resolution of the Borough Council.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 252 shall remain in full force and effect as previously adopted.

	Motion	Second	Yes	No	Abstain	Absent
Councilman Yaccarino						
Councilman O'Toole						
Councilwoman Homan						
Councilwoman Lovisolo						
Councilman Daloisio						
Councilman O'Connell						
Mayor Wilczynski	-----	-----				

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

Amy Wilczynski
Mayor

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE # 25-10

CAPITAL ORDINANCE OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$642,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND AND FROM VARIOUS GRANTS.

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

Section 1. The Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to make the following public improvements and acquisitions in, by and for the Borough: (A) undertaking of streetscape improvements to the Downtown/De Mercurio Drive (Phase 7); (B) acquisition of the following equipment for the use of the Fire Department: (i) a washer and dryer, (ii) self-contained breathing apparatus equipment, (iii) turnout gear and (iv) a storage shed; (C) dredging the 9-11 Memorial Pond; (D) rehabilitation of various athletic fields; and (E) acquisition of an SUV for the use of the Fire Code Official. Said improvements and acquisitions shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$642,000 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as the "improvements"). Said appropriation shall be raised from the Borough's Capital Improvement Fund and from various grants, as hereinafter provided. The sum of \$292,920 is hereby appropriated from the Borough's Capital Improvement Fund to the payment of the

cost of the improvements. The aggregate amount of \$349,080 in grants is hereby appropriated to the payment of the cost of the improvements, as follows: (A) \$304,080 from the State of New Jersey Department of Transportation for the streetscape improvements; and (B) \$45,000 from a Federal American Rescue Plan Act Firefighters Grant for the acquisition of the washer and dryer.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

	Motion	Second	Yes	No	Abstain	Absent
Councilman Yaccarino						
Councilman O'Toole						
Councilwoman Homan						
Councilwoman Lovisolo						
Councilman Daloisio						
Councilman O'Connell						
Mayor Wilczynski	-----	-----				

I hereby certify the above to be a true copy of an Ordinance introduced by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY

ORDINANCE # 25-11

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE
BOROUGH OF ALLENDALE, VEHICLES AND TRAFFIC, CHAPTER 252-7(A)

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 252-7(A) of the Code of the Borough of Allendale, be and hereby is amended, supplemented and revised to add the following provision to said Chapter:

§ 252-7. No parking during specific hours.

(A) It shall be unlawful to park any vehicle between the hours of 3:00 a.m. and 5:00 a.m. upon any street in the Borough of Allendale.

Upon resident request to the Allendale Police Department, the Chief of Police or his designee may temporarily waive this provision for a period not exceeding 5 days.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 252 shall remain in full force and effect as previously adopted.

	Motion	Second	Yes	No	Abstain	Absent
Councilman Yaccarino						
Councilman O'Toole						
Councilwoman Homan						
Councilwoman Lovisolo						
Councilman Daloisio						
Councilman O'Connell						
Mayor Wilczynski	-----	-----				

I hereby certify the above to be a true copy of an Ordinance introduced by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY

ORDINANCE # 25-12

ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF
THE BOROUGH OF ALLENDALE

**AN ORDINANCE BY THE BOROUGH OF ALLENDALE GOVERNING BODY AMENDING THE
BOROUGH OF ALLENDALE CODE OF ORDINANCES TO REPEAL CHAPTER 132; TO ADOPT
A NEW CHAPTER 132; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN
ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **Borough of Allendale** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **Borough of Allendale** was accepted for participation in the National Flood Insurance Program on June 14, 1979 and the governing body of the Borough of Allendale desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the governing body of **Borough of Allendale** that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

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

SECTION 2.

These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 132.

CHAPTER 132 FLOODPLAIN MANAGEMENT

ARTICLE I TITLE, SCOPE, PURPOSE AND OBJECTIVES

132.1 Title.

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

132.2 Scope.

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

132.3 Purposes and objectives.

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

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels and shorelines;
- D. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.

- J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

132.4 Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Allendale administer and enforce the State building codes, the governing body of the Borough of Allendale does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

132.5 Warning.

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

132.6 Other laws.

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

132.7 Abrogation and greater restrictions.

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

ARTICLE II DEFINITIONS

132.8 General.

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

132.9 Definitions

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

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

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

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

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

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

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

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances

where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING - A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. AREA OF SPECIAL FLOOD HAZARD - see SPECIAL FLOOD HAZARD AREA

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

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

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

BASE FLOOD ELEVATION (BFE) - The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the "100-year flood elevation".

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to

Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

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

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

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

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or

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

CRITICAL BUILDING - Per the FHACA, "Critical Building" means that:

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

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

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

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

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

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

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

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

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

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

HABITABLE BUILDING- Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a

mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP - As related to Section 132.25 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Borough of Allendale Land Use Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

HISTORIC STRUCTURE - Any structure that is:

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

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

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the

requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

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

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

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

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

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

Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

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

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

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

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

rent or sale.

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

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

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

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

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

RESIDENTIAL - Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;

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

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

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

START OF CONSTRUCTION - The Start of Construction is as follows:

- a. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the

building.

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.. The term does not, however, include either:

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

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

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

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

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

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

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

ARTICLE III GENERAL PROVISIONS

132.10 General.

These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and

replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

132.11 Ordinary Building Maintenance and Minor Work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 132.14N of this ordinance.

132.12 Establishment of Flood Hazard Areas.

The Borough of Allendale was accepted for participation in the National Flood Insurance Program on June 14, 1979.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough of Allendale Municipal Building, 500 West Crescent Avenue, Allendale, NJ 07401.

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

- A. Effective Flood Insurance Study. Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study Bergen County, New Jersey (All Jurisdictions) dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 132.12(1) whose top level document (index map) effective date is August 28, 2019 are hereby adopted by reference.

Table 132.12(A)

Map Panel #	Effective Date	Suffix
34003C0067	August 28, 2019	H
34003C0069	August 28, 2019	J
34003C0086	August 28, 2019	J
34003C0088	August 28, 2019	J

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

Table 132.12(B)

Map Panel #	Preliminary Date
None as of the date of this ordinance	

- C. Other Best Available Data. Borough of Allendale shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Allendale. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in the Sections 132.12A & B above. This information shall be used for floodplain regulation purposes only.
- D. State Regulated Flood Hazard Areas. For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 132.9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 132.12(3 List of State Studied Waters

Name of Studied Water	File Name	Map Number
Ramsey Bk	AB000024	D-6
Valentine Bk Trib #2	AB000025	D-5
Valentine Bk	AB000029	C-7
Valentine Bk	AB000030	C-6
Valentine Bk	AB000038p	38P

132.13 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 132.12, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

- A. At a minimum, the Local Design Flood Elevation shall be as follows:
1. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 132.12, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
 2. For any undelineated watercourse (where mapping or studies described in 132.12 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 132.21-22.
 3. AO Zones - For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
 4. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
 5. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III

Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

ARTICLE IV ADMINISTRATION

132.14 Floodplain Administrator

- A. Designation. The Construction Code Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.
- B. General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 132.25 of these regulations.
- C. Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.
- D. Duties. The duties of the Floodplain Administrator shall include but are not limited to:
 - 1. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 132.12 of these regulations.
 - 2. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
 - 3. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
 - 4. Determine whether additional flood hazard data shall be obtained or developed.
 - 5. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
 - 6. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 132.14N of these regulations.

7. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
 8. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 132.25 of these regulations.
 9. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
 10. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
 11. Inspect development in accordance with Section 132.24 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
 12. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 132.25 of these regulations.
 13. Cite violations in accordance with Section 108 of these regulations.
 14. Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Allendale have been modified.
 15. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 132.11.
- E. Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.
- F. Other permits. It shall be the responsibility of the Floodplain

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

- G. Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:
1. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
 2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in Section 132.12 and Section 132.13 respectively. This information shall be provided to the Construction Official and documented according to Section 132.140.

- H. Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- I. Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the

placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

- J. Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.
 - 1. Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.
- K. Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.
 - 1. Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.
- L. Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.
- M. Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance

unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

- N. Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:
1. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 2. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 132.11, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
 3. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
 4. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
 5. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code

is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

- O. Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.
- P. Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

ARTICLE V PERMITS

132.15 Permits Required.

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

132.16 Application for permit.

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

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in Section 132.20-23 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

132.17 Validity of permit.

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

132.18 Expiration.

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is

authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

132.19 Suspension or revocation.

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

132.20 Information for development in flood hazard areas.

- A. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:
- B. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- C. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 132.21.
- D. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 132.21C of these regulations.
- E. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- F. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- G. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- H. Extent of any proposed alteration of sand dunes.
- I. Existing and proposed alignment of any proposed alteration of a

watercourse.

- J. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

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

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

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

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

132.22 Analyses and certifications by a Licensed Professional Engineer.

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

- A. For development activities proposed to be located in a

regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 132.23 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 132.23 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

132.23 Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown

on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

132.24 Inspections

- A. General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.
- B. Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.
- C. Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.
 - 1. Lowest floor elevation. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 132.32 shall be submitted to the Construction Official on an Elevation Certificate.
 - 2. Lowest horizontal structural member. In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 132.32 shall be submitted to the Construction Official on an Elevation Certificate.
 - 3. Installation of attendant utilities (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 132.32.
 - 4. Final inspection. Prior to the final inspection, certification of the elevation required in Section 132.32 shall be submitted to the Construction Official on an Elevation Certificate.
- D. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted hardshpon an Elevation

Certificate to the Floodplain Administrator prior to the final inspection.

ARTICLE VI VARIANCES

132.25 Variances

- A. General. The Land Use Board shall hear and decide requests for variances. The Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 132.25, the conditions of issuance set forth in Section 132.25, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Land Use Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.
- B. Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.
- D. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 132.22 of these regulations.
- E. Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed development, including

contents, to flood damage and the effect of such damage on current and future owners.

4. The importance of the services provided by the proposed development to the community.
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
6. The compatibility of the proposed development with existing and anticipated development.
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

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

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

ARTICLE VII VIOLATIONS

132.26 Violations.

- A. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.
- B. Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.
- C. Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.
- D. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.
- E. Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.
- F. Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the

following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

ARTICLE VIII PROVISIONS FOR FLOOD HAZARD REDUCTION

132.27 Subdivisions and Other Developments

- A. General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage.
 - 2. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
 - 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.
- B. Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - 1. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
 - 2. Residential building lots shall be provided with adequate buildable area outside the floodway.
 - 3. The design criteria for utilities and facilities set forth

in these regulations and appropriate codes shall be met.

132.28 Site Improvements

- A. Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 132.22 of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 132.22 is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 132.322 of this ordinance and the floodway requirements of N.J.A.C. 7:13.
- B. Prohibited in floodways. The following are prohibited activities:
 - 1. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
 - 2. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.
- C. Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.
- D. Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.
- E. Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.
- F. Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.
- G. Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and

structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

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

132.29 Manufactured Homes

- A. General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).
- B. Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 132.32.
- C. Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.
- D. Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- E. Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 132.32.

- F. Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 132.32 of these regulations.
 - 1. Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 132.32, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).
- 132.30 Recreational Vehicles
- A. Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.
 - B. Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.
 - C. Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 132.32 for habitable buildings and Section 132.29.
- 132.31 Tanks
- A. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.
- 132.32 Other Development and Building Work
- A. General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:
 - 1. Be located and constructed to minimize flood damage;
 - 2. Meet the limitations of Section 132.22 of this ordinance when located in a regulated floodway;
 - 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 132.13;
 - 4. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;

5. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 132.13 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - a. Specifically allowed below the Local Design Flood Elevation; and
 - b. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
 6. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
 7. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.
- B. Requirements for Habitable Buildings and Structures
1. Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 132.9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 132.13, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - (i) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 132.13, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (ii) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure: Meets the requirements of ASCE 24 Chapters 2 and 7; and Is constructed according

to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

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

owner to enforcement;

- C. Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.
- D. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 132.22 of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 132.25 of this ordinance.
- E. Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 132.22 of these regulations and N.J.A.C. 7:13.
- F. Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 132.22 of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.
- G. Roads and watercourse crossings.
 - 1. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
 - 2. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 132.22 of these regulations.
- H. Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in

accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

- I. Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.
- J. Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 132.22 of these regulations.
- K. Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.
 - 1. Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 132.13.
 - 2. Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 132.13 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.
 - 3. Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 132.32 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.
 - 4. Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 132.13.
 - 5. Protection of mechanical, plumbing, and electrical

systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 132.13.

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

SECTION 3 SEVERABILITY

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately.

	Motion	Second	Yes	No	Abstain	Absent
Councilman Yaccarino						
Councilman O'Toole						
Councilwoman Homan						
Councilwoman Lovisolo						
Councilman Daloisio						
Councilman O'Connell						
Mayor Wilczynski	-----	-----				

I hereby certify the above to be a true copy of an Ordinance introduced by the Governing Body of the Borough of Allendale on

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-161

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisolio						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

A RESOLUTION EXPRESSING THE BOROUGH'S INTENT TO PURCHASE TWO AFFORDABLE UNITS AT AN AFFORDABLE PRICE, TO EXTEND THE DEED RESTRICTIONS ON TWO OTHER AFFORDABLE UNITS AND TO RESERVE THE RIGHT TO BUY TWO ADDITIONAL UNITS AT THE AFFORDABLE PRICE.

COAH -- "With The Full Cooperation" Of the HMFA – Adopted Regulations That Identified Affordable Housing As A “Precious Resource” And That Empowered Municipalities To Decide How To Best Use That Resource To Advance the Interests of Low- and Moderate-Income Households.

WHEREAS, on May 15, 1989, the New Jersey Council on Affordable Housing ("COAH") "with the full cooperation of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency ("HMFA")" adopted regulations that established important public policies centered on the principle that affordable housing was a "precious resource" and that municipalities should be allowed to decide how best to use that resource to facilitate the production of affordable housing (see 21 N.J.R. 2020-2024); and

WHEREAS, COAH explained that "New Jersey is losing affordable units and the subsidy necessary to replace them" as a result of the expiration of controls on affordable units created "by HUD in the 1960s and 1970s" and noted that "experience indicates that there will be an on-going need for affordable housing" (see 21 N.J.R. 2020); and

WHEREAS, the regulations that COAH adopted empowered municipalities to use "proceeds derived from sales of affordable units for the creation, rehabilitation or maintenance of affordable housing units" or to extend the deed restriction on affordable units (see 21 N.J.R. 2020); and

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WHEREAS, through these regulations, COAH "decided to create a situation where responsible public officials could make decisions regarding the continued maintenance of affordability as the controls were expiring" (see 21 N.J.R. 2020); and

WHEREAS, in establishing these policies, COAH considered the claim that "[o]wners of affordable units should be allowed to retain the equity built up in their units if the unit is sold after the resale controls expire"; and concluded that the rights of municipalities to address the need for affordable housing as they saw fit was more important than the rights of individual low- and moderate-income households to a potential windfall:

"RESPONSE: After listening to many different views, the Council determined that an affordable housing unit is a precious resource and efforts should be made to retain the affordable housing stock or for money to be recycled to create additional housing opportunities. However, the owners of a low and moderate income unit do receive many benefits, including an affordable housing unit during the length of their tenure; the equity resulting from repayment of a mortgage; the appreciation resulting from indexed increases to the maximum sales price of the housing unit; and the tax deductions that are synonymous with home ownership. Also, if home maintenance has been ignored, the owner may not be able to sell the unit for the full controlled price."

[21 N.J.R 2020]

and

WHEREAS, COAH implemented the policies explained in response to comments made on its proposed rules by providing that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:92-12.1" (N.J.A.C. 5:92-12.8(a)); and

WHEREAS, for ease in reference, this resolution shall refer to (a) the right COAH conferred on municipalities to capture 95 percent of the differential between the fair market value of an affordable unit and the Maximum Restricted Resale Price

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of a unit at the first non- exempt sale following the expiration of the deed restriction as "*the repayment option*" and (b) the right COAH conferred on municipalities to reject the repayment option and thereby extend the affordability controls as "*the extension of controls option*"; and

WHEREAS, on May 10, 1994, COAH adopted its Round 2 Substantive Regulations, which incorporated the policies it had established by its 1989 regulations (compare 5:92-12.1 et seq. with N.J.A.C. -9.1 et seq.); and

*The HMFA Incorporated into Its UHAC Regulations The Standards Set Forth In
The Regulations COAH Adopted in 1989 and 1994, Thereby Reaffirming The
Right of Municipalities To Use Existing Affordable Housing To Advance the
Interests of Low-and-Moderate Income Households As the Municipalities Deem
Fit*

WHEREAS, in 2001 and 2004, the HMFA incorporated into its Uniform Housing Affordability Controls ("UHAC") regulations the standards that COAH had first established in 1989 with its "full cooperation" and that COAH made part of its Round 2 regulations (see N.J.A.C. 5:80-26.1 thru - 26.26); and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25 of the UHAC, like N.J.A.C. 5:92-12.8 and N.J.A.C. 5:93-9.9 of COAH regulations, the HMFA reaffirmed "the right [of municipalities] to determine that the most desirable means of promoting an adequate supply of low-and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2"; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25 of the UHAC, the HMFA gives the Borough "the right to determine that the most desirable means of promoting an adequate supply of low-and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 ... " (compare N.J.A.C. 5:80-26.25 with N.J.A.C. 5:93-9.9); and

WHEREAS, by incorporating into UHAC the standards that COAH established in its 1989 regulations and reasserted in its Round 2 regulations, the HMFA reaffirmed yet again the rights of municipalities to use existing housing to advance the interests of the class of low and moderate (LMI); and

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WHEREAS, COAH, the DCA and the HMFA thus recognized that the interest of the class of low and moderate income households must take precedence over the rights of individual low and moderate income households to a windfall; and

*In December, 2024, The HMFA Recently Adopted Emergent Regulations
Wherein It Again Provided For Municipalities To Use Existing Affordable
Housing To Advance the Interests of Low and Moderate Income Households*

WHEREAS, in March of 2024, the New Jersey Legislature passed, and the Governor signed, Bill A4, codified into law as N.J.S.A. 52:27D-301 et seq. (hereinafter "FHA II"); and

WHEREAS, the FHA II became effective on March 20, 2024; and

WHEREAS, FHA II also recognized the right of municipalities to secure credit by extending the affordability control on units (see N.J.S.A. 52:27D-311 (k)); and

WHEREAS, FHA II directed the New Jersey Housing and Mortgage Financing Agency (HMFA) to revise the Uniform Housing Affordability Controls (UHAC) within nine months of enactment to strengthen the requirements under which a town may fulfill its affordable housing obligations by extending deed restrictions on existing affordable units (see N.J.S.A. 52:27D-313-3); and

WHEREAS, on December 19, 2024, the HMFA complied with this obligation to adopt revised UHAC regulations on an emergency basis; and

WHEREAS, pursuant to these emergency regulations, a municipality could purchase an affordable housing unit at its first non-exempt sale, at the maximum restricted price (see N.J.A.C. 5:80-26.6 (f)); and

WHEREAS, upon acquiring such a unit, a municipality could then sell the unit to a LMI household with a new 30 year deed restriction and thereby secure a credit against its Fourth Round obligation (see N.J.S.A. C:52:37D-301 et. al.); and

WHEREAS, the emergent HMFA regulations also empowered municipalities to extend deed restrictions on 95/5 units for a cost of \$10,000 and on units that do not qualify as 95/5 units for \$20,000 (N.J.A.C. 5:80-26.6); and

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WHEREAS, there are six properties in the Borough, currently subject to affordability controls, with deed restrictions that will expire between July 1, 2025 and June 30, 2035 unless the Borough takes steps to keep the affordable units in its inventory of affordable units; and

WHEREAS, more specifically, four of the six units are as follows: 3 Trotters Lane (Block 2101, Lot 3); 11 Trotters Lane (Block 2101, Lot 11); 7 Trotters Lane (Block 2101, Lot 7); and 86 Carriage Court (Block 2101, Lot 86); and

WHEREAS, the deed for each of the four units expressly provides that “the Borough of Allendale . . . shall have an option to purchase the Unit at a maximum allowable restricted sale price at the earlier of (a) the time of the first non-exempt sale after controls on affordability have been in effect for thirty (30) years after the date of the initial acquisition of the Affordable Housing Unit by a purchaser, or (b) the date upon which a judgment of foreclosure or deed in lieu of foreclosure is obtained by the holder of a first mortgage lien on the unit.”; and

WHEREAS, in addition to the four units identified above, there are two additional properties in the Borough, currently subject to affordability controls, which are not 95/5 units: 96 Elm Street (Block 1809, Lot 8C0096) and 100 Elm Street (Block 1809, Lot 8C00100); and

WHEREAS, the deed restrictions on these two additional units will expire between 9/29/29 and 11/22/29, unless the Borough takes steps to extend the deed restrictions and thereby keep the affordable units in its inventory of affordable units; and

WHEREAS, the deed for each of the units provides that, “In accordance with N.J.A.C. 5:80-26.5, each restricted unit shall remain subject to the requirements of this subchapter, the “Control Period,” until the municipality in which the unit is located elects to release the unit from such requirements”; and

WHEREAS, the deed further states that, “Sale and use of the property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the “Regulations”) and any amendments, changes, or supplements thereto”; and

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WHEREAS, the section of UHAC which the above deeds reference, now N.J.A.C. 5:80-26.6 under the December 2024 regulations, allows a municipality to extend the deed restrictions on an ownership unit, provided it pays the owner of the unit \$20,000; and

WHEREAS, FHA II establishes a June 30, 2025 deadline to file a Housing Element and Fair Share Plan of any municipality, such as Allendale, that voluntarily elected to participate in its process; and

WHEREAS, Allendale is a progressive community that satisfied its obligations through Round 3 and secured a Judgment of Compliance and Repose approving its Round 3 Housing Element and Fair Share Plan; and

WHEREAS, Allendale has sought to comply in Round 4 as well based upon the amendment to the Fair Housing Act signed into law on March 20, 2024; and

WHEREAS, Allendale has been working on formulating a Housing Element and Fair Share Plan to address its responsibilities through Round 4 based upon the only laws available to it; and

WHEREAS, one component of the Housing Element and Fair Share Plan that is anticipated to be adopted by the Planning Board, endorsed by the Borough and filed with the Program later this month involves the purchase and resale of two of the affordable properties identified above and with a resale of the units with a deed restriction that would keep the units restricted for an additional 30 years; and

WHEREAS, the two units it wishes to purchase now are the ones located at 3 Trotters Lane and
11 Trotters Lane; and

WHEREAS, in accordance with the deeds of these two units, the Borough will pay the maximum restricted sale price to the owners of each of these two units, at the first non-exempt sale following the expiration of the deed restriction, as part of its commitment to fulfilling its Round 4 affordable housing obligation; and

WHEREAS, notwithstanding any other law to the contrary, the Borough has a right, under the plain language of the deeds, and it is hereby exercising that right to purchase the affordable units at the first nonexempt sale following the expiration

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of the current deed restriction and commits to reselling the units after confirming they are safe and habitable with appropriate 30 year deed restrictions and shall claim entitlement to credits for these units based on these commitments; and

WHEREAS, the Borough shall make sure these two units are in a safe and habitable condition with an appropriate 30-year affordability restriction before the units are conveyed to another low or moderate income household as part of its provision of creditworthy units in its Round 4 Housing Element and Fair Share Plan; and

WHEREAS, by committing to purchase these two units located at 3 Trotters Lane and 11 Trotters Lane, the Borough is in no way abandoning its right to purchase the other two units located at 7 Trotters Lane and 86 Carriage Court that also have language in their deeds authorizing the Borough to purchase the units at the maximum restricted price at the first nonexempt sale following the expiration of the deed restriction; and

WHEREAS, as noted above, four units have language in their deeds that gives the Borough the right to buy the units at an affordable price and two additional units has language in their deed that empowers the Borough to extend the deed restrictions on the units (96 Elm Street and 100 Elm Street: and

WHEREAS, in addition to buying two of the four units with language in the deed that authorizes the Borough to buy at the affordable price, the Borough wishes to extend the deed restriction on the two units with deed language authorizing the Borough to extend the restrictions.

WHEREAS, in accordance with the December 2024 emergency regulations and the language of the deeds, the Borough will commit to a payment of \$20,000 per unit to extend the restrictions on these two units, and claims the right to two credits towards its Round 4 obligation in so doing.

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

SECTION 1. The Borough of Allendale shall purchase, at the maximum restricted resale price, the following units, at the first non-exempt sale after controls on affordability have expired, in accordance with the plain language in the deeds:

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3 Trotters Lane (Block 2101, Lot 3) (controls extend from 10/31/02 until 10/31/32); and
11 Trotters Lane (Block 2101, Lot 11) (controls extend from 10/16/02 until 10/16/32).

The deed restriction on these units shall be for thirty from the resale of the units by the Borough.

SECTION 2. The Borough moreover affirms that it continues to possess the right to purchase the following units at the first non-exempt sale after controls on affordability have expired in accordance with the plain language in the deeds:

7 Trotters Lane (Block 2101, Lot 7) (controls extend from 12/19/02 until 12/19/32); and
86 Carriage Court (Block 2101, Lot 86) (controls extend from 2/11/03 until 2/11/33).

The deed restriction on these units shall be for thirty from the resale of the units by the Borough.

SECTION 3. The Borough moreover shall extend the deed restrictions on the following units, pursuant to the language of their deed, and shall pay to the owner of each a sum of \$20,000, pursuant to the December 2024 UHAC regulations codified as N.J.A.C. 5:80-26.6:

96 Elm Street (Block 1809, Lot 8C0096) (current controls extend from 9/29/99 until 9/29/29); and
100 Elm Street (Block 1809, Lot 8C00100) (current controls extend from 11/22/99 until 11/22/29).

The deed restrictions referenced above shall extend for thirty years from the last date of the current deed restriction or from the sale of the units at the first nonexempt sale following the expiration of the deed restriction, whatever may be required to secure the Borough's right to credits.

SECTION 4. Although the Borough is taking the actions set forth herein consistent with the emergency regulations adopted by the HMFA in December of 2024, the Borough has an independent right based on the plain language of the deeds of the following units to buy the units at the maximum restricted price: 3

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Trotters Lane (Block 2101, Lot 3); 7 Trotters Lane (Block 2101, Lot 7); 11 Trotters Lane (Block 2101, Lot 11); and 86 Carriage Court (Block 2101, Lot 86); and

SECTION 5. In purchasing the two units located at 3 Trotters Lane and 11 Trotters Lane and reselling them with an appropriate 30-year deed restriction after making sure they are safe and habitable, the Borough seeks to keep these units in its stock of units affordable to low and moderate income households and to forego any right to capture 95 percent of the differential that might apply during this 30 year extended period of affordability.

SECTION 6. Before reselling any of the four affordable units located at 3 Trotters Lane (Block 2101, Lot 3); 7 Trotters Lane (Block 2101, Lot 7); 11 Trotters Lane (Block 2101, Lot 11); and 86 Carriage Court (Block 2101, Lot 86) with a new 30 year restriction after exercising its right to purchase at the maximum restricted price, the Borough shall address any health and safety concerns.

SECTION 7. The Borough shall notify the owners of the two units it is committing to buy now (3 Trotters Lane and 11 Trotters Lane) that it is exercising its right to purchase the two units. Before it possibly buys and resells 7 Trotters Lane and 86 Carriage Court, the Borough shall notify the owners in a timely fashion that it will be buying the units.

SECTION 8. The Borough shall further seek to record this resolution to make clear in the chain of title that it will buy 3 Trotters Lane and 11 Trotters Lane that it will purchase the units at the first nonexempt sale following the expiration of the current deed restriction and will resell them with a fresh 30 year deed restriction. In the event the Borough elects its right to buy the two additional units with language in their deeds that it will buy the units (7 Trotters Lane and 86 Carriage Court), the Borough will also record this resolution to make clear that it is buying the units at the first nonexempt sale following the expiration of the current deed restriction and will resell them with a fresh 30 year deed restriction.

SECTION 9. In extending the deed restrictions on the two final units located at 98 Elm Street and 100 Elm Street, the Borough will provide \$20,000 to each household; will restrict the units to keep them affordable, will forego its right to capture any percentage of the differential to which it may be entitled, and will take such steps as are necessary to make sure the units are safe and habitable. The Borough will also provide the households timely notice of the action it is taking

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and will record this resolution or another appropriate resolution to make the Borough's actions clear in the chain of title.

SECTION 10. By taking the actions set forth herein, the Borough asserts it is entitled to an additional credit to apply against its realistic development potential for each unit that it either (a) purchases and sells to a LMI household with a 30 year deed restriction, or (b) extends the deed restriction for an additional 30 year period.

SECTION 11. Notwithstanding the foregoing, should it be necessary for the Borough to take additional measures to secure each credit, the Borough reserves the right to do so.

SECTION 12. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Effective Date: June 12, 2025

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

BOROUGH OF ALLENDALE

ATTEST:

Mayor Amy Wilczynski

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-162

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

AUTHORIZE RENEWAL OF ABC LIQUOR LICENSES FOR 2025-2026

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2025; and,

WHEREAS, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2026, to the following:

PLENARY RETAIL <u>CONSUMPTION</u> LICENSES - \$2,500.00		
<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-33-007-010	Greyson Enterprises, LLC t/a Allendale Social	9 Franklin Turnpike, Allendale, NJ 07401
0201-33-001-002	Allendale Bar & Grill, Inc. t/a Allendale Bar & Grill	67 West Allendale Avenue, Allendale, NJ 07401
0201-33-006-007	Savini Restaurant, LLC t/a Savini Restaurant	168 West Crescent Avenue, Allendale, NJ 07401
PLENARY RETAIL <u>DISTRIBUTION</u> LICENSES - \$2,500.00		
<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-44-003-005	Allendale Liquors, Inc. t/a Allendale Wine Shoppe	101 West Allendale Avenue, Allendale, NJ 07401
0201-44-005-006	Acme Markets, Inc. t/a Acme	45 De Mercurio Drive, Allendale, NJ 07401

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-163

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisolo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**APPROVAL OF WAIVER OF FEES FOR 2025 CRESTWOOD LAKE MEMBERSHIP
MEMBERSHIP ACCOUNT NUMBER #515003**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby waives the fee for a Family Membership at Crestwood Lake for the 2025 Season to the following family for financial hardship reasons:

1. Crestwood Membership Account Number: #515003
Family Resident Rate: \$665.00
Discount: \$665.00

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-164

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF
UNDERSTANDING WITH TEAMSTERS LOCAL 11 TO ADD
JUNETEENTH AS A PAID HOLIDAY**

WHEREAS, the Borough of Allendale ("Borough") is a public employer that recognizes and values the contributions of its employees; and

WHEREAS, the Borough and Teamsters Local 11 ("Union"), affiliated with the International Brotherhood of Teamsters, are parties to a collective negotiations agreement governing terms and conditions of employment for certain Borough employees; and

WHEREAS, the Borough and the Union have reached a mutual agreement to amend the current collective negotiations agreement to include Juneteenth as a paid holiday; and

WHEREAS, the terms of this agreement are set forth in a Memorandum of Understanding ("MOU") between the Borough and the Union, which provides, among other things, that:

1. Juneteenth shall be added as a paid holiday for union members for the remaining term of the agreement, to be observed on the date selected by the Borough in accordance with either the federal or state Juneteenth holiday;
2. No other holidays will be affected, added, or removed by this MOU; and
3. The current collective negotiations agreement will remain in full force and effect in all other respects;

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

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-164

hereby approves and authorizes the execution of the MOU with Teamsters Local 11 to add Juneteenth as a paid holiday; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, and/or Borough Labor Counsel be and are hereby authorized to take all appropriate actions to effectuate the terms of the MOU, including execution of any related documents.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

Memorandum of Understanding (MOU)

between

Teamsters Local 11

and

The Borough of Allendale

It is hereby agreed by and between the Borough of Allendale (the "Borough") and Local 11, affiliated with the International Brotherhood of Teamsters ("Union"), as follows:

WHEREAS, the parties wish to add Juneteenth as a paid holiday for union members;

NOW, THEREFORE, and in consideration of the mutual covenant contained herein, the parties hereby stipulate and agree as follows:

1. The holiday of Juneteenth shall be added to the parties' collective negotiations agreement for the remaining term of that agreement, to be observed whichever date (e.g., the federal or state Juneteenth holiday) is chosen Borough-wide by the Borough;
2. No other holidays shall be affected, added, or removed as a result of the within;
3. The parties' collective negotiations agreement shall remain in full force and effect without any other changes to any of the language, terms and clauses contained therein except only as noted in #1, above.
4. A copy of this MOU has been furnished to representatives of the Borough and the Union.

The parties knowingly and voluntarily agree to the terms contained herein and represent that their respective signatures below are from persons fully authorized to bind the parties to the within, without ratification by either side due to the timing of the upcoming Juneteenth holiday.

For the Borough

For the Union

_____

Date

_____
Date

Dan Davis, Shop Steward

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-165

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisololo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on Consent
Agenda

APPROVAL OF TAX OVERPAYMENTS

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2nd Quarter of 2025 Taxes:

Block/Lot/Qual	Name	Property Location	Amount
1201.01/9.02	Corelogic Centralized Refunds 3001 Hackberry Rd. Irving, TX 75063-0156	153 Mac Intrye Lane	\$5,232.96

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-166

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**AUTHORIZATION TO ENTER INTO AND THE EXECUTION OF THE AMENDED
ALLENDALE MURAL PROJECT INDEPENDENT CONTRACTOR SERVICES
AGREEMENT**

WHEREAS, the Borough of Allendale wishes to enter into an amended “The Allendale Mural Project Independent Contractor Service Agreement”; and

WHEREAS, this services agreement is entered into with effect from January 1, 2024 by and between PacificLink Builders LLC (the “Contractor”), a New Jersey limited liability company with its principal place of business located at 52 Pittis Avenue, Allendale, NJ 07401 for the services of the Contractor’s Managing Member, Simon Rigg (the “Artist”); and The Borough of Allendale, a municipal corporation of the State of New Jersey (the “Borough”) having an address of 500 West Crescent Avenue, Allendale, NJ 07401 (the Contractor and the Borough each being referred to herein as a “party” and together are referred to herein as the “parties”); and

WHEREAS, the Borough of Allendale is coordinating with the Contractor who will design, facilitate and install a mural (the “*Mural*”) in the downtown district of Allendale, New Jersey (the “*Project*”); and

WHEREAS, the Project is referred to as *The Allendale Mural Project*. The Project was conceived and created by the Artist and is depicted in the Artist’s drawings in Schedule A; and

WHEREAS, Schedule B, of the Allendale Mural Project has been amended to reflect the changes to the Schedule, Costs, Proposed Timeline, and Schedule C has been added; and

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-166

WHEREAS, the Borough is supportive of the Project and has previously provided in kind support and permissions as required during the development phase of the Project; and

WHEREAS, the Project requires the active engagement of students at Hillside Elementary School, Brookside School and Northern Highlands Regional High School), which may be referred to collectively as (the “*Schools*”). The Schools are all within the Borough of Allendale; and

WHEREAS, the Mural is commissioned for the benefit of the Borough and the participating students who attend the Schools; and

WHEREAS, the Mural is to be installed on the wall on the right side of that certain building located at 87 West Allendale Avenue, Allendale, New Jersey; and

WHEREAS, notwithstanding anything in this Agreement to the contrary, except as provided in the agreement regarding Change Orders, the total costs and monies to be paid pursuant to this Agreement to the Contractor, inclusive of services and materials provided by the Contractor in the Scope of Work, as well as all monies to be paid by the Contractor to the Structural Engineer and the Installer, shall not exceed the sum of One Hundred Sixty Thousand and 00/100 (\$160,000.00) Dollars (said \$160,000.00 being referred to as the “Cost Cap”).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey that the Mayor be and hereby is authorized to execute the amended “The Allendale Mural Project Independent Contractor Services Agreement”.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**THE ALLENDALE MURAL PROJECT
INDEPENDENT CONTRACTOR SERVICES AGREEMENT**

This services agreement ("**Agreement**") is entered into with effect from January 1, 2024 ("**Effective Date**") by and between:

PacificLink Builders LLC, a New Jersey limited liability company with its principal place of business located at 52 Pittis Avenue, Allendale, NJ 07401 (**Contractor**), for the services of the Contractor's Managing Member, Simon Rigg (**Artist**); and

The Borough of Allendale, a municipal corporation of the State of New Jersey (the "**Borough**") having an address of 500 West Crescent Avenue, Allendale, NJ 07401 (the Contractor and the Borough each being referred to herein as a "**party**" and together are referred to herein as the "**parties**").

Acknowledgements:

- (a) The Contractor will design, facilitate and install a mural ("**Mural**") in the downtown district of Allendale, New Jersey ("**Project**"). The Project is referred to as *The Allendale Mural Project*. The Project was conceived and created by the Artist and is depicted in the Artist's drawings in Schedule A.
- (b) The Borough is supportive of the Project and has previously provided in kind support and permissions as required during the development phase of the Project.
- (c) The Project requires the active engagement of students at Hillside Elementary School (*Elementary School*), Brookdale School (*Middle School*) and Northern Highlands Regional High School (*High School*), which may be referred to collectively as the "**Schools**". The Schools are all within the Borough of Allendale.
- (d) The Mural is commissioned for the benefit of the Borough and the participating students who attend the Schools.
- (e) The Mural is to be installed on the wall on the right side of that certain building located at 87 West Allendale Avenue, Allendale, NJ (the "**Building**").

The above parties agree as follows:

1. **Services.** The Contractor will provide the services and deliverables specified in the Timeline and Budget attached hereto as Schedule B (the "**Timeline and Budget**"). The Timeline and Budget also incorporates and reflects the Contractor's Scope of Work ("**SOW**"), i.e. the services and deliverables to be provided by the Contractor in connection with the Project. The Contractor shall source, produce, fabricate and cause the installation of the Mural on the Building, as an educational project to be conducted with the engagement of the students of the Schools in accordance with the timeline set forth in the Timeline and Budget. Delivery dates in the Timeline and Budget are estimates based on lead times assessed by the Contractor in good faith at the time of drafting the Timeline and Budget. The Contractor represents and acknowledges that the services performed and deliverables provided under this Agreement will be done using equipment provided by the Contractor, and at hours and times as determined by the Contractor. The Contractor is engaged in providing these types of services and deliverables for persons or entities other than the Borough, and the Contractor is not required to provide services and deliverables exclusively to the

Borough during the term of this Agreement. For the avoidance of doubt, the Contractor is authorized to postpone any phase of the services at any time pending receipt of funds past due.

2. **Source of Funds and Payment.**

The parties hereto agree and acknowledge that the source of funds for payments to the Contractor provided for herein are from public donations and from other public-fundraising efforts.

The Borough has agreed to hold such funds as may be delivered to it in an account (the "Donations Account") from which the Borough shall make payments to the Contractor as provided for in this Agreement.

3. **Third Party Consents; Contractor's Engagement of Structural Engineer and Installer.**

(a) The Contractor is responsible for securing as may be necessary or required for or in connection with the Project, all written consents from (i) the Schools and (ii) the Borough of Allendale, including but not limited to all building and construction permits.

(b) The Borough is responsible for securing in writing (i) the consent of the owner of the Building for the installation of the Mural on the Building by the Contractor (or by a third party engaged by the Contractor for such purpose) and (ii) the consent from the owner of that certain lot (the "Adjacent Lot") immediately adjacent to the lot the Building, which Adjacent Lot has a street address of 91 West Allendale Avenue, Allendale, NJ, or from the lessee of the Adjacent Lot, for the use of the front grass portion only of the Adjacent Lot, in connection with the installation of the Mural on the Building. Contractor agrees and acknowledges that no work of any kind is to be performed at or on the Building or on the Adjacent Lot unless and until the Borough has confirmed in writing to the Contractor that it has received the written consents set forth in this Section 3(b).

(c)(i) Contractor acknowledges and agrees that the services of a structural engineer are required to establish and affirm, by way of a written report from such structural engineer, that the installation of the Mural on the Building is safe, and will not negatively impact or in anyway compromise the structural integrity of the Building.

(ii) Contractor further acknowledges and agrees that it shall be solely responsible for (A) retaining and entering into a contract with, and making payment to, a structural engineer (the "Structural Engineer") of its choosing who is properly licensed in the State of New Jersey, and (B) obtaining the above-referenced satisfactory structural engineering services and written report. Any and all information required by the Structural Engineer concerning the Mural, including but not limited to the weight and dimensions of the Mural, and its installation on the Building, shall be provided exclusively by the Contractor to the Structural Engineer.

(iii) Contractor further acknowledges and agrees that any monies to be paid by the Contractor to a Structural Engineer are included within the monies to be transferred to the Contractor from the Donations Account as provided for in this Agreement, and that such monies owed to or payable to the Structural Engineer are included within the Cost Cap and the Budget, as such terms are defined herein below. As such, Contractor shall have the sole responsibility to make from such monies any and all payments that may be owed to the Structural Engineer for his/her services referenced herein.

(iv) Contractor further acknowledges and agrees that no work related to the actual installation of the Mural on the Building shall commence or occur by any person unless and until (A) the Contractor it has received and provided to the Borough a structural engineering report, referenced in Section 3(c)(i) hereinabove, from the Structural Engineer and (B) any and all permits and/or approvals requested or required by the Borough of Allendale (including but not limited to the Borough of Allendale Building Department and/or the Construction Code Official) relating to the Mural and its installation on the Building have been unconditionally issued and received by the person/entity performing such installation.

(d)(i) Contractor acknowledges and agrees that the services of a person/entity (the "Installer") to perform the actual installation of the Mural on the Building will be required.

(ii) Contractor further acknowledges and agrees that it shall be solely responsible for retaining and entering into a contract with and making payment to, an Installer of Contractor's own choosing, provided however, that such Installer is a contractor licensed in the State of New Jersey to perform such installation services. Any and all information required by the Installer concerning the Mural and its installation on the Building, shall be provided exclusively by the Contractor to the Installer.

(iii) Contractor further acknowledges and agrees that any monies to be paid by the Contractor to an Installer are included within the monies to be transferred from the Donations Account as provided for in this Agreement, and that such monies owed to or payable to an Installer are included within the Cost Cap and the Budget, as such terms are defined herein. As such, Contractor shall have the sole responsibility to make from such monies any and all payments that be owed to the Installer for his/her services referenced herein.

4. Project Fees; Budget; Estimated Payment Schedule; and Scope of Work.

(a) The breakdown of all costs of the Project and the payment thereof is set forth in the Timeline and Budget attached hereto as Schedule B. The Timeline and Budget also incorporates and reflects the Scope of Work ("SOW") to be provided by the Contractor hereunder, including but not limited to all labor, materials and equipment. For purposes of clarity, while the actual services to be performed and/or materials to be provided by the Structural Engineer and an Installer are not within the Contractor's SOW, Contractor shall be solely responsible for the retention of, and payment of, said persons/entities as provided for in this Agreement.

(b) The parties hereto agree and acknowledge that the timing of payments contemplated in the Timeline and Budget are contingent upon, and subject to, adequate monies being on deposit in the Donations Account, which are sufficient for such payments. In the event that, at the time of any payment requested by the Contractor pursuant to the Timeline and Budget, sufficient funds have not been delivered to the Borough and deposited by the Borough in the Donations Account to pay to the Contractor the requested payment, the time within which any such payments are to be made shall be extended until such time as funds sufficient for the Borough to make such payment have been received by the Borough and deposited by the Borough in the Donations Account.

(c) Contractor agrees and acknowledges that as a condition precedent for payment from the Donations Account under this Agreement, it shall periodically, but in no event more than one time per calendar month, provide to the Borough written invoices and such other documentation as may be reasonably required by the Borough, when requesting payment as per the Timeline and Budget.

(d) Notwithstanding anything in this Agreement to the contrary except as provided in Section 5 herein regarding Change Orders, the total costs and monies to be paid pursuant to this Agreement to the Contractor, inclusive of services and materials provided by the Contractor in the SOW, as well as all monies to be paid by the Contractor to the Structural Engineer and the Installer, shall not exceed the sum of One Hundred Sixty Thousand and 00/100 (\$160,000.00) Dollars (said \$160,000.00 being referred to herein as the "Cost Cap").

(e) For purposes of clarity, the sole obligation of the Borough under this Agreement is to make payments to Contractor from the Donations Account upon the terms and conditions specifically set forth herein.

5.Change Orders. In the event that an increase to the SOW, or to the services and deliverable hereunder, is caused by any revisions to the scope or timeline of the Project, or to the nature or extent of the services required of the Contractor in connection with the Project, which revisions the parties hereto have mutually agreed will result in any costs in excess of the Cost Cap (the "Changes") the Contractor will, provided the Contractor and the Borough are in mutual agreement as to same, negotiate in good faith with the Borough as to any such adjustments in the Project Fee, in excess of the Cost Cap or delivery / installation dates as a result of the Changes. Where desired by either party, the Contractor will issue a revised Timeline and Budget to incorporate the Changes and reflect the (i) mutually agreed upon the terms associated with such Changes, and (ii) the specific dollar amount in excess of the Cost Cap to be paid in connection with the Changes and (iii) a revised payment schedule (the "Revised Payment Schedule") reflecting the payment dates associated with or resulting from the Changes and/or payments for the Changes. The Contractor shall not be required to commence work on the Changes until the the Borough has (a) signed off on the revised Timeline and Budget, if any; and (b) paid any additional fees required in line with the Revised Payment Schedule.

6.Ownership; Intellectual Property; Credit.

(a) Ownership: The Borough shall own the Mural. The Artist shall retain the copyright in the design of the Mural and any original element embodied therein, including the shape of the Mural and the decorative or functionality elements affixed onto, or incorporated into, the Mural.

(b) Trademarks. The Artist is authorized to identify the Borough as a client on its website, social media platforms and other promotional materials, and to the Borough's trademarks in connection with such identification where applicable.

(c) Credit. The Artist shall be credited in all of the Borough's promotional materials relating to the Project, and identified as the creator and designer of the Mural in any public statements, oral or written, pertaining to the Project. The Project shall include a plaque identifying the Artist in such fashion as the parties deem appropriate.

7.Limitation of Liability.

The Contractor agrees that neither the Borough of Allendale, nor any of its officials, elected officials, officers, employees, contractors, or agents, shall be liable to the Contractor or any third party for any actions, damages, claims, liabilities, costs, expenses, or losses in any way arising out of or relating to (i) the services performed or materials provided by the Contractor under this Agreement, or (ii) the services performed or materials provided by either the Structural Engineer or an Installer, except to the extent caused by the gross negligence or willful misconduct of the Borough.

Upon completion and handover of the mural, all responsibility for the care, maintenance, and public safety related to the mural shall transfer to the Borough. The Contractor shall not be liable for any claims arising after handover, including but not limited to claims related to design, construction, or installation, or for injuries to third parties, unless such claims are the direct result of gross negligence or willful misconduct by the Contractor during the performance of the work. The Borough agrees to indemnify and hold the Contractor harmless against any such post-completion claims, except as stated above.

8. Insurance. Both parties agree to maintain general liability insurance of no less than \$1M per incident and \$2M in the aggregate in connection with the Project, and the parties will exchange certificates of insurance as may be reasonably required by the other party naming each party as an additional insured of the other party. The Contractor's insurance shall be the primary insurance in connection with any claim arising out of the Project, except to the extent arising solely from the negligent act or negligent omission of the Borough.

9. Force Majeure. Any delay or failure in the performance by the Contractor under this Agreement shall be excused if, and to the extent, caused by the occurrence of fires, floods, explosions, riots, wars, hurricane, sabotage, terrorism, vandalism, governmental acts, labor strikes, pandemics and other such events that are beyond the reasonable control of the Contractor.

10. Term. The Term of this Agreement shall begin on the Effective Date and shall continue until the Project is completed or abandoned with the consent of both parties. Contractor may not terminate this Agreement except for a material breach by the Borough of its obligations pursuant to this Agreement provided however that Contractor must give the Borough thirty (30) days prior written notice of alleged breach, and if the alleged breach is cured or rectified within said thirty (30) days period, no such breach shall be deemed to have occurred. In the event of any breach of the Agreement by the Borough, the Contractor's sole remedy shall for the payment of those monies found to be owed to the Contractor hereunder. The Borough may terminate this Agreement for any reason upon thirty (30) days' written notice to the Contractor, provided that the Borough shall pay the Contractor from the Donations Account any outstanding compensation due pursuant to the Timeline and Budget within fifteen (15) days of receipt of the final invoice that sets forth prorated Project Fee based on services actually provided, materials used and expenses / third party obligations incurred for the Project.

11. Representations and Warranties.

- (a) The Contractor warrants and represents that all designs contributed to the Project are original to the Contractor, and do not infringe the intellectual property rights of any third parties.
- (b) The parties each warrant and represent that they are not a party to any contract with any third party that would impair their ability to perform any of the obligations pursuant to this Agreement.
- (c) The undersigned signatories for each of the parties warrant and represent that they are duly authorized to enter into the Agreement on behalf of such party and by their signature to bind that party.

12. No Partner or Joint Venture Relationship. This Agreement is NOT intended to establish the Contractor or the Borough as a partner, joint venturer, agent or employee of the other party for any purpose. Nothing in this Agreement is intended to establish a partnership, joint venture, agency or

employment relation between the Borough and the Contractor. Each party is solely responsible for payment of any and all income taxes payable in connection with monies received by such party as a result of this Agreement or otherwise, and for compliance with all labor laws and workers compensation and disability insurance obligations applicable to the assignment of personnel to the Project.

13.Notices. All notices by any party shall be sent by overnight mail and addressed to the other party at the mailing address set forth on the first page of this Agreement or to such other address as the party may from time to time designate in writing for this purpose, with a copy to be sent via email on the day of mailing to the contact person from the other party who is assigned to the Project. The contact person and email address for the Contractor is Simon Rigg, having an email address of simonriggstudio@gmail.com. The contact person and email address for the Borough is Alison Altano, having an email address of alisonaltano@allendalenj.gov.

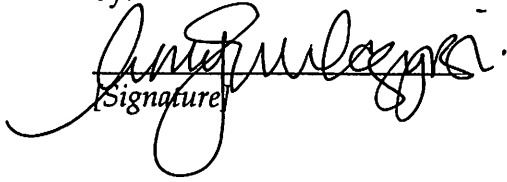
14.General. This Agreement sets forth the entire understanding of the parties in connection with the Project and may not be modified except by a written document signed by all parties. This Agreement may not be assigned by either party without the advance written consent of the other party. In the event that any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions will not in any way be affected or impaired thereby. This Agreement shall be governed by the laws of the State of New Jersey, and the all claims or disputes between the parties arising out of or related to this Agreement, and the venue, for the resolution of any such claims or disputes shall be the Superior Court of New Jersey, Bergen County, New Jersey. In the event of any such claim or dispute that arises out of this Agreement, the parties shall make a good faith effort to resolve such dispute through mediation prior to the commencement of any litigation. This Agreement may be executed in counterparts, and photocopies or scanned signatures shall be as valid and binding as if they were original signatures.

[SIGNATURES ON FOLLOWING PAGE]

ACCEPTED AND AGREED:

Borough of Allendale

by:

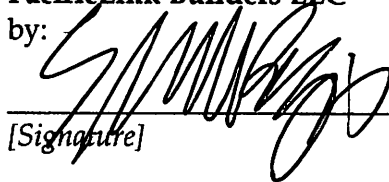

[Signature]

Amy E. Wilczynski
[Print Name & Title]
Mayor

5 / 30, 202~~4~~₅
[Date]

PacificLink Builders LLC

by:


[Signature]

Simon Rigg, Managing Member
[Print Name & Title]

05 / 30 / 2025
[Date]

Schedule A

PROJECT

[The Allendale Mural Project Design]

[Existing Wall]



SCHEDULE B - Amended

Allendale Mural Project: Schedule, Costs, Proposed Timelines - Amended

Note: Costs are inclusive of all provided materials, equipment and all labor.

STAGE 1.		Item costs, and
Schedule 1:	Dates start/complete	Total Progress Payments
Hillside School Year 3 students (setup, clay and glazing only)	02/12 start – 03/1	
Total Payment Schedule 1		\$ 4,000
Schedule 2:		
Brookside School students (setup, clay and glazing only)	03/12 start – 03/26	\$ 5,850
Northern Highlands students (set up, clay and glazing only)	04/23 start – 04/30	\$ 7,650
Remainder of historic clay elements (and wall borders to panels RIGG) (setup, clay and glazing only)	03/11– 04/30	\$ 11,800
Kiln firings		\$ 8,600
Total Payment Schedule 2		\$ 37,900
STAGE 2. Wall restore and related install		
Schedule 3:		
Wall restoration, cable cleanup	04/22 – 04/26	\$ 18,500
Design & stainless-steel panel fabrication	04/15 – 04/29	\$ 26,300
Traffic control/police during crane install	NI	NI
Total Payment Schedule 3		\$ 44,800
Schedule 4:		
Ceramic install onto stainless-steel panels	05/13	\$ 16,300
Mural painting and scaffold	05/20 – 06/28	\$ 32,000
Total Payment Schedule 4		\$ 48,300
Schedule 5:		
Final install ceramic panels on wall	05/22 – 06/28	\$ 15,000
Additional tiles of recognition	06/22 – 06/28	\$ 2,250
Drawing and mounted print	Completed	\$ 400
Design and supply of bronze plaque	NI	NI
Final Payment on Completion Schedule 5		\$ 17,650
Total Project		152,650.00

Plus 5% contingency		2,432.50
Total Contract Amount		156,082.50
ADJUSTEMENT TO TOTAL COST		(33,802.28)
Total Amended Contract Amount		\$ 122,274.22

Dates are estimated and subject to change based on funds collected from fundraising

Scope of Works:

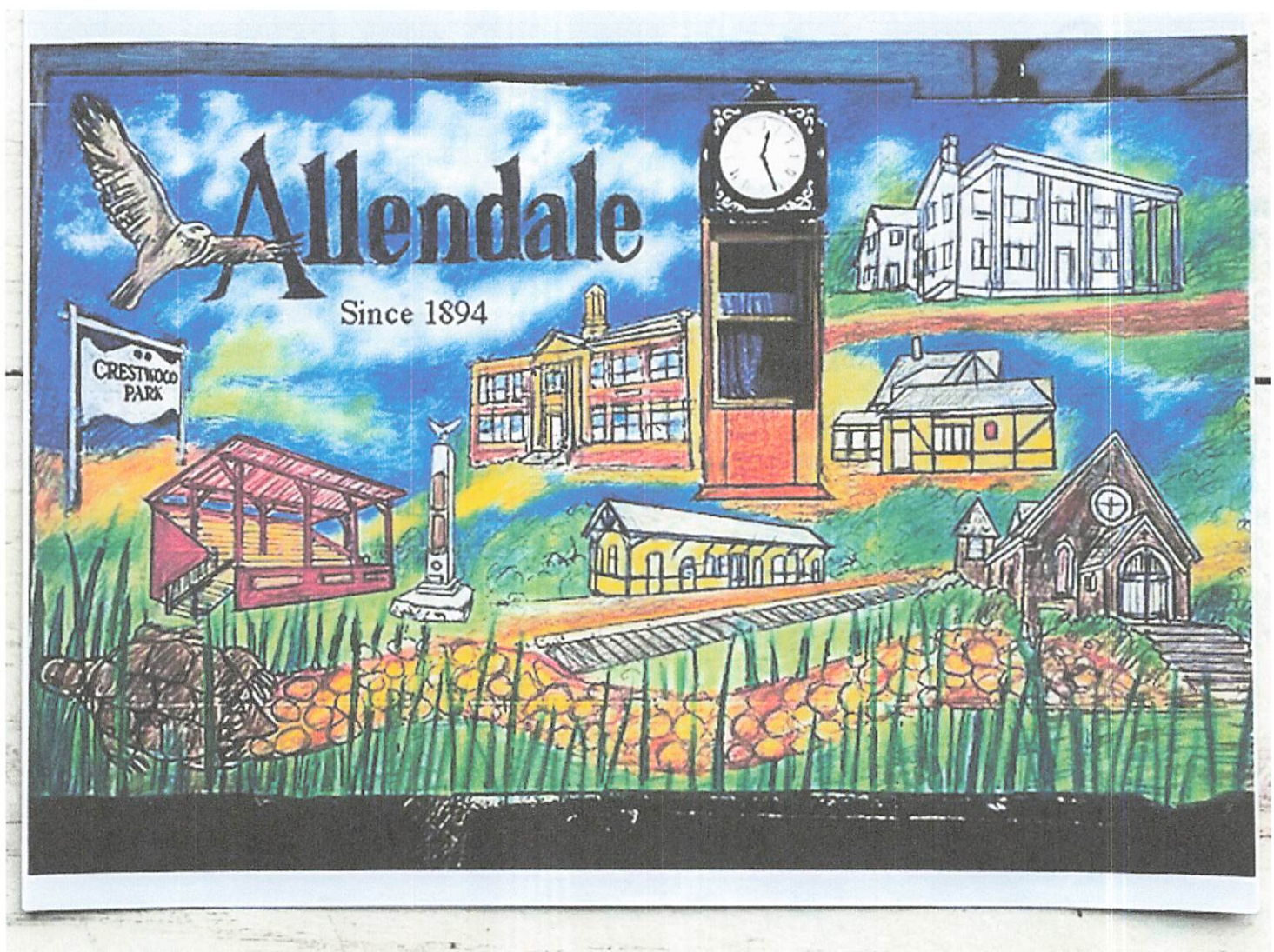
1. Provide all designs for the wall and detailed elements for clay fabrication.
2. Provide printed and mounted images for fundraising events.
3. Undertake all presentations to students and teachers at the three town schools; Hillside Elementary, Brookside Middle School, Northern Highlands Regional High School.
4. Organize and take all scheduled classes with students involved.
All work with the students participating in making the clay relief tiles will be in the school class rooms.
 - Hillside Elementary School – 91 students from Grade 3.
 - Scheduled start date February 12th over a two-week period.
 - Brookside Middle School - 12 students. Scheduled start is the third week of March over a two-week period.
 - Northern Highlands Regional High School - about 20 students. Expected class schedule last two weeks of April.
5. Order all required materials required such as; clay and glazes for each class
6. Undertake all kiln firings (bisque and glaze)
7. Organize all transport of ceramic tiles to and from the kiln firing locations.
8. Work with the structural engineer provided by the town in relation to the existing wall.
9. Organize all fabrication and design of the stainless-steel panels and liaison with the structural engineers and the fabricator.
10. Provide all finished drawings/ specs and submit to Allendale Borough for all permits.
11. Organize delivery of the fabricated panels to a work location in or near the town. *Note: the cost of the actual vacant space for assembling the ceramic onto the panels is not included into the budget costs and is a separate item.*
12. Document all ceramic tiles before kiln firing, number each tile, take photographs and provide templates as a reference for tile placement for final assembly.
13. Install all tiles on fabricated panels and include providing all epoxy materials and grouts.
14. Organize and oversee restoration of the existing wall, new waterproofing render coat and cleanup of existing cable TV and internet cables.
15. Organize temporary scaffolding along the full length of the wall for mural painting and ceramic tiles installation.
16. Organize and oversee the painting mural set out and artist's work, supply all required materials.
17. Organize trucking to pick up and deliver ceramic panels and required materials to the wall location.
18. Organize a crane, all fixing materials based on the structural engineers' specs and fit to the existing wall as per the master plan.
19. Organize traffic control/police if required *Note: Not included in these costs.*
20. Install individual handmade ceramic tiles to the wall around installed ceramic panels.
21. Remove all scaffolding and "make good" the site good.
22. Provide additional fabricated tiles for credit of town association and public services.
23. Design and supply bronze plaque noting sponsors and donors *Note: Design and provide a bronze plaque noting all sponsors and donors and install on the mural wall.*

Schedule C

Allendale Mural Project Schedule C, Costs, Proposed 2025 Timeline,

Schedules	Scheduled date	Item costs
Wall restoration, cable cleanup, plumbing	March 25	18,500
Ceramic install onto stainless-steel panels and materials	January - March 25	15,000
Scaffold	April 25	10,000
Mural Painting and materials	May 25	18,500
Final install stainless-steel panels on wall using crane and trucks and personnel.	April - May 25	15,000
Sponsorship tiles fabricate and install and materials		2,000
Total amount		79,000

The Allendale Wall Mural



**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-167

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisolo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

APPOINTMENT OF HOURLY PART-TIME BUILDING MONITORS

BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following people be appointed as hourly, part-time building monitors, effective June 9, 2025 at a rate of \$16.00 per hour:

John Luther
Dean Maimone
Ciara Powell

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-168

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**APPROVAL FOR THE DISPLAY OF RAINBOW RIBBONS BY THE DEMOCRATIC CLUB
OF THE BOROUGH OF ALLENDALE
IN RECOGNITION OF LGBTQ+ PRIDE MONTH**

WHEREAS, the month of June is recognized as LGBTQ+ Pride Month, celebrating the contributions, resilience, and diversity of the LGBTQ+ community; and

WHEREAS, the Democratic Club of the Borough of Allendale has requested permission to hang rainbow ribbons on designated light posts throughout the Borough during the month of June 2025, as a visible symbol of support, unity, and inclusion for all residents; and

WHEREAS, the rainbow ribbons have been displayed in previous years and have been met with overwhelmingly positive feedback from the community, further strengthening Allendale's commitment to being a welcoming and Stigma-Free municipality; and

WHEREAS, the Mayor and Council support efforts that promote inclusivity, community spirit, and respectful recognition of diversity; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that permission is hereby granted to the Democratic Club of Allendale to hang rainbow ribbons on designated light posts throughout the Borough during the month of June 2025 in recognition of LGBTQ+ Pride Month, subject to coordination with the Department of Public Works and compliance with any applicable guidelines for installation and removal as well as providing the borough with a Hold Harmless Agreement.

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a certified copy of this resolution to the Democratic Club of Allendale.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-169

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisolo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**APPROVAL OF WAIVER OF FEES FOR 2025 CRESTWOOD LAKE MEMBERSHIP
MEMBERSHIP ACCOUNT NUMBER #1584626**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby waives the fee for a Family Membership at Crestwood Lake for the 2025 Season to the following family for financial hardship reasons:

1. Crestwood Membership Account Number: #1584626
Family Resident Rate: \$530.00
Discount: \$530.00

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-170

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisolo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**APPROVAL OF WAIVER OF FEES FOR 2025 CRESTWOOD LAKE MEMBERSHIP
MEMBERSHIP ACCOUNT NUMBER #1852543**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby waives the fee for a Family Membership at Crestwood Lake for the 2025 Season to the following family for financial hardship reasons:

1. Crestwood Membership Account Number: **#1852543**
Family Resident Rate: \$455.00
Discount: \$455.00

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-171

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**AUTHORIZATION OF 2025 CRESTWOOD LAKE SALARIES
SUPPLEMENT TWO**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the above salaries are hereby approved for the Crestwood Lake Swim Club 2025 Season.

TITLE	EFFECTIVE DATE	NAME	RATE OF PAY
Sub-Guard	June 14, 2025	Hudson Wall	\$15.50 per hour
Sub-Guard	June 14, 2025	Lily Rybak	\$15.50 per hour
Sub-Guard	June 14, 2025	Douglas Kwon	\$15.50 per hour
Sub-Guard	June 14, 2025	Julianne Warzala	\$15.50 per hour
Sub-Guard	June 14, 2025	Tiana Gomez	\$15.50 per hour
Sub-Guard	June 14, 2025	Veronica Matias	\$15.50 per hour
Sub-Guard	June 14, 2025	Kaelyn Park	\$15.50 per hour
Sub-Guard	June 14, 2025	Bronwyn Wahl	\$15.50 per hour
Sub-Guard	June 14, 2025	Tyler VanDyke	\$15.50 per hour
Sub-Guard	June 14, 2025	Milo Pfeifer	\$15.50 per hour
Sub-Guard	June 14, 2025	Christopher Schmidt	\$15.50 per hour
Sub-Guard	June 14, 2025	Kate Kearl	\$15.50 per hour
Sub-Guard	June 14, 2025	Molly Barsanti	\$15.50 per hour
Sub-Guard	June 14, 2025	Fiona Manfre	\$15.50 per hour
Sub-Guard	June 14, 2025	Carter Paquin	\$15.50 per hour
Sub-Guard	June 14, 2025	Haley Benfatti	\$15.50 per hour
Gate	June 14, 2025	Edward Willkomm	\$14.75 per hour

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-172

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

**A RESOLUTION AUTHORIZING THE LIGHTING OF THE MENORAH IN THE
BOROUGH OF ALLENDALE**

WHEREAS, the Borough of Allendale recognizes the cultural and religious diversity of its residents, including those who celebrate Hanukkah, a festival commemorating the Jewish faith; and

WHEREAS, the lighting of the menorah holds significant religious and cultural importance to the Jewish community, symbolizing freedom, unity, and hope; and

WHEREAS, it is in the city's interest to foster understanding and celebrate the traditions of all its residents in a spirit of inclusivity and unity;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Allendale, County of Bergen, State of New Jersey, authorizes Valley Chabad to hold its annual menorah lighting ceremony to celebrate Hanukkah on Tuesday, December 16, 2025 at 5:00 p.m. at the Borough of Allendale, 500 West Crescent Avenue, Allendale, New Jersey.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 06/12/2025

RESOLUTION# 25-173

Council	Motion	Second	Yes	No	Abstain	Absent
Yaccarino						
O'Toole						
Homan						
Lovisollo						
Daloisio						
O'Connell						
Mayor Wilczynski	-----	-----				

☐ Carried
☐ Defeated
☐ Tabled
☐ Approved on
Consent Agenda

APPROVAL OF JUNE 12, 2025 LIST OF BILLS

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated June 12, 2025 in the amounts of:

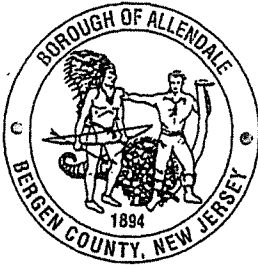
Bill List Numbers	June 12, 2025
Current Fund	\$ 1,213,532.44
Payroll Account	179,010.37
General Capital	42,195.57
Animal Fund	
Grant Fund	1,450.00
COAH/Housing Trust	4,307.00
Improvement & Beautification	6,043.50
Unemployment Fund	24,292.78
Trust Fund	16,796.59
Water Operating Water Capital	
<hr/>	
Total	\$ 1,487,628.25

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on June 12, 2025.

Linda Louise Cervino, RMC
Municipal Clerk

Bill List Numbers**June 12, 2025**

Current Fund	\$	1,213,532.44
Payroll Account		179,010.37
General Capital		42,195.57
Animal Fund		
Grant Fund		1,450.00
COAH/Housing Trust		4,307.00
Improvement & Beautification		6,043.50
Unemployment Fund		24,292.78
Trust Fund		16,796.59
Water Operating		
Water Capital		
<hr/>		
Total	\$	1,487,628.25



THE BOROUGH OF ALLENDALE

N E W J E R S E Y

500 WEST CRESCENT AVENUE, ALLENDALE, NJ 07401
WWW.ALLENDALE.NJ.GOV

OFFICE OF TAX COLLECTOR
OFFICE OF CHIEF FINANCIAL OFFICER

201-818-4400 EXT 205

I, Alison Altano, Chief Financial Officer of the Borough of Allendale, having reviewed the bill list for the Borough, do hereby certify that funds are available in the accounts so designated.

Certified 6/12/25

Alison Altano
Alison Altano
Chief Financial Officer