

**MINUTES OF THE REGULAR MEETING OF THE EDGEWATER MAYOR AND COUNCIL  
MEETING HELD IN THE EDGEWATER MUNICIPAL BUILDING, COUNCIL CHAMBERS,  
LOCATED AT 55 RIVER ROAD, EDGEWATER, COUNTY OF BERGEN, STATE OF NEW  
JERSEY ON MONDAY, APRIL 21, 2025 @ 6:00 PM.**

Mayor McPartland called the meeting to order and asked everyone to stand for the **PLEDGE OF ALLEGIANCE**

**OPEN PUBLIC MEETINGS ACT**

Mayor McPartland read the following statement:

In compliance with New Jersey's Open Public Meetings Act, Chapter 231 of P.L. 1975, I hereby declare that adequate notice of this meeting has been provided specifying that this meeting would be held on this date, April 21, 2025, in the Municipal Building, 55 River Road, Edgewater, New Jersey at 6:00 pm. This notice was published in the Record and Jersey Journal, posted on the bulletin board in the lobby of the Borough Hall and posted on the Borough's website.

**PRESENT ON ROLL CALL**

Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin, Councilman Bartolomeo

**ALSO PRESENT**

Administrator Gregory Franz, Borough Attorney Robert Travers, Borough Clerk Stephanie Evans.

**ABSENT**

Councilwoman Lawlor

**2025 MUNICIPAL BUDGET PUBLIC HEARING**

Steve Wielkotz, Borough Auditor – 2025 Municipal Budget

Mr. Wielkotz explained that he had to revise figures after it was reviewed by the state. An error was made in the Marine Utility by not including the temporary notes for a capital project, adding \$27,000 and change as an appropriation for interest on notes. The change is greater than 2% because it's a new appropriation, needing to be advertised, public hearing in 2 weeks on the amendment only, following by the adoption of the budget.

Mayor McPartland opened to the public

Mayor McPartland asked the council and the public if they had any questions or comments. Laurie Molina, 104 Nelson Court – Asked what the percentages were. Mr. Wielkotz stated that its 5.8 tax points, 11%. on the levy, about \$90.00 a quarter, just municipal taxes.

Councilman Gutierrez asked how the 11% related to other towns in Bergen County. Mr. Wielkotz answered on average 6 to 12% for other municipalities.

Mayor McPartland asked about the borough's surplus. Mr. Wielkotz replied that last year the borough used \$5+million as a revenue to offset spending. We only regenerated \$3.4 million of that. We were at 10.7 now we are at 8.8 which is healthy and we're using 3.4 million. What we generated last year, we are using this in year's budget. We used federal money over the last few years to offset increases in appropriations.

Mayor McPartland closed the public hearing on the budget.

**ADOPTION OF ORDINANCE**

**2025-007 Calendar Year 2025 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank**

Mayor McPartland opened the meeting to the public for any comments or discussion. Seeing no one wishing to address the ordinance.

Mayor McPartland closed the public hearing on this ordinance

Mayor McPartland asked for a motion to adopt the CAP Bank ordinance

Motion by: Councilman Martin

Second by: Councilman Vidal

Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin, Councilman Bartolomeo

All in favor: 5-0

**BOROUGH OF EDGEWATER  
ORDINANCE 2025-007**

**CALENDAR YEAR 2025  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**

**AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

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

**WHEREAS**, the Borough Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$270,585.6 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Edgewater, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Edgewater shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$947,049.74 and that the CY 2025 municipal budget for the Borough of Edgewater be approved and adopted in accordance with this ordinance; and,

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

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

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

Introduced: March 17, 2025  
Adopted: April 21, 2025

**AMENDED BUDGET RESOLUTION  
2025-107 Amend 2025 Budget**

Mayor McPartland asked for a motion to adopt the amended budget resolution

Motion by: Councilman Vidal

Second by: Councilman Bartolomeo

Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin,  
Councilman Bartolomeo

All in favor: 5-0

**RESOLUTION 2025-107  
AMENDED 2025 MUNICIPAL BUDGET  
THIS RESOLUTION CAN BE FOUND AT THE END OF THE MINUTES**

**PUBLIC HEARING ON BERGEN COUNTY 2025 TRUST FUND MUNICIPAL PROGRAM  
PARK DEVELOPMENT GRANT APPLICATION**

Mayor McPartland opened to the public for a hearing on the grant application, hearing no comments from the public.

Mayor McPartland closed the public hearing and asked for a motion.

Motion by: Councilman Bartolomeo

Second by: Councilman Monte

Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin,  
Councilman Bartolomeo

All in favor: 5-0

**2025-108 Resolution Of The Borough Of Edgewater Authorizing The Submission Of A Bergen County Open Space, Recreation, Floodplain Protection, Farmland And Historic Preservation Trust Fund (Bergen County Trust Fund) Application**

Mr. Franz explained that this resolution is approving an application to be submitted for upgraded playground equipment in front of the Community Center, which wasn't renovated when Veterans Field was done.

Mayor McPartland asked for a motion and a second for this resolution.

Motion by: Councilman Bartolomeo

Second by: Councilman Monte

Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin, Councilman Bartolomeo

All in favor: 5-0

**2025-108 Resolution Of The Borough Of Edgewater Authorizing The Submission Of A Bergen County Open Space, Recreation, Floodplain Protection, Farmland And Historic Preservation Trust Fund (Bergen County Trust Fund) Application**

**WHEREAS**, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

**WHEREAS**, the Borough of Edgewater desires to further the public interest by obtaining a matching grant of \$200,000.00 from the County Trust Fund to fund the following project: Edgewater Community Center Improvement Project; and,

**WHEREAS**, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

**WHEREAS**, as part of the application process, the Borough of Edgewater Mayor and Council have held the required Public Hearing to receive public comments on the proposed park improvements in the application on April 21, 2025; and,

**WHEREAS**, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

**WHEREAS**, the Borough of Edgewater is willing to use the County Trust Fund in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project and ensure its completion on or about the project contract expiration date.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Edgewater:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of April 25th, 2025, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Edgewater has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Edgewater is committed to providing a dollar-for-dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Edgewater agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

**OPEN MEETING TO THE PUBLIC**

Mayor McPartland opened to public for any other matter

Laura Seip, 1375 River Rd – Questions Ordinance 2025-008 regarding Hilliard Ave. Mr. Travers explained that the ordinances 2025-008 to 2025-010 adjusting the fees for municipal metered parking, more in line with Fort Lee and Cliffside Park. After amending the new metering system will be implemented. Ms. Seip asked about trees being knocked down in the north end by the Colony to widen the road? Mr. Franz stated vegetation was cleaned out for the required walking path.

Gail Fine, 302 Rutledge Court – Asking about a date for when the pickleball courts will be open. Mayor Mc Partland stated that the Borough Seal needed to be painted on one wall, grass needs to grow before we cut it, he doesn't want to open it before everything is done. Seeing no other comments/questions the mayor closed to the public

**ORDINANCE(S)**

**ADOPTION OF ORDINANCE(S)**

**ORDINANCE 2025-006**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER REPEALING CHAPTER 210 ENTITLED FLOOD DAMAGE PREVENTION IN ITS ENTIRETY OF THE CODE OF THE BOROUGH OF EDGEWATER AND ADOPTING A NEW CHAPTER 210 TO INCLUDE FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Mayor McPartland asked for: motion to adopt  
Motion by: Councilman Monte  
Second by: Councilman Vidal  
Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin,  
Councilman Bartolomeo  
All in favor: 5-0

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS  
OF THE BOROUGH OF EDGEWATER  
ORDINANCE NO. 2025-006**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER AMENDING THE BOROUGH OF EDGEWATER CODE OF ORDINANCES TO REPEAL CHAPTER 210 ENTITLED FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 210 ENTITLED FLOOD DAMAGE PREVENTION; 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 Edgewater 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 Edgewater was accepted for participation in the National Flood Insurance Program on April 1, 1983 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Edgewater 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 210 of the Borough of Edgewater Code entitled "Chapter 210 – Flood Damage Prevention;" and Chapter 240-79 of the Borough of Edgewater Code entitled "Chapter 240-79 – Floodplain Regulations".**

**SECTION 101 SCOPE AND ADMINISTRATION**

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

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

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

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

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

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

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

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

**101.8 Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250 imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

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

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

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

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

**SECTION 102 APPLICABILITY**

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

**102.2 Establishment of Flood Hazard Areas.** The Borough of Edgewater was accepted for participation in the National Flood Insurance Program on November 23, 1982.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Building Department office - 55 River Road, Edgewater, New.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions) dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top-level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix
34003C0276	2019-08-28	H
34003C0277	2019-08-28	H
34003C0278	2019-08-28	H
34003C0279	2019-08-28	H
34003C0286	2019-08-28	H

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

Table 102.2(2)

Map Panel #	Preliminary Date
34003C0276J	2014-08-29
34003C0277J	2014-08-29
34003C0278J	2014-08-29
34003C0279J	2014-08-29
34003C0286J	2014-08-29

- 3) **Other Best Available Data.** The Borough of Edgewater 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 Edgewater. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2),

above. This information shall be used for floodplain regulation purposes only.

- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Hudson River	Q0000029	HSR-1

**102.3 Establishing the Local Design Flood Elevation (LDFE).**

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

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

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

**SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Floodplain Administrator Designation.** The **Borough Engineer** is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.

- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Edgewater have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

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

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

**103.8 Requirement to submit new technical data.** Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical

or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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

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

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

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

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

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

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 101.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

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

**103.15 Department records.** In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

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

## SECTION 104 PERMITS

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

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

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

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

**104.4 Expiration.** A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

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

## SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

to the proposed development:

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

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

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

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

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

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

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

documentation of such notifications.

- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

## SECTION 106 INSPECTIONS

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

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

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

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

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

## SECTION 107 VARIANCES

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

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

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

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

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

### **SECTION 108 VIOLATIONS**

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

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

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

**108.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

### **SECTION 201 DEFINITIONS**

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

**201.2 Definitions**

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

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

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

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

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

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

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

**AGRICULTURAL STRUCTURE** - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

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

**AREA OF SPECIAL FLOOD HAZARD** – see SPECIAL FLOOD HAZARD AREA

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

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

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

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

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

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

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

FIS and FIRM.

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

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

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

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

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

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

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

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

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

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

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

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

capacity to resist flood loads.

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

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

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

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

#### **FLOOD OR FLOODING**

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

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

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

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

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

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

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

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

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

**FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to

flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

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

**HARDSHIP** – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board of the Borough of Edgewater requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

**HISTORIC STRUCTURE** – Any structure that is:

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

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

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

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

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

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

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

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

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

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

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

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

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

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

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

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

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the 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 official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

**V ZONES** – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

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

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

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

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

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

## **SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS**

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

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

**301.2 Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home

parks and subdivisions, lies within a flood hazard area, the following shall be required:

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

## **SECTION 401 SITE IMPROVEMENT**

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

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

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

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

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

**401.3 Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

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

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

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

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

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

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

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

## **SECTION 501 MANUFACTURED HOMES**

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

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

**501.3 Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on 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.

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

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

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

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

#### **SECTION 601 RECREATIONAL VEHICLES**

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

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

**601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

#### **SECTION 701 TANKS**

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

#### **SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK**

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

#### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.

- b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
- c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
  - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
    - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
  - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
  - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
  - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - vi. Have openings documented on an Elevation Certificate; and
  - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
  - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    - 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
    - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.

- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
  - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
  - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
  - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
  - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
  - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

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

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

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

**801.7 Roads and watercourse crossings.**

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

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

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

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

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five-units horizontal shall be

permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

- (3) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

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

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

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

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

**1001.1 Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

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

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

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

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

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

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

## **SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any

reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon final publication and ordinance adoption.

**SECTION 5. REPEAL OF INCONSISTENT ORDINANCES.**

All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: March 17, 2025

Adopted: April 21, 2025

**ORDINANCE(S)**

**INTRODUCTION OF ORDINANCE(S)**

**ORDINANCE 2025-008 AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 282 OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, AND STATE OF NEW JERSEY**

**BOROUGH OF EDGEWATER  
ORDINANCE 2025-008**

**ORDINANCE REPEALING ARTICLE I, OF CHAPTER 282 OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, AND STATE OF NEW JERSEY.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Edgewater as follows:

**SECTION 1:** Article I entitled "Hilliard Avenue and River Road" and all subsections contained in this Article I are hereby repealed in their entirety.

**SECTION 2.**

Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 3.**

Effective date. This ordinance shall take effect immediately upon final publication as required by law.

**SECTION 4.**

Repeal of Inconsistent Ordinances. All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**INTRODUCED: April 21, 2025**

**ADOPTED:**

**ORDINANCE 2025-009 ORDINANCE AMENDING ARTICLE II OF CHAPTER 282 "PARKING LOTS" OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, NEW JERSEY**

**BOROUGH OF EDGEWATER  
ORDINANCE 2025-009**

**ORDINANCE AMENDING ARTICLE II OF CHAPTER 282 "PARKING LOTS" OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, NEW JERSEY.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Edgewater, Bergen County, New Jersey, as follows:

**SECTION 1.** Section 282-11, of Article II entitled "Shadyside", shall be amended as follows: Subsection F. titled "Meters" shall be deleted.

**SECTION 2.** Section 282-11.1 "Metered Parking" subsection D. shall be amended to read as follows:

D. The cost of the metered-parking shall be as follows:

\$2.00 per hour up to three (3) hours

\$3.00 per hour from three (3) to four (4) hours.

**SECTION 3.** All the rest, residue and remainder of Article II Shadyside of Chapter 282 "Parking Lots" shall remain the same and in full force and effect.

**SECTION 4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any

reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **SECTION 5. EFFECTIVE DATE**

This ordinance shall take effect immediately upon final publication as required by law.

#### **SECTION 6. REPEAL OF INCONSISTENT ORDINANCES**

All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**INTRODUCED: April 21, 2025**

**ADOPTED:**

**ORDINANCE 2025-010 AN ORDINANCE AMENDING ARTICLE III ENTITLED "METERED PARKING AREAS" OF CHAPTER 282 OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, NEW JERSEY**

**BOROUGH OF EDGEWATER**  
**ORDINANCE 2025-010**

**AN ORDINANCE AMENDING ARTICLE III ENTITLED "METERED PARKING AREAS" OF CHAPTER 282 OF THE CODE OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, NEW JERSEY.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EDGEWATER, BERGEN COUNTY, NEW JERSEY, AS FOLLOWS:

#### **SECTION 1. Section 282-16, shall be amended to read as follows:**

Section 282-16 Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

##### **OPERATOR**

Includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of the vehicle.

##### **PARKING METER SPACE**

Any space within a parking meter zone or in a lot designated for parking, which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

##### **PARK OR PARKING**

The standing of a vehicle, whether occupied or not, upon a street otherwise than in obedience to traffic regulations, signs or signals.

##### **PERSON**

Includes any individual, firm, co-partnership, association or corporation.

##### **STREET**

Any public street, avenue, road, alley, highway, lane, path or other public place located in the Borough of Edgewater and established for the use of vehicles.

##### **VEHICLE**

Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

#### **SECTION 2.**

Section 282-17 "Meter parking area defined" sub-section C. is amended to read as follows:

C. The southerly side of Hilliard Avenue, from Edgewater Place to McCurry Lane shall constitute a parking meter area or zone, including 21 Hilliard Avenue, Block 54, Lot 10.

#### **SECTION 3.** The following Sections are hereby repealed and deleted in their entirety:

Section 282-18. Unlawful parking violations and penalties.

Section 282-20. Installation of and maintenance of parking meters or mechanical devices.

Section 282-21. Placement and installation of parking meters or mechanical devices.

Section 282-22. Designations appearing on parking meters or mechanical devices.

Section 282-28. Use of slugs.

Section 282-29. Tampering with and defacing of parking meters.

#### **SECTION 4.** Section 282-19 Maximum Parking time; rates shall be amended to read as follows:

- A. Between 8:00 a.m. and 6:00 p.m. on each day, except for Sundays and legal holidays, the maximum time limit for parking in the areas set forth in Section 282-17C shall be two hours.



Agim Ala  
Samantha Stankiewicz

**2025-111 Resolution Authorizing The Redemption Of A Tax Sale Certificate For Block 61 Lot 4 Qual C0003/C0004 To C&E Tax Lien I Christina TC**

**RESOLUTION 2025-111**

**RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE FOR BLOCK 61 LOT 4 QUAL C0003/0004 TO C&E TAX LIEN I CHRISTINA TC**

**WHEREAS**, C&E TAX LIEN I CHRISTINA TC ON December 7, 2024 purchased Tax Sale Certificates Tax Sale Certificate # 23-016 on property known as 60-62 Edgewater Place apt 3 and 4, Edgewater, NJ 07020 and has paid taxes and interest; and

**WHEREAS**, the Tax Sale Certificates have been redeemed for \$17,149.38 and a premium due of \$27,000.00 and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that the Tax Collector be authorized to issue a refund check in the amount of \$61,353.39.

C&E TAX LIEN I CHRISTINA TC  
P.O. BOX 5021  
PHILADELPHIA, PA 19111

**2025-112 Resolution Acknowledging Allstate Insurance Donation**

**RESOLUTION 2025-112**

**RESOLUTION ACKNOWLEDGING ALLSTATE INSURANCE DONATION**

**WHEREAS**, The Edgewater Police Department recovered a stolen vehicle that was determined to be in good cosmetic and mechanical condition by the insurance carrier and lien holder; and

**WHEREAS**, due to the depreciation value as well as policy and lien holder provisions at the time of theft and eventual recovery, Allstate Insurance has offered the vehicle as a donation to the Edgewater Police Department; and

**WHEREAS**, the above referenced donation will be used by the police department.

**NOW THEREFORE BE IT RESOLVED**, by the Edgewater Mayor and Council that it hereby approve and accept the donation by Allstate Insurance of one (1) 2021 Dodge Durango vin # 1C4SDJH97MC643259 to be used by the Edgewater Police Department and whose estimated value is \$45,000.

**2025-113 Authorization Of Execution of Settlement Agreement**

**RESOLUTION 2025-113**

**AUTHORIZATION EXECUTION OF SETTLEMENT AGREEMENT**

**WHEREAS**, on September 1, 2021, the Borough of Edgewater was subject to strong wind and rain from Tropical Storm Ida; and

**WHEREAS**, the Aventine located at Block 88, Lot 11.02 or commonly 100 Thompson Lane suffered flooding within their building as a result of water run-off from Gorge Road; and

**WHEREAS**, the Borough of Edgewater provided all necessary assistance as possible with the waiving of permit fees, expedited inspections, local, state, and federal resources; and

**WHEREAS**, the Borough of Edgewater recognized that the County of Bergen roadway was unable to handle the overflow of Cliffside Park stormwater and initiated the design of additional storm-water drains on Gorge Road, a County of Bergen roadway; and

**WHEREAS**, the Aventine above the Hudson Condominium Association filed a complaint against several parties including the Borough of Edgewater to preserve their rights with the Bergen County Superior Court Docket No. BER-L-4675-23 not seeking damages but for the correction of storm drainage within Gorge Road, a County of Bergen roadway; and

**WHEREAS**, on August 19, 2024, the Edgewater Mayor and Council endorsed resolution 2024-218 authorizing \$86,425.00 to be applied to the construction of drainage improvements to Gorge Road and the Borough of Edgewater executed an agreement with all parties; and

**WHEREAS**, as a result of legal minutiae between the parties, a monetary increase needs to be applied to all parties within the agreement.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough of Edgewater insurance carrier, the South Bergen Municipal Joint Insurance Fund, represented the Borough of Edgewater during this matter; and

**BE IT FURTHER RESOLVED**, that an amended settlement agreement has been reached between all parties and the SBMJIF recommends that the Borough of Edgewater be responsible for \$90,455.01 of the negotiated settlement toward the construction of drainage improvements to Gorge Road; and

**BE IT FURTHER RESOLVED**, that the settlement amount referenced above shall be paid to the County of Bergen who will be the lead agency for the construction of drainage improvements to Gorge Road; and

**BE IT FURTHER RESOLVED**, that the Borough of Edgewater Council authorize the Mayor and Borough Clerk to execute the above referenced settlement agreement; and

**BE IT FURTHER RESOLVED**, that I, Joseph Iannaconi, CFO of the Borough of Edgewater, do hereby certify

that funding is available for the payment of the settlement agreement out of Bond Ordinance 2023-007.

Joseph Iannaconi, Jr.

**2025-114 Resolution To Authorize Bids For The 2025 Road Improvement Program Improvements to Hudson Avenue, Beverly Place, and Adelaide Place**

**RESOLUTION 2025-114  
RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE FOR BLOCK 32 LOT 32 QUAL C0301 TO C & E TAX LIEN I CHRISTINA TC**

**WHEREAS**, C & E TAX LIEN I CHRISTINA TC December 7, 2023 purchased Tax Sale Certificate # 23-010 on property known as IRBC2 PROPERTIES LLC, 1112-14 RIVER ROAD #301 Edgewater, NJ 07020 and has paid taxes and interest; and

**WHEREAS**, the Tax Sale Certificates have been redeemed for \$27,473.90 and a premium due of \$8,900.00 and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that the Tax Collector be authorized to issue a refund check in the amount of \$36,373.90.

C & E TAX LIEN I CHRISTINA TC  
P.O. BOX 5021  
PHILADELPHIA, PA 19111

**2025-115 Resolution Authorizing The Redemption Of A Tax Sale Certificate For Block 32 Lot 32 Qual C0301 to C&E Tax Lien I Christina TC**

**RESOLUTION 2025-115  
RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE FOR BLOCK S0051 LOT 25 QUAL C0301 TO RAM TAX LIEN FUND II LLP**

**WHEREAS**, RAM TAX LIEN FUND II LLP December 3, 2023 purchased Tax Sale Certificate # 24-012 on property known as Natasha Realty Corp., 10 Dempsey Avenue, Edgewater, NJ 07020 and has paid taxes and interest; and

**WHEREAS**, the Tax Sale Certificates have been redeemed for \$2,244.88 and a premium due of \$10,400.00 and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that the Tax Collector be authorized to issue a refund check in the amount of \$12,644.88.

RAM TAX LIEN FUND II LP  
P.O. BOX 71054  
CHICAGO, IL 60694-1054

**2025-116 Salary and Wages**

**RESOLUTION 2025-116  
SALARY AND WAGES  
THIS RESOLUTION CAN BE FOUND AT THE END OF THE MINUTES**

**2025-117 Salary and Wages**

**RESOLUTION 2025-117  
SALARY AND WAGES  
THIS RESOLUTION CAN BE FOUND AT THE END OF THE MINUTES**

**2025-118 Services and Supplies**

**RESOLUTION 2025-118  
SERVICES AND SUPPLIES  
THIS RESOLUTION CAN BE FOUND AT THE END OF THE MINUTES**

**2025-119 Authorize Execution of Settlement Agreement**

**RESOLUTION 2025-119  
AUTHORIZATION EXECUTION OF SETTLEMENT AGREEMENT**

**WHEREAS**, on April 12, 2024, PNC Bank filed a lawsuit in the State of New Jersey, Superior Court, Bergen County, Chancery Division, captioned PNC Bank, N.A. v. Borough of Edgewater, et al., Docket No. BER-L-2173; and

**WHEREAS**, the reason for such action was that an electronic tax payment in the amount of \$50,472.22 was applied to 50 Route 5, Unit #B when it was intended for Unit #A; and

**WHEREAS**, the promulgated rules and regulations pertaining to property tax collection as authorized by New Jersey Statute Annotated, N.J.S.A. 54:4-1 does not provide for the authority of the municipal collector of taxes to re-apply the electronic payment to another block and lot; and

**WHEREAS**, PNC Bank filed the above referenced action to seek remuneration of the mis-applied property tax payment.

**NOW THEREFORE BE IT RESOLVED**, the Borough Attorney and Collector of Taxes negotiated a settlement for re-payment of the mis-applied funds in the amount of \$33,614.14; and

**BE IT FURTHER RESOLVED**, that the Edgewater Mayor and Council authorize the Mayor and Borough Clerk to execute a settlement agreement between the Borough of Edgewater and PNC Bank in the amount of \$33,614.14

**BE IT FURTHER RESOLVED**, that I, Joseph Iannaconi, CFO of the Borough of Edgewater, do hereby certify that funding is available for the payment of the settlement agreement out of the 2025 current municipal budget line 01-2900.

\_\_\_\_\_  
Joseph Iannaconi, Jr.  
Chief Financial Officer

**2025-120 Resolution To Authorize Paving Of A Section Of Edgewater Rd (Oxen Hill)**

**RESOLUTION 2025-120**

**RESOLUTION TO AUTHORIZE PAVING OF A SECTION OF EDGEWATER ROAD  
(OXEN HILL)**

**WHEREAS**, the Borough of Edgewater is desirous of paving a section of and improving Edgewater Road (Oxen Hill); and

**WHEREAS**, the Borough of Edgewater solicited quotes for the paving from various paving contractors for a section of Oxen Hill and the lowest quote received was from Riggi Paving at \$23,275.00; and

**WHEREAS**, as per N.J.S.A. 40A-11 of the New Jersey Local Public Contracts Law, due to the cost of the work to be provided by Riggi Paving, the Borough of Edgewater is exempt from public bidding and can authorize the work by resolution; and

**WHEREAS**, the material cost for hot asphalt estimated at approximately 4,742 square feet of material will be purchased by the Borough of Edgewater in addition to the labor and equipment cost to be provided by Riggi Paving in the April 14, 2025 proposal.

**NOW THEREFORE BE IT RESOLVED**, by the Edgewater Mayor and Council that it hereby authorize Riggi Paving Inc., of 21 Third Street, Ridgefield Park, New Jersey 07660 to pave a section of Edgewater Road (Oxen Hill) as per the agreed upon metes and bounds limits in the proposal dated April 14, 2025 for the amount of \$23,275.00.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer has certified as having funds available for the above referenced purpose in Ordinance 2022-013 adopted on August 22, 2022 and Ordinance 2023-006 adopted on July 17, 2023.

I hereby certify that the above resolution was adopted by the Governing Body on April 21, 2025.

**2025-121 Appoint Part Time Per Diem EMT**

**RESOLUTION 2025-121  
APPOINT PART TIME PER DIEM EMT**

**WHEREAS**, the position of EMT (Emergency Medical Technician) exists in the Borough of Edgewater as authorized by Borough Ordinance Mo. 1351-2006; and

**WHEREAS**, vacancies exist in this position; and

**WHEREAS**, the following candidate is recommended for appointment to the position of part-time per diem, Emergency Medical Technician (EMT):

Elizabeth DeBari

**WHEREAS**, this appointment is conditioned upon results of a satisfactory medical physical, drug and alcohol screening; and

**NOT THEREFORE BE IT RESOLVED** by the Governing Body that the above applicant is hereby appointed to the position of part-time per diem EMT at an hourly rate as set forth by our current salary

ordinance; and

**BE IT FURTHER RESOLVED** that this position does not include any benefits.

**2025-122 Authorize Marina Repairs**

**RESOLUTION 2025-122  
AUTHORIZE MARINA REPAIRS**

**WHEREAS**, the Borough of Edgewater owns and operates the Edgewater Marina, Park, and Ferry Landing located at 989 River Road; and

**WHEREAS**, from time-to-time repairs need to be completed on the piers and docks in order to keep them properly floating and safe to walk on; and

**WHEREAS**, a quote was obtained to perform the necessary work and a proposal was presented by D. Mowery Construction, 681 Lawlins Road, Unit 160, Wyckoff New Jersey 07481 on April 16, 2025 in the amount of \$24,000; and

**WHEREAS**, D. Mowery Construction has performed previous dock repairs and has always provided the lowest quote.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Edgewater Mayor and Council that it hereby authorizes D. Mowery Construction, 681 Lawlins Road, Unit 160, Wyckoff New Jersey 07481 to install floating docks and replace dock fingers.

**BE IT FURTHER RESOLVED**, that said proposal and award conforms with the New Jersey State Local Public Contracts Law, N.J.S.A. 40A11 and the funds certified by the Chief Financial Officer in the amount of \$24,000 are available in Marina Capital Ordinance 2024-012 adopted on July 15, 2024 as well as the marina utility operating budget.

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Joseph Iannaconi Jr.  
Chief Financial Officer

**2025-123 Appoint Municipal Court Administrator**

**RESOLUTION 2025-123  
APPOINT MUNICIPAL COURT ADMINISTRATOR**

**WHEREAS**, the Edgewater Municipal Court is in need of a Certified Municipal Court Administrator; and

**WHEREAS**, proper notice for qualified candidates was duly advertised as per New Jersey Court Rule 1:34-3; and

**WHEREAS**, on January 21, 2020, Resolution 2020-058 authorized the appointment of an Interim Court Administrator, Jennie E. Vargas; and

**WHEREAS**, a Municipal Court Administrator must adhere to N.J.S.A. 2B:12-11 or New Jersey Court Rule 1:41-3 and all applicants for the Edgewater Municipal Court Administrator were presented and reviewed by the Superior Court of New Jersey, Bergen County Vicinage, Municipal Division Management as per New Jersey Court Rule 1:34-3; and

**WHEREAS**, the New Jersey Supreme Court, as signed by the Chief Justice Stuart Rabner on April 9, 2025, has certified that Jennie E. Vargas be declared a Certified Municipal Court Administrator.

**NOW THEREFORE BE IT RESOLVED**, by the Edgewater Mayor and Council that it hereby appoints Ms. Jennie E. Vargas as the Certified Municipal Court Administrator as per New Jersey Court Rule 1:34-3.

**2025-124 Resolution Authorizing Chapter 78 Contribution Changes As Per N.J.S.A. 40A:10-21.1**

**RESOLUTION 2025-124  
RESOLUTION AUTHORIZING CHAPTER 78 CONTRIBUTION CHANGES AS PER N.J.S.A. 40A:10-21.1**

**WHEREAS**, the State of New Jersey adopted Chapter 78 of the Laws of 2011 (the law) affecting the State's public employee pension systems, and increases the share of health benefits coverage paid by public employees and retirees who receive employer paid health benefits; and

**WHEREAS**, the law changes the health care contribution standards set in Chapter 2 of 2010, by increasing the amounts contributed and expanding the range of employees and retirees covered by the contribution requirement; and

**WHEREAS**, the health benefit contribution calculation is the percent of premium contribution (derived from salary and type of coverage within the tables from Section 39 of (the law)) is multiplied by the total premium due for each employee and deducted from base salary; or as applicable for future retirees, the retirement allowance, including any cost-of-living amount paid; and

**WHEREAS**, for payroll purposes, the employee contribution is treated as a payroll deduction and remitted as the health care provider requires; and

**WHEREAS**, the Borough of Edgewater, due to national economic conditions resulting in significant inflation and an 8% increase in health benefits to be proportionately assessed to employees as per Chapter 78, the Borough of Edgewater had authorized by Resolution 2023-045 on January 3, 2023, to reduce employee chapter 78 contributions for calendar year 2023 only for all employees within every department; and

**WHEREAS**, the authorization of resolution 2023-045 on January 3, 2023 provided that each employee shall remain at the fully-phased in "Tier 4" contribution level, but the Borough of Edgewater will contribute 6% of the 8% increase of each employees' Chapter 78 contributions, resulting in an employee contributing a 2% increase over 2022 levels for the calendar year 2023 only; and

**WHEREAS**, for record keeping purposes and for calculating contribution amounts, employee Chapter 78 contributions will indicate the full increase for 2023, an additional category will be indicated on the employee advice copy pay stub indicating the proportional refund; and

**WHEREAS**, this one-time Chapter 78 contribution calculation for calendar year 2023 will sunset and expire on December 31, 2023 and effective January 1, 2024 all employee Chapter 78 calculations will resume to the appropriate tier and calculation established by the new employee contribution base amount.

**NOW, THEREFORE, BE IT RESOLVED**, the authorization of resolution 2023-045 on January 3, 2023 by the Edgewater Mayor and Council was consistent with N.J.S.A. 40A:10-21.1 that on June 28, 2015, this law was to sunset providing that each municipality within the State of New Jersey was legally permitted, but not obligated, to modify, amend, and re-calculate Chapter 78 contributions.

**BE IT FURTHER RESOLVED**, that consistent with N.J.S.A. 40A:10-21.1 and its sunset on June 28, 2015, the Borough of Edgewater authorized that the Chapter 78 employee contributions in calendar year 2024 and subsequent years will be calculated from the new base which was established with the amended calendar year 2023 calculation.

**BE IT FURTHER RESOLVED**, the Borough of Edgewater will consider any State of New Jersey grant or aid program which assists municipalities and its employees with Chapter 78 contributions and insurance cost and evaluate which program may be more advantageous to the municipality and employee and select alternatives to either the Borough of Edgewater plan or State of New Jersey plan(s).

**BE IT FURTHER RESOLVED**, that nothing herein shall affect the terms and conditions of any collectively bargained Agreement.

**2025-125 Amend Personnel Policies Manual For Civil-Service Classified Municipalities And The Employee Handbook Of The Borough of Edgewater**

**RESOLUTION 2025-125**

**RESOLUTION TO AMEND THE PERSONNEL POLICIES MANUAL FOR CIVIL-SERVICE CLASSIFIED MUNICIPALITIES AND THE EMPLOYEE HANDBOOK OF THE BOROUGH OF EDGEWATER**

**WHEREAS**, the Borough of Edgewater adopted the employee policies and procedures manual in section 77-1 of the borough code of Borough Ordinance 1120-98; and

**WHEREAS**, the policies and procedures manual employee handbook from time to time will need to be amended based on recommendations by the South Bergen Municipal Joint Insurance Fund along with the Borough Attorney and Borough Administrator; and

**WHEREAS**, the South Bergen Municipal Joint Insurance Fund's attorneys of Matthew Giacobbe and Fred Semrau prepared a full update covering the following sections of the Personnel Policies Manual and Employee Handbook as per calendar year 2025; and

**WHEREAS**, the following sections of the Personnel Policies and Procedures Manual and the Employee Handbook of the Borough of Edgewater are to be amended:

- Additions to the Americans with Disabilities Policy to include language relating to the federal Pregnant Workers Fairness Act which was passed in 2023 and had regulations issued in 2024.
- Additions to the Policy Against Harassment to include language about hostile work environments arising from conduct occurring outside of the workplace and even in non-work-related contexts if it affects the workplace, which was contained in guidance issued by the Equal Employment Occupational Commission in 2024.

- Change in language to the Vacation Leave Policy in order to be more in line with the New Jersey State Comptroller's report and state law regarding carrying over vacation leave for one year only and only when it cannot be used due to business demands.
- Addition of an acknowledgment and receipt page at the end of each manual and document which will be incorporated into the PowerDMS system.

**WHEREAS**, the Borough of Edgewater will distribute the updated Personnel Policies Manual and Employee Handbook once authorized by the Edgewater Mayor and Council through the PowerDMS system.

**NOW THEREFORE BE IT RESOLVED**, by the Edgewater Mayor and Council that the Updated Personnel Policies Manual and Employee Handbook for Calendar Year 2025 of the Borough of Edgewater is hereby adopted.

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby directed to provide copies of said manual and handbook to all employees and governing body members and certify to the South Bergen Joint Insurance Fund that said manual and handbook is updated for calendar year 2025 and distributed to all employees via PowerDMS.

Mayor McPartland asked for a motion and a second:

Motion by: Councilman Martin

Second by: Councilman Bartolomeo

Roll Call: Councilman Gutierrez, Councilman Monte, Councilman Vidal, Councilman Martin, Councilman Bartolomeo

All in favor: 5-0

**APPROVAL OF MINUTES**

March 3, 2025 Work Session and Closed Session (Absent Councilman Gutierrez)

Motion by: Councilman Martin

Second by: Councilman Vidal

Roll Call: Council Monte, Councilman Vidal, Councilman Martin, Councilman Bartolomeo

March 17, 2025 Regular Meeting (Absent Councilman Gutierrez and Councilman Monte)

Motion by: Councilman Martin

Second by: Councilman Vidal

Roll Call: Councilman Vidal, Councilman Martin, Councilman Bartolomeo

**REQUESTS/MATTERS FOR MAYOR & COUNCIL FOR OPEN DISCUSSION**

No requests/matters for discussion

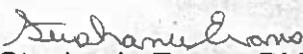
**MOTION TO ADJOURN @ 6:30PM**

Motion by: Councilman Martin

Second by: Councilman Vidal

All in favor: 5-0

Respectfully submitted,

  
Stephanie Evans, RMC  
Borough Clerk

**BOROUGH OF EDGEWATER**

2025-107

**RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2025 was approved on March 17, 2025 ; and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Edgewater, Bergen County, that the following amendments to the approved budget of 2025 be made:

RECORDED VOTE (Insert Last Names)	(	Guterrez	(		(
	(	Monte	(	AYES	(
	(	Vidal	(		NAYS (
	(	Matin	(		ABSTAIN (
	(	Bartolomeo	(		(

Absent: Lawlor

DEDICATED MARINA UTILITY BUDGET

DEDICATED REVENUES FROM MARINA UTILITY

	From	To
Surplus Anticipated	276,898.95	304,117.84
Total Operating Surplus Anticipated	276,898.95	304,117.84

Total Marina Utility Revenues	566,898.95	594,117.84
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APPROPRIATIONS

Debt Service:		
Interest on Notes	0.00	27,218.89
Total Marina Utility Appropriations	566,898.95	594,117.84

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2025 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Record, in the issue of April 27, 2025, and that said publication contain notification of public hearing on said amendment to be held at the Municipal Building on May 5, 2025, at 7:00 o'clock p.m.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 21st day of April, 2025

Certified by me, this 21st day of April, 2025

Stephanie Evans  
Clerk

IT IS HEREBY CERTIFIED that the Adopted Budget Amendment annexed hereto and hereby made a part of the 2025 Budget is a copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Certified by me, this 21st day of April, 2025

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Registered Municipal Accountant

RESOLUTION				
R#2025-116				
INTRODUCED BY: Martin		GUTIERREZ <u>  X  </u>	VIDAL <u>      X      </u>	
SECONDED BY: Bartolomeo		LAWLOR <u>  Absent  </u>	MARTIN <u>      X      </u>	
DATE: 4/21/2025		MONTE <u>      X      </u>	BARTOLOMEO <u>      X      </u>	
RESOLVED that the payment of salaries and wages for the period from 03/15/25- 03/28/25 be approved <u>      MAYOR      </u> and the appropriate budget amounts charged accordingly. The Chief Financial Officer has certified these funds are available. A summary of the departmental salaries and wages charged being as follows:				
ACCT#	DEPARTMENT			
20-1011-194	ADMINISTRATIVE & EXECUTIVE:	\$20,088.50	20-1011-194	
20-1101-133	MAYOR & COUNCIL:	\$7,500.01		
20-1501-021	ASSESSMENT OF TAXES:	\$4,393.48		
20-1451-021	COLLECTION OF TAXES:	\$4,683.37		
43-4901-194	MUNICIPAL COURT:	\$5,493.39	43-4901-150:	
20-1801-021	PLANNING BOARD	\$309.49		
21-1851-021	BOARD OF ADJUSTMENT:	\$618.98		
21-1851-021	BOARD OF ADJUSTMENT:spc mt	\$1,800.00		
22-1961-021	RENT LEVELING BOARD:	\$309.49		
25-2651-096	FIRE INSPECTORS	\$5,209.80		
25-2651-021	FIRE DEPARTMENT:	\$856.49		
25-2651-099	FIRE INSPECTORS: CLERICAL	\$1,701.56		
25-2651-197	FIRE DEPT SECRETARY:	\$2,299.31		
25-2651-100	FIRE WATCH:	\$440.00		
25-2401-021	POLICE DEPARTMENT:	\$212,651.16	25-2401-150:	\$12,688.36
25-2401-021	POLICE COMP TIME MASON	\$3,470.40		
25-2401-036	POLICE CLERK:	\$2,322.26		
25-2401-231	POLICE: TRAFFIC DUTY:	\$9,225.00		
25-2401-037	POLICE: SPC LAW OFFICERS:	\$2,563.32		
25-2401-062	POLICE: CROSSING GUARDS:	\$16,063.80		
25-2601-220	EMT: REGULAR:	\$7,305.01	25-2601-220	\$107.74
22-1951-021	CONSTRUCTION DEPARTMENT:	\$15,692.16		
26-2901-021	STREETS & ROADS:	\$75,260.76	26-2901-150:	\$3,335.20
26-2901-219	STREETS & ROADS: SEASONAL	\$541.80		
28-3151-021	RECYCLING:	\$0.00		
26-2901-199	SENIOR CITIZEN DRIVERS	\$1,392.12		
27-3301-021	BOARD OF HEALTH:	\$2,169.66	27-3301-021	
28-3701-021	RECREATION:	\$17,758.07	28-3701-150	\$01.3
29-3901-021	FREE PUBLIC LIBRARY	\$17,760.96	29-3901-021:	
25-2521-001	POL:EMER. MGT. & PUB SAFTY	\$224.78		
TOTAL:		\$440,105.13		\$16,632.60
DATE PAID:	3/26/2025			
CHECK#	99169388			\$456,737.73
AMOUNT:	\$456,737.73	VENDOR: 311		
		GROSS PAYROLL ACCOUNT		(\$0.00)
MARINA ACCOUNT				
06 2010-55-5011-001 MARINA DRIVERS				
CHECK#	3588			
AMOUNT:	\$4,613.84			

I hereby certify that the above Resolution was adopted by the Mayor and Council on April 21, 2025.

Michael J. McPartland  
Mayor

Stephanie Evans, RMC  
Borough Clerk

RESOLUTION					
R#2025-117					
INTRODUCED BY:	MARTIN	GUTIERREZ	X	VIDAL	X
SECONDED BY:	BARTOLOMEO	LAWLOR	ABSENT	MARTIN	X
DATE:	4/21/2025	MONTE	X	BARTOLOMEO	X
MAYOR					
RESOLVED that the payment of salaries and wages for the period from 03/29/25 04/11/25 be approved and the appropriate budget amounts charged accordingly. The Chief Financial Officer has certified these funds are available. A summary of the departmental salaries and wages charged being as follows:					
ACCT#	DEPARTMENT				
20-1011-194	ADMINISTRATIVE & EXECUTIVE:	\$20,088.50		20-1011-194	
20-1101-133	MAYOR & COUNCIL:	\$7,500.01			
20-1501-021	ASSESSMENT OF TAXES:	\$4,393.48			
20-1451-021	COLLECTION OF TAXES:	\$4,683.37			
43-4901-194	MUNICIPAL COURT:	\$6,714.43		43-4901-150:	
43-4901-194	MUNICIPAL COURT:	(\$1,627.16)			
20-1801-021	PLANNING BOARD	\$309.49			
21-1851-021	BOARD OF ADJUSTMENT:	\$618.98			
22-1961-021	RENT LEVELING BOARD:	\$309.49			
25-2651-096	FIRE INSPECTORS	\$5,127.54			
25-2651-021	FIRE DEPARTMENT:	\$856.49			
25-2651-099	FIRE INSPECTORS: CLERICAL	\$1,701.56			
25-2651-197	FIRE DEPT SECRETARY:	\$2,299.31			
25-2651-100	FIRE WATCH	\$840.00			
25-2651-216	VOL FIRE DEPT STIPENED	\$45,100.00			
25-2601-216	VOL AMBO STIPEN	\$73,390.00			
25-2401-021	POLICE DEPARTMENT:	\$212,651.16		25-2401-150:	\$13,650.75
25-2401-036	POLICE CLERK:	\$2,322.26			
25-2401-231	POLICE: TRAFFIC DUTY:	\$15,120.00			
25-2401-037	POLICE: SPC LAW OFFICERS:	\$3,368.82			
25-2401-062	POLICE: CROSSING GUARDS:	\$15,056.07			
25-2601-220	EMT: REGULAR:	\$8,612.94		25-2601-220	\$53.87
22-1951-021	CONSTRUCTION DEPARTMENT:	\$15,692.16			
26-2901-021	STREETS & ROADS:	\$75,260.76		26-2901-150:	\$2,514.19
26-2901-219	STREETS & ROADS: SEASONAL	\$0.00			
28-3151-021	RECYCLING:	\$0.00			
26-2901-199	SENIOR CITIZEN DRIVERS	\$1,417.90			
27-3301-021	BOARD OF HEALTH:	\$2,169.66		27-3301-021	
27-3301-021	BOARD OF HEALTH: ADJ	\$993.00			
28-3701-021	RECREATION:	\$17,224.91		28-3701-150	1172.79
29-3901-021	FREE PUBLIC LIBRARY	\$17,583.03		29-3901-021:	
25-2521-001	POL:EMER. MGT. & PUB SAFTY	\$224.78			
TOTAL:		\$560,002.94	+		\$17,391.60
DATE PAID:	4/9/2025				
CHECK#	99169390				\$577,394.54
AMOUNT:	\$577,394.54		VENDOR: 311		
			GROSS PAYROLL ACCOUNT		\$0.00
MARINA ACCOUNT					
06 2010 55 5011 001 MARINA DRIVERS					
CHECK#	3593				
AMOUNT:	\$3,875.74				

I hereby certify that the above Resolution was adopted by the Mayor and Council on April 21, 2025.

Michael J. McPartland  
Mayor

Stephanie Evans, RMC  
Borough Clerk

**Bill list**  
**BOROUGH OF EDGEWATER**  
**SERVICES & SUPPLIES**

RESOLUTION #2025-118

Introduced by ...MARTIN..... DATED: April 21, 2025

Seconded by ...BARTOLOMEO.....

RESOLVED that the attached Claim Schedule be paid and the appropriate budget accounts and other obligations charged accordingly, these Schedules having been audited and approved by the appropriate Committee to which they referred, a summary of such charges being as follows:

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Account</u>	<u>Check #</u>
ROBERT P TRAVERS LAW	6,664.75	03/17/25	LEGAL SERVICES O & E	64338
CGP&H	478.50	03/19/25	LEGAL SERVICES O & E	64339
COLONIAL LIFE & FAST PRINT LLC	VOID 0.00	03/19/25	Various	64340
FEDERAL EXPRESS	1,250.00	03/19/25	COLLECT OF TAXES O & E	64341
MILLENNIUM	98.34	03/19/25	A & E O & E	64342
PIZZA CLUB	4,000.00	03/19/25	A & E O & E	64343
PSE&G CO	382.00	03/19/25	A & E O & E	64344
SEASONS CATERING	39,213.52	03/19/25	Various	64345
ULTRA PRO PEST	5,000.00	03/19/25	FIRE DEPT. O & E	64346
COLONIAL LIFE & AMAZON.COM SALES,	495.00	03/19/25	PARKS & PLAYGROUNDS O & E	64347
IT DESK EXPERT	750.20	03/19/25	GROUP INSURANCE	64348
NEW JERSEY MOTOR	126.97	03/27/25	POLICE O & E	64349
RACHLES/MICHELE'S	2,600.00	03/27/25	A & E O & E	64350
TD CARD SERVICES	60.00	03/27/25	POLICE O & E	64351
VEOLIA WATER NJ	2,067.57	03/27/25	UTILITIES-GASOLINE & FUEL	64352
REHRIG PACIFIC	635.41	03/27/25	A & E O & E	64353
TREASURER-STATE OF	5,051.09	03/27/25	Various	64354
TREASURER-STATE OF	14,548.00	03/27/25	DUE TO ST FED GRANT FUND	64355
CAFASSO'S FAIRWAY	6,000.00	03/27/25	ENGINEERING Fees O&E	64356
POWER DMS, INC	3,000.00	03/27/25	ENGINEERING Fees O&E	64357
RACHLES/MICHELE'S	684.01	03/28/25	A & E O & E	64358
BERGEN PAC	10,414.50	03/28/25	Various	64359
GLATFELTER SPECIALTY	3,578.56	03/28/25	UTILITIES-GASOLINE & FUEL	64360
MILLENNIUM	1,680.00	04/01/25	RECREATION O & E	64361
VERIZON WIRELESS	6,641.75	04/01/25	Various	64362
TIME WARNER CABLE	4,000.00	04/01/25	A & E O & E	64363
TIME WARNER CABLE	2,536.65	04/01/25	UTILITIES-TELEPHONE	64364
TIME WARNER CABLE	1,499.00	04/01/25	B & G O & E	64365
R & M EWTR RLTY	273.87	04/01/25	B & G O & E	64366
PIZZA CLUB - HADI	414.19	04/01/25	B & G O & E	64367
RIVERVIEW DINER	27,146.11	04/01/25	RESERVE FOR TAX APPEALS	64368
NEW HORIZON	235.65	04/03/25	A & E O & E	64369
SAMSARA INC.	595.00	04/03/25	A & E O & E	64370
CAFASSO'S FAIRWAY	14,691.00	04/03/25	UTILITIES-TELEPHONE	64371
EXTRA SPACE STORAGE	483.02	04/03/25	UTILITIES-TELEPHONE	64372
PSE&G CO	746.92	04/04/25	A & E O & E	64373
VEOLIA WATER NJ	1,679.00	04/04/25	Various	64374
ROBINSON, LINDA	11,135.24	04/04/25	Various	64375
VERIZON CONNECT	13,886.58	04/08/25	Various	64376
XEROX CORP.	87.50	04/08/25	A & E O & E	64377
TIME WARNER CABLE	1,231.75	04/08/25	UTILITIES-TELEPHONE	64378
TD CARD SERVICES	1,636.56	04/08/25	Various	64379
EARTH NETWORKS, INC.	3,021.80	04/08/25	Various	64380
HARD ROCK HOTEL & RESORTS CASINO HOTEL	166.48	04/08/25	A & E O & E	64381
TCTA NJ SPRING	2,573.88	04/10/25	LIBRARY S & W	64382
UGI ENERGY SERVICES,	327.00	04/10/25	COLLECT OF TAXES O & E	64383
RUTGER, STATE	250.16	04/10/25	A & E O & E	64384
BERGEN COUNTY CLERK	505.00	04/10/25	A & E O & E	64385
EPIQ eDISCOVERY	3,503.18	04/10/25	UTILITIES GAS&ELECTRIC	64386
NEW JERSEY DIVISION	450.00	04/10/25	A & E O & E	64387
	50.00	04/15/25	A & E O & E	64388
	2,460.48	04/15/25	LEGAL SERVICES O & E	64389
	60.00	04/15/25	STREETS & ROADS O & E	64390

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PSE&G CO	33,970.15	04/15/25	Various	64391
VERIZON WIRELESS	1,589.76	04/15/25	UTILITIES-TELEPHONE	64392
POWER DMS, INC	4,912.50	04/17/25	Various	64393
A-1 EDGEWATER AUTO	307.45	04/21/25	POLICE O & E	64394
ACME/ALBERTSONS	1,440.81	04/21/25	Various	64395
ADVANTAGE	764.00	04/21/25	SANITATION	64396
AFFORDABLE CARTAGE	80,000.00	04/21/25	Various	64397
AGL WELDING SUPPLY	1,210.88	04/21/25	Various	64398
AIRPOWER	31.09	04/21/25	FIRE DEPT. O & E	64399
AJM & SONS ELECTRIC,	4,275.00	04/21/25	Various	64400
AMAZON.COM SALES,	40.98	04/21/25	POLICE O & E	64401
AMBULANCE	2,312.05	04/21/25	A & E O & E	64402
AMERICAN BANKERS	14,987.00	04/21/25	OTHER INSURANCE	64403
ATLANTIC COAST	1,715.28	04/21/25	SANITATION	64404
BAGELS N MORE	153.50	04/21/25	SENIOR CITIZEN	64405
BERGEN COUNTY	339,444.00	04/21/25	BCUA	64406
BERGEN MUNICIPAL	375,627.00	04/21/25	GROUP INSURANCE	64407
BOULEVARD HARDWARE	111.88	04/21/25	B & G O & E	64408
BRADY INDUSTRIES	3,930.69	04/21/25	Various	64409
BROTHER'S PIZZA	460.00	04/21/25	FIRE DEPT. O & E	64410
C & E TAX LIEN	97,727.29	04/21/25	Various	64411
CAFASSO'S FAIRWAY	400.00	04/21/25	FIRE DEPT. O & E	64412
CARDIO PARTNERS INC.	1,518.28	04/21/25	Various	64413
CARUCCI, LAURA A.	3,124.50	04/21/25	Various	64414
CINTAS CORPORATION	532.76	04/21/25	Various	64415
COFFEE ASSOCIATES	1,108.80	04/21/25	SENIOR CITIZEN	64416
COLONIAL LIFE &	750.50	04/21/25	Various	64417
D & E UNIFORM	596.00	04/21/25	FIRE DEPT. O & E	64418
DAVID WEBER OIL CO.	372.00	04/21/25	STREETS & ROADS O & E	64419
DELLITH, ANGKANA	561.08	04/21/25	RECREATION O & E	64420
DENISE M. TRAVERS	5,400.00	04/21/25	LEGAL SERVICES O & E	64421
DOOR WORKS	405.00	04/21/25	B & G O & E	64422
EDGEWATER FREE	110,966.51	04/21/25	LIBRARY O & E	64423
EMS CONSULTING	175.00	04/21/25	VOLUNTEER 1ST AIDE O & E	64424
ENVIRONMENTAL	2,220.00	04/21/25	Various	64425
ESTEVES, PATRICIA	5,000.00	04/21/25	ASSESSMENT OF TAXES O & E	64426
FAIRFIELD	645.76	04/21/25	STREETS & ROADS O & E	64427
FAST PRINT LLC	1,965.00	04/21/25	Various	64428
FERGUSON ENTERPRISES	9,271.81	04/21/25	Various	64429
GOLD TYPE BUSINESS	7,518.75	04/21/25	Various	64430
GRAINGER CORP	438.82	04/21/25	POLICE O & E	64431
HACKENSACK MERID.	250.00	04/21/25	POLICE O & E	64432
HARTMANN DOHERTY	6,664.76	04/21/25	LEGAL SERVICES O & E	64433
HUDSON TIRE EXCHANGE	794.12	04/21/25	Various	64434
IIA - FIRE DEPT.	375.00	04/21/25	FIRE DEPT. O & E	64435
INTERACTION INSIGHT	3,958.00	04/21/25	POLICE O & E	64436
INTREP SOLUTIONS,	3,478.00	04/21/25	Various	64437
IT PIPES OPCO LLC	3,850.00	04/21/25	STREETS & ROADS O&E	64438
JEFF'S TOWING INC.	155.00	04/21/25	POLICE O & E	64439
JESCO INC.	5,277.66	04/21/25	SNOW REMOVAL O & E	64440
JONES, BILL	161.00	04/21/25	STREETS & ROADS O & E	64441
KAWAJI, MAYU	44.00	04/21/25	REFUND OF FEES	64442
LEXIPOL LLC	10,223.48	04/21/25	POLICE O & E	64443
LIBERTY ELEVATOR	1,539.00	04/21/25	Various	64444
LIFE SAVERS	234.00	04/21/25	POLICE O & E	64445
LIMA&SONS MARINE,	4,977.54	04/21/25	ASST. TO FIREFIGHTERS GRANT	64446
M&G AUTO PARTS INC	836.12	04/21/25	Various	64447
MATERA'S NURSERY	1,925.80	04/21/25	PARKS & PLAYGROUNDS O & E	64448
METROPOLITAN PLANT	334.77	04/21/25	B & G O & E	64449
METROPOLITAN RUBBER	1,086.47	04/21/25	Various	64450
MGL PRINTING	1,559.00	04/21/25	A & E O & E	64451
MICRO SYSTEMS-NJ	3,399.22	04/21/25	ASSESSMENT OF TAXES O & E	64452
MINETTI, LYNN	130.62	04/21/25	Various	64453
MINUTEMAN PRESS LLC	244.61	04/21/25	POLICE O & E	64454
MUNIDEX, INC	4,199.00	04/21/25	A & E O & E	64455
NATIONAL LAWN	955.86	04/21/25	PARKS & PLAYGROUNDS O & E	64456
NEGLIA ENGINEERING	28,932.89	04/21/25	ENGINEERING Fees O&E	64457
NEW JERSEY SAFETY	195.98	04/21/25	POLICE O & E	64458

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NEW JERSEY SHADE	125.00	04/21/25	B & G O & E	64459
NJ FIRE EQUIPMENT CO	4,241.91	04/21/25	Various	64460
NORTH JERSEY	461.00	04/21/25	Various	64461
NORTH JERSEY TRUCK	1,265.53	04/21/25	STREETS & ROADS O & E	64462
NORTHEAST OUTDOOR	3,388.00	04/21/25	RECREATION O & E	64463
NORTHEAST SWEEPERS & OHD LLP	1,706.33	04/21/25	CLEAN COMMUNITIES PROGRAM	64464
OUTSTANDING SERVICE	1,010.00	04/21/25	FIRE DEPT. O & E	64465
P&G AUTO INC	440.90	04/21/25	STREETS & ROADS O & E	64466
P&G AUTO INC	1,464.43	04/21/25	Various	64467
PAGNOZZI PLUMBING & PALISADIUM SWIM AND PSE&G	3,950.00	04/21/25	B & G O & E	64468
	320.00	04/21/25	FIRE DEPT. O & E	64469
	1,000.00	04/21/25	POLICE O & E	64470
QUALITY	41.69	04/21/25	FIRE DEPT. O & E	64471
R F Q TESTING	260.00	04/21/25	STREETS & ROADS O&E	64472
RACHLES/MICHELE'S	3,316.62	04/21/25	UTILITIES-GASOLINE & FUEL	64473
RAM TAX LIEN FUND II	12,644.88	04/21/25	Various	64474
REDICARE LLC	1,325.56	04/21/25	Various	64475
REGISTRAR'S ASSOC OF	75.00	04/21/25	BOARD OF HEALTH O & E	64476
REINER GROUP INC	998.00	04/21/25	Various	64477
RESOURCE MGMT	3,000.00	04/21/25	SANITATION	64478
ROBBINS & FRANKE	90.00	04/21/25	STREETS & ROADS O & E	64479
ROBERT P TRAVERS LAW	6,664.75	04/21/25	LEGAL SERVICES O & E	64480
ROBERT'S & SON, INC	860.25	04/21/25	Various	64481
ROBERTO'S II	1,000.00	04/21/25	RECREATION O & E	64482
ROGO FASTENER CO.	512.01	04/21/25	STREETS & ROADS O & E	64483
SERVPRO OF FORT LEE	2,250.00	04/21/25	Various	64484
SERVPRO OF NW BERGEN	625.00	04/21/25	POLICE O & E	64485
SHARE CORPORATION	1,609.92	04/21/25	STREETS & ROADS O & E	64486
SHERWIN WILLIAMS	334.29	04/21/25	STREETS & ROADS O & E	64487
SIRCHIE ACQUISITION	160.50	04/21/25	POLICE O & E	64488
SOL'S INTERPRETING	1,125.00	04/21/25	MUNICIPAL COURT O & E	64489
STAPLES BUSINESS	2,849.52	04/21/25	Various	64490
SUNCREST FARMS	265.76	04/21/25	B & G O & E	64491
SWANK MOTION	1,920.00	04/21/25	RECREATION O & E	64492
THE BIG AD-VANTAGE	1,294.00	04/21/25	Various	64493
TLC LLC	179.00	04/21/25	POLICE O & E	64494
TRI-STATE RENTALS	867.93	04/21/25	PARKS & PLAYGROUNDS O & E	64495
ULTRA PRO PEST	495.00	04/21/25	PARKS & PLAYGROUNDS O & E	64496
UNITED FEDERATED	2,245.00	04/21/25	Various	64497
V.E. RALPH & SON.	971.20	04/21/25	Various	64498
VANDERHOOF	1,450.00	04/21/25	SENIOR CITIZEN	64499
VINCENT'S SIGNS	1,040.00	04/21/25	Various	64500
VINDAN INC.	2,525.00	04/21/25	FIRE DEPT. O & E	64501
WASTE MANAGEMNT OF	42,016.93	04/21/25	SANITATION	64502
WIELKOTZ & COMPANY	23,750.00	04/21/25	Various	64503
WISS LAW P.C.	574.00	04/21/25	LEGAL SERVICES O & E	64504
BERGEN/PASSAIC	10.00	04/21/25	BOARD OF HEALTH O & E	64505
BRADY INDUSTRIES	198.00	04/21/25	VOLUNTEER 1ST AIDE O & E	64506
CME ASSOCIATES	2,007.00	04/21/25	ENGINEERING Fees O&E	64507
COLD MIX	571.20	04/21/25	STREETS & ROADS O & E	64508
DELTA DENTAL PLAN	9,008.26	04/21/25	GROUP INSURANCE	64509
EXTRA SPACE STORAGE	1,679.00	04/21/25	Various	64510
GRAINGER CORP	30.24	04/21/25	POLICE O & E	64511
GREEN WAY PRODUCTS	382.52	04/21/25	STREETS & ROADS O & E	64512
HARTMANN DOHERTY	24,977.14	04/21/25	Various	64513
IT DESK EXPERT	2,600.00	04/21/25	A & E O & E	64514
KELLY'S VALERO	400.00	04/21/25	POLICE O & E	64515
MILLENNIUM	4,000.00	04/21/25	A & E O & E	64516
PAGNOZZI PLUMBING & PL CUSTOM EMERGENCY	5,975.00	04/21/25	B & G O & E	64517
	4,399.79	04/21/25	VOLUNTEER 1ST AIDE O & E	64518
READY REFRESH	638.80	04/21/25	B & G O & E	64519
REDICARE LLC	68.00	04/21/25	B & G O & E	64520
ROBERT P TRAVERS LAW	16,264.00	04/21/25	Various	64521
SHARP ELECTRONICS	361.95	04/21/25	RECREATION O & E	64522
V.E. RALPH & SON,	1,143.77	04/21/25	VOLUNTEER 1ST AIDE O & E	64523
WEINER LAW GROUP LLC	214.50	04/21/25	LEGAL SERVICES O & E	64524
BOROUGH OF EDGEWATER	500,000.00	03/31/25	INTRA FUND TRANSFER -CURRENT	250331
EDGEWATER BOARD OF	2,445,204.50	04/01/25	BOARD OF EDUCATION	24040111

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TREASURER STATE OF	12,436.64	04/01/25	GREEN TRUST LOAN	24040112
BOROUGH OF EDGEWATER	456,737.73	03/26/25	Various	99169388
BOROUGH OF EDGEWATER	21,695.37	03/26/25	CONTRIB. TO SOC SEC (O.A.S.I.)	99169389
BOROUGH OF EDGEWATER	577,394.54	04/09/25	Various	99169390
BOROUGH OF EDGEWATER	30,645.22	04/09/25	CONTRIB. TO SOC SEC (O.A.S.I.)	99169391
<b>Total Paid Bills:</b>	<b><u>5,672,583.05</u></b>			

**CAPITAL ACCOUNT**

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>ORDINANCE #</u>	<u>Check #</u>
SHARP ELECTRONICS	3,365.35	04/03/25	2024-011	5646
VCI EMERGENCY	347,433.20	04/03/25	2022-019	5647
SETCOM CORPORATION	1,527.36	04/03/25	2024-018	5648
MOTOROLA SOLUTIONS	15,656.96	04/04/25	2023-005	5649
TOHICKON SETTLEMENT	9,406.00	04/16/25	1474	5650
VCI EMERGENCY	1,250.00	04/17/25	2022-019	5651
AJM & SONS ELECTRIC.	2,625.00	04/21/25	2022-019	5652
ALL AMERICAN FORD	99,574.00	04/21/25	2024-011	5653
CME ASSOCIATES	15,710.25	04/21/25	2021-007	5654
DECOTIIS,	150.00	04/21/25	2024-018	5655
DELL MARKETING L.P	11,101.82	04/21/25	2024-011	5656
EAST COAST EMERG.	59,892.30	04/21/25	2024-011	5657
NEGLIA ENGINEERING	25,172.85	04/21/25	2023-006/2022-013	5658
TOROSIAN BROS. INC.	7,740.00	04/21/25	2015-038	5659
VINCENT'S SIGNS	1,954.00	04/21/25	2024-011	5660
<b>Total Paid Bills:</b>	<b><u>602,559.09</u></b>			

**MARINA ACCOUNT**

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Account</u>	<u>Check #</u>
BOROUGH OF EDGEWATER	4,613.84	03/26/25	MARINA SALARIES AND WAGES	3588
VEOLIA WATER NJ	210.46	03/28/25	O&E	3589
NEW HORIZON	0.00	04/04/25	Various	3590
PSE&G CO	2,399.71	04/04/25	O&E	3591
NEW HORIZON	80.68	04/04/25	O&E	3592
BOROUGH OF EDGEWATER	3,875.74	04/09/25	MARINA SALARIES AND WAGES	3593
TIME WARNER CABLE	716.03	04/08/25	O&E	3594
UGI ENERGY SERVICES,	102.50	04/08/25	O&E	3595
ALL HANDS FIRE	18,189.46	04/21/25	RESERVE FOR PORT SECURITY	3596
DOCK BOXES	10,363.85	04/21/25	O&E	3597
KUIKEN BROTHERS CO	2,100.00	04/21/25	O&E	3598
MITHRIL METALS CORP	253.89	04/21/25	O&E	3599
PIRES, RONALD	2,805.00	04/21/25	RETURN OF FEES	3600
REDICARE LLC	154.50	04/21/25	Various	3601
REINER GROUP INC	1,642.00	04/21/25	O&E	3602
REUTHER MATERIAL CO	520.00	04/21/25	O&E	3603
THERM-O-JET INC.	200.00	04/21/25	O&E	3604
ULTRA PRO PEST	495.00	04/21/25	O&E	3605
<b>Total Paid Bills:</b>	<b><u>48,722.66</u></b>			

**MARINA CAPITAL**

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Account</u>	<u>Check #</u>
D. MOWERY	37,000.00	04/21/25	MARINA IMPROVEMENTS	116
NEGLIA ENGINEERING	2,200.00	04/21/25	MARINA IMPROVEMENTS	117
<b>Total Paid Bills:</b>	<b><u>39,200.00</u></b>			

