

September 13, 2022

A Regular Meeting of the Piscataway Township Council was held on September 13, 2022 at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey. The meeting was called to order by Council President, Michele Lombardi, at 7:33 pm.

Council President Lombardi made the following Statement, in compliance with the Open Public Meetings Act: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time, date, location, login, or dial in information, and, to the extent known, the agenda by posting a copy of the notice on the Municipal Building, Municipal Court and the two Municipal Library Bulletin Boards, Municipal Website, providing a copy to the official newspapers of the Township and by filing a copy in the office of the Township Clerk in accordance with a certification by the Clerk which will be entered in the minutes.

The Township continues to use a remote meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.

In order to make sure a clear record of the meeting can be made and that all parties are heard in an organized fashion, all members of the public will be muted during the meeting. If a member of the public wishes to speak during any public comment portion, please raise your hand. This can be done either through the zoom app or by pressing *9 (star nine) on your phone. When it is your turn to speak, you will receive a prompt or request to unmute, please click on the prompt or press *6 (star 6) on your phone to unmute.

Upon being unmuted, you should begin to ask any and all questions you may have. You will have three minutes to speak, at the conclusion of which you will be muted again, and the council or administration will respond as necessary.

Should you have any further comments or questions, the Township Council is always available by email and phone, and you can always call the Mayor's office during normal operating hours. Each member of the public shall only have one opportunity to speak during each public portion. As the technology does not allow us to know if there are multiple callers on an individual phone line or logged in user account, we ask that if you wish to speak, that you login in or dial in separately so that we can recognize you as a separate individual.

Individuals may also submit written comments to the Township Clerk up to forty-eight (48) hours prior to the meeting, to be read by the Township Clerk during the Public Comment Portion of the meeting. Said comments shall be limited to three minutes of reading.

Thank you in advance for your patience as we continue to move the Township forward during this Health Emergency.

On roll call, there were present: Messrs. Cahill, Cahn, Shah, Uhrin, & Lombardi.

Ms. Lombardi led the salute to the flag.

There were no comments from Administration and Council on the Adjournment of any Agenda items.

Ms. Lombardi opened the meeting to the Public for comments regarding the Consent Agenda Items. There being no comments, this portion of the meeting was closed to the public.

The Clerk read for SECOND READING the following ORDINANCE:
ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, TO REPEAL CHAPTER XXI (21), ZONING, SECTION 8A, FLOOD DAMAGE PREVENTION, TO ADOPT NEW FLOOD PLAIN MANAGEMENT REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

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

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

WHEREAS, the Township of Piscataway was accepted for participation in the National Flood Insurance Program on January 18, 1984 and the Township Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

WHEREAS, the Township of Piscataway 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 Township Council of the Township of Piscataway 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 21, Zoning, Section 8A, Flood Damage Prevention.

SECTION 21-8A FLOOD DAMAGE PREVENTION

21-801A SCOPE AND ADMINISTRATION

801A.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the Floodplain Management Regulations of the Township of Piscataway (hereinafter "these regulations").

801A.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 802A of these regulations.

801A.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.

801A.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Piscataway administer and enforce the State building codes, the Township Council of the Township of Piscataway 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.

801A.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 803A.14 of this ordinance.

801A.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.

801A.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

801A.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a minimum fine of \$1,000 but not more than \$2,000, 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 minimum fine of \$1,000 but not more than \$2,000 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.

801A.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.

801A.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 802A APPLICABILITY

802A.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.

802A.2 Establishment of Flood Hazard Areas. The Township of Piscataway was accepted for participation in the National Flood Insurance Program on January 18, 1984.

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 Piscataway Township Engineering Division Office located at 505 Sidney Road, Piscataway, NJ 08854.

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

1) Effective Flood Insurance Study. Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions) dated July 6, 2010 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 802A.2(1) whose effective date is July 6, 2010 are hereby adopted by reference.

Table 802A.2(1)				
Date	Map Panel #	Effective Date	Revision Letter	Map Panel # Effective
	#34023C0009	7/6/10 F	#34023C0036	
		7/6/10 F		
	#34023C0017			
		7/6/10 F	#34023C0037	
		7/6/10 F		
	#34023C0027			
		7/6/10 F	#34023C0038	
		7/6/10 F		
	#34023C0028			
		7/6/10 F	#34023C0039	
		7/6/10 F		
	#34023C0029			
		7/6/10 F	#34023C0041	
		7/6/10 F		
	#34023C0031			

7/6/10 F #34023C0043
 7/6/10 F
 #34023C0033 7/6/10 F

2) Federal Best Available Information. The Township of Piscataway shall utilize Federal flood information 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.

3) Other Best Available Data. The Township of Piscataway shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Piscataway. 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 802A.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 809A, 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 802A.2(3)

Name of Studied Water	File Name	Map Number
Stream 14-14-2-3	C0000010	5A
Stream 14-14-2-3	C0000011	5
Bound Bk	C0000035	6
Raritan Rv	D0000013	R-8
Raritan Rv	D0000014	R-7
Raritan Rv	D0000015	R-6
Raritan Rv	D0000016	R-5
Raritan Rv	D0000017	R-4
Raritan Rv	D0000018	R-6
Mile Run	D0000029	ML-1
Bound Bk	FHA15161	BD-2
Bound Bk	FHA15162	BD-3
Bound Bk	FHA15163	BD-4
Bound Bk	SUPPX004	BD-1
Bound Bk	SUPPX005	BD-2
Green Bk	SUPPX009	G-1
Green Bk	SUPPX011	G-3
Green Bk	SUPPX012	G-4
Green Bk	SUPPX013	G-5

802A.3 Establishing the Local Design Flood Elevation (LDFE). The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 802A.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 802A.2 above, plus one foot or as described by N.J.A.C. 7:13 of freeboard; or

2) For any undelineated watercourse (where mapping or studies described in 802A.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 805A.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 803A DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

803A.1 Floodplain Administrator Designation. The Supervisor of Engineering is designated as the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

803A.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 807A of these regulations.

803A.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

803A.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 802A 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 803A.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 807A 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 806A 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 807A of these regulations.

(13) Cite violations in accordance with Section 808A of these regulations.

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

(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 802A.2.

803A.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.

803A.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.

803A.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 802A.2 and 802A.3 respectively. This information shall be provided to the Construction Official and documented according to Section 803A.15.

803A.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.

803A.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.

803A.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.

803A.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.

803A.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.

803A.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.

803A.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.

803A.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.

803A.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 802A.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

(3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

(4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of ten (10) years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.

(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 in writing 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.

803A.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.

803A.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 804A PERMITS

804A.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.

804A.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 805A 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.

804A.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.

804A.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.

804A.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 805A SITE PLANS AND CONSTRUCTION DOCUMENTS

805A.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 805A.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 805A.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.

805A.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.

805A.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 805A.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 805A.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).

805A.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 806A INSPECTIONS

806A.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.

806A.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.

806A.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 814A.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 814A.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 814A.2.

(4) Final inspection. Prior to the final inspection, certification of the elevation required in Section 814A.2 shall be submitted to the Construction Official on an Elevation Certificate.

806A.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 807A VARIANCES

807A.1 General. The Township of Piscataway Zoning Board of Adjustment shall hear and decide requests for variances. The Planning Board or Zoning Board of Adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 807A.5, the conditions of issuance set forth in Section 807A.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board or Zoning Board of Adjustment has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

807A.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.

807A.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.

807A.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 805A.3(1) of these regulations.

807A.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.

807A.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 808A VIOLATIONS

808A.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.

808A.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.

808A.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.

808A.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 minimum fine of \$1,000 but not more than \$2,000 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 809A DEFINITIONS

809A.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.

809A.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 aerial mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

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

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

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

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

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

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

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

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

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

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

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

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other

development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

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

FLOOD OR FLOODING

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or

passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

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

HARDSHIP – As related to Section 807A of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Zoning Board of Adjustment 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.

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.

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

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

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

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

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

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

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

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 over a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation for determining whether an improvement is a substantial improvement requires a review of all improvements over a 10 year period prior to the date of any proposed improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

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

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

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

SECTION 809A.3 SUBDIVISIONS AND OTHER DEVELOPMENTS

809A.4 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.

809A.5 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 810A SITE IMPROVEMENT

810A.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 805A.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 805A.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 814A.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

810A1.1 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.

810A.2 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.

810A.3 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.

810A.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

810A.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

810A.6 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.

810A.7 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 811A MANUFACTURED HOMES

811A.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).

811A.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 814A.2.

811A.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

811A.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.

811A.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 814A.2.

811A.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 814A.2 of these regulations.

811A.6.1 Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 814A.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 812A RECREATIONAL VEHICLES

812A.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

812A.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.

812A.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 814A.2 for habitable buildings.

SECTION 813A TANKS

813A.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 814A OTHER DEVELOPMENT AND BUILDING WORK

814A.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 805A.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 802A.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 802A.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.

814A.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 809A) 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 802A.3, be in conformance with ASCE 24, 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 802A.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 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:
 - i. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

- ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 814A.2(d)ii are met;
- iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
- iv. Have openings documented on an Elevation Certificate; and
- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

814A.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

814A.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 805A.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 807A of this ordinance.

814A.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 805A.3(1) of these regulations and N.J.A.C. 7:13.

814A.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 805A.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

814A.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 805A.3(1) of these regulations.

SECTION 815A TEMPORARY STRUCTURES AND TEMPORARY STORAGE

815A.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.

815A.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.

815A.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 805A.3(1) of these regulations.

SECTION 816A UTILITY AND MISCELLANEOUS GROUP U

816A.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.

816A.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 802A.3.

816A.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 802A.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

816A.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 814A.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.

816A.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 802A.3.

816A.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 802A.3.

816A.6.1 Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect on July 12, 2022.

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Ms. Lombardi opened the Meeting to the Public for Comments. There being no further comments, the public portion was closed.

RESOLUTION offered by Mr. Uhrin seconded by Mr. Cahn, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey, that AN ORDINANCE ENTITLED: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, TO REPEAL CHAPTER XXI (21), ZONING, SECTION 8A, FLOOD DAMAGE PREVENTION, TO ADOPT NEW FLOOD PLAIN MANAGEMENT REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE was introduced on the 28th day of June, 2022 and had passed the first reading and was published on the 21st day of July, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on September 13, 2022, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2022-17.

On roll call vote: Messrs. Cahill, Cahn, Shah, Uhrin, & Lombardi answered yes.

The Clerk read for SECOND READING the following ORDINANCE: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII (7), TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

WHEREAS, the Mayor and Township Council of the Township of Piscataway (“Township”), Middlesex County, finds it in the best interest of the public to amend Chapter VII, Section 14, Parking Prohibited at All Times on Certain Streets, of the Revised General Ordinances of the Township regarding the addition of parking prohibitions on Ethel Road West and Adrian Avenue; and

BE IT THEREFORE ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that Chapter VII, Traffic, Section 14, Parking Prohibited at All Times on Certain Streets, of the Revised General Ordinances of the Township of Piscataway is hereby amended with additions shown in italics with text as follows:

CHAPTER VII
TRAFFIC

7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

Name of Street	Sides	Location
Academy Street	South	From South Washington Avenue (CR #529) to Fairview Avenue
<i>Adrian Avenue</i>	<i>Both</i>	<i>From 11th Street to 12th Street</i>
Ethel Road	South	From Stelton Road (CR #529) easterly to the Edison Township line
<i>Ethel Road West</i>	<i>Both</i>	<i>From Suttons Lane to Stelton Road</i>

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they

shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Ms. Lombardi opened the Meeting to the Public for Comments. There being no further comments, the public portion was closed.

RESOLUTION offered by Mr. Shah seconded by Ms. Cahill, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey, that AN ORDINANCE ENTITLED: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII (7), TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS was introduced on the 9th day of August, 2022 and had passed the first reading and was published on the 14th day of August, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on September 13, 2022, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

BE IT FURTHER RESOLVED that this Ordinance shall be assigned No. 2022-18.

On roll call vote: Messrs. Cahill, Cahn, Shah, Uhrin, & Lombardi answered yes.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP AND IPT KINGSBRIDGE BUSINESS CENTER URBAN RENEWAL, LLC, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

RESOLUTION offered by Mr. Uhrin seconded by Mr. Shah, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that AN ORDINANCE ENTITLED: ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII (7), TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey as well as by remote meeting format on the 6th day of October, 2022.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote: Messrs. Cahill, Cahn, Shah, Uhrin, & Lombardi answered yes.

RESOLUTION #22-261

RESOLUTION offered by Mr. Cahn, seconded by Ms. Cahill:

WHEREAS, the Revised General Ordinances of the Township of Piscataway permit the adoption of Resolutions, Motions or Proclamations by the Township Council of the Township of Piscataway as part of the Consent Agenda, upon certain conditions; and

WHEREAS, each of the following Resolutions, Motions or Proclamations to be presented before the Township Council at its September 13, 2022 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Refund of Overpayment – Police Dept.
- b. RESOLUTION – Authorizing Rejecting All Bids and Authorizing Re-Bid – 2022 Community Development Building – Proposed Parking Lot and Site Improvements.
- c. RESOLUTION – Authorizing Award of Bid – Milling and Road Surface Preparation of West 4th Street from Rock Avenue to Washington Avenue – Black Rock Enterprises, LLC – Not to Exceed \$59,202.50.
- d. RESOLUTION – Authorizing Award of Bid – Hot Mix Asphalt Materials for Resurfacing West 4th Street in Piscataway & Dunellen – Stavola Asphalt Company, Inc. – Not to Exceed \$248,000.00.
- e. RESOLUTION – Authorizing Return of Soil Erosion/Sediment Control Bond:
 - Block 2603, Lot 9.01 – 190 Blackford Avenue.
- f. RESOLUTION – Authorizing Return of Off-Site Improvements Bond and Safety & Stabilization Guarantee:
 - Block 5201, Lot 6.01 – 40 Turner Place – 17-PB-16.
- g. RESOLUTION – Authorizing Return of Performance Surety and Two Cash Bonds:
 - Block 2603, Lot 9.01 – 190 Blackford Avenue – 17-ZB-47V.
- h. RESOLUTION – Authorizing Return of Safety & Stabilization Guarantee:
 - Block 4701, Lot 5.05 – 330 So. Randolphville Road – 19-PB-43.
- i. RESOLUTION – Authorizing Return of Maintenance Bond:
 - Block 3502, Lots 1.05, 6.04 & 6.05 – River Road, Baekeland Avenue, Normandy Drive, Hancock Road, Lilac Way, Wisteria Court and Ballas Lane – 17-PB-02.
- j. RESOLUTION – Authorizing Award of Contract Under State Contract – 2022 Police Ammunition Purchase – Eagle Point/T.J. Morris & Son – Not to Exceed \$21,265.95.
- k. RESOLUTION – Authorizing Refund of Overpayment of Taxes Due to Duplicate Payments - Block 3101, Lot 16.01.
- l. RESOLUTION – Authorizing Award of Bid – 2022 Re-Bid Partial Site Restoration Metlar-Bodine House – Hahr Construction – Not to Exceed \$371,000.00.
- m. RESOLUTION – Authorizing Award of Bid – 2023-2024 Janitorial Services – Pure Productive Services – Year 1 - Not to Exceed \$119,451.20.
- n. RESOLUTION – Authorizing Award of Bid – HVAC Maintenance Services – Unitemp, Inc. – Not to Exceed \$149,100.00.
- o. RESOLUTION – Authorizing Return of Street Opening Bond – Block 8506, Lot 2 – 15 Haines Avenue.
- p. RESOLUTION – Appointment of Louis Cyktor as Building Subcode Official.
- q. RESOLUTION – Authorizing Award of Bid – 2022-2023 Leaf Bag Supply Furnish and Deliver – Dano Enterprises, Inc. – Not to Exceed \$65,250.00.
- r. RESOLUTION – Authorizing Tax Appeal Settlement – Tyler Properties – Block 703, Lot 1.06 – 3 Lakeview Avenue.
- s. RESOLUTION – Authorizing Refund of Picnic Fee – Tajuana Allen.
- t. RESOLUTION – Authorizing Refund of Sterling Village Application Fee – Karen Edwards.
- u. RESOLUTION – Authorizing Cancellation of Taxes for 100% Disabled Veteran and 100% Tax Exempt.
- v. RESOLUTION – Authorizing Award of Bid – 2022-2023 Hot Mix Asphalt-2 Road Construction Materials – Stavola Asphalt Company, Inc. – Not to Exceed \$569,500.00.
- w. RESOLUTION – Authorizing Change Order #1 – 16' DB SS 16' Dumpbody w/Salt Spreader (1) Henke Plow – Trius, Inc. – Not to Exceed \$12,500.00.
- x. RESOLUTION – Authorizing Cancellation of Contracts:
 - Campbell Freightliner, LLC for Freightliner 10 Ton Truck 108SD w/Cummins L9 Engine.
 - Trius, Inc. for 2021 Swenson Stainless Steel Mod 11' DB SS.

- y. RESOLUTION – Authorizing Change Order #1 – Asphalt Patch Truck – Freightliner ME106 Convention Chassis – Houston Freightliner, Inc. – Not to Exceed \$6,700.00.
- z. RESOLUTION – Authorizing Change Order #1 – Sewer Maintenance Truck – 2022 Freightliner 108SD Conventional CABL, SNFA, SRA (PRL-20D) – Houston Freightliner, Inc. – Not to Exceed \$54,316.80.
- aa. RESOLUTION – Authorizing Change Order #9 – Netherwood Avenue Improvements – Concrete Construction Corp. – Not to Exceed \$180,024.31.
- bb. RESOLUTION – Rescinding 2022-2023 License Term Renewal for 1665 Stelton License LLC from Resolution #22-207.
- cc. RESOLUTION – Authorizing Renewal of 2022-2023 License Term for 1665 Stelton License, LLC.
- dd. RESOLUTION – Authorizing Refund of Overpayment of Taxes – Various Blocks and Lots.
- ee. RESOLUTION – Authorizing Chapter 159 – FY2022 Municipal Alliance Grant - \$18,882.00.

On roll call vote: Messrs. Cahill, Cahn, Shah, Uhrin, & Lombardi voted yes.

The following are the Resolution, typed in full, which were adopted by the foregoing consent agenda resolution:

RESOLUTION #22-262

WHEREAS, on August 9, 2022, Dominick DeAnthony paid twenty-one dollars (\$21.00) online in error as it pertains to a Gun Permit, which payment should have only been for six dollars (\$6.00); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to refund the overpayment for said Gun Permit Fee, in the amount of fifteen dollars (\$15.00) to Dominick DeAnthony.

RESOLUTION #22-263

WHEREAS, on July 21, 2022, the Township of Piscataway (the “Township”) received three (3) bids for the Community Development Building – Proposed Parking Lot and Site Improvements Project (the “Project”); and

WHEREAS, the three (3) bids all substantially exceeded the Township’s budgeted appropriation for the Project and sufficient funding does not exist at this time to award the Project; and

WHEREAS, pursuant to a Recommendation to Reject, dated August 11, 2022, the Township Landscape Architect recommended rejection of all bids based on the above and pursuant to N.J.S.A. 40A:11-13.2(b); and

WHEREAS, the Township Landscape Architect requests that the Township be authorized to rebid the Project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to reject all three (3) bids for the Community Development Building – Proposed Parking Lot and Site Improvements Project for substantially exceeding the Township’s budgeted appropriation for the goods and services; and

BE IT FURTHER RESOLVED that the Township is authorized to rebid for the Community Development Building – Proposed Parking Lot and Site Improvements Project.

RESOLUTION #22-264

WHEREAS, on August 11, 2022, the Township of Piscataway (the “Township”) received bids for the Milling & Road Surface Preparation of West 4th Street from Rock Avenue to Washington Avenue (the “Project”); and

WHEREAS, the Township Director of Public Works has reviewed the bids and recommends awarding a contract to Black Rock Enterprises, LLC, Old Bridge, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$59,202.50; and

WHEREAS, there is funding available pursuant to Certification # B-2022-018;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby

authorized to award a contract to Black Rock Enterprises, LLC, Old Bridge, NJ, for the Milling & Road Surface Preparation of West 4th Street from Rock Avenue to Washington Avenue, in the amount not to exceed \$59,202.50, subject to all bid specifications and contract documents.

RESOLUTION #22-265

WHEREAS, on August 11, 2022, the Township of Piscataway (the "Township") received bids for Hot Mix Asphalt Materials for Resurfacing West 4th Street in the Township and Dunellen (the "Project"); and

WHEREAS, the Township Director of Public Works reviewed the bids and recommended awarding a contract to Stavola Asphalt Company, Inc., Tinton Falls, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$248,000.00; and

WHEREAS, funds are available pursuant to certification # B-2022-019;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for Hot Mix Asphalt Materials for Resurfacing West 4th Street in the Township and Dunellen to Stavola Asphalt Company, Inc., Tinton Falls, NJ, in the amount not to exceed \$248,000.00, subject to all bid specifications and contract documents.

RESOLUTION #22-266

WHEREAS, Joseph Fedelim, Piscataway, NJ, requests the return of a Soil Erosion/Sediment Control Bond in the amount of \$1,000.00, posted on February 27, 2020 with the Township of Piscataway (the "Township") for improvements for Block 2603, Lot 9.01 (190 Blackford Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated August 3, 2022 and a Memorandum from the Township Supervisor of Engineering dated August 3, 2022, copies of which are attached hereto and made a part hereof, the Supervisor of Engineering advised that the necessary improvements required and covered have been satisfactorily installed, and therefore recommended the return of said Soil Erosion/Sediment Control Bond to Joseph Fedelim; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Soil Erosion/Sediment Control Bond in the amount of \$1,000.00 to Joseph Fedelim, Piscataway, NJ, regarding Block 2603, Lot 9.01 (190 Blackford Avenue).

RESOLUTION #22-267

WHEREAS, All American Poly, Piscataway, NJ, requests the release of an Off-Site Improvements Bond and a Safety & Stabilization Guarantee, in the original amounts of \$11,886.00 and \$5,000.00, respectively, both posted with the Township of Piscataway on October 18, 2021, for improvements on Block 5201, Lot 6.01 (40 Turner Place), regarding Planning Board Application #17-PB-16; and

WHEREAS, pursuant to a Request for Release of Funds dated July 27, 2022 and a letter from the Township Supervisor of Engineering dated August 2, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, and recommends the release of the Off-Site Improvements Bond and the Safety & Stabilization Guarantee to All American Poly; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release an Off-Site Improvements Bond in the amount of \$11,886.00 and a Safety & Stabilization Guarantee in the amount of \$5,000.00, to All American Poly, Piscataway, NJ, for improvements on Block 5201, Lot 6.01 (40 Turner Place) regarding Planning Board Application #17-PB-16.

RESOLUTION #22-268

WHEREAS, Joseph Fedelim, Piscataway, NJ, requests the release of a Performance Surety Bond in the original amount of \$9,529.29 and a Cash Bond in the original amount of \$1,058.88, posted with the Township of Piscataway on October 30, 2017 and July 25, 2017, respectively, for improvements on Block 2603, Lot 9.01 (190 Blackford Avenue); and

WHEREAS, pursuant to Resolution #20-79, 70% of said Bonds have been previously released to Joseph Fedelim in accordance with the provisions of the Municipal Land Use Law (40:55D-53); and

WHEREAS, pursuant to a Request for Release of Funds dated August 2, 2022 and a letter from the Township Supervisor of Engineering dated August 2, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, and recommends the release of the remainder of the Performance Surety Bond in the amount of \$2,858.79 and Cash Bond in the amount of \$317.66 to Joseph Fedelim; and

WHEREAS, Joseph Fedelim, Piscataway, NJ, requests the release of a Cash Bond in the original amount of \$1,080.00, posted with the Township of Piscataway on January 29, 2018, for improvements on Block 2603, Lot 9.01 (190 Blackford Avenue), regarding Zoning Board Application #17-ZB-47V; and

WHEREAS, pursuant to a Request for Release of Funds dated August 3, 2022 and a letter from the Township Supervisor of Engineering dated August 3, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, and recommends the release of the Cash Bond in the amount of \$1,080.00 to Joseph Fedelim; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Performance Surety Bond in the amount of \$2,858.98 and a Cash Bond in the amount of \$317.66, to Joseph Fedelim, Piscataway, NJ, for improvements on Block 2603, Lot 9.01 (190 Blackford Avenue); and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to release a Cash Bond in the amount of \$1,080.00, to Joseph Fedelim, Piscataway, NJ, for improvements on Block 2603, Lot 9.01 (190 Blackford Avenue), regarding Zoning Board Application #17-ZB-47V.

RESOLUTION #22-269

WHEREAS, 330 S Randolphville Urban Renewal, LLC, Florham Park, NJ, requests the release of a Safety & Stabilization Guarantee in the original amount of \$34,174.89, posted with the Township of Piscataway on October 1, 2020, for improvements on Block 4701, Lot 5.05 (330 S. Randolphville Road), regarding Planning Board Application #19-PB-43; and

WHEREAS, pursuant to a Request for Release of Funds dated August 15, 2022 and a letter from the Township Supervisor of Engineering dated August 16, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, and recommends the release of the Safety & Stabilization Guarantee to 330 S Randolphville Urban Renewal, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Safety & Stabilization Guarantee in the amount of \$34,174.89, to 330 S Randolphville Urban Renewal, LLC, Florham Park, NJ, for improvements on Block 4701, Lot 5.05 (330 S. Randolphville Road), regarding Planning Board Application #19-PB-43.

RESOLUTION #22-270

WHEREAS, RG-Piscataway Urban Renewal, LLC, Morristown, NJ, requests the release of a Maintenance Surety Bond in the original amount of \$1,386,970.95, posted with the Township of Piscataway on February 7, 2020, for improvements on Block 3502, Lots 1.05, 6.04 & 6.05 (River Road, Baekeland Avenue, Normandy Drive, Hancock Road, Lilac Way, Wisteria Court & Ballas Lane); and

WHEREAS, pursuant to a Request for Release of Funds dated August 15, 2022 and a letter from the Township Supervisor of Engineering dated August 15, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed and recommends the release of the Maintenance Surety Bond, in the amount of \$1,386,970.95, to RG-Piscataway Urban Renewal, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Maintenance Surety Bond in the amount of \$1,386,970.95 to RG-Piscataway Urban Renewal, LLC, Morristown, NJ, for improvements on Block 3502, Lots 1.05, 6.04 & 6.05 (River Road, Baekeland Avenue, Normandy Drive, Hancock Road, Lilac Way, Wisteria Court & Ballas Lane).

RESOLUTION #22-271

WHEREAS, the Township of Piscataway Police Department (the "Police Department") is in need of 2022 Police Ammunition; and

WHEREAS, the Township Chief of Police recommends awarding a contract for the Ammunition through New Jersey State Contract #17-FLEET-00721, #T0106 to Eagle Point Gun/T.J. Morris & Son, Thorofare, NJ, in the amount not to exceed \$21,265.95; and

WHEREAS, there is funding available pursuant to certification # R-2022-0061;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract with Eagle Point Gun/T.J. Morris & Son, Thorofare, NJ, for 2022 Police Ammunition, in the amount not to exceed \$21,265.95, through New Jersey State Contract #17-FLEET-00721, #T0106.

RESOLUTION #22-272

WHEREAS, the following party overpaid taxes and are requesting a refund of this amount as listed below.

BLOCK	LOT	NAME	YEAR	AMOUNT	REASON
3101	16.01	PATEL, MEET	2022	\$1,978.70	Bank Paid & Property Owner Paid
<u>Total</u>				<u>\$4,655.09</u>	

THEREFORE, BE IT RESOLVED that the Treasurer is hereby authorized to refund the overpayment of taxes to the record owner and the Collector is hereby authorized to adjust the records accordingly.

RESOLUTION #22-273

WHEREAS, on August 18, 2022, the Township of Piscataway (the "Township") received two (2) bids in regard to the 2022 Rebid for Partial Site Restoration at the Historic Metlar Bodine House (the "Project"); and

WHEREAS, the Township reviewed the bids and recommends awarding a contract for the Project to Hahr Construction, North Plainfield, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$371,000.00; and

WHEREAS, funds are available pursuant to certification # B-2022-020;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the 2022 Rebid for Partial Site Restoration at the Historic Metlar Bodine House to Hahr Construction, North Plainfield, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$371,000.00, subject to all bid specifications and contract documents.

RESOLUTION #22-274

WHEREAS, on August 18, 2022, the Township of Piscataway received bids for the 2023-2024 Janitorial Services (the "Project"); and

WHEREAS, the Township Director of Public Works reviewed the bids and recommended awarding a contract for the Project to Pure Productive Services, Princeton, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$119,451.20, from January 1, 2023 through December 31, 2023, with an option to extend the contract for an additional year, upon satisfactory performance by Pure Productive Services; and

WHEREAS, funds are available pursuant to certification # B-2022-024;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the 2023 Janitorial Services to Pure Productive

Services, Princeton, NJ, for a total cost not to exceed \$119,451.20, from January 1, 2023 through December 31, 2023, with an option to extend the contract for an additional year, upon satisfactory performance by Pure Productive Services, subject to all bid specifications and contract documents.

RESOLUTION #22-275

WHEREAS, on August 18, 2022, the Township of Piscataway (the "Township") received bids for the 2023-2024 HVAC Maintenance Services Project (the "Project"); and

WHEREAS, the Township Director of Public Works has reviewed the bids and recommends awarding a contract for the Project to Unitemp, Inc., Somerset, NJ, who was the lowest qualifying bidder, in the amount not to exceed \$149,100.00, for Calendar Year 2023, with a Second Year Option for Calendar Year 2024, in the amount not to exceed \$153,454.80, upon satisfactory performance by Unitemp, Inc.; and

WHEREAS, there is funding available pursuant to Certification # B-2022-020;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract to Unitemp, Inc., Somerset, NJ, for the 2023 HVAC Maintenance Services, for a total cost not to exceed \$149,100.00, subject to all bid specifications and contract documents.

RESOLUTION #22-276

WHEREAS, AJ Perri Holdco, LLC, Tinton Falls, NJ, requests the return of a Street Opening Bond in the amount of \$500.00, posted with the Township of Piscataway on January 29, 2020, regarding repairs and inspections for Block 8506, Lot 2 (15 Haines Avenue); and

WHEREAS, pursuant to a Request for Release of Funds dated August 17, 2022 and a memorandum from the Supervisor of Engineering dated August 17, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that the repairs and inspections have been made according to Township specifications, and therefore recommended the return of said Street Opening Bond to AJ Perri Holdco, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Street Opening Bond to AJ Perri Holdco, LLC, Tinton Falls, NJ, in the amount of \$500.00, regarding Block 8506, Lot 2 (15 Haines Avenue).

RESOLUTION #22-277

WHEREAS, the Township of Piscataway (the "Township") is in need of a Building Subcode Official; and

WHEREAS, the Township wishes to appoint Louis Cyktor for such position; and

WHEREAS, Louis Cyktor has submitted proof of his eligibility for such position by having obtained a State of New Jersey Certification and satisfying the various criteria set forth in N.J.A.C. Title 5:23;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that Louis Cyktor be and hereby is appointed as Building Subcode Official of the Township of Piscataway for a term commencing September 13, 2022, and ending September 12, 2026.

RESOLUTION #22-278

WHEREAS, on August 18, 2022, the Township of Piscataway (the "Township") received bids for 2022-2023 Leaf Bag Supply (Furnish & Delivery); and

WHEREAS, pursuant to a Recommendation to Award dated August 24, 2022, a copy of which is attached hereto and made a part hereof, the Township Director of Public Works has reviewed the bids and recommends awarding a contract for 2022-2023 Leaf Bag Supply (Furnish & Delivery) to Dano Enterprises, Inc., Stamford, CT, who is the lowest qualifying bidder, in the amount not to exceed \$65,250.00; and

WHEREAS, funds are available pursuant to certification # B-2022-021;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to enter into a contract for 2022-2023 Leaf Bag Supply (Furnish & Delivery) with Dano Enterprises, Inc., Stamford, CT, who is the lowest qualifying bidder, in the

amount not to exceed \$65,250.00.

RESOLUTION #22-279

WHEREAS, the Township of Piscataway and the following property owner has been engaged in litigation on a tax appeal which is pending in the Tax Court; and

WHEREAS, the Municipal Tax Assessor and Special Counsel for Tax Appeals have recommended the following settlement regarding the assessed value of the property for the specified year:

Tyler Properties

Block 703, Lot 1.06
3 Lakeview Avenue

	<u>2018</u> <u>Assessment</u>	<u>2018 Proposed</u> <u>Assessment</u>	<u>2019</u> <u>Assessment</u>	<u>2019 Proposed</u> <u>Assessment</u>
Land	11,600	4,010,000	11,900	5,010,300
Improvements	<u>0</u>	<u>(11,600)</u>	<u>11,900</u>	<u>(11,900)</u>
Total	11,600	3,998,400	11,900	4,998,400

	<u>200</u> <u>Assessment</u>	<u>2020 Proposed</u> <u>Assessment</u>
Land	11,900	5,010,300
Improvements	<u>0</u>	<u>(11,900)</u>
Total	11,900	4,998,400

WHEREAS, the Special Counsel for Tax Appeals, as well as appraisal consultants retained by the Township, have advised that the proposed settlement fully conforms with the public interest; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the settlement of the above Tax Appeal, as recommended by the Municipal Tax Assessor and Special Counsel for Tax Appeals and as specifically set forth above, be and the same is hereby approved; and

BE IT FURTHER RESOLVED that upon notification from the Assessor that the above settlement has been approved by the Tax Court, the Tax Collector and other appropriate officials, the appropriate municipal officials be and are hereby authorized to issue the refund and/or credit corresponding to the aforementioned assessed value.

RESOLUTION #22-280

WHEREAS, Tajuana Allen, Piscataway, NJ requests the return of a Picnic Permit Fee in the amount of \$225.00, posted with the Township of Piscataway for a picnic at Possumtown Park on September 17, 2022; and

WHEREAS, the Piscataway Township Department of Recreation recommended the return of said Picnic Permit Fee, in the amount of \$225.00, as the picnic was cancelled; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return a Picnic Permit Fee in the amount of \$225.00, pursuant to receipt #A145154, to Tajuana Allen.

RESOLUTION #22-281

WHEREAS, Karen Edwards, Piscataway, NJ, who resides in Sterling Village, made duplicate Application Fee payments in the amount of \$35.00 on November 7, 2017 and December 7, 2017; and

WHEREAS, the Piscataway Township CFO recommended the return of said duplicate Application Fee payment, in the total amount of \$35.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said duplicate Application Fee payment to Karen Edwards, in the amount of \$35.00.

RESOLUTION #22-282

WHEREAS, the Tax Collector is requesting authorization to cancel taxes as listed below

BLOCK	LOT	NAME	YEAR	AMOUNT	REASON
3605	6	Tyrone Crim	2022	\$5,406.24	100% Disabled Veteran
3605	6	Tyrone Crim	2023	\$7,259.31	100% Disabled Veteran
11801	4.01	Township of Piscataway	2020	\$6,898.21	100% TAX EXEMPT
11801	4.01	Township of Piscataway	2021	\$ 7,124.36	100% TAX EXEMPT
11801	4.01	Township of Piscataway	2022	\$ 3,562.18	100% TAX EXEMPT
11801	4.01	Township of Piscataway	2023	\$ 1,550.51	100% TAX EXEMPT

THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to cancel the taxes and refund the overpayment of taxes to the record owner. The Collector is hereby authorized to adjust the records accordingly.

RESOLUTION #22-283

WHEREAS, on September 1, 2022, the Township of Piscataway (the "Township") received bids for the 2022-2023 Hot Mix Asphalt-2 Road Construction Materials (the "Project"); and

WHEREAS, the Township Director of Public Works reviewed the bids and recommended awarding a two (2) year contract to Stavola Asphalt Company, Inc., Tinton Falls, NJ, who is the lowest qualifying bidder, in the amounts not to exceed \$235,500.00 for Calendar Year 2022 and \$334,000.00 for Calendar Year 2023, for a total cost not to exceed \$569,500.00; and

WHEREAS, funds are available pursuant to certification # B-2022-023;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a two (2) year contract for the 2022-2023 Hot Mix Asphalt-2 Road Construction Materials to Stavola Asphalt Company, Inc., Tinton Falls, NJ, who is the lowest qualifying bidder, in the amounts not to exceed \$235,500.00 for Calendar Year 2022 and \$334,000.00 for Calendar Year 2023, for a total cost not to exceed \$569,500.00, subject to all bid specifications and contract documents.

RESOLUTION #22-284

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Trius, Inc., Farmingdale, NJ for one (1) Swenson Model DB SS 16' Dump Body with Salt Spreader and (1) Henke Model 42R10 Plow (the "Equipment"), in the amount not to exceed \$116,926.20; and

WHEREAS, there was an error in sizing the body and salt spreader as it pertained to the chassis purchased for the above Equipment and Trius, Inc. submitted a revised quote to correct said error; and

WHEREAS, there was no prior increase or decrease pertaining to the Equipment; and

WHEREAS, this change order would represent a \$12,500.00 increase in the total amount of the Equipment from the original contract amount, for a final total not to exceed \$129,426.20, a 10.69% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a Change Order Form from the Assistant Township Director of Public Works, dated August 30, 2022, said Assistant Director of Public Works recommends approving Change Order No. 1; and

WHEREAS, funds are available pursuant to certification # R-2021-0090-01;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount for one (1) Swenson Model DB SS 16' Dump Body with Salt Spreader and (1) Henke Model 42R10 Plow, from \$116,926.20 to a final total not to exceed \$129,426.20 and execute a Change Order in the amount of \$12,500.00, subject to all bid specifications and contract documents.

RESOLUTION #22-285

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Campbell Freightliner, South Brunswick, NJ for a Freightliner 10 Ton Truck 108SD with Cummins L9 Engine (the "Truck"), in the amount not to exceed \$121,525.00; and

WHEREAS, the Township awarded a contract to Trius, Inc., Farmingdale, NJ for a 2021 Swenson 11' DB SS Dump Body with Salt Spreader and a Henke Plow (the "Dump Body and Plow"), in the amount not to exceed \$96,575.61; and

WHEREAS, due to supply chain and manufacturing issues resulting in an increase in pricing, the Township Assistant Director of Public Works recommends cancellation of the contracts with Campbell Freightliner, LLC and Trius, Inc.; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to cancel the contract with Campbell Freightliner, South Brunswick, NJ as it pertains to a Freightliner 10 Ton Truck 108SD with Cummins L9 Engine; and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to cancel the contract with Trius, Inc., Farmingdale, NJ as it pertains to the 2021 Swenson 11' DB SS Dump Body with Salt Spreader and a Henke Plow.

RESOLUTION #22-286

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Houston Freightliner, Inc., Houston, TX for an Asphalt Patch Truck - Freightliner M2 106 Conventional Chassis (the "Truck"), in the amount not to exceed \$194,702.00; and

WHEREAS, due to supply chain and manufacturing issues, an additional charge was added to the purchase of the Truck by Houston Freightliner, Inc.; and

WHEREAS, there was no prior increase or decrease pertaining to the Truck; and

WHEREAS, this change order would represent a \$6,700.00 increase in the total amount of the Truck from the original contract amount, for a final total not to exceed \$201,402.00, a 3.44% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a Change Order Form from the Assistant Township Director of Public Works, dated August 30, 2022, said Assistant Director of Public Works recommends approving Change Order No. 1; and

WHEREAS, funds are available pursuant to certification # R-2021-0091-01;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount for an Asphalt Patch Truck - Freightliner M2 106 Conventional Chassis with Houston Freightliner, Inc., from \$194,702.00 to a final total not to exceed \$201,402.00 and execute a Change Order in the amount of \$6,700.00, subject to all bid specifications and contract documents.

RESOLUTION #22-287

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Houston Freightliner, Inc., Houston, TX for a 2022 Freightliner 108SD Conventional CAB, SBFA, SRA (PRL-20D) (the "Truck"), in the amount not to exceed \$273,418.00; and

WHEREAS, due to supply chain and manufacturing issues, an additional charge was added to the purchase of the Truck by Houston Freightliner, Inc.; and

WHEREAS, there was no prior increase or decrease pertaining to the Truck; and

WHEREAS, this change order would represent a \$54,316.80 increase in the total amount of the Truck from the original contract amount, for a final total not to exceed \$327,734.80, a 19.83% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a Change Order Form from the Assistant Township Director of Public Works, dated August 30, 2022, said Assistant Director of Public Works recommends approving Change Order No. 1; and

WHEREAS, funds are available pursuant to certification # R-2021-0070-01;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount for a 2022 Freightliner 108SD Conventional CAB, SBFA, SRA (PRL-20D) with Houston Freightliner, Inc., from \$273,418.00 to a final total not to exceed \$327,734.80 and execute a Change Order in the amount of \$54,316.80, subject to all bid specifications and contract documents.

RESOLUTION #22-288

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Concrete Construction Corp., Hackensack, NJ for the Netherwood Avenue Improvements Project (the "Project"), in the amount not to exceed \$2,980,789.00; and

WHEREAS, additional site work was necessary for the Project that was not included in the original scope of work outlined by the Township and not anticipated in the proposal from Concrete Construction Corp. to the Township for the Project; and

WHEREAS, there were previous change orders that were paid pursuant to contract pay item #87, Unspecified Construction Work, which did not increase the original contract amount for this Project; and

WHEREAS, this change order would represent a \$180,024.31 increase in the total amount of the Project from the original contract amount for a final total not to exceed \$3,160,813.31, a 6.03% increase; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a request from the Township Engineer, dated September 9, 2022, said Township Engineer recommends approving Change Order No. 9; and

WHEREAS, funds are available pursuant to certification # B-2021-0016-01;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to amend the total contract amount for the Netherwood Avenue Improvements Project, from \$2,980,789.00, to a final total not to exceed \$3,160,813.31 and execute a Change Order in the amount of \$180,024.31, subject to all bid specifications and contract documents.

RESOLUTION #22-289

WHEREAS, on June 28, 2022, the Township of Piscataway (the Township") passed Resolution #22-207, which granted liquor license renewals for, among other entities, 1665 Stelton License LLC (License #1217-33-001-008) for 2022-2023; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control informed the Township that 1665 Stelton License LLC (License #1217-33-001-008) had not yet obtained relief pursuant to N.J.S.A. 33:1-12.39; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that Resolution #22-207 is hereby rescinded in part, as it pertains solely to the liquor license renewal for 1665 Stelton License LLC (License #1217-33-001-008) for 2022-2023, effective immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the New Jersey Division of Alcoholic Beverage Control.

RESOLUTION #22-290

WHEREAS, 1665 Stelton License LLC, holder of liquor license #1217-33-001-008, in the Township of Piscataway (the "Township") has applied for renewal of said license for the period commencing July 1, 2022 to June 30, 2023; and

WHEREAS, on August 31, 2022, 1665 Stelton License LLC obtained relief, pursuant to N.J.S.A. 33:1-12.39, from the Director of ABC; and

WHEREAS, appropriate municipal officials have advised that the business has been inspected and, to the extent the license is operational, no violations of the New Jersey Alcoholic Beverage Code exist on the premises; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the liquor license of 1665 Stelton License LLC (#1217-33-

001-008) is hereby renewed without special conditions for the period commencing July 1, 2022, until June 30, 2023 and the Township Clerk is hereby authorized to issue said renewal.

RESOLUTION #22-291

WHEREAS, the following party overpaid taxes and are requesting a refund of this amount as listed below.

Block	Lot	Name	Year	Amount	Reason
11801	4.01	Corelogic	2020	\$6,898.21	100% Tax Exempt
11801	4.01	Power Ventures LLC	2020	\$145.00	Sold on 1/8/2020
11801	4.01	Cynthia Paglia	2020	\$145.00	Sold on 1/8/2020
Total				\$7,188.21	

THEREFORE, BE IT RESOLVED that the Treasurer is hereby authorized to refund the overpayment of taxes and sewer to the record owner and the Collector is hereby authorized to adjust the records accordingly.

RESOLUTION #22-292

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of \$18,882.00 from the State of New Jersey - Governor's Council on Alcoholism and Drug Abuse, Thru County of Middlesex and wishes to amend its Calendar Year 2022 Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year Calendar Year 2022:

Amount Received for

FY 2022 Municipal Alliance Grant \$18,882.00

BE IT FURTHER RESOLVED that the like sum of \$18,882.00 is hereby appropriated under the caption of:

FY 2022 Municipal Alliance Grant \$18,882.00

BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #22-293

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of \$15,000.00 from the County of Middlesex, New Jersey: The Office of Aging & Disabled Services and wishes to amend its Calendar Year 2022 Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year Calendar Year 2022:

Amount Received for

Aging and Disabled Services Grant \$15,000.00

BE IT FURTHER RESOLVED that the like sum of \$15,000.00 is hereby appropriated under the caption of:

Aging and Disabled Services Grant \$15,000.00

BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #22-294

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of \$3,641,346.00 from the U.S. Department of the Treasury and wishes to amend its Calendar Year 2022 Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year Calendar Year 2022:

Amount Received for

American Rescue Plan Act of 2021: Part 2 \$3,641,346.00

BE IT FURTHER RESOLVED that the like sum of \$3,641,346.00 is hereby appropriated under the caption of:

American Rescue Plan Act of 2021: Part 2

\$3,641,346.00

BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #22-295

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of \$150,000.00 from the Institute of Museum and Library Services (Office of Museum Services) and wishes to amend its Calendar Year 2022 Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year Calendar Year 2022:

Amount Received for

Save America's Treasures (2020) \$150,000.00

BE IT FURTHER RESOLVED that the like sum of \$150,000.00 is hereby appropriated under the caption of:

Save America's Treasures (2020) \$150,000.00

BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #22-296

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township Council of the Township of Piscataway, in the County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year CY 2022: That the appropriation provided for in the approved budget entitled: Operations Excluded from CAPS: State and Federal Programs, Matching Funds for

Grant be reduced by the sum of \$18,882.00 and an appropriation in the like amount of \$18,882.00 be added to the budget entitled: Operations Excluded from CAPS: State and Federal Programs, Municipal Alliance Grant FY2022 – Match

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Piscataway for the reasons hereinafter set forth:

The Township provided for the possibility of receiving an added grant after adoption of the CY 2022 budget by providing a line item "Matching Funds for Grant." The amount of grant and the related match requirement now becoming known after passage of the budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision.

BE IT FURTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #22-297

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township Council of the Township of Piscataway, in the County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year CY 2022: That the appropriation provided for in the approved budget entitled: Operations Excluded from CAPS: State and Federal Programs, Matching Funds for Grant be reduced by the sum of \$150,000.00 and an appropriation in the like amount of \$150,000.00 be added to the budget entitled: Operations Excluded from CAPS: State and Federal Programs, Save America's Treasures (IMLS Grant) – Match

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Piscataway for the reasons hereinafter set forth:

The Township provided for the possibility of receiving an added grant after adoption of the CY 2022 budget by providing a line item "Matching Funds for Grant." The amount of grant and the related match requirement now becoming known after passage of the budget. In order to accept the Institute of Museum and Library Services, Save America's Treasures (2020) Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision.

BE IT FURTHER RESOLVED, that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #22-298

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the New Market Pond Dam EAP & Inundation Map Project (the "Project"); and

WHEREAS, CME Associates, Parlin, NJ, has submitted a Proposal for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$14,528.00; and

WHEREAS, CME Associates, Parlin, NJ, was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2022; and

WHEREAS, the Director of Public Works recommends awarding a contract for the Project to CME Associates; and

WHEREAS, there is funding available pursuant to certification # R-2022-0062;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize CME Associates, Parlin, NJ, to provide Professional Engineering Services for the New Market Pond Dam EAP & Inundation Map Project, at the rates set forth in said Proposal, with such services not to exceed \$14,528.00 in cost.

RESOLUTION #22-299

WHEREAS, the Township of Piscataway (the "Township") wishes to enter into a Filming Agreement with Bucky Dent the Film, Inc. (the "Agreement"); and

WHEREAS, the Township Attorney has reviewed the Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof, and recommends execution of same; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and the Mayor are hereby authorized to execute the Agreement on behalf of the Township of Piscataway and that their signature constitutes acceptance of the terms and conditions of the Agreement.

RESOLUTION #22-300

WHEREAS, the Township Assistant Director of Public Works has advised that the Township is in need of an Apartment Renovation for Unit 138 at Sterling Village (the "Renovation"); and

WHEREAS, pursuant to a Recommendation to Award Contract, a copy of which is attached hereto and made a part hereof, said Assistant Director of Public Works recommends awarding a contract for the Renovation through Hunterdon County Educational Services Commission #HCEC-SER-20F to Northeastern Interiors, Inc., Little Falls, NJ, in the amount not to exceed \$18,718.50; and

WHEREAS, N.J.S.A. 52:34-6.2 et. seq. authorizes the Township to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process; and

WHEREAS, funds are available pursuant to certification # R-2022-0063;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for an Apartment Renovation for Unit 138 at Sterling Village through Hunterdon County Educational Services Commission #HCEC-SER-20F to Northeastern Interiors, Inc., Little Falls, NJ, in the amount not to exceed \$18,718.50, subject to all bid specifications and contract documents.

RESOLUTION #22-301

WHEREAS, the Piscataway Township Municipal Court is in need of a municipal judge to replace a vacant position; and

WHEREAS, Mayor Brian C. Wahler has indicated his intention to appoint Katty Wong-Taylor, Esq., as a judge of the Piscataway Municipal Court for the remainder of the three (3) year term commencing September 13, 2022 and expiring on December 31, 2024 subject to the advice and consent of the Piscataway Township Council;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that it hereby renders its advice and consent to the appointment of Katty Wong-Taylor, Esq. as a Judge of the Piscataway Township Municipal Court.

RESOLUTION #22-302

WHEREAS, Rivendell South, Inc., Parsippany, NJ, requests the release of a Performance Surety Bond in the original amount of \$143,506.95 and a Cash Bond in the original amount of \$15,945.21, both posted with the Township of Piscataway on June 2, 1997, for improvements on Block 9201 (F/Blk 734.1), Lot 46.04 (F/Lot 34) (1710 Stelton Road); and

WHEREAS, pursuant to a Request for Release of Funds dated August 25, 2022 and a letter from the Township Supervisor of Engineering dated August 25, 2022, copies of which are attached hereto and made a part hereof, the said Supervisor of

Engineering advised that no maintenance bond is required, all improvements required and covered have been satisfactorily installed, and recommends the release of the Performance Surety Bond and Cash Bond; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release a Performance Cash Bond in the amount of \$143,506.95 and a Cash Bond in the amount of 15,945.21, to Rivendell South, Inc., Parsippany, NJ, for improvements on Block 9201 (F/Blk 734.1), Lot 46.04 (F/Lot 34) (1710 Stelton Road).

The following are the Disbursements for the month of August 2022.

CONTINUED ON NEXT PAGE

PROCLAMATION

Whereas, every day in New Jersey, more than 30,000 men and women work as Direct Support Professionals, providing exemplary and critical services to countless children and adults with intellectual and developmental disabilities; and

Whereas, Direct Support Professionals play an essential role in the daily lives of individuals with developmental disabilities by empowering them to lead meaningful, independent and fulfilling lives by promoting independence and inclusion; and

Whereas, these professionals provide a broad range of individual services including meal preparation, help with medication, mobility, transportation and daily personal needs; and

Whereas, Direct Support Professionals must build close, respectful and trusted relationships with individuals and their families; and

Whereas, Direct Support Professionals help strengthen the Piscataway community by facilitating inclusion for people with disabilities; and

Whereas, there is a critical and growing shortage of Direct Support Professionals; and

Whereas, Direct Support Professionals deserve recognition for their hard work and positive impact.

Now therefore be it resolved, that I, Brian C. Wahler, Mayor of the Township of Piscataway, County of Middlesex, State of New Jersey, recognize the dedication and vital role of these professionals and proclaim September 11 through September 17, 2022 as DIRECT SUPPORT PROFESSIONAL RECOGNITION WEEK

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Gabrielle Cahill spoke about the 9/11 memorial hosted by Piscataway Elks and thanked everyone involved.

Steve Cahn acknowledged the passing of Dorothy Power. He spoke about her great contributions to Piscataway and its community.

Frank Uhrin says that Pop Warner and Cheer had a successful start. He encourages residents to watch the home game on September 18th.

Mayor Brian Wahler spoke about Dorothy Power. He also explained that with the Energy Efficiency and Conservation Block grant, there are plans to start solar projects in Piscataway.

Business Administrator Tim Dacey spoke about how successful the summer recreation programs were. He thanked everyone involved.

Council President Michele Lombardi spoke about the recreational events over the summer. She also reminded residents that there is a shredding event on September 17th at the Little League Field from 8am-12 pm.

The Council considered the matters on the Agenda for October 6, 2022:

- ORDINANCE – SECOND READING – Authorizing Execution of Financial Agreement with IPT Kingsbridge Business Center Urban Renewal, LLC – Block 6702, Lot 6.02 – 40 Kingsbridge Road – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- RESOLUTION – Authorizing Contract Amendment #4 – Centennial Avenue Road Improvements – T & M Associates – Not to Exceed \$5,100.00.

OPEN TO PUBLIC:

Pratik Patel, 29 Redbud Rd, asked if grants could be acknowledged by recipients during council meetings. He also mentioned the presence of potholes on Stelton Rd, Lastly, Pratik asked for clarification on using solar panels in Piscataway.

Council President Lombardi, Business Administrator Tim Dacey, & Mayor Brian Wahler responded to Pratik.

David Akins, Ambrose Valley Ln, asked for an update on a letter he sent to Code Enforcement.

Council President Lombardi, Tim Dacey, & Gabrielle Cahill responded to David.

Connor Dunham, 61 Jefferson Dr, thanked the council for their response to Hurricane Ida. He asked if there are any plans to do stream cleanups or rain gardens in Piscataway to reduce flood damage.

Council President Lombardi, Gabrielle Cahill, & Steve Cahn responded to Connor.

Mayor Brian Wahler spoke about Hapag-Lloyd, Verizon, & Shoprite moving out of Piscataway.

There being no further comments, this portion of the meeting was closed to the public.

There being no further business to come before the council, the meeting was adjourned at 8:11 pm. Motion by Ms. Cahill, seconded by Mr. Cahn, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

Michele Lombardi
Council President