

The Regular Meeting of the Governing Body was called to order by Council President David Marsden at 6:30 p.m.

Adequate Notice Statement

Council President Marsden read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issues of December 17, 2024 and January 13, 2025 and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right and rear of this room – for use in case of an emergency. Thank you.

Agenda No. I

Pledge of Allegiance

Council President Marsden led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir, Matthew Conlon, David Marsden
Absent: Mayor Michele Dale (Was attending a Mayors Conference)
Also Present: Township Administrator William Senande, Township Attorney Ed Pasternak and Township Attorney Jeff Frankenburger

Agenda No. III

Reading of or Approval of Unapproved Minutes

May 7, 2025 Regular Meeting

Motion to approve the minutes.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Conlon, Goodsir, Marsden
Abstain:
Voted Nay:
Motion carried:

Agenda No. IV

Meetings

June 11, 2025 Regular Meeting
July 16, 2025 Regular Meeting
August 13, 2025 Regular Meeting

Agenda No. V

Proclamations

Older Americans Month – Council President Marsden read the proclamation and declared the month of May as Older Americans Month. Councilwoman Lichtenberg accepted the proclamation.

Agenda No. VI

Presentations and Recognitions

Recognition of John Angel Janis and Bella Rupprecht – Eagle Scouts.

Council President Marsden presented a plaque to John Angel Janis. His project was the construction of a flagpole and benches near two lakes to serve as a spot for reflection. His advice for others is to strive for the best.

Council President Marsden presented a plaque to Bella Rupprecht. She made a pollinator habitat at Tenaflly Nature Center. This will help provide sustenance to the pollinators as they travel. She created a nice garden at the main entrance and it also has a fence. Council President Marsden indicated that only 5% of Scouts become Eagle Scouts and we have a lot in West Milford and he thanked them for the way they give back to the community.

NJDEP Water Restoration Grant- Jack Roe from the Greenwood Lake Commission spoke in regard to Resolution 2025-228 which authorizes the Townships submission of a grant application to the NJDEP water Quality Restoration Grant Program. The Greenwood lake Commission has been working on the water quality for Greenwood Lake for 20 years. Mayor Dale offered the Commission the opportunity to

work with the grant writers that the Town has contracted. Bruno Associates has been helping to find grants and do applications and they came up with the 319 grant. The Commission is going to be involved with getting the work done should we get the grant. They are working to clean up the watershed and in particular they are working on phosphorus removal because it is one of the major nutrients for HABs. They had been awarded a million dollar restoration grant from the DEP in 2023. Part of it was used for hydro-raking in Belcher Creek, which they finished last October. It was a highly successful project where they were able to remove about 4,200 lbs of phosphorus by removing rooted plant material. The total annual load of phosphorus is about 3,000 lbs. They are gathering engineering work and studies in order to do dredging in Belcher Creek. Half of the phosphorus load is from the sediment in the lake, so if we can remove that it gets rid of that. The Commission is not far enough along with their plans for this to apply it to the 319 grant. There are some iron related products that absorb phosphorus and there are various places such as coves and tributaries where they can be placed. They are figuring it out and estimating the cost and working with Bruno and Associates to get the grant. The 319 grant will help address the inflow into the lake, which is good because less will be coming in but at the same time they are working to get what is already there cleaned out.

Agenda No. VII

Executive Session

Agenda No. VII 1

~ Resolution 2025 – 218 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 21st day of May 2025 that:

1. Prior to the conclusion of this Regular Meeting, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
- ()

b. (1)

Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ()

b. (2)

A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ()

b. (3)

Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ()

b. (4)

A collective bargaining agreement including negotiations.
- (X)

b. (5)

Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ()

b. (6)

Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- ()

b. (7)

Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
- (X)

b. (8)

Personnel matters.
- ()

b. (9)

Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: May 21, 2025

Motion to move Resolution 2025-218.

Moved:

Chazukow

Seconded:

Goodsir

Voted Aye:

Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay:

None

Motion carried:

Council went into Executive Session at 6:50 p.m and returned at 7:06 p.m.
Council President Marsden indicated that there will be no action taken regarding Executive Session this evening.

Public Hearing

Minutes of:	Governing Body Regular Meeting
Date of Meeting:	May 21, 2025
Time of Meeting:	6:30 p.m.
Minute Page No:	Page 3 of 47

~ Resolution 2025 – 219 ~

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Consumption License 1615-33-016-008 issued to Paradise Pub & Bar LLC for premises heretofore located at 3055 Route 23 Oak Ridge, New Jersey 07438; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford Governing Body does hereby approve effective May 21, 2025 the Place-to-Place Transfer of the aforesaid Plenary Retail Consumption licensed to the premises located at 3055 Route 23. Oak Ridge, NJ and does hereby direct the Township Clerk to endorse the license certificate as follows: This license, subject to all of its terms and conditions is hereby transferred to premises located at 3055 Route 23, Oak Ridge, New Jersey 07438.

LICENSE	CONDITION
PARADISE PUB & BAR LLLC t/a Cuban Breeze Restaurant & Bar 3055 Route 23 Oak Ridge, NJ 07438 1615-33-016-008	Final site inspection by the Police Department and Health Department must be completed before opening for business.

Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion. Seconded by Councilman Goodsir.

Moved: Conlon Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Moved: Conlon Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Discussion Items / Official Communications

1.	Cannabis Retail License Regulations – Administrator Senande indicated that the amendments were the items that were discussed at the last meeting and were placed in a sample ordinance for review. If the Council has concerns or changes they would like the sample ordinance can be adjusted and the ordinance could be placed on the agenda for next month. Councilman Chazukow had concerns with three words in section c, “with Council approval” as he cannot imagine being a business owner who wants to sell his business wondering if Council would give approval or not. He understands that Council approval is within their authority, as they just did for the last resolution for a liquor license, but he feels this would legislate the will of a future Council. He indicated that if he were an entrepreneur.
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<p>looking to invest in West Milford, this would stop him right in his tracks if he might not be able to sell the asset that he worked so hard to grow.</p> <p>Councilman Conlon indicated that the intent as discussed at the last meeting, is not to prevent anyone from being able to sell a business that they worked hard to build. If there was any confusion in the community, he wanted to communicate that to the public. Additionally, every application is subject to Council approval anyway. The municipal Governing Body has to give the endorsement to any applicant for any license type of any class. Under agenda item IX 2, in section 3, he would like to have additional language where it currently states “or relocate under the same business entity” to allow for the case of a business growing to the point where it requires a new or larger place. It would allow successorship and also the ability to move their business. Administrator Senande added for clarification on the Council approval for a transfer of liquor license, that the Council just approved the liquor license and this is the same thing.</p> <p>Councilman Chazukow indicated that it was not the Council approval that he was objecting to, but rather how vague it is. Council has seen how difficult it can be to approve or reject licenses without having reasons to do so and it cannot be arbitrary or capricious denials of sales of businesses. The phrase “with Council approval” seems to be lacking legal sufficiency to withstand any sort of challenge. He indicated that having a robust licensing process could eliminate the whole need to define conditions for sale. Councilwoman Erik indicated that if she were to want to open a business, she would have to get Council approval and this is the same thing. Councilman Chazukow is concerned about the exposure to liability.</p> <p>Councilman Conlon indicated that this is the process of how licenses created by statute work. Township Attorney Pasternak recommended looking at the entirety of section C and not just at the with Council approval part. He agreed with Administrator Senande that we were mirroring the ABC license transfer process. Existing licenses may be relocated, transferred, sold with Council approval. Arguably, it could be considered redundant but one should not read anything more into it. It simply mirrors the ABC licensing language. It is going to come back to the Council, whether or not those three words are included.</p> <p>Councilman Chazukow questioned if the business owner had a right to sell their business then, if they needed approval. Attorney Pasternak indicated that they can still sell their business but it would be contingent upon the elements of the statute and coming back and getting Council approval. Councilman Conlon said that is the law. Councilman Conlon indicated that they absolutely have a right to sell their business to a buyer that goes through the same process by which they obtained their license. He indicated that it was similar to an alcohol license in the regard that the business selling is in good standing and that they are selling to a business that meets the requirements of what it takes to be a licensee for their corresponding category.</p> <p>Councilman Chazukow indicated that the market is not saturated because if it were we wouldn’t have the illegal businesses here taking a piece of the pie. We need to have a cannabis ordinance that brings cannabis businesses under the protection of the law. If we are not opening the doors to the legal market we are incentivizing the illegal behavior. Councilman Conlon indicated that we have opened the doors and that the 10th business was soon to open. Councilman Chazukow indicated that the purpose of a free market economy is so that if a business fails, another can move in and we don’t have that right now. We aren’t saying that we have 30 bars and we want to reduce it down to 5 or we have 30 pizza places and we want to reduce that down to 5. Councilman Conlon indicated that was because those places are not licensed by a statutory license and pointed out that Councilman Chazukow was in favor of capping the number at 10 at the onset. Councilman Chazukow indicated that he felt 10 licenses was preferable to criminal prohibition, and that he said we should not even have a cap at the onset. There was more discussion surrounding the implications of reducing the number of cannabis businesses.</p> <p>Councilman President Marsden indicated that we are not talking about pizza, or even alcohol, and when he listened to what Chief Shannon Sommerville said at the last meeting there were a lot of unique public safety issues as far as enforcement is concerned and we are still learning. The process is still on going. In the beginning nothing was being done about the gifting and now it’s starting to change. At this point we need to get some rules in place and proceed slowly. We can always change things down the road. You cannot please everyone but you try to be reasonable and he thinks the business owners who were at the last meeting respect what the Council has done.</p> <p>Councilman Chazukow took issue with the word reasonable indicating that it implies that what we have is unreasonable. It’s important to stick up for what you believe even if you are the only person in the room who feels that way. Marijuana has been used by humans beings for 12,000 years.</p> <p>Councilman Goodsir indicated he saw it, that to change your liquor license you have to go to the Council and if you change your cannabis license, you have to go to the Council.</p>
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	<p>Councilman Conlon indicated that it was the inherent responsibility of the people elected to be the Governing Body to insure that the entire operation runs smoothly because the State of New Jersey rushed and rolled out a product and threw a lot of the responsibilities back onto the municipalities with no case law, data, records or experience and limited knowledge as to how everything would be put out. This is free enterprise, the Governing Body took a stand when they had to make a decision and was courageous and said we are a cannabis friendly Town. Not a lot of municipalities around the State did that but West Milford did. This is still not legal federally there are only 6 financial institutions that can run the money through and it is work in progress. We now have 10 businesses open and they are not impeded from making a living selling a product to customers, or to grow their business for their financial benefit.</p> <p>Councilman Chazukow indicated that it comes down to a difference in philosophy, where Councilman Conlon sees the danger as something that needs to be stopped. When he sees danger he thinks that the role of the Council is to create a framework where that activity can be engaged in safely. It is a difference in approach. Besides that, he agrees with a lot of what has been presented.</p> <p>Councilman Marsden indicated that he would have liked to have had his mother use various products when she was in hospice but there was a stigma and she didn't. A portion of the population that is scared. He feels it is a learning process and we are not in a Town that has ride shares and the police need to know how to proceed. There are public safety concerns. The biggest problem is the people who are unlicensed taking away business from those that are licensed.</p>
2.	<p>Amendment to Temporary Outdoor Commercial Sales Event – Administrator Senande indicated the draft incorporated items discussed at the last meeting and include a few restrictions to events that include alcohol or cannabis to have a parking plan and a security plan. The Chief of police added that there would be armed security. The other item was reducing the days from (6) two day events to (6) one day events. Councilman Chazukow asked Administrator Senande if there were any circumstances where anyone has requested a week long permit. The answer was no. Attorney Pasternak indicated that in the hypothetical case of a 4 day carnival, a resolution could be passed to suspend the ordinance for that specific event.</p>

Agenda No. XIII

Unfinished Business, Final Passage of Ordinances

Agenda No. X 1

~ Ordinance 2025 – 015 ~

BOND ORDINANCE APPROPRIATING \$4,590,000, AND AUTHORIZING THE ISSUANCE OF \$3,899,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

- Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as otherwise set forth herein, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$4,590,000 including the aggregate sum of \$195,510 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$495,490 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.
- Section 2.** For the financing of said improvements or purposes, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$4,590,000 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,899,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,899,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROP. & EST. COST	EST. MAX. AMOUNT OF BONDS & NOTES
(a) Improvement of Clinton Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$955,000 appropriation hereby made therefor being inclusive of the amount of \$495,490 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	\$955,000	\$437,600
(b) Acquisition by purchase of new and additional vehicular equipment including six (6) utility vehicles for use by the Police Department of the Township and one (1) pick-up truck for use by the Parks Department of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$320,000	\$304,500
(c) Improvement of various roads in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), including, without limitation, Alpine Ridge Road for its entire length, Hearthstone Drive for its entire length, Hirth Drive for its entire length, Sherwood Court for its entire length, Charcoal Road for its entire length, Lone Pine Lane for its entire length, Sugar Maple Road for its entire length, Split Rock Road for its entire length, Dongan Lane for its entire length, Tintle Avenue for its entire length, Ringwood Lane for its entire length, Hewitt Road for its entire length, Quinton Road for its entire length, Ellisdale Road for its entire length, Layton Road for its entire length, Kresson Road for its entire length and Clinton Road from the Wildcat Preserve to Goldfinch Lane, together with all sidewalks, curbing, crack sealing, guide rail installation, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$1,500,000	\$1,428,500
(d) Improvement of Dygos Field in and by the Township, said field being located on property owned by the Board of Education of the Township (the "Board"), and being jointly used by the Township and the Board including, without limitation, the installation of artificial turf, together with all structures, facilities, landscaping, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$1,553,000	\$1,479,000
(e) Acquisition by purchase of new and additional vehicular equipment including one (1) mason dump truck for use by the Department of Public Works of the Township (said vehicles each having a gross vehicle weight in excess of 15,000 pounds), together with all attachments, appurtenances, accessories and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$142,000	\$135,200
(f) Acquisition by purchase of new and additional equipment including turnout gear and fire extrication equipment for use by the Fire Department of the Township, together with all attachments, appurtenances, accessories and equipment necessary therefor or	\$120,000	\$114,200

incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved		
Totals:	\$4,590,000	\$3,899,000

Except as otherwise stated in paragraph (a) above with respect to the said grant-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.65 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,899,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$450,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, \$50,000 of such costs allocable to costs of issuance have been included in the improvement described in Section 3(f) of this bond ordinance).

Section 5. The funds from time to time received by the Township on account of the \$495,490 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (a) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at no less than par from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: May 7, 2025
Adopted: May 21, 2025
Effective Date: June 10, 2025

This Ordinance was introduced on May 7, 2025 and Notice of the public hearing was published in the Herald News on May 13, 2025. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion.
Seconded by Councilwoman Lichtenberg.

Motion to move Ordinance 2025-015.

Moved:ConlonSeconded: Lichtenberg

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay:None

Motion carried:

Agenda No. X 2

~ Ordinance 2025 – 016 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY AMENDING CHAPTER 348, TATTOO PARLORS AND TATTOO ARTISTS,
TO ALLOW TEMPORARY ESTABLISHMENTS**

WHEREAS, the Township regulates Tattoo Parlors and Tattoo Artists, for the betterment of the public’s health, safety and welfare; and

WHEREAS, the Township wishes to expand Tattoo Establishments to temporary locations, and so as to allow them at events as may be held within the Township; and

WHEREAS, while allowing such temporary locations, it shall continue and remain unlawful for any person to engage in tattooing without first obtaining approval from the Township Health Department to engage in such activity; and

WHEREAS, temporary locations shall be subject to the same licensing fee as for other tattoo establishments.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that the Code of the Township of West Milford, Chapter 348, Tattoo Parlors and Tattoo Artist, shall be amended only to add the following new Section Chapter 348—7, Temporary Establishments:

SECTION 1. § 348-7 Temporary Establishments

- A. Temporary Establishments are herein authorized, subject to the approval of the Township of West Milford Health Department. It shall be unlawful for any person to engage in the business of or operating a temporary establishment where Tattooing is performed without first obtaining a license from the Township of West Milford Health Department to engage in such activity.
- B. An application for any temporary establishment must be accompanied by the fee as set forth in Chapter 135-35.

SECTION 2. All ordinances or parts of ordinances of the Township of West Milford inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification

SECTION 5. This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Introduced: May 7, 2025
Adopted: May 21, 2025
Effective Date: June 10, 2025

This Ordinance was introduced on May 7, 2025 and Notice of the public hearing was published in the Herald News on May 13, 2025. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion.
Seconded by Councilman Chazukow.

Motion to move Ordinance 2025-016.

Moved:ConlonSeconded: Chazukow

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay:None

Motion carried:

Agenda No. X 3

~ Ordinance 2025 – 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY AMENDING CHAPTER 135-35, TATTOO PARLORS AND TATTOO
ARTISTS, TO ESTABLISH THE LICENSE FEE FOR TEMPORARY ESTABLISHMENTS WITHIN THE
TOWNSHIP CODE

WHEREAS, the Township regulates Tattoo Parlors and Tattoo Artists, for the betterment of the public’s health, safety and welfare; and

WHEREAS, the Township wishes to expand Tattoo Establishments to allow temporary locations at events as may be held within the Township; and

WHEREAS, the Township wishes to amend its license fees to set forth those fees.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that the Code of the Township of West Milford, Chapter 135-35, Tattoo Parlors and tattoo artists, shall be amended only to add the following:

SECTION 1. § 135-35 Tattoo parlors and tattoo artists

C. Temporary Tattooing Facility: \$205.00

SECTION 2. All ordinances or parts of ordinances of the Township of West Milford inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

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Seeing no one wishing to speak Councilman Conlon made a motion to close the public portion.
Seconded by Councilwoman Lichtenberg.

Motion to move Ordinance 2025-017.

Moved: Conlon

Seconded: Lichtenberg

Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay: None

Motion carried:

Agenda No. XI

Public Comments

Nicholas Powers from Schnick Schnacks LLC wanted to thank the Council and assure them that West Milford was doing a great job. He had been given a hard time in other towns. West Milford doesn't require donations and there is no nonsense. If you are in the zone and the landlord agrees and you have your license, West Milford will get you in on the next meeting. He wanted to thank Mr. Gerst, Mr. Senande, and Mr. Ligus. He represents the little guy and thinks West Milford is doing great. He indicated that perhaps wording could be added into the ordinance that if the State approves the business, the Township would as well. He is sincerely grateful because West Milford was his last hope.

Seeing no one else wishing to speak Councilman Conlon made a motion to close the public portion. Councilwoman Erik seconded. All were in favor.

Agenda No. XI

Council Comments

Councilman Chazukow indicated that Mr. Powers probably has a correct perspective about the Council. They tend to agree on most things, but this is one instance where there has been some disagreement and it is not so much about what is being done as it is the underlying philosophy. Councilman Chazukow shared that he was arrested in West Milford when he was 18 for possession of half a gram of marijuana and went to court in the room where we just had executive session. The suggestion of the wording of "shall issue a license" probably won't be followed as it is a heavily regulated industry and conditions must be met.

Councilwoman Erik welcomed Mr. Powers to West Milford. She indicated that the rules that were being applied to cannabis businesses in West Milford predominately came from the business owners. There were some rules and the business owners added to the rules that would apply. Councilwoman Erik has never used cannabis and voted against it.

Agenda No. XIII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XIII 1

~ Ordinance 2025 – 018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$197,686 FROM RESERVE FOR CAPITAL PURCHASES

WHEREAS, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2025 budget processes; and

WHEREAS, an ordinance is required to reserve those funds for their intended purpose; and

WHEREAS, the projects could be funded by the issuance of bonds it if were not being permanently funded by the capital funds on hand; and

WHEREAS, this ordinance shall appropriate \$197,686 from the Reserve for Capital Purchases.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$197,686 be appropriated as follows:

Extricating Equipment	\$30,000
Pergola for Bubbling Springs	\$20,365
Floating Obstacle Course – Bubbling Springs	\$13,665
Loader Buckets	\$22,000
OEM Drone	\$26,000
Evidence Refrigerator	\$13,656
Annual Fire Equipment	\$72,000
TOTAL	\$197,686

This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: May 21, 2025
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for June 11, 2025. Notice of this public hearing shall be published in the Herald News on or about May 27, 2025.

Motion to move Ordinance 2025-018.

Moved:ConlonSeconded: Lichtenberg
Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay:None
Motion carried:

Agenda No. XIII 2

~ Ordinance 2025 – 019 ~

ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

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 West Milford, County of Passaic, State of New Jersey 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 West Milford, County of Passaic, State of New Jersey was accepted for participation in the National Flood Insurance Program on January 16, 1981 and the Township of West Milford 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 West Milford 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 West Milford 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 West Milford 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 West Milford 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): Ord No. 1989-7, Ord No. 2020-003 and Ord No. 2023-013.

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

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

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

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

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

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

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 under N.J.S.A 40:49-5] may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an

additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

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

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The Township of West Milford was accepted for participation in the National Flood Insurance Program on January 16, 1981.

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

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

- (1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)” dated April 17, 2020 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top level document (appendix map) effective date is April 17, 2020 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34031C0015	9/28/2007	F	34031C0107	9/28/2007	F
34031C0016	9/28/2007	F	34031C0110	4/17/2020	G
34031C0017	9/28/2007	F	34031C0111	4/17/2020	G
34031C0018	9/28/2007	F	34031C0112	4/17/2020	G
34031C0019	9/28/2007	F	34031C0116	4/17/2020	G
34031C0028	9/28/2007	F	34031C0117	9/28/2007	F
34031C0036	9/28/2007	F	34031C0118	4/17/2020	G
34031C0037	9/28/2007	F	34031C0119	4/17/2020	G
34031C0038	9/28/2007	F	34031C0126	9/28/2007	F
34031C0039	4/17/2020	G	34031C0127	9/28/2007	F
34031C0041	9/28/2007	F	34031C0128	4/17/2020	G
34031C0042	9/28/2007	F	34031C0129	4/17/2020	G
34031C0043	4/17/2020	G	34031C0131	9/28/2007	F
34031C0084	9/28/2007	F	34031C0136	9/28/2007	F
34031C0092	4/17/2020	G	34031C0138	4/17/2020	G
34031C0105	9/28/2007	F			

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

Table 102.2(2)

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

- (3) **Other Best Available Data.** The Township of West Milford 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 West Milford. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

Table 102.2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number
None as of this date.			

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

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Pequannock River	G0000075p	04P
Burnt Meadow Brook	J0000032p	50
West Brook	J0000036p	46
Pequannock River	J0000082p	43
Pequannock River	J0000083p	42
West Brook	J0000085p	41
West Brook Branch 7	J0000085p	41
Posts Brook Branch 4	J0000086p	40
West Brook	J0000086p	40
Posts Brook Branch 3	J0000087p	38
Posts Brook	J0000087p	38
Posts Brook	J0000088p	37
Belcher Creek Branch #2	J0000089p	36
Morsetown Brook	J0000090p	35
Morsetown Brook	J0000091p	34
Morsetown Brook	J0000092p	33
Morsetown Brook	J0000092p	33
Belcher Creek Branch 1	J0000093p	32
Morsetown Brook	J0000093p	32
Green Brook	J0000094p	31
Belcher Creek Branch 1	J0000094p	31
Green Brook	J0000095p	30
Cooley Brook	J0000096p	29
Belcher Creek	J0000097p	28
Belcher Creek	J0000098p	27
Long House Creek	J0000099p	26
Long House Creek	J0000099p	26
Greenwood Lake	J0000099p	26
Long House Creek	J00000100p	25
Pequannock River, Cold Spring Brook	BDALE002	2 of 4
Belcher Creek, Belcher Creek Branch 1	J0000001	12
Belcher Creek	J0000002	11

Greenwood Lake	J0000003	10
Greenwood Lake	J0000004	9
Greenwood Lake	J0000005	8
Long House Creek	J0000006	7
Long House Creek	J0000007	6
Long House Creek	J0000008	5
Long House Creek	J0000009	4
Long House Creek	J0000010	3
Burnt Meadow Brook Branch 5	J0000056	26
West Brook	J0000059	23
Wanaque River	J0000061	21
Pequannock River	J0000101	24
Pequannock River	J0000102	23
West Brook Branch 7	J0000103	22
Post Brook, West Brook	J0000104	21
Post Brook Branch 3	J0000105	20
Post Brook Branchs 3 and 4	J0000106	19
Morsetown Brook	J0000107	18
Morsetown Brook	J0000108	17
Cooley Brook, Green Brook	J0000109	16
Belcher Creek	J0000110	15
Belcher Creek, Belcher Creek Branch #2	J0000111	14
Belcher Creek	J0000112	13
Pequannock River	R0000076	Plate 1
Pequannock River	R0000077	Plate 2
Pequannock River	R0000078	Plate 3
Pequannock River	R0000079	Plate 4
Pequannock River	R0000080	Plate 5
Tributary No. 5 to the Rockaway River	R0000095	Plate 20

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

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

- (1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- (2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:

a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or

b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.

(3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.

(4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

(5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.
- SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**
- 103.1 Floodplain Administrator Designation.** The Municipal Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain

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duties to other employees.

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of West Milford have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

103.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been

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granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

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

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

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

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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

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

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

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

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

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

103.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has

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

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

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

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

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

SECTION 104 PERMITS

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

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

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

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

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

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

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

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

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

SECTION 107 VARIANCES

107.1 General. The Board of Adjustment shall hear and decide requests for variances. The Board of Adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The 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.

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

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

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

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

SECTION 108 VIOLATIONS

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

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

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 N.J.S.A. 40:49-5 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

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201.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being

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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

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standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Township of West Milford Council 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

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mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

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

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

LOCAL DESIGN FLOOD ELEVATION (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

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by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the tax assessor's office, or (3) established by a qualified independent appraiser.

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

START OF CONSTRUCTION – The **Start of Construction is as follows:**

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

Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

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

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

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

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions,

or other proposed new development in a flood hazard area shall be reviewed to assure that:

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

301.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

401.3 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.

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

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

401.6 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.

401.7 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 501 MANUFACTURED HOMES

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

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or

substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer’s installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home’s performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and

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- ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or

picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

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

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

801.7 Roads and watercourse crossings.

- (1)

For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2)

Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

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

1001.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures,

duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

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

SECTION 3 SEVERABILITY

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

SECTION 4 All ordinances of the Township of West Milford which are inconsistent with the provisions of the Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 5 This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 6 This Ordinance may be renumbered for codification purposes.

Introduced: May 21, 2025
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for June 11, 2025. Notice of this public hearing shall be published in the Herald News on or about May 27, 2025.

Motion to move Ordinance 2025-019.

Moved:

Conlon

Seconded: Erik

Voted Aye:

Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay:

None

Motion carried:

Council President Marsden asked to move Resolutions 2025-220 through 2025-234 minus 2025-223 which was removed prior to the meeting.

Agenda No. XIII 3

~ Resolution 2025 – 220 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE FROM LEXIPOL LLC

WHEREAS, in February 2024 the West Milford Police Department began the accreditation process; and

WHEREAS, the State of New Jersey requires police departments to conduct training for the accreditation process; and

WHEREAS, Lexipol is a sole source provider of state-specific customized policy and training solutions for public safety organizations; and

WHEREAS, Lexipol’s Law Enforcement Accreditation Service is a comprehensive offering designed to help address all components of the accreditation process by ensuring policy compliance through a comprehensive, integrated approach that includes continuously updated, legally vetted policies, training, and management solutions tailored to the unique needs of public safety agencies; and

WHEREAS, the total cost of the annual online training and State Annual Accreditation Management Services exceeds the Bid Threshold of \$17,500.00; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:	Governing Body Regular Meeting
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WHEREAS, the West Milford Police Department as part of the accreditation process wishes to purchase online training from Lexipol in an amount not to exceed \$7,682.29 and State Annual Accreditation Management Services in an amount not to exceed \$12,705.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds in account number 01-201-25-240-425 and 01-201-25-420-498.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 5:34-9.1-2 and N.J.S.A. 40A:11-2(39) this purchase is authorized as a purchase "necessary for the conduct of its affairs".

BE IT FURTHER RESOLVED that the West Milford Police Department be and are hereby authorized to purchase training and accreditation services from Lexipol LLC, 2611 Internet Blvd, Suite 100, Frisco, TX 75034 in a total amount not to exceed \$20,387.29.

Adopted: May 21, 2025

Agenda No. XIII 4

~ Resolution 2025 – 221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE SERVICING OF CONTAINERS BY JEFFERSON RECYCLING AT THE RECYCLING CENTER IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000.00

WHEREAS, the Township of West Milford, by virtue of Resolution 2024-420, awarded a contract to Jefferson Recycling for providing and servicing of containers at the Recycling Center with a not to exceed amount of \$5,000.00.

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional container services; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 26-201-55-500-546.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Mayor and Township Council hereby authorizes an expenditure of funds to Jefferson Recycling, 710 Route 15 N, Lake Hopatcong, NJ 07849 for providing and servicing containers at the Recycling Center for the purchase of additional container services, thereby increasing the not to exceed amount from \$5,000.00 to \$15,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: May 21, 2025

Agenda No. XIII 5

~ Resolution 2025 – 222 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED STONE FROM TILCON NEW YORK, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #9 (CRUSHED STONE AND SAND) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$60,000.00

WHEREAS, the Township of West Milford by virtue of Resolution 2025-105 adopted on February 12, 2025 awarded a contract to Tilcon New York, Inc. for the purchase of crushed stone and sand; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional crushed stone and sand; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase; said funds to be encumbered from account number: 01-201-26-290-360.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1.

The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #9 (Crushed Stone and Sand) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of additional crushed stone and sand thereby increasing the not to exceed amount from \$20,000.00 to \$80,000.00.
2.

The Township’s Chief Financial Officer has certified the availability of funds for same.
3.

This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: May 21, 2025

Agenda No. XIII 6

~ Resolution 2025 – 223 ~

(Was removed-number not used.)

Agenda No. XIII 7

~ Resolution 2025 – 224 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO ALTER AN EXISTING WASTEWATER TREATMENT PLANT ON LOT 15 IN BLOCK 6303 OTHERWISE KNOWN AS THE WEST MIFORD SHOPPING CENTER STP LOCATED AT 9-35 MARSHALL HILL ROAD IN THE TOWNSHIP OF WEST MILFORD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM, DISCHARGE TO SURFACE WATER (NJPDES-DSW) PROGRAM

WHEREAS, Inserra West Milford, LLC is the owner of the property at 9-35 Marshall Hill Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as the West Milford Shopping Center STP on Lot 15 in Block 6303; and

WHEREAS, the construction, alteration or repair of a treatment plant designed to treat and dispose of wastewater flows in excess of 2,000 gallons/day is regulated by the NJDEP NJPDES program; and

WHEREAS, Inserra West Milford, LLC has submitted a request to the Township of West Milford for Consent to File a Treatment Work Approval (TWA) with the NJDEP to alter the existing treatment plant on the property; and

WHEREAS, the Township Engineer has reviewed the request and has determined that the treatment plant is regulated by the NJDEP, conforms with the requirements of all municipal ordinances pertaining to the proposed disposal system; and

WHEREAS, a permit to alter the existing wastewater treatment and disposal systems must be authorized by the NJDEP through the TWA application process; and

WHEREAS, submittal of a TWA application to the NJDEP requires the municipality by way of resolution, consent to the project; and

WHEREAS, the Township Engineer recommends to the Mayor and Township Council that it in fact consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application with respect to treatment plant alterations as submitted for the West Milford Shopping Center STP located on Lot 15 in Block 6303 in the Township of West Milford.

Adopted: May 21, 2025

Agenda No. XIII 8

~ Resolution 2025 – 225 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CREATING AND IMPLEMENTING A LONG-RANGE PLAN TO ADDRESS DRAINAGE ISSUES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, The Governing Body declares that it is in the best interests of the community to address drainage problems in a comprehensive and orderly fashion that aligns with N.J.S.A 59:1.1, et seq., and

WHEREAS, New Jersey Statute Section 59:1-1, et seq., provides limitations on liability for public entities for conditions of public property where the public entity exercises appropriate discretion in the allocation of funds of public improvements. The limitation of liability is commonly known as "scarce resource immunity," and

WHEREAS, The Legislature in N.J.S.A. 59: 1-2 quoted Chief Justice Joseph Weintraub by declaring that: "The Legislature recognizes the inherently unfair and inequitable results which occur in the strict application of traditional doctrine of sovereign immunity. On the other hand, the Legislature recognizes that while a private entrepreneur may readily be held liable for negligence within the chosen ambit of his activity, the area within which government has the power to act for the public good is almost without limit and therefore government should not have the duty to do everything that might be done; and

WHEREAS, N.J.S.A. 59:2-3 (c) provides: "A public entity is not liable for the exercise of discretion in determining whether to seek or whether to provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel, and in general, the provision of adequate services;"; and

WHEREAS, NJSA 59:2-3 (d) provides: "A public entity is not liable for the exercise of discretion when, in the fact of competing demands, it determines whether or not to utilize or apply existing resources, including those allocated for equipment, facilities and personnel unless a court concludes that the determination of the public entity was palpably unreasonable;"; and

WHEREAS, this resolution is narrowly limited to outlining the application of scarce resources for the purpose of addressing the overall health, safety, and welfare of the general community; and

WHEREAS, The Governing Body hereby determines that the appropriate way to continue to address this wide-ranging community wide issue is as follows.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows:

1. The Municipal Administrator shall direct that the Engineer to prepare a Watershed Assessment by developing an electronic infrastructure map that delineates the location of the stormwater features that are owned or operated by the municipality including easements and features owned by others in the community.
2. The Municipal Administrator shall direct that the Engineer to prepare a Watershed Improvement Plan Report including: a summary of proposed flood prevention improvement projects, both public and private; the proposed implementation schedule; costs, broken down by project and year and funding opportunities.
3. Each year, as part of the annual budget process, the Municipal Administrator may include in the long-term capital plan sufficient funds to implement this Watershed Improvement Plan over a reasonable period considering other demands on municipal scarce resources.
4. Each year, as part of the annual budget process, the Administrator may include current year operating budget and capital budget sufficient funds to implement this Watershed Improvement Plan over a reasonable period considering other demands on municipal scarce resources.
5. Each year, if limited resources require allocation as part of the annual process, the Administrator may identify the work that can be completed and the work that cannot be completed or addressed.
6. Failure to appropriate funds or failure to spend an appropriation shall be deemed as exercise of governmental discretion in the face of competing demands.
7. Every two years, the Municipal Administrator may direct that the Engineer to update the Watershed Assessment and the Watershed Improvement Plan as appropriate.

Adopted: May 21, 2025

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO ISSUE ESTIMATED TAX BILLS FOR THE THIRD QUARTER INSTALLMENT OF 2025 TAXES

WHEREAS, N.J.S.A. 54:4-66.3, pursuant to Section 3 of P.L. 1994 c. 72 and 54:4-66.2, the Township Council of the Township of West Milford has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills by June 25, 2025 due to the absence of a certified tax rate; and

WHEREAS, The Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levies for the previous year, and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy of \$118,774,327 at a tax rate of \$4.318; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the Township to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes that:

1.

The Tax Collector of the Township of West Milford is hereby authorized and directed to prepare and issue estimated tax bills for the Township of West Milford for the third quarter installment of 2025 taxes.
2.

The entire estimated tax levy for 2024 is hereby set at \$118,774,327. The estimated tax rate for 2025 is hereby set at \$4.318.
3.

In accordance with the law, the third quarter installment of 2025 taxes shall not be subject to interest until the later of August 1st or the twenty-fifth calendar day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer of the Township of West Milford for their records.

Adopted: May 21, 2025

Agenda No. XIII 10

~ Resolution 2025 – 227 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT BY THE MUNICIPAL ALLIANCE COMMITTEE

WHEREAS, the Governor’s Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey; and

WHEREAS, the West Milford Council of the Township of West Milford, County of Passaic, State of New Jersey recognizes that the substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the West Milford Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

WHEREAS, the West Milford Town Council has applied for funding to the Governor’s Council on substance use disorder through the County of Passaic.

NOW, THEREFORE, BE IT RESOLVED by the West Milford Township of County of Passaic State of New Jersey hereby recognizes the following:

1.

The West Milford Town Council does hereby authorize submission of a Strategic Plan for the West Milford Municipal Alliance grant for the fiscal grant period of July 1, 2025 to June 30, 2026 (FY 2026) in the amount of:

GCSUD Grant

Cash Match

In-Kind

\$ 8277.00

\$ 2069.25

\$ 6207.75

2. The West Milford Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: May 21, 2025

Agenda No. XIII 11

~ Resolution 2025 – 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN APPLICATION TO THE NJDEP FOR A 2025 WATER QUALITY RESTORATION GRANT AVAILABLE THROUGH THE STATEWIDE NONPOINT SOURCE MANAGEMENT PROGRAM, TO REDUCE TOTAL PHOSPHOROUS FOR THE GREENWOOD LAKE WATERSHED

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) - Division Of Watershed Protection and Restoration, is seeking applicants for implementation of non-point source (NPS) projects through Section 319 grants, that meet NJDEP NPS objectives for water quality assessment, monitoring, and restoration objectives to achieve measurable water quality improvements; and

WHEREAS, the Township of West Milford is located within the Greenwood Lake watershed which, in turn, is located within the Pompton, Wanaque and Ramapo Watershed Management Area (WMA-03); and

WHEREAS, the need to continue to implement watershed-based projects to reduce the NPS pollutant load originating from stormwater runoff, as well as moving toward compliance with the total phosphorus TMDL for the New Jersey side of the watershed as has been identified; and

WHEREAS, the Township of West Milford, through partnership with the Greenwood Lake Commission and the firm Princeton Hydro LLC, seeks to achieve water quality improvements in Greenwood Lake and watershed; and

WHEREAS, the Township of West Milford authorizes said partners to draft, submit, and cultivate support for said 319 grant application to the NJDEP by the June 2, 2025 deadline to address priority water quality issue; and

WHEREAS, if the proposed 319 application is awarded funding, the Township of West Milford staff will work with the duly appointed professionals, the Greenwood Lake Commission, Princeton Hydro LLC, and other partners to successfully complete the project's Scope of Work for the New Jersey side of the Greenwood Lake watershed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey on this 21st day of May, 2025, that it agrees to support the completion and submittal of the Section 319 Grant for said FY 2025 project for the New Jersey side of the Greenwood Lake watershed as follows:

1. The Township Administrator, or other designated municipal official is hereby authorized and directed to submit an application for said Grant for the proposed project entitled “Greenwood Lake Water Quality Restoration” (GLWQR).
2. The Greenwood Lake Commission is hereby designated Project Executive for said Grant, and authorized to prepare a Grant application to the NJDEP for the GLWQR project on behalf of The Township of West Milford.
3. The Mayor, Township Administrator and/or Municipal Clerk are hereby authorized to execute any Grant agreements or other necessary documentation with NJDEP to secure Grant funds and undertake the GLWQR project as described, subject to the approval of such agreements by the Township Attorney.
4. The Township hereby certifies that any matching funds or in-kind contributions identified in the application will be made available, if required, to support the completion of a successful GLWQR application. This resolution shall take effect immediately upon its adoption.

Adopted: May 21, 2025

Agenda No. XIII 12

~ Resolution 2025 – 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY FOR THE LOCAL EFFICIENCY ACHIEVEMENT PROGRAM (LEAP)

WHEREAS, the State of New Jersey has allocated \$150,000 within each county in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services; and

WHEREAS, the County of Passaic and Township of West Milford have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of \$150,000; and

WHEREAS, the County of Passaic has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made LEAP Grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units' residents through the sharing of EMS services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Milford that the Township of West Milford does hereby join with the County of Passaic in applying for a LEAP Challenge Grant to support undertaking this endeavor.

Adopted: May 21, 2025

Agenda No. XIII 13

~ Resolution 2025 – 230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A FY-2025 GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

WHEREAS, on August 14, 2024, the Township Council of the Township of West Milford approved the submission of an New Jersey Department of Community Affairs application to fund a program for Recreation Opportunities for Individuals with Disabilities; and

WHEREAS, the requested \$10,000 application resulted in a \$10,000 award with a 20% match; and

WHEREAS, the \$2,000 match funded through account number 01-201-28-370-687; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds to those individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the acceptance of a grant for the New Jersey Department of Community Affairs for Recreation Opportunities for Individuals with Disabilities in the amount of \$10,000 with a 20% match.

Approved: May 21, 2025

Agenda No. XIII 14

~ Resolution 2025 – 231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

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 municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

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

WHEREAS, the Township of West Milford wishes to amend its 2025 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2025 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:	
Public and Private Revenues Off-Set with Appropriations:	
NJDCA ROID Grant 2025	\$10,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
NJDCA ROID Grant 2025	\$10,000.00
Local Match	\$ 2,000.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: May 21, 2025

Agenda No. XIII 15

~ Resolution 2025 – 232 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

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 municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

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

WHEREAS, the Township of West Milford wishes to amend its 2025 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2025 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:	
Public and Private Revenues Off-Set with Appropriations:	
Municipal Alliance Stigma Free Grant	\$1,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
Municipal Alliance Stigma Free Grant	\$1,000.00
Local Match:	\$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in the FAST system.

Adopted: May 21, 2025

Agenda No. XIII 16

~ Resolution 2025 – 233 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

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 municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

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

WHEREAS, the Township of West Milford wishes to amend its 2025 Budget to include an amount as revenue,

NOW THEREFORE, BE IT RESOLVED that the Governing body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2025 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:	
Public and Private Revenues Off-Set with Appropriations:	
Recycling Tonnage Grant	\$28,559.43

BE IT FURTHER RESOLVED that a like sum be and the same is herby appropriated under the caption of:

General Appropriations	
(A) Operations – Excluded from CAPS	
Public and Private Programs Offset by Revenue	
Recycling Tonnage Grant	\$28,559.43
Local Match	\$ 0.00

BE IT FURTHER RESOLVED, that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: May 21, 2025

Agenda No. XIII 17

~ Resolution 2025 – 234 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2025

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2025 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2024 Licenses as listed below:

License Nos.	2025 CLOTHING BINS
2025-26 & 27	NJ Amvets – OGS Recycling LLC dba Helpsy Highlander Education Foundation (2 bins)
	2025 SECONDHAND PRECIOUS METALS
2025-03	GSGCB LLC Garden State Gold and Coin
	2025 SOLICITOR LICENSES
2025-06 – 2025-16	Ap tive Environmental LLC (11 Licenses)
	2025 CANNABIS CULTIVATOR LICENSE
2025-01	Shnicks Shnacks LLC
	2025 CANNABIS MANUFACTURERER LICENSE
2025-01	Shnicks Shnacks LLC

Adopted: May 21, 2025

Motion to move Resolutions 2025-220 through 2025-234 with 2025-223 removed.

Moved:Conlon

Seconded: Erik

Voted Aye:Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay:None

Motion carried:

Agenda No. XIV

Consent Agenda

~ Resolution 2025 – 235 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions on the Consent Agenda are hereby approved:

- Resolutions:
- a) 2025-236 – Refund Other Liens
 - b) 2025-237 – Refund Overpayments
 - c) 2025-238 – Reinstatement of Taxes
 - d) 2025-239 – Recreation Refunds

Adopted: May 21, 2025

Agenda No. XIV a

~ Resolution 2025 – 236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No.	Certificate Date	Block/Lot/ Qual	Reimbursement Amount	Premium	Pay to Lien Holder
24-0009	10/15/2024	03005-008	\$14,360.19	\$44,200.00	FIG 20; LLC FBO SEC PTY PO BOX 12225 NEWARK, NJ 07101
24-0003	10/15/2024	01807-002	\$9,351.81	\$4,300.00	TAX LIEN FUND LP PO BOX 132 SAN FRANCISCO, CA 94104
23-0007	10/10/2023	02403-001	\$45,655.94	\$36,100.00	WSFS C/F ACTLIEN HOLDING PO BOX 71539 PHILADELPHIA, PA 19176-1539
TOTAL:			\$69,367.94	\$84,600.00	

Adopted: May 21, 2025

Agenda No. XIV b

~ Resolution 2025 – 237 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENT

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

- REASON:

1. Incorrect Payment

2. Duplicate Payment

3. Senior Citizen

4. Veteran Deduction

5. Homestead Rebate

6. Tax Appeal County Board

7. Tax Appeal State Tax Court

8. 100% Disabled Veteran

9. Replacement Check

10. Bank/Mortgage Co.

11. Exempt

Block/Lot	Name	Amount	Year	Reason
14601-007	Alpha Development 39 Oak Ridge Road Newfoundland, NJ 07435	\$3,629.00	2025	11
05401/010	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$2,228.00	2025	2
07403/009	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$3,855.00	2025	2
07801/057.07	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$1,878.00	2025	2
11901/003	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$2,808.00	2025	2
12110/007	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$2,023.00	2025	2
13704/001	Corelogic Tax Services LLC 3001 Hackberry Road Irving, TX 75063-0156	\$1,867.00	2025	2
00206-014.01	Lereta, LLC Attn: Central Refunds 901 Corporate Center Drive Pomona, CA 91768	\$1,892.00	2025	1
TOTAL:		\$20,180.00		

Adopted: May 21, 2025

Agenda No. XIV c

~ Resolution 2025 – 238 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

- REASON:

1. INSUFFICIENT FUNDS

2. NO ACCOUNT/CANNOT LOCATE

3. ACCOUNT CLOSED

4. STOP PAYMENT

5. NO SIGNATURE ON CHECK

6. NON TRANSACTION ACCOUNT

7. INVALID ACCOUNT NUMBER

8. ACCOUNT FROZEN

9. REFER TO MAKER

10. LTD PARTICIPATION DFI

Minutes of:	Governing Body Regular Meeting
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BLOCK/LOT	AMOUNT	INT	YEAR	REASON
12901-069	\$4,299.00		2025	4
16701-010	\$3,278.44	\$91.60	2025	9
06504-007	\$3,254.00	\$52.04	2025	1
00703-004	\$2,726.00	\$31.23	2025	1
11103-001.03	\$1,648.54	\$74.54	2025	7
08802-030	\$3,008.00		2025	9
16201-029	\$2,273.00		2025	7
07207-006	\$2,008.00		2025	10
16307-004	\$2,791.00		2025	7
08602-036	\$4,181.00		2025	2
Total:	\$29,466.98	\$249.41		

Agenda No. XIV d

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW
JERSEY AUTHORIZING THE REFUND OF RECREATION FEES**

BOATING CLASS			
\$65.00	14 Capstan Road West Milford, NJ 07480		
COED VOLLEYBALL			
\$50.00	138 Kitchell Lake Drive West Milford, NJ 07480		
DAY CAMP			
\$263.00	97 Alpine Ridge Road West Milford, NJ 07480		
LEARN TO GARDEN			
\$24.00	51 Mountain Circle North West Milford, NJ 07480		

Motion to move the Consent Agenda – Resolutions 2025-235 through 2025-239.

Moved: Conlon Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Approval of Expenditures

RESOLUTION APPROVING THE PAYMENT OF BILLS

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by the Treasurer's Office be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$327,147.25
3	Reserve Account	103,336.71

2	Grants	128,923.39
6	Refunds	174,286.94
1	General Ledger	961.41
26	Refuse	74,366.48
4	Capital	663,362.62
19	Animal Control	0.00
19	Heritage Trust	98.00
19	Open Space Trust	0.00
19	Trust	4,013.32
16	Development Escrow	855.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	4,863.00
Total		\$1,482,214.12
Less Refund Resolution		-174,286.94
Actual Bills List		\$1,307,927.18
Other Payments:		
Payroll		571,093.79
Enterprise Lease		22,132.01
Total Expenditures		\$1,901,152.98

Adopted: May 21, 2025

Moved: Erik

Seconded: Conlon

Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden

Voted Nay: None

Motion carried:

Agenda No. XVI

Reports of Mayor, Council Members, Administrator, and Attorney

Councilman Goodsir –Registration is now open for Introduction to Archery for Kids and Adults. It’s a 4 week program and a great way to get introduced to the sport at Bubbling Springs Park. Registrations is open for Bubbling Springs Lake memberships. Registration is open for Stand Up Paddle Board Yoga at Bubbling Springs. Come relax with some yoga with the added fun of being on the water. Registration is open for Introduction to Kayaking with instructor John Pagani of Kayak East. You will get to explore beautiful Belcher Creek and Greenwood Lake. Thank you to everyone that helped make the Kids Fishing Derby such a success. The event would not be possible without the support of the generous sponsors. He thanked many people who helped with the event.

Councilman Conlon – The EDC is continuing with the Mayor’s Business Spotlight Program. Email Councilman Conlon at EDC@westmilford.org and get your business advertised in the community on West Milford Channel 77 and on social media. The group also met with Luciano Bruni, who builds housing for disabled veterans. They are looking into areas around Town that may be of use. The Chamber of Commerce hosted a meeting where they had a presentation by Rockland Electric where they spoke about doing an energy efficiency analysis for residents and commercial property owners. Kyle Haddock gave the presentation and there is a no cost evaluation available to have energy use be more efficient and if the household income is less than \$106,600 the improvements are free of charge. They have money that they have to spend so it would be a good thing to take advantage of. The Memorial Day Ceremony will be held at Veterans Park at 10 a.m. and the parade will run down to the American Legion where there will be hot dogs and hamburgers. The Lincoln Avenue bridge will be open. Friends of Wallisch had their annual art show. It is a great venue to showcase the talent of our local artists.

Councilman Marsden – Indicated that 2,689 bags of trash have been picked up, 66 tires, 1604 hours spent and 215 hubcaps. Union Valley Road is cleaned southward from Gould Road to Route 23.

Councilwoman Erik – Last week she attended a conference in Edison for the TV Commission. A man from Film Ready New Jersey wanted her to relay the message that any business wanting to participate in movies being made and get paid for it should send pictures to them. Contact the TV Commission by emailing WM77TV@westmilford.org. Movie producers are looking to shoot films in West Milford so contact them and invite them to use your business or home.

Councilman Chazukow – Last month the Heritage Committee held an exhibit on the history of the West Milford Band. As predicted it was the most well attended exhibit since he has been at the Museum. The program paid for itself due to the generous donations of all the visitors.

Councilwoman Lichtenberg – There will be a Hike for Healing on September 6th and they are looking for vendors. Go on passaiccounty.org if interested. Friends of Wallisch still has spots if anyone would like to register for the Corn Hole League. Thank you to the high school students that helped get Veterans Park ready for Memorial Day.

Administrator Senande – In conjunction with the Kayak Program that was launched, we installed an ADA accessible Kayak launch last week on Lambert Road and right now you can bring your own kayak and launch there and the kayak rentals are coming soon.

Attorney Pasternak – No report.

Agenda No. XVII

Appointments and Resignations

Liaison Councilwoman Lichtenberg made a motion to appoint JoAnn McGuire as Citizen #4 to the Senior Citizens Advisory Committee. Councilwoman Erik seconded. All were in favor.

Agenda No. XVIII

Adjournment

Moved: Conlon

Seconded: Goodsir

Voted Aye: Unanimous voice vote

Voted Nay: None

Motion carried.

The meeting adjourned at 8:07 p.m.

Approved: June 11, 2025

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk III

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK