

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE JUNE 11, 2025
REGULARLY SCHEDULED REGULAR MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford

Passaic County, New Jersey

~ 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 if it 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:

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ 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").

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 Engineering Department.

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
Peguannock River	G0000075p	04P
Burnt Meadow Brook	J0000032p	50
West Brook	J0000036p	46
Peguannock River	J0000082p	43
Peguannock 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	J0000100p	25
Peguannock River, Cold Spring Brook	BDALE002	2 of 4
Belcher Creek, Belcher Creek Branch 1	J000001	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
Peguannock River	J0000101	24
Peguannock River	J0000102	23
West Brook Branch 7	J0000103	22
Post Brook, West Brook	J0000104	21
Post Brook Branch 3	J0000105	20
Post Brook Branch 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
Peguannock River	R0000076	Plate 1
Peguannock River	R0000077	Plate 2
Peguannock River	R0000078	Plate 3
Peguannock River	R0000079	Plate 4
Peguannock River	R0000080	Plate 5
Tributary No. 5 to the Rockaway River	R0000095	Plate 20

102.3 Establishing the Local Design Flood Elevation (LDFE)

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

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

- (1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- (2) For any 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 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 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.

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

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal

description, street address or similar description that will readily identify and definitively locate the site.

- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence

that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

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

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

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

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

Floodplain Administrator prior to the final inspection.

SECTION 107 VARIANCES

107.1 General. The 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.

201.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

issued based on a CLOMR, because a CLOMR does not change the NFIP map.

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

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

HARDSHIP – As related to Section 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 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 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,

- c. fraternity houses, sorority houses, vacation time-share properties; and 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 ground waters.

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
 - 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:

ATTEST BY:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025 - 020 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 "ZONING" SECTION 500-193, CANNABIS RETAILER AS TO HOURS OF OPERATION, SECTION 500-191, DEFINITIONS AS TO TRANSFER AND OR SALE OF CANNABIS LICENSES, AND SECTION 500-198 AS TO NUMERICAL LIMITATIONS OF CLASS 5 CANNABIS RETAILER LICENSES

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," N.J.S.A. 24:6I-31 et seq. (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes the following six marketplace classes of business licenses to be issued by the State of New Jersey Cannabis Regulatory Commission for the legal operation of cannabis establishments and other types of cannabis marketplace activity in the State, including:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the licensed cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and.

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of license "cannabis establishments" (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors and cannabis delivery services allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishments, cannabis distributors and cannabis delivery services, except that the time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the "Commission"); and

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, also authorizes municipalities to establish certain civil penalties for violations of any ordinance or regulations governing cannabis establishments, distributors or delivery services that may operate in a municipality, as well as to their location, manner and times of operation; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishments, cannabis distributors, and the principal premises of a cannabis delivery service from anywhere in the municipality, but not the actual delivery of cannabis items and related supplies by a licensed cannabis delivery service operating outside the boundaries of the municipality; and

WHEREAS, section 31c of the Act, N.J.S.A. 24:6I-45c, authorizes municipalities to impose a separate local licensing or endorsement requirement as part of its restrictions on the number of cannabis establishments, distributors or delivery services; and

WHEREAS, the Township of West Milford has specifically allowed cultivation (Cannabis Cultivator License Class 1), manufacturing (Cannabis Manufacturer License Class 2), wholesaler (Cannabis Wholesaler License Class 3), distribution (Cannabis Cultivator License Class 4), retailer (Cannabis Retailer License Class 5) and delivery (Cannabis Deliver License Class 6) under the Act, subject to municipal regulation where appropriate in the Township; and

WHEREAS, as to the hours of operation for Cannabis Retailers and those License Class 5 licenses, the Township of West Milford wishes to amend its code to reflect that such hours shall be increased to reflect from 7:00 a.m. to 12 a.m.; and

WHEREAS, the Township further wishes to codify that any existing licenses may be relocated, transferred and or sold subject to Township Council approval and in accord with all other requirements as set forth within the Township Code; and

WHEREAS, the Township wishes to clarify that the reduction of licenses pursuant to Section 500-198 does not apply to a Class 5 licensee that temporarily closes for repairs or to remodel.

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 Township of West Milford shall be amended only as follows:

SECTION 1. § 500-193, Cannabis retailer, only at paragraph A. (7) shall be amended to reflect:

Hours of operation for cannabis retailers shall be limited to 7:00 a.m. to 12:00 a.m.

SECTION 2. § 500-191, Definitions, only as to CANNABIS LICENSED MARKETPLACE, that definition shall be amended to add a new paragraph C., which shall reflect as follows:

- C. In accordance with all other requirements as set forth within the Township Code and within this section, existing licenses may be relocated, transferred or sold with Council approval.

SECTION 3. § 500-198 Numerical limit on local cannabis licenses and class types of cannabis establishment permitted, only paragraph A. (5) shall be amended to reflect:

Five Class 5 cannabis retailer licenses for locations at which cannabis items and related supplies are sold to consumers. Any current Class 5 retailer who ceases to operate shall have its existing retail cannabis business license deemed null and void, and such license shall not be renewed or reissued so long as there are five (5) other existing Class 5 licenses currently in operation in the Township. This section shall not apply to any licensed Class 5 cannabis retailer that temporarily closes for repairs or to remodel an approved and existing location, nor shall this section apply when a business is being relocated and/or is being sold if the business was operating immediately prior to being relocated and/or sold, subject to all other requirements.

SECTION 4. 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 5. 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 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025 - 021 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500-36.1 TEMPORARY OUTDOOR COMMERCIAL SALES EVENT AND SEASONAL FARMER'S MARKET SALES

§ 500-36.1. Temporary outdoor commercial sales event and seasonal farmers' market sales.

- A. Purpose. The purpose of this section is to permit and regulate the outdoor display and sale of merchandise within the Township of West Milford in such a manner as to protect the public's health and safety and to ensure the integrity of the Township's land use plan and zoning regulations.
- B. Designated zones. Temporary outdoor commercial sales events and farmers' markets shall be permitted on any property in the NC, VC, CC, HC and LC Zone Districts where said property satisfies the minimum lot area standards of the applicable zone district. Said activities shall also be permitted in any zone district upon lands owned by the Township of West Milford, the West Milford Board of Education and on the grounds of a house of worship where the property in question is in compliance with the standards set forth in Chapter 500, Article X, Conditional Uses, § 500-94, Houses of worship.
- C. Permit required. No property shall be utilized for a temporary outdoor commercial sales event or for the purpose of establishing a seasonal farmers' market as defined in Chapter 420 without the issuance of either a temporary outdoor commercial sales event permit or a seasonal farmers' market permit, as applicable, from the Township's Administrative Officer or Zoning Officer in accordance with the provisions of this chapter.
- D. Term of permit.
 - (1) A temporary outdoor commercial sales event permit shall be required for each sales event, with a maximum of six events per calendar year for any property within West Milford Township. An event conducted over the course of two consecutive days shall constitute a single event for the purposes of issuing a permit and shall count as a single event towards the total of six events permitted per property within a calendar year. No permit under this section shall be valid for more than a single day. Separate permits may be issued for consecutive days.
 - (2) A seasonal farmers' market permit shall be required for each seasonal event. One permit shall cover the entire duration of the seasonal event permitted within the time period from mid-May through mid-October of each calendar year. The sponsor of the seasonal farmers' market shall be responsible to secure said permit, which shall cover any and all vendors participating in the event.
- E. Hours of operation. Functions authorized by a temporary outdoor commercial sales event permit or a seasonal farmers' market permit shall be limited to hours between 9:00 a.m. and 9:00 p.m.
- F. All temporary outdoor activities shall adhere to the following standards:
 - (1) Applicant shall be responsible for securing all requisite permits from the Township's Construction Code Official and subcode officials and from the Township's Health Department, if applicable. Applicant shall abide by any and all provisions to ensure the public's health, safety and welfare that may be attached as conditions of a temporary outdoor commercial sales permit as determined by the Township, including, but not limited to, the Police, Health and Planning Departments.
 - (2) Security and parking plans must accompany an application if the event will be held on a property licensed to sell alcohol or cannabis or if the consumption or sale of alcohol or cannabis will be permitted at the event. The security plan must reflect the measures that will be taken to prevent the underage consumption of alcohol and cannabis. The security plan shall also include the reasonable measures to limit disturbance to surrounding properties and the public by utilizing barriers to control noise and smoke, as well as to limit

- the public, especially minors, from viewing the consumption of alcohol or cannabis. The parking plans must show that sufficient parking is available for the number of intended guests and that the event will not significantly impede the flow of traffic on public streets.
- (3) No structures, tables, stalls or other appurtenances shall obstruct a sidewalk or emergency access lane.
 - (4) Temporary signage shall be subject to § 500-160 of this chapter.
 - G. Permit fee. The fee for a temporary outdoor commercial sales permit and a seasonal farmers' market permit shall be as set forth in Chapter 400, § 414-6.
 - H. Exemptions. The display and sale of merchandise by nonprofit organizations for fundraising purposes shall be exempt from the requirements of this section.
 - I. Appeals. Where there is a dispute regarding a decision by the Township's Administrative Officer or Zoning Officer as to whether an activity qualifies for a permit under this section, the matter shall be referred to the West Milford Zoning Board of Adjustment for a determination pursuant to N.J.S.A. 40:55D-70a.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025- 022 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 163 FOOD ESTABLISHMENTS, RETAIL, TO CREATE A NEW SECTION CREATING TWO CLASSES OF TEMPORARY FOOD ESTABLISHMENT LICENSES

WHEREAS, the Township regulates Food Establishments for the betterment of the public's health, safety and welfare; and

WHEREAS, the Township wishes to expand the classes of Temporary Food Establishments licenses, based on the number of events that might be conducted, and as might held from time to time within the Township; and

WHEREAS, while allowing such Temporary Food Establishments, it shall continue and remain unlawful for any person to conduct a retail food establishment as defined in N.J.A.C. 8:24 without obtaining from Township Health Department to engage in such activity, and displaying that license in a conspicuous place; and

WHEREAS, such Temporary Food Establishments shall be subject to licensing fees as set forth within Section 135-18 of the Township Code.

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 163 Food Establishments Retail, shall be amended only to add the following new Section Chapter 163-7 Temporary Food Establishments as follows:

SECTION 1. 163-7 Temporary Food Establishment License

- A. Temporary Food Establishment License (Class 1). Includes food demonstrators, carnivals, sidewalk fairs and any retail food operation, whether for profit or nonprofit, operating for a temporary period not exceeding two (2) to ten (10) events within a calendar year and not having a degree of permanence attached to the operation.
- B. Temporary Food Establishment License (Class 2) Includes food demonstrators, carnivals, sidewalk fairs and any retail food operation, whether for profit or nonprofit, operating for a temporary period not exceeding one event within a calendar year and not having a degree of permanence attached to the operation.
- C. An application for a Temporary Food Establishment License, Class 1 or Class 2, shall be accompanied by the fee as set forth in Chapter 135-18.

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:

Adopted:

Effective Date:

ATTEST

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025 - 023 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 135-18 FOOD ESTABLISHMENTS TO ESTABLISH THE LICENSE FEES FOR CLASS 1 AND CLASS 2 TEMPORARY FOOD ESTABLISHMENT LICENSES WITHIN THE TOWNSHIP CODE

WHEREAS, the Township regulates Food Establishments, for the betterment of the public's health, safety and welfare; and

WHEREAS, the Township wishes to expand the classes of Temporary Food Establishment licenses, based on the number events as may be held within the Township; and

WHEREAS, the Township wishes to amend its license schedule 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 135-18, Food establishments, only at 135-18 paragraph A, shall be amended to reflect the following:

SECTION 1. § 135-18 A. Temporary retail food establishments.

- 1) Temporary food establishment license (Class 1) [for two (2) to ten (10 events)] \$200.00
- 2) Temporary food establishment license (Class 2) [for one (1) event] \$100.00

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.

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:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 241 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1615-33-030-011 FROM LUCS GARAGE LLC TO MAXXS BAR & GRILL INC. LOCATED AT 1934 GREENWOOD LAKE TURNPIKE

WHEREAS, an application has been filed for a Person to Person Transfer of Plenary Retail Consumption License 1615-33-030-011 heretofore issued to Lucs Garage LLC for premises located at 1934 Greenwood Lake Turnpike, Hewitt, NJ 07421; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the license may be transferred with the conditions listed below:

1. Prior to activating or opening, Licensee must submit pages 1, 2, and 11 of the 12-page ABC application to the Township Clerk Office.
2. Prior to activating or operating the license, inspections of premises must be made and satisfactory recommendations must be received at the Township Clerk's Office from the Building, Fire, Zoning, Health and Police Departments.
3. Health stipulates that total seating for the establishment must not exceed 78 bar/restaurant sets as per NJPDES No. NJG0239038 PI ID#444444. The submitted drawing does not indicate any seating on rear outdoor deck.
4. Applicant must provide drawings to the Fire Marshall and Construction Official from a licensed architect with proposed layout, occupancy load with tables and seating and means of egress for approval and permits issued.
5. Applicant must obtain a certificate of approval/occupancy with the Building Department and be in full compliance with the NJ Uniform Fire Code.

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford Governing Body does hereby approve, effective June 11, 2025 the transfer of the aforesaid Plenary Retail Consumption License to Maxxs Bar & Grill Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows This license subject to all its terms and conditions is hereby transferred to Maxxs Bar & Grill Inc. effective June 11, 2025 and the Township Clerk will hold the license certificate until conditions referenced above are satisfied for activation.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025 - 024 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 141, FILMING WITHIN THE TOWNSHIP CODE

WHEREAS, the New Jersey Motion Picture and Television Commission ("NJMP TVC or "the Commission") provides a five step program that educates, trains, and certifies New Jersey municipalities regarding film production "best practices"; and

WHEREAS, upon completion of this program, a municipality is awarded a "Film Ready" designation by the Commission, which is helpful in attracting film makers to the Township; and

WHEREAS, the Township has completed all of the steps to become a "Film Ready" locality, except for updating its local ordinance to match those terms as proposed by the Commission, and so as to maintain consistency throughout the State; and

WHEREAS, encouraging prospective film makers to make films in the Township creates opportunity and revenue, and serves the public's health, safety and welfare.

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 only the following sections of Township of West Milford Code shall be amended as follows:

SECTION 1. Chapter 141 Filming § 141-2 Permit required; application

~~B. One permit shall be sufficient to authorize outdoor or indoor filming, provided that the maximum number of permits that may be authorized in any calendar year for premises located in a residential zone shall not exceed two without a waiver pursuant to 141-3 of this chapter.~~

§ 141-3 issuance of permits; bond requirement; regulations.

- ~~B. (4) The hiring of an off-duty police officer, if required by the Chief of Police, according to the agreed upon public safety plan, for the times indicated on the permit, shall not be required for a permit but may be requested by the permit requester.~~
- E. Filming in residential zones shall be permitted Monday through Sunday between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and 10:00 p.m. (crew wrap), provided that night scenes can be approved in the permit, and hours can be extended if there is a legitimate ~~delay and that any time extension will not greatly inconvenience neighbors.~~
- H. The Film Permit Representative, who shall be the Township Business Administrator or his designee, may authorize a waiver of any of the requirements or limitations of this chapter, and may authorize filming other than during the hours herein described or may extend the duration of a permit or may permit filming at a particular location in a residential zone ~~on more than two occasions during any one calendar year~~ or may waive any other limitation or requirement of this chapter whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety and welfare.

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:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2025 - 025 ~

ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER X, TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, as follows:

SECTION 1. Chapter X, Traffic, Section 10-9A, Limiting the Use of Streets to Certain Classes of Vehicles, Schedule XI, is hereby amended in regard to prohibited trucks over 10 tons on the following street(s) or portion(s) thereof as follows:

NAME OF STREET

LOCATION

Alpine Ridge Road

Entire Length

SECTION 2. Regulatory signs shall be erected to affect the above designated weight restricted areas.

SECTION 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other section or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect as required by law and upon the posting of appropriate signs.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 242 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2025 WEST MILFORD TOWNSHIP ROAD RESURFACING PROGRAM (PHASE 1) THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #6: ROAD RESURFACING, CATEGORY A: HOT MIX ASPHALT (HMA), CATEGORY B: MILLING OF HOT MIX ASPHALT (IN PLACE) AND CATEGORY F: RESURFACING PREPARATIONS TO TILCON NEW YORK, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded portions of Contract #6: Road Resurfacing to Tilcon New York, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township's Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for the 2025 West Milford Township Road Resurfacing Program (Phase 1) project utilizing Category A: Hot Mix Asphalt (HMA), Category B: Milling of Hot Mix Asphalt (in place) and Category F: Resurfacing Preparations to Tilcon New York, Inc. through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds are to be encumbered from account number 04-215-55-848-004.

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category A: Hot Mix Asphalt (HMA), Category B: Milling of Hot Mix Asphalt (in place) and Category F: Resurfacing Preparations to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 in an amount not to exceed \$1,125,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025 and
certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 243 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO RIVERVIEW PAVING, INC. FOR THE WESTBROOK ROAD – SECTION 4 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on June 5, 2025 at 10:00 am for the road work project of Westbrook Road – Section 4 as per the bid specifications; and

WHEREAS, the Township of West Milford received three (3) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division and the Township Attorney; and

WHEREAS, the bid received from the low bidder, Riverview Paving, Inc., has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbered 04-215-55-847-001 for \$574,984.46; and

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

1. The Township Council hereby awards a contract to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, NJ 07840 for the Westbrook Road – Section 4 project subject to the review and approval of the New Jersey Department of Transportation in an amount not to exceed \$574,984.46.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Riverview Paving, Inc. in accordance with its bid for said resurfacing of Westbrook Road – Section 4 in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 244 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR PAVEMENT PRESERVATION TREATMENTS THROUGH STATE CONTRACT TO ASPHALT PAVING SYSTEMS, INC.

WHEREAS, the Township of West Milford is a municipality in the State of New Jersey; and

WHEREAS, the State of New Jersey has awarded a Contract #17-GNSV2-00181 Microsurfacing & Slurry Seal Pavement System (T2507, 5th Extension) for various pavement preservation techniques to Asphalt Paving Systems, Inc.; and

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford has a need on a timely basis to award a construction contract utilizing the above contract awarded to Asphalt Paving Systems, Inc., and

WHEREAS, Asphalt Paving Systems, Inc. has complied with State pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the contract and has submitted a written recommendation that the Township of West Milford award a contract for varying pavement preservation techniques to Asphalt Paving Systems, Inc., utilizing the State Contract T2507; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase, said funds of \$13,876.94 and \$136,123.06 are to be encumbered from accounts numbered 04-215-55-833-008 and 04-215-55-834-004, respectively; and

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

1. The Township Council hereby authorizes the award of a contract through State Contract #17-GNSV2-00181 Microsurfacing & Slurry Seal Pavement System (T2507, 5th Extension) to Asphalt Paving Systems, Inc, P.O. Box 530, Hammonton, NJ 08037 in an amount not to exceed \$150,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 245 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY CRACK SEALING THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #6: ROAD RESURFACING, CATEGORY C: CRACK SEALANT TO REIVAX CONTRACTING CORPORATION

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing, Category C: Crack Sealant to Reivax Contracting Corporation and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract to Reivax Contracting Corporation through the Morris County Cooperative Pricing Council – Contract #6: Road Resurfacing, Category C: Crack Sealant; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purpose, said funds of \$50,000.00 and \$38,000.00, are to be encumbered from accounts numbered 04-215-55-848-004 and 04-215-834-004, respectively; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category C: Crack Sealant to Reivax Contracting Corporation, 165 River Road, Flemington, NJ 08822, in an amount not to exceed \$88,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 246 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR GUIDE RAIL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #26: BEAM GUIDE RAIL & SAFETY ENDS (INSTALLED) TO ROAD SAFETY SYSTEMS, LLC

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for Guide Rail to Road Safety Systems, LLC, utilizing the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase, said funds of \$50,000.00 and \$40,000.00 are to be encumbered from account numbered 04-215-55-848-004 and 04-215-55-833-003, respectively; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC, 12 Park Drive, Shamong, NJ 08088 in an amount not to exceed \$90,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 247 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CONTRACT TO PRO-CRAFT PAINTERS LLC d/b/a CERTAPRO PAINTERS OF ORANGE COUNTY IN THE AMOUNT OF \$18,029.24 FOR PAINTING OF THE EXTERIOR OF THE WEST MILFORD MUSEUM WITH FUNDING FROM THE OPEN SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND

WHEREAS, the West Milford Heritage Committee has been diligently seeking quotes for the painting and repair of the exterior of the West Milford Museum building due to its deteriorating condition, having been painted a decade ago in 2015; and

WHEREAS, the West Milford Heritage Committee, an advisory body to the Mayor and Township Council of the Township of West Milford, reviewed the quotes received from several contractors and have recommended an award of contract to Pro-Craft Painters, LLC d/b/a CertaPro Painters of Orange County in the amount of \$18,029.24 to provide the required services; and

WHEREAS, CertaPro Painters of Orange County will comply with the state pay to play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that CertaPro Painters of Orange County will not make any reportable contributions through the remainder of the year; and

WHEREAS, CertaPro Painters of Orange County has provided all of the required documents for the approval of this contract; and

WHEREAS, the total amount of the contract shall not exceed \$18,029.24; and

WHEREAS, CertaPro Painters of Orange County will exceed the \$17,500 threshold and should not exceed the bid threshold of \$44,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds to be encumbered from the Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, account number 19-295-56-100-702.

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

1. The Township Council hereby authorizes a contract in the amount of \$18,029.24, subject to the issuance of the appropriate purchase order to CertaPro Painters of Orange County, 60 Main Street, Suite 2C, Warwick, NY 10990
2. This resolution shall be available for public inspection in the office of the Township Clerk

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 ~ 248 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF A UNIVERSAL OUTDOOR BATTING CAGE SYSTEM FOR MOUNT LAUREL PARK WITH FUNDING FROM THE OPEN SPACE FARMLAND AND HISTORIC PRESERVATION TRUST FUND

WHEREAS, the Township of West Milford wishes to purchase a universal outdoor batting cage system for Mount Laurel Park; and

WHEREAS, the Director of Community Services and Recreation has provided a recommendation to purchase this through BSN Sports, LLC after obtaining a quotation; and

WHEREAS, the total amount of the purchase shall not exceed \$6,019.96

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

1. The Township Council hereby authorizes the purchase of a universal outdoor batting cage system in an amount not to exceed \$6,019.96 through BSN Sports, LLC P.O. Box 7726 Dallas, TX 75209
2. The Township Chief Financial Officer has certified the availability of funds in account: # 19-295-56-100-701
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 249 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) 3-YARD LOADER BUCKETS THROUGH ESCNJ CONTRACT #ESCNJ 22/23-12 FROM JESCO INC.

WHEREAS, the Township of West Milford became a member of Educational Services Commission of New Jersey (ESCNJ) (formerly Middlesex Regional Educational Services Commission) by virtue of Resolution 2015-311 adopted October 7, 2015; and

WHEREAS, the Township wishes to purchase Two (2) three-yard Loader buckets (TRM300GP-IT28) through ESCNJ Contract #ESCNJ 22/23-12 from Jesco, Inc., 1260 Centennial Avenue, Piscataway NJ 08854; and

WHEREAS, the Township's Director of Public Works and Assistant Director/Head Mechanic have provided a memo of recommendation for this purchase; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase in the amount of \$22,300.00, said funds to be encumbered from account 01-201-44-900-652 (\$22,000.00) and 01-201-26-290-625 (\$300.00).

WHEREAS, the total amount of the contract shall not exceed \$22,300.00.

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

1. The Township Council hereby authorizes the Township's Director of Public Works and Assistant Director/Head Mechanic to purchase Two (2) three-yard Loader buckets (TRM300GP-IT28) through ESCNJ Contract #ESCNJ 22/23-12 from Jesco, Inc., 1260 Centennial Avenue, Piscataway NJ 08854.
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: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 250 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) TRACKLESS MOWER HEAD ROTOR ASSEMBLIES FROM U.S. MUNICIPAL SUPPLY LLC AN AUTHORIZED EXCLUSIVE DISTRIBUTOR OF TRACKLESS VEHICLES AND PARTS

WHEREAS, the Township wishes to purchase replacement trackless mower head rotor assemblies from U.S. Municipal Supply LLC, 461 Glennie Circle, King of Prussia, PA 19406, an authorized exclusive distributor of trackless vehicles and parts; and

WHEREAS, the Township's Director of Public Works has provided a recommendation for this purchase from U.S. Municipal Supply LLC; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from Account # 01-201-26-315-341 in an amount not to exceed \$20,634.53; and

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

1. The Township Council hereby authorizes the Township's Director of Public Works to purchase two (2) replacement trackless mower head rotor assemblies, in an amount not to exceed \$20,634.53, from U.S. Municipal Supply LLC, an authorized exclusive distributor of trackless vehicles and parts.
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: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 251 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FOR FIRE FIGHTER PHYSICALS IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES

WHEREAS, the Township Council has received a recommendation from the Department of Fire to contract for fire fighter physicals which expense shall exceed the aggregate quote threshold of \$17,500; and

WHEREAS, the Township has been doing physicals for members of the Fire Department since 2011 due to OSHA regulations and NIOSH recommendation and as recommended by the JIF; and

WHEREAS, the annual physicals would check heart function, lung functions, eyesight, hearing and bloodwork which would possibly prevent a more serious illness;

WHEREAS, three (3) quotes were solicited with (3) quotes received and Nassau NDI Diagnostics was the lowest quote; and

WHEREAS, the Department of Fire recommends Nassau Diagnostics for Class A physicals examinations for \$150 each Class B Exterior Firefighter \$110; and

WHEREAS, the Township's Qualified Purchasing Agent is aware of the recommendation, and confirms that Nassau NDI Diagnostics is the vendor for physicals and the purchase is in compliance with the New Jersey Local Public Contracts Law; 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 01-201-25-266-553.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the appropriate Township officials be and are hereby authorized to execute future purchases to Nassau NDI Diagnostics, P.O. Box 1206, Center Moriches, NY 11934, in an amount not to exceed \$30,000 for the 2025 calendar year.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 252 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF FOUR (4) 2025 POLICE INTERCEPTOR UTILITY VEHICLES FROM CHAPMAN AUTO GROUP

WHEREAS, the Township wishes to purchase four (4) 2025 Police Interceptor Utility vehicles; and

WHEREAS, two (2) quotes were obtained from Nielsen Fleet Group and Chapman Auto Group; and

WHEREAS, Chapman Auto Group provided the lowest quote; and

WHEREAS, The Chief of Police recommends purchasing the vehicles from the vendor that provided the lowest quote; and

WHEREAS, the total amount for four (4) 2025 Police Interceptor Utility vehicles shall not exceed \$184,736.00; 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: 04-215-55-848-002.

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase four (4) 2025 Police Interceptor Utility vehicles in an amount not to exceed \$184,736.00 from Chapman Auto Group, 6925 Essington Ave, Philadelphia, PA 19153-3410.
2. The Township Chief Financial Officer has certified the availability of funds for same.
3. The equipment and changeovers for four (4) 2025 Police Interceptor Utility Vehicles be submitted by future resolution.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 253 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE INFO-COP UPGRADE PURCHASE THROUGH LAWSOFT INC.

WHEREAS, LawSoft Inc. provides support for all IT matters in addition to support for the CAD/Dispatch software for the West Milford Police Department; and

WHEREAS, the current contract with LawSoft exceeds the Bid Threshold of \$17,500.00; and

WHEREAS, Info-Cop is a technology system used by law enforcement agencies that provides police officers with direct, immediate access to local state and federal crime databases; and

WHEREAS, the Chief of Police recommends the Info-Cop upgrade as it integrates other services as well as required state reporting by the Police Department; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds in account number 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 the Info-Cop upgrade from LawSoft Inc., 15 Hamburg Turnpike (Suite 2) Bloomingdale, NJ 07403 in an amount not to exceed \$5,000.00.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 - 254 ~

RESOLUTION AUTHORIZING PUBLIC SALE OF MUNICIPALITY OWNED PERSONAL PROPERTY AT A PUBLIC AUCTION TO BE HELD ONLINE AT MUNICIPALBID.COM PURSUANT TO N.J.S.A. 12A:2-328 SALE BY AUCTION AND N.J.S.A. 19:9-2.6 SALE OF SURPLUS PROPERTY

WHEREAS, pursuant to the provisions of N.J.S.A. 12A:2-328 and N.J.S.A. 19:9-2.6, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-21; and

WHEREAS, N.J.S.A. 19:9-2.6 and the Division of Local Government Services' Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

WHEREAS, The Township has secured the services of municipalbid.com to organize and conduct all aspects of the Surplus Vehicle and Equipment Auction; and

WHEREAS, prior to commencement of such sale, municipalbid.com shall confirm that the Township Administrator and Department of Public Works is apprised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned property as indicated in Schedule "A" Property Auction Manifest shown below on an online auction website entitled www.municipalbid.com.

BE IT FURTHER RESOLVED, that the terms and conditions entered into between municipalbid.com and the Township of West Milford are available at www.municipalbid.com; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice will be published in the official newspaper in accordance with the requirements for same.

Schedule "A" - Property Auction Manifest

EQUIPMENT	DESCRIPTION
Sweeper I	2007 Elgin
Tire Balancer	Snap On Wheel Balancer
Tire Machine	X Series 70X-AH-1
VEHICLES	
488	2017 Chevrolet Tahoe
496	2014 Ford Explorer
B-3	2015 Ford Explorer Interceptor
E-3	2014 Ford Explorer Interceptor
R-2	2013 Ford Interceptor

Adopted: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 255 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF
NEW JERSEY AUTHORIZING ACCEPTANCE OF A GRANT FROM THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS FY5 LOCAL RECREATIONAL IMPROVEMENT
GRANT PROGRAM BY THE TOWNSHIP OF WEST MILFORD FOR FENCE INSTALLATION AT
DYGOS FIELD**

WHEREAS, the Township of West Milford has applied for and obtained a grant from the New Jersey Department of Community Affairs for \$81,000 to replace fencing as a part of a phased project for field improvements at West Milford Board of Education-owned Dygos Field;

NOW THEREFORE, BE IT RESOLVED, that the Township of West Milford does hereby authorize the acceptance for this grant.

NOW THEREFORE, BE IT RESOLVED that the Township of West Milford authorizes the execution of the grant agreement; and also, authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized by the Township of West Milford to sign the grant agreement, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2025 – 256 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND 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, 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 issues; 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 Works 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 11th day of June, 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); and
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; and
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: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 257 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF WESTBROOK ROAD – SECTION 5 BETWEEN THE WESTBROOK TEEN CENTER AND TOWNSHIP LINE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2026 State Aid Programs;
and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Westbrook Road – Section 5 between the Westbrook Teen Center and the Township line (1.75 miles); and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Westbrook Road – Section 5	
Milling and resurfacing of Westbrook Road between the Westbrook Teen Center and the Township line (1.75 miles)	
Grant Application:	\$843,750
Township Contribution:	\$281,250
Estimated Cost for Entire Project:	\$1,125,000
Grant Application No. 00233	MA-2026-Westbrook Road-Section 5-

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of the original.

William Senande, Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

William Senande, Township Clerk

Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 258 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR ROADWAY PRESERVATION IMPROVEMENTS TO LONGHOUSE DRIVE (1.2 MILES) INCLUDING SHOULDER RESTORATION, RESURFACING AND STORMWATER COMPLIANCE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2025 Local Transportation Project Fund; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for Roadway Preservation Improvements to Longhouse Drive between Lake Shore Drive and the Township line, including shoulder restoration, resurfacing and stormwater compliance; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Longhouse Drive	
Roadway Preservation Improvements to Longhouse Drive between Lake Shore Drive and the Township line (1.2 miles), including Shoulder Restoration, Resurfacing and Stormwater Compliance	
Grant Application:	\$600,000
Township Contribution:	\$200,000
Estimated Cost for Entire Project:	\$800,000
Grant Application No.	LTPF—2025-Longhouse Drive-00095

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of the original.

William Senande, Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

William Senande, Township Clerk

Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 259 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF CLINTON ROAD – SECTION 8 BETWEEN GOLDFINCH LANE AND WARWICK TURNPIKE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2026 State Aid Programs; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Clinton Road – Section 8 between Goldfinch Lane and the Warwick Turnpike (1.2 miles); and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Clinton Road – Section 8	
Milling and resurfacing of Clinton Road between Goldfinch Lane and the Warwick Turnpike (1.2 miles)	
Grant Application:	\$806,250
Township Contribution:	\$268,750
Estimated Cost for Entire Project:	\$1,075,000
Grant Application No.	MA-2026-Clinton Road-Section 8-00234

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 11, 2025

Adopted this 11th day of June 2025
and certified as a true copy of the original.

William Senande, Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

William Senande, Township Clerk

Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 - 260 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWNSHIP OF WEST MILFORD PLANNING BOARD ON JUNE 5, 2025

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA"); and

WHEREAS, amongst other things, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the Mount Laurel doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, amongst other things, Directive #14-24 and P.L. 2024, c. 2, require each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and file a declaratory judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of West Milford timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on January 21, 2025 and on January 24, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled: In re Township of West Milford, Docket No.: PAS-L- 000309-25 (Township's "2025 Action"); and

WHEREAS, on March 20, 2025 Passaic County Mount Laurel Judge, the Honorable Darren J. Del Sardo, P.J.Civ., issued an Order in the Township's 2025 Action fixing the Township's Fourth Round pre-credited/unadjusted Present Need Obligation of one-hundred and five (105) and a gross Prospective Need Obligation of one-hundred and ninety-seven (197) and which Order directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

WHEREAS, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Del Sardo in the 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public on June 5, 2025, the Township of West Milford Planning Board adopted the Township's 2025 Housing Element and Fair Share Plan following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township Council of the Township of West Milford has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan, in the form and substance, as previously adopted by the Township of West Milford Planning Board on June 5, 2025.

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

1. The Township does hereby endorse the 2025 Housing Element and Fair Share Plan adopted by the Township of West Milford Planning Board on June 5, 2025.
2. The Township Municipal Attorney is hereby directed to file the Township's 2025 Fourth Round Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation, appendices and exhibits with the Program in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. Due to the Township's status as a fully conforming highlands municipality, the Township Attorney and Municipal Planner are further directed to submit the Township's 2025 Fourth Round Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation, appendices and exhibits, including proposed ordinances, to the New Jersey Highlands Council for the purposes of consistency review and obtaining a determination from the Highlands Council that the Township's 2025 Housing Element and Fair Share Plan and proposed ordinances are consistent with the Highlands Act, N.J.S.A. 13:20-1 et seq., the administrative regulations promulgated thereto, and the goals and objectives of the Highlands Regional Master Plan, as amended by the "Highlands Affordable Housing Regional Master Plan Amendment (2024)."
4. Should any challenge to the Township's 2025 Fourth Round Housing Element and Fair Share Plan be filed, the Township Municipal Attorney and Municipal Planner are hereby directed to defend the Township against such challenge(s) and take all necessary steps in furtherance thereof.
5. The Township Attorney, Municipal Planner and all other appropriate officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township maintains its immunity from exclusionary zoning and builder's remedy.
6. A certified copy of this resolution and the Township's 2025 Housing Element and Fair Share Plan shall remain on file with the Township for the purpose of public inspection, and the Township Clerk is direct to upload this Resolution and the Township 2025 Housing Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
7. Notice of this action shall be published in the official newspapers for the Township of West Milford.
8. This Resolution shall take effect immediately

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 261 ~

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 2024 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 2024 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:

Clean Communities Grant FY 2025; \$91,474.85

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

General Appropriations

(A) Operations – Excluded from CAPS

Public and Private Programs Offset by Revenue

Clean Communities Grant FY 2025: \$91,474.85

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

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 262 ~

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:

NJ DCA - Local Recreational Improvement 2025; \$81,000.00

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

General Appropriations

(A) Operations – Excluded from CAPS

Public and Private Programs Offset by Revenue

NJ DCA – Local Recreational Improvement 2025; \$81,000.00

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

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 263 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSES AND PLENARY RETAIL DISTRIBUTION LICENSES FOR THE 2025- 2026 LICENSE YEAR

WHEREAS, applications have been filed for renewal of Plenary Retail Consumption Licenses and Plenary Retail Distribution Licenses for the 2025-2026 license term within the municipality; and

WHEREAS, the municipality has received the required Alcoholic Beverage Retail Licensee Clearance Certificates for renewal from the Division of Taxation for these licenses; and

WHEREAS, the submitted applications are complete in all respects, and the required State and Municipal fees have been paid; and

WHEREAS, the Police Department has conducted a review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control and as a result it is determined the applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

2025-2026 LICENSES	
AMERICAN LEGION POST #289 t/a American Legion Post #289 177 Lincoln Avenue, West Milford, NJ 07480 1615-31-037-001	M&M DISCOUNT LIQUORS LLC t/a M&M Discount Liquors 574A Macopin Road, West Milford, NJ 07480 1615-33-009-007
THREE SHEETS LLC t/a D'Boathaus Restaurant 322 Lakeside Road, Hewitt, NJ 07421 1615-33-011-005	374 MORSETOWN RD INC t/a Prime 374 Seafood & Steak 374 Morsetown Road, West Milford 07480 1615-33-012-006
STAMMY LLP t/a Country Cottage Restaurant & Bar 1745 Macopin Road, West Milford, NJ 07480 1615-33-015-010	PARADISE PUB & BAR LLC t/a Cuban Breeze Restaurant & Bar 3055 NJ 23, Oak Ridge, NJ 07438 1615-33-016-008
JAMES ANTHONY DELI & RESTAURANT INC. t/a Greenwood Lake Discount Liquors & Pub 2019 Greenwood Lake Turnpike, Hewitt, NJ 07421 1615-33-021-005	THE 2236 CORPORATION t/a Elks Lodge 1860 Union Valley Road, West Milford, NJ 07480 1615-33-031-001
AVIGHNA LLC t/a Vault Liquors 1618 Union Valley Road, West Milford, NJ 07480 1615-33-032-014	FRANK & SATINA LLC t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South, Oak Ridge, NJ 07438 1615-33-034-009
	JOSEF LANG HOLDINGS LLC t/a The Lake Shore Inn Bar 399 Lakeshore Drive, Hewitt, NJ 07421 1615-33-035-008
HIGHLAND WINE & LIQUOR INC t/a Highland Wine & Liquor 1926-1938 Union Valley Road, Hewitt, NJ 07421 1615-44-038-001	NEW VINELAND CORP t/a Uncorked Wines & Spirits 9 Marshall Hill Road, West Milford, NJ 07480 1615-44-039-001

2025-2026 LICENSES WITH CONDITIONS	
LICENSEE	CONDITIONS

2025-2026 LICENSES WITH CONDITIONS	
LICENSEE	CONDITIONS
OLD SCHOOL PUB LLC t/a Old School Pub 551 Warwick Turnpike, Hewitt, NJ 07421 1615-33-004-009	1. Occupancy loads must be adhered to. 2. Exits are not to be blocked
GRASSHOPPER IRISH PUB & RESTAURANT LLC t/a Grasshopper Irish Pub & Restaurant 2891 Route 23, Newfoundland, NJ 07435 1615-33-005-007	1. Persons are not to leave the property of the licensed premise or the extended premise with alcoholic beverages. 2. A written notice advising patrons not to leave the extended premise with alcoholic beverages must be posted and the exit gate shall be alarmed. 3. Outdoor deck approved as a smoking area for existing customers not as an additional dining area. 4. A maximum occupancy for the outside deck area with tables and chairs is 42 patrons by NJAC 5:70-3.2(a)5, F-601.6 and the Township Building Construction Officials. 5. If noise becomes an issue additional restriction will be applied.
HPLAY WEST MILFORD LIQUORS LLC t/a Island of Spirits 3025 Route 23 Oak Ridge, NJ 07438 1615-33-019-002	1. The owner is to consider parking limitations when scheduling advertised special events. 2. Occupant loads must be adhered to.
SPIRITS OF VREELAND LLC t/a The Vreeland Store 1383 Macopin Road, West Milford, NJ 07480 1615-33-022-003	1. The front porch area is not licensed.
4ZIP SQUARE CORP t/a Cibo E Vino Ristorante 216 Cahill Cross Road, West Milford, NJ 07480 1615-33-023-007	1. No food, drinks or alcoholic beverages served on porch area or patio area prior to resolution of Township Zoning and Site Plan requirements. 2. ADA parking to be in compliance with State requirements.
NTI LLC t/a The New Jessie's Kettle Inc 1555 Greenwood Lake Tpke, Hewitt, NJ 07421 1615-33-024-013	1. No open fire code
WEST MILFORD BAR & LIQUORS INC. t/a Westbrook Hootch Hut 717 Otterhole Road, West Milford, NJ 07480 1615-33-033-002	1. License Certificate must be properly displayed. 2. Copy of most recent long form license application must be kept on licensed premises.
2025-2026 LICENSES RECENT TRANSFERS – INACTIVE	
PARADISE PUB & BAR LLC t/a Cuban Breeze Restaurant & Bar 3055 Route 23, Oak Ridge, NJ 07438 1615-33-016-008	JAY Bhole LIQUORS CORP. t/a 23 Liquors & Tobacco 3051 Route 23 Oak Ridge, NJ 07438 1615-33-027-013

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford Governing Body does hereby approve the above Plenary Retail Consumption Licenses and Plenary Retail Distribution Licenses and does hereby direct the Township Clerk to issue the above license certificates.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2025 – 264 ~

**RESOLUTION APPROVING THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSES
(POCKET – INACTIVE) FOR THE 2025-2026 LICENSE YEAR**

WHEREAS, the Division of A.B.C is taken the position that the authority over the renewal of inactive licenses now falls squarely on municipalities as P.L. 2023, c.290 removed the requirement that inactive license holders no longer need to apply to the Division of A.B.C. for relief under N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of A.B.C has further taken the position that after August 1, 2024 a retail consumption license that has not been "actively used" for two consecutive years, which cannot be renewed, shall expire, unless the municipality, in the exercise of its discretion, renews the license for an additional year; and

WHEREAS, the Division of A.B.C. issued Advisory Notice AN-2025-01 regarding the implementation of the recent liquor license reform P.L. 2023, c.290 of inactive licenses; and

WHEREAS, Advisory Notice AN-2025-01 addresses the definition of "active use" in the context of P.L. 2023, c.290 and has taken the position that a municipality on a case-by-case basis, may consider and balance certain factors that demonstrate whether a licensee has taken significant steps to activate the license.

WHEREAS, municipalities must review each individual inactive license file prior to issuing a resolution renewing the license for the 2025-2026 license term; and

WHEREAS, the new law requires the Director of A.B.C to produce a quartile list of inactive plenary retail consumption licenses on the effective date of the Act that must be used by the license holder, transferred by the license holder in a private sale to a transferee who will actively use the license or permit the municipality with an inactive license to transfer the license to a contiguous municipality as part of an economic redevelopment plan or revitalization area; and

WHEREAS, renewal applications and required fees for the license year 2025-2026 for Plenary Retail Consumption License below have been filed with the municipality.

FAMILY ASSETS INACTIVE October 18, 2017 1615-33-002-003	HAVANA NIGHTS TAPAS & BAR LLC INACTIVE April 7, 2021 1615-33-028-008
LAKE FRONT LIQUORS LLC POCKET December 19, 2018 1615-33-013-010	PFA REALTY LLC POCKET October 6, 2021 1615-33-020-009
NEW VINELAND CORPORATION POCKET July 17, 2024 1615-33-003-007	CHIDO LLC POCKET May 1, 2024 1615-33-010-006

Instructions to activate, site, or transfer:

1. Pocket Licenses must submit a 12-page ABC Transfer application with detailed sketch of proposed site in triplicate with a Police Investigation Request Form to the Township Clerk and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting/ transferring the license.
2. Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.

3. Prior to activating the license, Licensee must submit applicable 12 page application pages 1, 2, and 11 of the 12-page ABC application to the Township Clerk with date of activation.
4. Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Health Office prior to activating.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold these license certificates until such time these licenses are either activated, sited, or transferred.

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 265 ~

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) **2025-266** – Recreation Refunds
- b) **2025-267** – Refund Site Plan Bond Fees
- c) **2025-268** – Refund Overpayments
- d) **2025-269** – Refund Other Liens
- e) **2025-270** – Reinstatement of Taxes

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 266 ~

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

BE IT RESOLVED that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

SENIOR BOB ROSS PAINTING			
\$40.00	1103 Richmond Road West Milford, NJ 07480		
ROAD TO FITNESS			
\$10.00	100 Wooley Road West Milford, NJ 07480		

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF SITE AND PLAN REVIEW BOND FEE

BE IT RESOLVED, upon the recommendation and request of the Township Engineering Department, the following bonded fee for a Certificate of Occupancy Site and Plan Review be refunded:

Block/Lot Street Address	Refund Amount	Refund to	Site Plan Permit No.
2016/2 6 Danforth Ave	\$1,550.00	6 Danforth Ave Hewitt, NJ 07421	# SP21-006
10002/6 61 Virginia Lane	\$950.00	61 Virginia Lane West Milford, NJ 07480	# SP06-051

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 268 ~

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	Tax Amount	Interest	Year	Reason
01608-010	10 Cupsaw Drive Ringwood, NJ 07456	\$83.00	\$0.79	2025	2
TOTAL:		\$83.00	\$0.79		

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 269 ~

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
24-0030	10/15/2024	13402-007	\$16,158.98	\$19,800.00	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT PO BOX 71276 PHILADELPHIA, PA 19176
TOTAL:			\$16,158.98	\$19,800.00	

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 270 ~

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

BLOCK/LOT	AMOUNT	INT	YEAR	REASON
04301-006	\$5,139.00		2025	1
05901-028	\$2,736.00		2025	2
01601-001	\$2,401.00		2025	2
09201-006	\$3,566.00		2025	2
04403-010	\$1,360.00		2025	1
07505-001	\$3,751.00		2025	2
01811-017	\$1,536.00		2025	1
13103-009	\$2,777.00		2025	1
07101-008	\$1,423.00		2025	9
05317-001.18	\$649.13	\$38.53	2024	7
		\$37.34	2025	7
Total:	\$25,338.13	\$75.87		

Adopted: June 11, 2025

Adopted this 11th day June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2025 – 271 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

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	\$657,835.07
3	Reserve Account	3,562.66
2	Grants	4,834.00
6	Refunds	38,592.77
1	General Ledger	319,429.71
26	Refuse	227.70
4	Capital	72,307.30
19	Animal Control	198.00
19	Heritage Trust	0.00
19	Open Space Trust	37,983.28
19	Trust	19,599.58
16	Development Escrow	7,470.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$1,162,040.07
Less Refund Resolution		-38,592.77
Actual Bills List		\$1,123,447.30
Other Payments:		
Payroll		569,170.56
Recreation Refund		263.00
Total Expenditures		\$1,692,880.86

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 – 272 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PAVING MATERIALS FROM TILCON NEW YORK, INC. THROUGH STATE CONTRACT #24-FLEET-93142 HOT MIX ASPHALT (HMA) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$40,000.00

WHEREAS, the Township of West Milford by virtue of Resolution 2025-106 awarded a contract to Tilcon New York, Inc. for the purchase of paving materials; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional paving materials; 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: 01-201-26-290-361.

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 State of NJ Contract #24-FLEET-93142 Hot Mix Asphalt (HMA) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of paving materials for a not to exceed amount of \$60,000.00.
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: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original.

William Senande, Township Clerk