

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE MEETING MINUTES
September 21, 2017, 7:00 P.M.**

CALL TO ORDER Mayor DeLorenzo called the meeting to order at 7:00 p.m.

FLAG SALUTE: Led by Mayor DeLorenzo and followed by a moment of silence.

ROLL CALL: Mayor DeLorenzo
Deputy Mayor DeBaecke
Committeeman Doyle
Committeeman Kocubinski
Committeeman O'Donnell

Absent: None

Also Present: Clerk Picariello and Township Attorney Roselli

SUNSHINE STATEMENT: "The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Courier Post, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building".

PUBLIC COMMENT AS IT RELATES TO AGENDA ITEMS

Mayor DeLorenzo opened the meeting to the public. There were no public comments this evening.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Committeeman Kocubinski

Seconded By: Deputy Mayor DeBaecke

REVIEW OF CORRESPONDENCE

There was no correspondence this evening.

ENGINEER'S REPORT

Engineer Hirsh informed the Township Committee that the NJDEP performed a storm inspection and he will coordinate with the Clean Communities Coordinator to create an inventory plan of all storm inlets and basins, as this is a new requirement. He also noted the County was in process of preparing plans to replace the Paulson Road Bridge. The construction date has not been set. He stated the Punch List has been issued for the NJDOT program. He also gave an update on a few JLUB projects.

DEPARTMENT REPORTS FOR AUGUST 2017

- a. Tax Collector
- b. Construction, Zoning & Mobile Homes
- c. North Hanover & Chesterfield Courts
- d. Jacobstown Volunteer Fire Company
- e. Police Department

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell			X			
Mayor DeLorenzo			X			

MINUTES FOR APPROVAL

- September 7, 2017 – Regular Session

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

- September 7, 2017 – Executive Session

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

BILLS AND CLAIMS FOR APPROVAL

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

ORDINANCE – ADOPTION

2017-12 An Ordinance Rescinding and Replacing Prior Ordinance of the Township of North Hanover, County of Burlington, State of New Jersey, Establishing Regulations Pertaining to Flood Hazard Areas within the Township of North Hanover in accordance with N.J.S.A. 40:48 ET. SEQ.

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE 2017-12**

AN ORDINANCE RESCINDING AND REPLACING PRIOR ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING REGULATIONS PERTAINING TO FLOOD HAZARD AREAS WITHIN THE TOWNSHIP OF NORTH HANOVER IN ACCORDANCE WITH N.J.S.A. 40:48-1 ET. SEQ.

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of North Hanover of Burlington County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of North Hanover are subject to periodic inundation which results 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.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;

- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- 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.

AH Zone- 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

Appeal — A request for a review of the Township’s local Administrator, as the case may be, interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater 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 —Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood —a flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents 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.

Basement — any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration 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 Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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.

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 accumulatively 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 flood plain 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.

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.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). 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 to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements 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 a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or 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. 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.

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 condition before damage would equal or exceed fifty (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, the cost of which equals or exceeds fifty (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".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of North Hanover, Burlington County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of North Hanover, Community No.340109 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Burlington County, New Jersey (All Jurisdictions)" dated December 21, 2017.
- b) "Flood Insurance Rate Map for Burlington County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34005C0063F, 34005C0064F, 34005C0170F, 34005180F, 34005C0185F, 34005C0190F, 34005C0195F, whose effective date is December 21, 2017.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at North Hanover Township Municipal Building, 41 Schoolhouse Road, Jacobstown, New Jersey 08562.

3.3 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 misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of North Hanover, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of North Hanover, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Township Clerk or Zoning Officer, as the case may be, and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer and/or Construction Official (hereinafter “local administrator”), as the case may be, is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

4.3-1 PERMITS REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, and MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Township Joint Land Use Board as established by North Hanover Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Township Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in *N.J.S.A. 40:55D-1 et seq.*
- d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;

- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. 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, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone 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 at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive ;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary

facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- c) Be flood proofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 7.0 ENACTMENT: All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of North Hanover declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

The ordinance shall take effect immediately upon passage and publication according to law.

MAYOR OPENS THE MEETING TO THE PUBLIC

Mayor DeLorenzo opened the meeting to the public. There were no public comments this evening.

MOTION TO CLOSE PUBLIC HEARING

Proposed By: Deputy Mayor DeBaecke

Seconded By: Committeeman Doyle

Vote to Adopt Ordinance 2017-12:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle	X		X			
Committeeman Kocubinski			X			
Committeeman O'Donnell			X			
Mayor DeLorenzo			X			

Mr. Edward Fox, from Burlington County, gave an overview of ordinances 2017-13 and 2017-14. Committeeman Kocubinski and Deputy Mayor DeBaecke asked various questions and Mr. Fox addressed their concerns and after discussion suggested additional amendments. Mayor DeLorenzo offered comments with regards to “employee housing”. Committeeman O’Donnell inquired if this would make it easier for the farmer and Mr. Fox concurred. Mr. Fox noted this was just another tool for preservation and an attempt to come into compliance with laws passed in 2013. He also noted the State of New Jersey informed him that North Hanover Township has one of the best preservation ordinances and that they are used as the model for other Municipalities. Attorney Roselli inquired about the “new” sections and Mr. Fox stated it was part of the new laws of 2013.

ORDINANCE – INTRODUCTION

2017-13 An Ordinance Amending Chapter 16 of the Township of North Hanover Code, County of Burlington, State of New Jersey for Clustering without a Planned Unit Residential Development (PURD) in a R-A Zoning District

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE 2017-13**

AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWNSHIP OF NORTH HANOVER CODE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY FOR CLUSTERING WITHOUT A PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD) IN R-A ZONING DISTRICT

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey that Chapter 16 of the Revised General Ordinances of the Township of North Hanover is hereby amended and supplemented by amending Sections 16-080 and adding a new section 16-082, entitled “Cluster Development” to read as follows [added portions are bolded and underlined; deleted portions have strikethrough]:

Section 1. §16-080 R-A Residential-Agricultural

A. §16-080.1 Principal Permitted Uses

F. Cluster development in accordance with §16-082.

B. §16-080.3 Area and Yard Requirements

A. Requirements for detached single-family dwellings which are part of a conventional subdivision and not part of a planned unit residential development or cluster development:

D. Requirements for farm with single-family residence which is not part of a planned unit residential development or cluster development:

Section 2. §16-082 Cluster Development (New Section)

§16-082 Cluster Development

§16-082.1 Definitions

For purposes of this section:

“Agricultural structures” include, but are not limited to, barns, silos, tool and equipment sheds, farm markets, packing houses and agricultural labor housing.

“Agricultural infrastructure” includes, but is not limited to, irrigation wells and systems, irrigation ponds, fences, drainage ditches and swales, field tile drains, farm roads, and established access to adjoining roads.

“Agricultural restriction” means an “agricultural deed restriction for farmland preservation purposes,” as defined in section 3 of P.L.1983, c.32 (C.4:1C-13).

“Cluster development” means a development with a specified minimum contiguous or noncontiguous acreage of 25 acres or more to be developed, as a single entity, according to a subdivision plan, containing one or more contiguous clusters or noncontiguous clusters and one or more residential uses, as shall be specified in the zoning ordinance.

“Clustered parcel” means a parcel of land that is the subject of contiguous or non-contiguous parcel clustering, where the owner of the parcel is receiving the development potential of the preservation parcel, and on which increased density is allowed.

“Conservation restriction” means a “conservation restriction,” as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

“Contiguous cluster” means contiguous parcels of land developed, as a single entity, according to a subdivision plan, containing a section or sections of those parcels to be developed for residential purposes at a greater concentration of development than authorized within the section or sections under conventional development, in exchange for the permanent preservation of another section or other sections of the parcels as common or public open space or for historic preservation or agricultural purposes, or a combination thereof, while maintaining the same development potential for the parcels combined.

“Density” means the permitted number of dwelling units per gross area of land that is the subject of an application for development, including noncontiguous land.

“Development potential” means the maximum number of dwelling units that may be constructed, without bulk variances or design exceptions, on a specific parcel of land in accordance with the master plan and land use regulations in effect on the date of the adoption of the ordinance authorizing cluster development, as provided in §16-082.4.

“Development restriction” means an agricultural restriction or a conservation restriction.

“Noncontiguous cluster” means noncontiguous parcels of land developed, as a single entity, according to a subdivision plan, containing a section or sections of those parcels to be developed for residential purposes at a greater density than authorized within the section or sections under conventional development, in exchange for the permanent preservation of another section or sections of the parcels as common or public open space, or for historic preservation or agricultural purposes, or a combination thereof, while maintaining the same development potential for the parcels combined.

“Preserved farmland parcel” means a preserved parcel subject to an agricultural restriction.

“Preserved parcel” means a parcel of land that is or has been the subject of contiguous or non-contiguous parcel clustering, whose development potential has been calculated and utilized with an associated clustered parcel in a clustered development and preserved through a development restriction.

§16.082.2 Permitted Principal Uses

A. Clustered parcel:

- 1. Detached single-family dwellings.**

B. Preserved parcel:

- 1. Agricultural uses and farms with no associated residential uses, as provided in an approved agricultural restriction.**
- 2. Agricultural uses and farms with associated residential uses, as provided in an approved agricultural restriction.**
- 3. Open space and passive recreational uses, as provided in an approved conservation restriction.**

§16.082.3. Permitted Accessory Uses

A. Clustered parcel:

- 1. Off-street parking. (See §16-230.)**
- 2. Home occupations, as defined in § 16-060.**
- 3. Other customary accessory buildings and structures, such as pools, sheds, garages, etc.**
- 4. Fences and walls.**
- 5. Signs.**

B. Preserved parcel:

- 1. Accessory uses, including agricultural employee housing, as provided in an approved conservation restriction or agricultural restriction.**

§16-082.4 Determining Development Potential

A. To determine the development potential of the clustered parcel or parcels within a cluster development, the applicant must submit a lot yield plan to the Joint Land Use Board indicating the number of lots that could be developed on the application’s proposed combined clustered and preserved parcels, in accordance with the bulk standards described below, without bulk variances or design exceptions.

B. The lot yield plan shall include the information required in §15-061.3 using the bulk standards in §16-082.4.C. The lot yield plan shall be reviewed and approved in accordance with §15-061.4.

C. Minimum bulk standards for determining residential lot yields. Each individual lot in the lot yield plan must be at least two (2) acres in area, with a maximum of one (1) acre of each lot exhibiting environmentally sensitive lands, as defined in §16.060. It must also meet the following bulk standards:

- 1. Lot area: two (2) to five (5) acres, in accordance with 16-082.4.D.**
- 2. Lot frontage along lot line: 200 feet.**
- 3. Lot width along front yard setback line: 200 feet.**
- 4. Lot depth: 200 feet.**

D. Minimum septic system requirements:

- 1. Lot requirement for single family dwelling and/or any such other uses shall satisfy the following percolation or permeability tests:**

PERMEABILITY

MINIMUM LOT AREA (ACRES) - Depth to Seasonal High Groundwater						
<u>Seasonal High Groundwater Depth</u>	<u>6.0' and Over</u>	<u>5.0' - 5.9'</u>	<u>4.0' - 4.9'</u>	<u>3.0' - 3.9'</u>	<u>2.0' - 2.9'</u>	<u>Less than 2.0'</u>
<u>Permeability Rate (inches per hour)</u>	<u>Minimum Lot Size</u>					
<u>20.000 to 3.01</u>	<u>2.00 acres</u>	<u>2.23 acres</u>	<u>2.53 acres</u>	<u>2.90 acres</u>	<u>3.35 acres</u>	<u>N/A</u>
<u>3.0 to 2.41</u>	<u>2.05 acres</u>	<u>2.28 acres</u>	<u>2.58 acres</u>	<u>2.95 acres</u>	<u>3.40 acres</u>	<u>N/A</u>
<u>2.400 to 2.007</u>	<u>2.14 acres</u>	<u>2.37 acres</u>	<u>2.67 acres</u>	<u>3.04 acres</u>	<u>3.49 acres</u>	<u>N/A</u>
<u>2.000 to 1.1719</u>	<u>2.28 acres</u>	<u>2.51 acres</u>	<u>2.81 acres</u>	<u>3.18 acres</u>	<u>3.63 acres</u>	<u>N/A</u>
<u>1.714 to 1.504</u>	<u>2.46 acres</u>	<u>2.69 acres</u>	<u>2.99 acres</u>	<u>3.36 acres</u>	<u>3.81 acres</u>	<u>N/A</u>
<u>1.500 to 1.336</u>	<u>2.69 acres</u>	<u>2.92 acres</u>	<u>3.22 acres</u>	<u>3.59 acres</u>	<u>4.04 acres</u>	<u>N/A</u>
<u>1.333 to 1.202</u>	<u>2.96 acres</u>	<u>3.19 acres</u>	<u>3.49 acres</u>	<u>3.86 acres</u>	<u>4.31 acres</u>	<u>N/A</u>
<u>1.200 to 1.093</u>	<u>3.28 acres</u>	<u>3.51 acres</u>	<u>3.81 acres</u>	<u>4.18 acres</u>	<u>4.63 acres</u>	<u>N/A</u>
<u>1.090 to 1.001</u>	<u>3.65 acres</u>	<u>3.88 acres</u>	<u>4.18 acres</u>	<u>4.55 acres</u>	<u>5.00 acres</u>	<u>N/A</u>
<u>1 or less</u>	*****NOT ACCEPTABLE*****					
The minimum lot area is determined by the permeability rate and depth to seasonal high groundwater.						

PERCOLATION

MINIMUM LOT AREA (ACRES) - Depth to Seasonal High Groundwater						
<u>Seasonal High Groundwater Depth</u>	<u>6.0' and Over</u>	<u>5.0' - 5.9'</u>	<u>4.0' - 4.9'</u>	<u>3.0' - 3.9'</u>	<u>2.0' - 2.9'</u>	<u>Less than 2.0'</u>
<u>Percolation Rate (minutes per inch)</u>	<u>Minimum Lot Size</u>					
<u>0 to 19.9</u>	<u>2.00 acres</u>	<u>2.23 acres</u>	<u>2.53 acres</u>	<u>2.90 acres</u>	<u>3.35 acres</u>	<u>N/A</u>
<u>20.0 to 24.9</u>	<u>2.05 acres</u>	<u>2.28 acres</u>	<u>2.58 acres</u>	<u>2.95 acres</u>	<u>3.40 acres</u>	<u>N/A</u>
<u>25.0 to 29.9</u>	<u>2.14 acres</u>	<u>2.37 acres</u>	<u>2.67 acres</u>	<u>3.04 acres</u>	<u>3.49 acres</u>	<u>N/A</u>
<u>30.0 to 34.9</u>	<u>2.28 acres</u>	<u>2.51 acres</u>	<u>2.81 acres</u>	<u>3.18 acres</u>	<u>3.63 acres</u>	<u>N/A</u>
<u>35.0 to 39.9</u>	<u>2.46 acres</u>	<u>2.69 acres</u>	<u>2.99 acres</u>	<u>3.36 acres</u>	<u>3.81 acres</u>	<u>N/A</u>
<u>40.0 to 44.9</u>	<u>2.69 acres</u>	<u>2.92 acres</u>	<u>3.22 acres</u>	<u>3.59 acres</u>	<u>4.04 acres</u>	<u>N/A</u>
<u>45.0 to 49.9</u>	<u>2.96 acres</u>	<u>3.19 acres</u>	<u>3.49 acres</u>	<u>3.86 acres</u>	<u>4.31 acres</u>	<u>N/A</u>
<u>50.0 to 54.9</u>	<u>3.28 acres</u>	<u>3.51 acres</u>	<u>3.81 acres</u>	<u>4.18 acres</u>	<u>4.63 acres</u>	<u>N/A</u>
<u>55.0 to 59.9</u>	<u>3.65 acres</u>	<u>3.88 acres</u>	<u>4.18 acres</u>	<u>4.55 acres</u>	<u>5.00 acres</u>	<u>N/A</u>
<u>60.0 or greater</u>	*****NOT ACCEPTABLE*****					
The minimum lot area is determined by the percolation rate and depth to seasonal high groundwater.						

2. Any individual subsurface sewage disposal systems that are designed on lots having a percolation rate greater than or equal to forty (40) minutes per inch or a permeability rate less than 1.0 inches per hour, shall utilize an alternative pressure-dosed sewage disposal system for the disposal and treatment of wastewater.
3. A percolation rate of sixty (60) minutes per inch and greater or a permeability rate less than 1 inch per hour is not acceptable and a depth to seasonal high groundwater of less than two (2) feet is not acceptable.
4. All State standards, specifically New Jersey Department of Environmental Protection standards for the construction of Individual Subsurface Sewage Disposal Systems, shall apply. Any provisions herein that are more stringent than any provisions in the State standards, shall supersede and be applicable.

E. Existing residences, homesteads, and non-migrant agricultural employee housing shall be subtracted from the lot yield of the preserved parcel or parcels. Existing dwelling units that will be razed on contiguous or non-contiguous parcels shall be added to the overall residential lot yield.

§16-082.5 Standards for Preserved Farmland Parcels

- A. Preserved farmland parcels should be assembled in the largest contiguous blocks possible.
- B. Preserved farmland parcels of a cluster development must contain at least 50% of all the prime soils and at least 50% of all the soils of statewide importance in the cluster development or, alternatively, at least 50% of all the Class I soils and at least 50% of all the Class II soils, per the land capability classification system (LCCS) of the U.S. Department of Agriculture's Natural Resources Conservation Service.
- C. Parcels selected as preserved farmland parcels should be nearest to other preserved farmlands or other lands in agricultural use and furthest away from population centers and other developed lands.
- D. It is preferable that preserved farmland parcels, and not clustered parcels, be in any Joint Base McGuire-Dix-Lakehurst flight hazard areas.
- E. All other factors being equal:
 1. Parcels with existing agricultural structures and/or agricultural infrastructure, which can materially contribute to agricultural viability, should be selected for preservation.
 2. Parcels with a water source should be selected for preservation over those without a water source.

§16-082.6 Area, Yard and Bulk Requirements for Clustered Parcels

The total area of all clustered parcels shall be no more than 50% of the total area of all proposed clustered and preserved parcels combined and meet the following requirements:

- A. Minimum lot area:
 1. Lot area: one (1) acre.
 2. Lot frontage along lot line: 100 feet.
 3. Lot width along front yard setback: 100 feet.
 4. Lot depth: 100 feet.
- B. Minimum principal building setbacks:
 1. Front yard setback: 35 feet and 100% of units constructed in each block must have the same build-to-line.
 2. Rear yard setback: 30 feet.
 3. Each side yard: 15 feet.
- C. Minimum accessory building setbacks:
 1. Front yard setback: See 16-082.6.B.1.
 2. Rear yard setback: 10 feet.
 3. Each side yard: 10 feet.
- D. Maximum building height: 35 feet.

E. Maximum total building coverage: 10,000 square feet.

F. Maximum total impervious coverage: 30%.

§16-082.7 Area, Yard and Bulk Requirements for Uses on Preserved Parcels

The total area of all preserved parcels shall be no less than 50% of the total area of all proposed clustered and preserved parcels combined and meet the following requirements:

A. Agricultural uses and farms with no associated residential uses:

1. Minimum lot area:

- a. Lot area: five (5) acres.
- b. Lot frontage along lot line: 200 feet.
- c. Lot width along front yard setback: 200 feet.
- d. Lot depth: 400 feet.

2. Minimum setbacks for farm buildings and structures: See §16-080.3C.

B. Agricultural uses and farms with associated residential uses:

1. Minimum lot area:

- a. Lot area: six (6) acres.
- b. Lot frontage along lot line: 200 feet.
- c. Lot width along front yard setback: 200 feet.
- d. Lot depth: 400 feet.

2. Minimum principal building setbacks:

- a. Front yard setback: 100 feet.
- b. Rear yard setback: 100 feet
- c. Each side yard: 15 feet

3. Minimum accessory building setbacks:

- a. Front yard setback: 100 Feet.
- b. Rear yard setback: 75 feet
- c. Each side yard: 50 feet

4. Minimum setbacks for farm buildings and structures: See §16-080.3C.

5. Maximum total building coverage: 20%.

6. Agricultural employee housing (See §16-250.6.R.)

C. Open space and passive recreation uses:

1. None

§16-082.8 Development Restrictions

A. A development restriction shall provide for the permanent protection of preserved parcels proposed to be preserved as public open space or common open space or as agricultural land, in accordance with the provisions set forth in this section.

B. Land preserved through a development restriction may remain in private ownership, permanently preserved by means of a deed of easement dedicated to the Township. The Township Committee may convey or authorize conveyance of the development restriction by ordinance to Burlington County, the State of New Jersey or another qualified public agency or non-profit open space conservation or farmland preservation organization which has a commitment to administer and enforce the terms of the development restriction.

C. Land identified for preservation as public open space shall be conveyed or dedicated by a conservation restriction. The conservation restriction shall be as set forth in a conservation restriction template prepared by the Department of Environmental Protection for this purpose.

- D. Land identified for preservation as common open space shall be conveyed or dedicated by a conservation restriction and administered by an open space organization, as provided by C.40:55D-43.**
- E. Land identified for preservation as agricultural land shall be conveyed or dedicated by an agricultural restriction. The agricultural restriction shall be as set forth in a template prepared by the State Agriculture Development Committee for this purpose or obtain approval of the agricultural restriction from the State Agriculture Development Committee. In the case of future conveyance of the agricultural restriction, the Burlington County Agricultural Development Board shall determine whether the proposed future holder of the deed of easement is qualified to administer and enforce the terms of the agricultural restriction.**
 - 1. Agricultural land subject to an approved agricultural restriction shall be provided the right to farm benefits under the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and other benefits that may be provided pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).**
- F. Any development restriction shall be recorded in the office of the Burlington County Clerk contemporaneously with the filing of the first subdivision plan for development on a clustered parcel. Final subdivision plans will not be signed by Township officials until the developer delivers to the Township a fully executed, duly authorized deed of easement, in the applicable form described above, together with the cost of recording same. The administrative officer shall be responsible for recording.**
- G. Any development restriction shall be expressly enforceable by the development restriction deed of easement holder or holders, as set forth in the development restriction.**

Section 3. INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

Section 5. COPIES OF ORDINANCE

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

Section 6. NOTICE

The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon

**Motion was made to rescind the original introduction by Committeeman Kocubinski; seconded by Committeeman O'Donnell and all were in favor. The purpose was to add an amendment. **

MOTION TO INTRODUCE with amendments

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski	X		X			
Committeeman O'Donnell			X			
Mayor DeLorenzo			X			

SET PUBLIC HEARING FOR OCTOBER 19, 2017 AT 7:00 P.M.

ORDINANCE – INTRODUCTION

2017-14 An Ordinance Amending Chapter 15 and Chapter 16 of the Township of North Hanover Code, County of Burlington, State of New Jersey for Clustering with a Planned Unit Residential Development (PURD) in a R-A Zoning District

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE 2017-14**

**AN ORDINANCE AMENDING CHAPTER 15 AND CHAPTER 16 OF THE TOWNSHIP
OF NORTH HANOVER CODE, COUNTY OF BURLINGTON, STATE OF NEW
JERSEY FOR CLUSTERING
WITH A PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD) IN R-A ZONING
DISTRICT**

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey that Chapter 15 and Chapter 16 of the Revised General Ordinances of the Township of North Hanover is hereby amended and supplemented by amending Section 16-060 and Section 15-061 to read as follows [added portions are bolded and underlined; deleted portions have strikethrough]:

Section 1. §16-060 Definitions

Planned Unit residential Development – An area with a minimum contiguous or non-contiguous acreage of 100 ~~25~~ acres to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial, or quasi-public uses all primarily for the benefit of the residential development.

Section 2. Amendments to §16.081

§16.081.3 Principal Permitted Uses in a Planned Unit Residential Development.

1. Clustered Parcel
 - a. Detached single-family dwellings
2. Preserved Farmland Parcel
 - ~~a. Agricultural uses and farms as defined in §16-060.~~
 - ~~b. Farms and detached single family dwellings.~~
 - ~~c. Homesteads as defined in §16.060.~~
 - a. Agricultural uses and farms with no associated residential uses, as provided in an approved agricultural restriction.
 - b. Agricultural uses and farms with associated residential uses, as provided in an approved agricultural restriction.
 - c. Open space and passive recreational uses, as provided in an approved conservation restriction.

§16.081.4. Accessory Uses Permitted.

1. Clustered Parcel
 - a. Off-street parking (see §16-230).
 - b. Home occupations, as defined in § 16-060.
 - c. Other customary accessory buildings and structures such as pools, sheds, garages, etc.
 - d. Fences and walls
 - e. Signs
2. Preserved Farmland Parcel
 - ~~a. Farm stands and related off-street parking associated with farms.~~

~~Travel and camper trailers shall be parked or stored only. They may not be occupied at any time, except in accordance with the provisions of §4-040.~~

- a. Accessory uses, including Agricultural employee housing, as provided in an approved conservation restriction or agricultural restriction.

16-081.5 – Conditional Uses

Notwithstanding the provisions of §16-250.4 only the following conditional uses are permitted in planned unit residential developments.

~~A. Preserved Farmland Parcel~~

- ~~1. Bed and Breakfast~~
- ~~2. Farm Equipment sales, new and used farm equipment, sales and dealers and farm supply~~
- ~~3. Kennel~~
- ~~4. Veterinary offices and animal hospitals~~
- ~~5. Agricultural employee housing~~

~~B. Clustered Parcel~~

~~None~~

Section 3. §15-061.7 Standards for Preserved Farmland Parcels

C.2 Land identified for preservation as agricultural land shall be conveyed or dedicated by an agricultural restriction. The agricultural restriction shall be as set forth in a template prepared by the State Agriculture Development Committee for this purpose or obtain approval of the agricultural restriction from the State Agriculture Development Committee. In the case of future conveyance of the agricultural restriction, the Burlington County Agricultural Development Board shall determine whether the proposed future holder of the deed of easement is qualified to administer and enforce the terms of the agricultural restriction.

- 2. **Agricultural land subject to an approved agricultural restriction shall be provided the right to farm benefits under the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and other benefits that may be provided pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).**

Section 4. INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

Section 6. COPIES OF ORDINANCE

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

Section 7. NOTICE

The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the Township Tax Assessor.

MOTION TO INTRODUCE as amended

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

SET PUBLIC HEARING FOR OCTOBER 19, 2017 AT 7:00 P.M.

CONSENT AGENDA DEFINED:

All Resolutions listed on today's consent agenda are to be considered as one vote by Township Committee and will be enacted by one motion. There will be no discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

2017-139 Resolution Authorizing Refund of Overpayment of Taxes

**RESOLUTION 2017-139
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of North Hanover that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2017 taxes, in the amount of \$1,550.46 to John & Amanda McIntyre, for Block 401 Lot 16 commonly known as 13 Myron Boulevard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			
Mayor DeLorenzo			X			

2017-140 Resolution Authorizing the Refund of Tax Sale Premium

**RESOLUTION#2017-140
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

**A RESOLUTION AUTHORIZING THE REFUND
OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate#14-00006 was redeemed on September 14, 2017, in the amount of \$165,852.28.

WHEREAS, US Bank Cust/Empire VI paid tax sale premium, in the amount of \$80,600.00, for said lien.

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of North Hanover that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$80,600.00 to US Bank Cust/Empire VI ; for Lien 14-00006, Block 800 Lot 68, commonly known as 42 Meany Road.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			

Committeeman O'Donnell		X	X			
Mayor DeLorenzo			X			

NON-CONSENT AGENDA

2017-141 Resolution Authorizing An Extension to Contract By and Between the Township of North Hanover and A Cut Above the Rest for the Provision of Snow Removal Services within the Township of North Hanover

**RESOLUTION 2017-141
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

**RESOLUTION AUTHORIZING AN EXTENSION TO CONTRACT
BY AND BETWEEN THE TOWNSHIP OF NORTH HANOVER AND
A CUT ABOVE THE REST FOR THE PROVISION OF SNOW REMOVAL SERVICES
WITHIN THE TOWNSHIP OF NORTH HANOVER**

WHEREAS, the Township of North Hanover (hereinafter “Township”) previously awarded by way of public bid by way of Resolution No. 2016-156 adopted November 3, 2016, a contract (hereinafter “Contract”) to A Cut Above The Rest having an address at 837 Route 524, Allentown, NJ 08501 (hereinafter “Contractor”) for the provision of snow removal services for the Township’s streets, roadways and other Township property for an initial term of November 15, 2016 to November 14, 2017; and

WHEREAS, pursuant to the terms of the initial Contract and the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the term of the Contract can be extended by the Township for up to two (2), one-year additional terms, under the same terms and conditions of the awarded contract, including price, unless a different price is accepted by the Township Committee in accordance with the requirements of the New Jersey Local Public Contracts Law; and

WHEREAS, the Township Committee hereby finds that the services being provided by the Contractor are being performed in an effective and efficient manner; and

WHEREAS, in accordance with the paragraph IV of the Contract, the Township wishes to extend the term of the Contract for an initial one year term, commencing November 15, 2017 and terminating November 15, 2018, under the same terms and conditions, in effect under the contract of the November 15, 2016 until November 14, 2017 Contract; and

WHEREAS, the Contractor has consented to the extension of the Contract under the same terms and conditions of the 2016/2017 contract, which was set forth in an agreement executed by the parties and the following prices:

- \$200 per hour when utilizing tractor
- \$200 per hour when utilizing Dump truck, spreader & plow
- \$200 per hour when utilizing pick-up truck
- \$75.00 per hour for operator

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey that it does hereby authorize an initial one year extension to the Contract with A Cut Above The Rest having an address at 837 Route 524, Allentown, NJ 08501 by extending the term of the contract for an additional one year term; with the contract prices as set forth herein above, requiring the

Contractor to utilize light duty vehicles, i.e. pick-up trucks and dump trucks, for light snow falls measuring 4 inches or less, with all other terms and conditions of the contract remaining the same.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to A Cut Above The Rest.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke			X			
Committeeman Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

2017-142 Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act

**RESOLUTION 2017-142
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

**RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS
REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS
ACT**

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke			X			
Committeeman Doyle	X		X			
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			
Mayor DeLorenzo			X			

DISCUSSION

- Surplus Police Vehicles

Clerk Picariello reviewed the Chief of Police report with regards to surplus vehicles due to replacements. There was a general consensus to table any decision until values of the vehicles could be determined. The Committee would also like to know an amount that the vendor would be willing to give for the 2 white cars currently out of service.

TOWNSHIP COMMITTEE “COMMENTS”

Committeeman Kocubinski reminded everyone that the family movie night was September 22nd. He also mentioned the League conference. Mayor DeLorenzo inquired as to who was going. Clerk Picariello informed the Mayor that currently only Committeeman O’Donnell was enrolled. Mayor DeLorenzo noted the travel, importance and noted a one night hotel stay would be acceptable and asked to check with the CFO if there was funding available. There was a general consensus to allow this. Mayor DeLorenzo told the Committee to notify the Clerk by Tuesday.

Committeeman O’Donnell noted another fire in the Township.

Deputy Mayor DeBaecke stated the movie night is a great time.

Mayor DeLorenzo concurred and stated the Senior Citizen picnic was well attended and was a great time. He said the Committee members participated.

PUBLIC PARTICIPATION

Questions, comments or statements from members of the public in attendance.

Mayor DeLorenzo opened the meeting to the public.

Mr. Gary White – 289 Old Tote Road, Mountainside – Mr. White gave an overview of the disease Fibrodysplasia Ossificans Progressiva. He asked for the Township Committee’s consideration in passing a Resolution in support of this research. There was a general consensus to move forward.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Committeeman O’Donnell
 Seconded By: Committeeman Doyle

EXECUTIVE SESSION RESOLUTION

2017-143 Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12; 2015 Road Improvement Program Contract One Potential Litigation Matter, Potential TRANSCO Litigation Matter, Professional Services Contract Matter, Contract Matters, Personnel and Litigation matters

**RESOLUTION 2017-143
 TOWNSHIP OF NORTH HANOVER
 COUNTY OF BURLINGTON**

AUTHORIZING A CLOSED SESSION MEETING

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of North Hanover Township wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Township Committee to discuss certain matter(s) in private, and in this case for the purpose of the Township Committee to discuss contract negotiations, litigation and personnel matters in this regard.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of North Hanover Township that it will go into an Executive Session for the purpose of the Township Committee to discuss 2015 Road Improvement Program Contract One Potential Litigation, Professional Services Contract Matter, Potential TRANSCO Litigation Matter, Contract Matters, Litigation and Personnel matters.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Township Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke			X			
Committeeman Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O’Donnell	X		X			
Mayor DeLorenzo			X			

BACK TO PUBLIC SESSION

MOTION TO ADJOURN

9:26 pm

Proposed By: Committeeman O’Donnell
 Seconded By: Deputy Mayor DeBaecke

Respectively submitted,

MaryAlice Picariello, RMC/CMR/CTC

Township Clerk