

**NORTH HANOVER TOWNSHIP  
TOWNSHIP COMMITTEE MEETING MINUTES  
September 7, 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: Deputy Mayor DeBaecke

Seconded By: Committeeman Doyle

**REVIEW OF CORRESPONDENCE**

Clerk Picariello reviewed the following items.

1. Burlington County Department of Solid Waste global recycling issue

Mayor DeLorenzo stated he would attend the tour. The other Committee members stated they would check their schedules and let Clerk Picariello know their availability.

2. North Hanover Township Summer Recreation

**ENGINEER'S REPORT**

Engineer Hirsh reported the Burlington County Park grants will be announced at their October meeting. He reviewed the bids received for the Provinceline Road Contract.

**MINUTES FOR APPROVAL**

- August 17, 2017 – Regular Meeting

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	

**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**

2017-11 An Ordinance of the Township of North Hanover, Burlington County Establishing Four (4) Ton Weight Limit on Certain Roadways within the Township of North Hanover

**COUNTY OF BURLINGTON  
TOWNSHIP OF NORTH HANOVER  
ORDINANCE 2017- 11**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, EXCLUDING VEHICLES OVER DESIGNATED WEIGHT FROM CERTAIN STREETS WITHIN THE TOWNSHIP AND TO MAKE CERTAIN EXCEPTIONS**

**NOW, THEREFORE**, be it ordained by the Township Committee of the Township of North Hanover, in the County of Burlington, New Jersey as follows:

**SECTION 1: PURPOSE**

The purpose of this Ordinance is to exclude vehicles over designated weight from certain streets within the Township and to make exceptions for trucks making local pick up or deliveries of merchandise or other property along such streets, trucks used by public utility companies in connection with the construction, installations, operation or maintenance of public utility facilities, the Township, the County of Burlington or the State of New Jersey in connection with the maintenance or snowplowing of roads in the Township, including trucks furnishing materials for said maintenance or snowplowing or in connection with Burlington County’s collection of recyclable materials, any Police or Fire Department or Board of Education in the performance of its duties, and any persons engaged in the collection of residential garbage.

**SECTION 2: ORDINANCE**

A. Vehicles having a total combined gross weight of vehicle and load in excess of four (4) tons are hereby excluded from the following streets or parts of streets set forth herein:

NAME OF STREET	LOCATION
Jones Mill Road	Entire Length

Streeker Road

Entire Length

Larrison Road

Entire Length

B. Nothing in this article shall be construed to prohibit the minimum use of said Township roads by a truck whose combined gross weight of vehicle and load in excess of four (4) tons where such is necessary for the following purposes relating to premises abutting the Township roads identified herein or to exclude from the roads identified herein, any vehicle used for:

- (1) Vehicles making local pick-up or deliveries of merchandise or other property along such roads;
- (2) Public utility companies in connection with the construction, installation, operation or maintenance of public utility facilities in the Township;
- (3) The Township, the County of Burlington or the State of New Jersey in connection with the maintenance or snowplowing of roads, including trucks furnishing materials for said maintenance or snowplowing or in connection with the County of Burlington or Township's collection of recyclable materials;
- (4) Any Police or Fire Department or Board of Education vehicle in the performance of its duties; or
- (5) Any persons or company engaged in the collection of residential garbage.

SECTION 4. In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of ordinance, which are hereby declared to be severable.

SECTION 5. All ordinance or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect immediately after final 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 O'Donnell

**MOTION TO ADOPT ORDINANCE 2017-11**

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

**ORDINANCE – INTRODUCTION**

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 it's 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.

**Flood proofing** — 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 flood proofed.
- c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing 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 flood proofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the flood proofing 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.

**MOTION TO INTRODUCE**

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 SEPTEMBER 21, 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.

2017-134 Resolution Authorizing the Refund of Tax Sale Premium Due to Third Party Foreclosure

**RESOLUTION# 2017-134  
TOWNSHIP OF NORTH HANOVER  
COUNTY OF BURLINGTON**

**A RESOLUTION AUTHORIZING THE REFUND  
OF TAX SALE PREMIUM DUE TO THIRD PARTY FORECLOSURE**

**WHEREAS,** Tax Sale Certificate#13-00001 was foreclosed on April 26, 2017 by PCIII Reo, LLC.

**WHEREAS,** US Bank Cust for Pro Capital III, LLC paid tax sale premium, in the amount of \$3,000.00, 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 \$3,000.00 to the North Hanover Township Treasurer; for Lien 13-00001, Block 301 Lot 13, commonly known as 162 Jacobstown-Arneytown Road.

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			

2017-135 Resolution Authorizing Refund of Overpayment of Taxes

**RESOLUTION 2017-135  
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



**NON-CONSENT AGENDA**

2017-137 Resolution Awarding Bid and Contract for 2017 Road Improvement Program Contract Two and Alternate Bid No. One for the Reconstruction of Provinceline Road

**Committeeman Doyle made a motion and seconded by Deputy Mayor DeBaecke to table Resolution 2017-137 until a later meeting. All were in favor by a voice vote.**

**DISCUSSION**

- Snow Contract Expiration

Deputy Mayor DeBaecke informed the Township Committee the contract was expiring. He noted his discussions with the contractor’s willingness to extend. There was a general consensus to extend for an additional one year term. The Resolution will be listed at a later meeting.

**TOWNSHIP COMMITTEE “COMMENTS”**

Committeeman Kocubinski inquired with Attorney Roselli concerning a residents concern regarding FIOS. Attorney Roselli noted they have state approval. He noted the Recreation Advisory Committee was looking into a “Trunk or Treat” event. He also stated the Committee would make a comment at the Movie Night regarding the park improvements.

Committeeman O’Donnell noted the Soccer fields were in great shape and looks the best he has seen in a long time. He also stated the JVFC has been working a lot and doing a great job.

Committeeman Doyle expressed that the Summer Recreation Program is a great program and would like to see it continue. Committeeman Kocubinski would be setting up a meeting to determine what is needed. He noted the Schools would probably not contribute. Deputy Mayor DeBaecke noted the schools receive base funding and base children participate.

Deputy Mayor DeBaecke noted the leaf collection will be taking place this December. He also noted that based on a complaint from a resident the County would be placing proper signage at the intersection of Monmouth and Jacobstown-Cookstown Road.

Mayor DeLorenzo thanked Committeeman O’Donnell for running the last meeting and doing a great job.

**PUBLIC PARTICIPATION**

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

Mayor DeLorenzo opened the meeting to the public.

Mr. Wayne Voorhees, President JVFC – He thanked Committeeman O’Donnell for the kind words. He also thanked Clerk Picariello for her work on the Coin Toss over Labor Day weekend. He stated they raised \$2,700.00.

**MOTION TO CLOSE PUBLIC COMMENT**

Proposed By: Deputy Mayor DeBaecke

Seconded By: Committeeman Doyle

**EXECUTIVE SESSION RESOLUTION**

2017-138 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 Contract I, Potential Litigation Matter, Personnel Matters, Contract Negotiation Matters, and Litigation matters

**RESOLUTION 2017-138  
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 Contract I, Potential Litigation, 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	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

**BACK TO PUBLIC SESSION**

**MOTION TO ADJOURN**

**8:13 pm**

Proposed By: Committeeman O'Donnell  
 Seconded By: Committeeman Kocubinski

***Respectively submitted,***

\_\_\_\_\_  
***MaryAlice Picariello, RMC/CMR/CTC***  
***Township Clerk***