

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, AUGUST 6, 2019**

**(Revised 8-2-19)**

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE WORK SESSION MEETING  
MUNICIPAL COURT ROOM  
TUESDAY, AUGUST 6, 2019 - 7:00 P.M.**

1. 7:00 pm Work Session Meeting called to order by Mayor Thomas J. Madigan
2. Roll call of Township Committee
3. Reading of "Open Work Session" statement by Mrs. Santimauro
4. Confirm Finance Committee has reviewed, and signed vouchers and that Mayor and Municipal Clerk have signed any necessary documents
5. Ten Minute public comment period, two (2) minutes per speaker for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Township of Wyckoff.
6. Review of 8:00 p.m. Business Meeting Agenda – Administrator
7. Review of Policy Action Items – Administrator
8.
  - a. Report of Township Committee
  - b. Report of Administrator
  - c. Report of Attorney
9. Recess Work Session Meeting to conduct 8:00 pm Business Meeting
10. Reconvene Work Session Meeting
11. Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL WORK SESSION MEETINGS  
AND ALL TOWNSHIP COMMITTEE BUSINESS MEETINGS**

**FORMAL ACTION MAY BE TAKEN AT THIS WORK SESSION**

**NOTICE TO PUBLIC**

As a visitor attending this public meeting, your presence and attendance may be recorded. By remaining in the Court Room during the meeting, it is assumed your consent is given for your image to be broadcast.

There may be situations where, due to technical difficulties, live streaming or the recording of a meeting may not be available. The Township shall not be responsible for and accepts no liability if the recording or live video streaming of the meeting is unavailable.

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TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
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**TOWNSHIP COMMITTEE BUSINESS MEETING  
MUNICIPAL COURT ROOM  
TUESDAY, AUGUST 6, 2019 - 8:00 PM**

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Thomas J. Madigan
2. Flag Salute
3. Moment of Silence
4. Invocation by Reverend Fred Provencher from Cornerstone Church
5. Reading of the "Open Public Meetings Act" statement by Mrs. Santimauro
6. Roll call of the Township Committee
7. Public Comment period, five (5) minutes per speaker for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Township of Wyckoff.
8. Approval of the July 16, 2019 Township Committee Work Session and Regular Business meeting minutes:

MOTION: SCANLAN SECOND RUBENSTEIN  
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

9. **Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:

**I Resolutions (Adoption of the following):**

- |         |  |
|---------|--|
| #19-256 | Establish Lien – Block 316 Lot 61 –<br>386 Brownstone Court                            |
| #19-257 | Re-Invoke Title 59 Plan and Design Immunity  |
| #19-258 | Authorize Tax Sale Certificate #18-00003 –<br>Block 268 Lot 3 – 90 Harding Road        |
| #19-259 | Payment of Bills   |
| #19-260 | Authorize Professional Engineering, Land<br>Surveying and Legal Expenses               |
| #19-261 | Cancellation of Sewer Bill for 11 ½ Wyckoff Avenue<br>Account #5326 – Block 491/Lot 10 |
| #19-C11 | Closed Session – Pending Litigation  |

**II Motions**

- a. Approve Special Event request from Christian Health Care Center for annual Antique Car Show and ten (10) day temporary banner advertising the car show.
- b. Waive building permit fee as requested by the PTO Economy Shop for a POD.
- c. Authorize ten (10) day temporary sign request from the Wyckoff Family YMCA to advertise their annual Buddy Walk scheduled for October 5, 2019.
- d. Authorize the placement of POD in first parking space closest to  
PTO Economy Shop for one (1) month.

- ### **III Ordinance – Introduction**

#1884 - AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 157, "SEWERS", TO REDUCE THE TIME PERIOD A PROPERTY OWNER HAS TO CONNECT TO AN AVAILABLE SANITARY SEWER AND TO REQUIRE CONNECTION TO SANITARY SEWERS WHEN A REAL PROPERTY TRANSFER OCCURS PRIOR TO OBTAINING A CERTIFICATE OF CONTINUED OCCUPANCY FOR SAID PROPERTY

#1885 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY RESIDENTIAL ZONE AND ONE NEW OVERLAY ZONE WITH RESPECT TO LOT 10.02 AND A PORTION OF LOT 11 IN BLOCK 320 CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

MOTION: SCANLAN SECOND BOONSTRA  
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

#### **IV Resolutions (Not On Consent Agenda)**

- #19-262 Township of Wyckoff Policy of Inclusiveness  
#19-263 Policy on new Flag Pole and Government Speech

MOTION: RUBENSTEIN SECOND SCANLAN  
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

**V** Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL TOWNSHIP COMMITTEE  
WORK SESSION MEETINGS AND ALL TOWNSHIP COMMITTEE REGULAR  
MEETINGS**

**FORMAL ACTION MAY BE TAKEN DURING THIS MEETING**  
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Mayor Thomas J. Madigan called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 8:15 pm.

**Flag Salute**

The Township Committee proceeded with the Pledge of Allegiance led by Tara Lamorgese.

**Moment of Silence**

Mayor Madigan extended a Moment of Silence for victims who lost their lives in the mass shootings in Dayton, Ohio and El Paso, Texas.

**Invocation**

The Invocation was given by Reverend Fred Provencher from Cornerstone Church.

**Attendance**

**Township Committee Present:** Mayor Thomas J. Madigan; Committee Present: Rudolf E. Boonstra, Melissa D. Rubenstein, Brian D. Scanlan and Timothy E. Shanley

**Staff Present:** Robert J. Shannon, Jr., Township Administrator/Deputy Municipal Clerk, Township Attorney Robert Landel and Thomas Garlick, Esq. and Nancy Cole, Executive Assistant.

**Staff Absent:** Joyce C. Santimauro, Municipal Clerk

**Open Public Meeting Act Statement**

Deputy Municipal Clerk Shannon read the “Open Public Meeting Act” Statement: “This regular meeting of the Township Committee of the Township of Wyckoff is now in session. In accordance with the provisions of Section 8 of the Open Public Meetings Act, I wish to advise that notice of this meeting has been posted in the lower level of the Memorial Town Hall and that a copy of the schedule of meetings has also been filed with the Township Clerk, and copies of this agenda and the annual notice of meetings, of which this is a part, have been heretofore sent to the Ridgewood News, The Record, and The North Jersey Herald and News all papers with general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers.”

**Meeting Open for Public Comment**

Committeeman Shanley made a motion to open the meeting for Public Comment; Seconded by Committeeman Scanlan. All voted in favor.

No one came forward to speak.

Committeeman Shanley made a motion to close the public comment time of the regular business meeting; Seconded by Committeeman Scanlan with an affirmative vote.

Approval of the July 16, 2019 Township Committee Work Session and Regular Business meeting minutes:

MOTION: SCANLAN SECOND RUBENSTEIN  
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

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**Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:

**I      Resolutions (Adoption of the following):**

**#19-256      Establish Lien – Bock 319 Lot 61 - 386 Brownstone Court**

**WHEREAS**, the residential home and land at 386 Brownstone Ct, Block 316/Lot 61 is owned by Mark & Melissa Andreotti; and,

**WHEREAS**, the Township Committee of the Township of Wyckoff has established a property maintenance code known as Chapter 152 of the Code of the Township of Wyckoff; and,

**WHEREAS**, all the owners of property in the Township of Wyckoff are required to comply with the provisions in Chapter 152 of the Code of the Township of Wyckoff; and,

**WHEREAS**, adjacent property owners and neighbors have brought property maintenance violations to the attention of the Zoning Administrator and the Zoning Administrator has issued an abatement notice in compliance with Chapter 152 to the owner and mortgagee of 386 Brownstone Ct. The Zoning Administrator has attempted to obtain compliance through letters and telephone calls as detailed on the attached certification with the result that the owner and mortgagee have failed to abate the violations enumerated in the abatement notice; and,

**WHEREAS**, the property owner has the duty to remove the violations after notice has been issued; and,

**WHEREAS**, the Zoning Administrator has filed a certification dated July 15, 2019 (attached as if set forth at length) in compliance with Chapter 152 which certifies the cost of \$ 450.00 as the verified charge to abate certain violations; and,

**WHEREAS**, the attached certificate with attachments is presented to the Township Committee for their examination and if found correct, to be charged against the lands upon which the violation existed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they have examined the certification dated June 10, 2019 from the Zoning Administrator and find it to be correct and the cost of \$2,175.00 to be charged against the land, namely Block 316/Lot 61, known as 386 Brownstone Ct. as a lien on the property for the cost to abate the property maintenance violation.

**BE IT FURTHER RESOLVED**, that the amount of \$ 450.00 charged shall become a lien upon such lands and shall be added to and become, in form, part of the taxes next to be assessed and levied upon Block 316 Lot 61, 386 Brownstone Ct. This amount shall bear interest at the same rate as taxes and shall be collected and enforced by the Tax Collector and in the same manner as taxes.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall provide a certified copy of this resolution and certification to the property owner, the Wyckoff Tax Collector, and the Zoning Administrator.

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**#19-257      Re-Invoke Title 59 Plan and Design Immunity**

**WHEREAS**, the Township Committee of the Township of Wyckoff awarded a contract for the replacement of a “Playworld Playground” slide activity from the manufacturer’s authorized representative, and

**WHEREAS**, the attached letter (attached as if set forth at length) from Ely Associates, Inc., the authorized representative for Playworld Playgrounds, dated 07/15/19 explains the process of replacing a slide activity and states that the replacement slide was “inspected and installed properly” by the authorized representative; and

**WHEREAS**, the aforementioned letter further states that “both slides are properly installed up to current safety standards and per the manufacturer’s installation instructions; and

**WHEREAS**, this resolution supplements resolution number 2006-80 which was adopted after the playground was purchased and installed by manufacturer’s installation representatives; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that the governing body of the Township of Wyckoff approves the final “as built” condition of the Wyckoff Community Playground located in Memorial Field, 340 Franklin Avenue, Wyckoff New Jersey, in accordance with the installation of a “new ZZPM2696 Playmakers 72 inch glide slide” and the Township Committee invokes Title 59 defenses.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be placed in the Recreation Director’s office file together with one (1) copy of the successful vendor’s purchase order with a notation referring to the resolution of approval placed thereon.

**#19-258      Authorize Tax Sale Certificate #18-0003 – Block 268 Lot 3 - 90 Harding Road**

**WHEREAS**, the Tax Collector of the Township of Wyckoff has previously determined that there was due and owing to the Township of Wyckoff outstanding tax and interest for tax year 2018 on Block 268/Lot 3, aka 90 Harding Road, within the Township of Wyckoff, County of Bergen, State of New Jersey; in the amount of \$5,788.29 and;

**WHEREAS**, on the 25th day of October 2018, the Township of Wyckoff executed a “Certificate of Sale of Unpaid Municipal Liens” hereinafter referred to as a Tax Sale Certificate #18-00003 on the above-described property in the amount above-recited; and,

**WHEREAS**, said Tax Sale Certificate was purchased by R. Rothman, 411 Grand Avenue, Englewood, NJ 07631; and,

**WHEREAS**, subsequent to the execution and filing of said Tax Sale Certificate and prior to the commencement of foreclosure proceedings against the property owner’s right to redemption of said Tax Sale Certificate, the mortgagor has paid to the Tax Collector of the Township of Wyckoff any and all charges deemed due and owing on the above-described property and the property owner is therefore entitled to a redemption of said Tax Sale Certificate pursuant to N.J.S.A. 54:5-55.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, that the Tax Collector be, and the same is hereby authorized and directed to cancel and endorse Tax Sale Certificate 18-00003 for redemption and make refund in the amount of \$5,788.29 being lien amount of \$525.28 subsequent taxes, and interest in the amount of \$5198.01 recording fees in the amount of \$65.00 to R. Rothman, and deliver said Tax Sale Certificate to the mortgagor for cancellation with the County Clerk in accordance with N.J.S.A. 54:5-55.

**#19-259      Payment of Bills**

**WHEREAS**, the Township of Wyckoff is a municipality in the State of New Jersey operating under the authority from NJSA 40A:63-1 et seq; and,

**WHEREAS**, the Township of Wyckoff has received vouchers in claim for payment of materials supplied and/or services rendered; and,

**WHEREAS**, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and,

**WHEREAS**, the Township Committee has a practice of each Township Committee member participating in the reviewing and signing of vouchers; and,

**WHEREAS**, the vouchers which comprise this bill list have been reviewed and signed by two (2) Township Committee members and they have found them to in order; and,

**WHEREAS**, the Township Treasurer has certified that sufficient funds are available for payment of said vouchers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff that the action of the said Finance Committee be approved; and, that the payments of these bills are hereby authorized and the Chief Financial Officer is directed to issue checks for their payments as listed on the bill list attached to this date's meeting minutes and covered by checks no. 18297 – 18388 Payroll A/C, Voided Payroll check no. 18255, Direct Deposit Vouchers no. 11536 - 11595, Library Payroll check nos. 1430 & 1431, Library Direct Deposit Vouchers no. 4849 - 4879, Claims Wire nos. 190801, 190802 & 190803, check nos. 1106, 1107 & 1108 Accutrack A/C, Claims check nos. 081640 – 081753 and Trs. Dog Trust - \$1,525.82.

**#19-260      Authorize Professional Engineering, Land Surveying and Legal Expenses**

**WHEREAS**, Warner W. Brackett created a 12.8-acre parcel known as "The Gardens at Wyckoff" a nature sanctuary, at Block 203 Lot 1.02; and,

**WHEREAS**, Warner W. Brackett donated this 12.8-acre parcel to the Township of Wyckoff as open space to be used as passive recreation by Wyckoff residents and guests; and,

**WHEREAS**, the adjacent owner is Timothy Brackett, Son of Warner W. Brackett who has requested that the driveway for his adjacent lot (Block 203 Lot 1.03) be removed from the Gardens at Wyckoff property via a land swap; and,

**WHEREAS**, Mr. Brackett desires to sell his property Block 203 Lot 1.03 and the Township may not be able to establish a similar cooperative and positive relationship with new owners; and,



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**WHEREAS**, the Township of Wyckoff Certified Public Works Manager has recommended removing the driveway from Township property in exchange for receiving property which includes the operation of a small weir that controls the water level in the pond on the Gardens of Wyckoff parcel in an area known as the peninsula; and,

**WHEREAS**, Mr. Brackett's request has been reviewed and a subcommittee recommends a land swap which provides the Township of Wyckoff more land than it transfers and area to access and control the weir in addition to enlarging the Gardens at Wyckoff nature sanctuary with the area known as the peninsula; and,

**WHEREAS**, Wyckoff residents and their guests have enjoyed the Gardens at Wyckoff since it was donated on October 8, 1993; and,

**WHEREAS**, in order to accomplish this proposed land swap professional engineering, land surveying and legal services are required to submit a subdivision application to the Planning Board; and,

**WHEREAS**, the Township Committee believes implementing this land swap will contribute to the long-term maintenance and environmental health of the Gardens at Wyckoff nature sanctuary.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey authorize engineering, land surveying, legal services and expenses to effectuate the land swap.

**BE IT FURTHER RESOLVED**, that the Township Attorney and Township Administrator shall manage the process to completion.

**#19-261      Cancellation of Sewer Bill for 11 ½ Wyckoff Avenue- Account #5326 – Block 491/Lot10**

**WHEREAS**, 11 ½ Wyckoff Avenue know as Block 491 Lot 10 in the Township of Wyckoff has experienced increased 2019 Sewer Service Charges due to a water leak, and;

**WHEREAS**, Kevin and Betsy Nye request the 2019 sewer usage billing be canceled and rebilled based on an average of 3 years water consumption, and;

**WHEREAS**, the Village of Ridgewood has produced documentation and has confirmed a water leak and repair completed and therefore this resolution is provided.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the sewer usage billing for 2019 is hereby canceled and rebilled accordingly.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk will forward a copy of this resolution to the Tax Collector, Sewer Utility Clerk and Township Engineer.

**#19-C11      Closed Session – Pending Litigation**

**WHEREAS**, the Township Committee of the Township of Wyckoff is subject to certain requirements of the "Open Public Meetings Act", N.J.S.A. 10:4-12, et seq.; and,

**WHEREAS**, the "Open Public Meetings Act", N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified

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purposes when authorized by Resolution; and,

**WHEREAS**, it was necessary for the Township Committee of the Township of Wyckoff to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

**a. N.J.S.A. 10:4-12b (7) – Pending Litigation**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey assembled in public session on August 6, 2019, hereby authorize, that an Executive Session closed to the public shall be conducted on August 6, 2019, in the Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey 07481, for the discussion of matters relating to the specific items designated above.

**BE IT FURTHER RESOLVED**, that the minutes of the said closed session will be made public when the Township Committee of the Township of Wyckoff determines the reason for the minutes to remain closed no longer exists and the Municipal Clerk shall attach to this resolution when completed the Closed Session Meeting Minutes related to the specific items designated above.

**II      Motions**

- a. Approve Special Event request from Christian Health Care Center for annual Antique Car Show and ten (10) day temporary banner advertising the car show.
- b. Waive building permit fee as requested by the PTO Economy Shop for a POD.
- c. Authorize ten (10) day temporary sign request from the Wyckoff Family YMCA to advertise their annual Buddy Walk scheduled for October 5, 2019.
- d. Authorize the placement of POD in first parking space closest to PTO Economy Shop for one (1) month.
- e. Approve the Wyckoff Volunteer Fire Department application from Gordon McIntire into Volunteer Fire Company #1.
- f. Approve the Wyckoff Volunteer Fire Department application from Edward Lucasiewicz into Volunteer Fire Company #2.
- g. Approve Fireworks on September 28, 2019 at Memorial Field – no rain date

**III      Ordinance – Introduction**

#1883 - AN ORDINANCE TO DELETE CHAPTER 119, "FLOODPLAIN MANAGEMENT" OF THE CODE OF THE TOWNSHIP OF WYCKOFF AND REPLACE IT WITH A NEW ORDINANCE, CHAPTER 119, "THE FLOOD DAMAGE PREVENTION ORDINANCE".

**TOWNSHIP OF WYCKOFF  
ORDINANCE #1883**

**AN ORDINANCE TO DELETE CHAPTER 119, "FLOODPLAIN MANAGEMENT" OF THE CODE OF THE TOWNSHIP OF WYCKOFF AND REPLACE IT WITH A NEW ORDINANCE, CHAPTER 119, "THE FLOOD DAMAGE PREVENTION ORDINANCE".**

**BE IT ORDAINED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that Chapter 119, "Floodplain Management" of the code of the Township of Wyckoff is deleted and replaced as follows:

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**SECTION 1** Chapter 119, “Flood Plain Management” is deleted in its entirety.

**SECTION 2** Chapter 119 “Flood Plain Management” is renamed and replaced in its entirety with the following: Chapter 119, The Flood Damage Prevention Ordinance.

**119.1 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 Wyckoff, County of Bergen, State of New Jersey does ordain as follows:

**119.2 FINDINGS OF FACT**

- a) The flood hazard areas of the Township of Wyckoff 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 floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**119.3 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.

**119.4 METHODS OF REDUCING FLOOD LOSSES**

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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.

**119.5 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.

**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

**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.

**Appeal —** A request for a review of the Township Engineer's 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 Flood Insurance Rate Map (FIRM) 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

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(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.

**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.

**Erosion** — The process of gradual wearing away of land masses.

**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.

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**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

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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.

**Planning Board** - The Planning Board of the Township of Wyckoff

**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

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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".

**Township Engineer** - The New Jersey Licensed Professional Engineer appointed by the Township of Wyckoff.

**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.

**119.6 LANDS TO WHICH THIS ORDINANCE APPLIES**

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

**119.7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Township of Wyckoff, Community No. 340084, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)" dated August 28, 2019.
- b) Flood Insurance Rate Map for Bergen County, New Jersey (All



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Jurisdictions) as shown on Index Map Number 34003CIND0B and panels 34003C0064H, 34003C0068H, 34003C0069J, 34003C0152H, 34003C0156J, 34003C0157J, whose effective date is August 28, 2019.

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 340 Franklin Avenue, Wyckoff, New Jersey in the office of the Township Clerk.

**119.8 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 \$1,000.00 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 Wyckoff, from taking such other lawful action as is necessary to prevent or remedy any violation.

**119.9 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.

**119.10 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.

**119.11 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 Wyckoff, 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.

**119.12 ESTABLISHMENT OF DEVELOPMENT PERMIT**

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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 Engineer 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.

**119.13 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Township Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**119.14 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Township Engineer shall include, but not be limited to:

**119.14-1 PERMIT 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.

**119.14-2 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 Township Engineer 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.

**119.14-3 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.

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- 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.

**119.14-4 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.

**119.14-5 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, MANUFACTURED HOMES.

**119.14-6 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.

**119.15 VARIANCE PROCEDURE**

**119.15-1 APPEAL BOARD**

- a) The Planning Board as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Engineer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided per statute.
- d) In passing upon such applications, the Planning Board, shall

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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 Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Township Clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

**119.15-2 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) have 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.

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- 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.

**119.16 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, is required:

**119.16-1 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.

**119.16-2 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.

**119.16-3 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

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located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**119.16-4 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).

**119.16-5 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.

**119.17 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:

**119.17-1 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 more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1,
- 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

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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.

**119.17-2 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 at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1; 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
- a) Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c) 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.

**119.17-3 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 more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1 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.

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**119.18 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.

**119.19 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.

**119.20 ADOPTION**

This Ordinance shall be effective on *August 28, 2019* and shall remain in force until modified, amended or rescinded by *Township of Wyckoff, Bergen County, New Jersey*.

ENACTED AND ADOPTED by the *Township Committee* this *20th* day of *August, 2019*.

#1884 - AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 157, "SEWERS", TO REDUCE THE TIME PERIOD A PROPERTY OWNER HAS TO CONNECT TO AN AVAILABLE SANITARY SEWER AND TO REQUIRE CONNECTION TO SANITARY SEWERS WHEN A REAL PROPERTY TRANSFER OCCURS PRIOR TO OBTAINING A CERTIFICATE OF CONTINUED OCCUPANCY FOR SAID PROPERTY

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ORDINANCE #1884**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 157, "SEWERS", TO REDUCE THE TIME PERIOD A PROPERTY OWNER HAS TO CONNECT TO AN AVAILABLE SANITARY SEWER AND TO REQUIRE CONNECTION TO SANITARY SEWERS WHEN A REAL PROPERTY TRANSFER OCCURS PRIOR TO OBTAINING A CERTIFICATE OF CONTINUED OCCUPANCY FOR SAID PROPERTY**

**BE IT ORDAINED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, Chapter 157. "Sewers", Part 1. Sewer Use. Article II. Required Use of Public Sewers is amended to read as follows:



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**SECTION 1. CHAPTER 157-5. Connection to Public Sewers Required: Exemption.**

All owners of buildings situated in the Township of Wyckoff on premises abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or Authority sewer is hereby required, at his own expense, to install suitable toilet facilities therein and to connect such facilities directly to the public sewer or Authority sewer in accordance with the provisions of Part 1 of this chapter within ~~one year~~ thirty (30) calendar days after the date of official notice requiring such action, unless specifically exempted by provisions of this Part 1.

**SECTION 2. Chapter 157-6. Permitted Maintenance of Individual Sewage Disposal System: Change Requiring Sewer Connection.**

- A. All owners of buildings situated within the Township of Wyckoff on premises abutting any street, alley or right-of-way, as designated in Wyckoff Ordinance No. 579, in which there is located a public sewer or Authority sewer installed prior to January 1, 1977, as part of Wyckoff pollution control system under contracts 1, 2, 4 and 7 of said system; and all owners of buildings situated within the Township of Wyckoff upon premises abutting any street, alley or right-of-way, designated in Wyckoff Ordinance No. 886, as part of Wyckoff pollution control system under Contract 15, and as designated in Wyckoff Ordinance No. 943, as part of Wyckoff pollution control system under Contract 22 of said system, who have an existing individual sewage disposal facility which is operating satisfactorily and constructed and maintained in accordance with local law, shall not be required to connect the toilet facilities therein directly to the public sewer or Authority sewer lines unless:
- (1) The individual sewage disposal facility requires substantial repair. The Wyckoff Board of Health shall determine on the basis of the public health and welfare whether any individual sewage disposal facility is in need of substantial repair. Pumping of such a facility shall be permitted at reasonable intervals, the frequency of which shall be determined by the Wyckoff Board of Health. No person shall pump or empty an individual sewage disposal system without first obtaining a permit from the Wyckoff Board of Health.
- (2) There is a change of use, ownership, or occupancy of the building.
- B. Upon the occurrence of the event stated in Subsection A(1) ~~or A(2)~~ above, the owner of the building is required, at his own expense, to connect the toilet facilities with the public sewer or Authority sewer in accordance with the provisions of this Part 1 of this chapter within ~~one year~~ thirty (30) calendar days after the date of official notice requiring such action.
- C. Upon the occurrence of an event stated in subsection A(2) above, including a real property transfer, the owner of the property shall abandon all subsurface sewage disposal systems and connect to Public or Sewer Authority Sanitary Sewer System if the property abuts any street, alley or right-of-way in which there is located a public sewer or Authority sewer. Said connection must be completed prior to obtaining a continued certificate of occupancy for the property.

**SECTION 3. 157-8. Connection Option When More Than One Sewer Available.**

All owners of buildings situated within the Township of Wyckoff on premises abutting on any

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street, alley or right-of-way in which there is located or may in the future be located two public sewers, including Authority sewers, one of which is within 150 feet of the building, shall have the option to connect to either sewer, provided such election is made within ~~30~~thirty (30) calendar days after receiving written notification from the Township of Wyckoff, and such election may not be revoked without approval of the Township Committee of the Township of Wyckoff.

**SECTION 4.**

Except as hereby amended, all of the sections of Chapter 157, Sewers, shall remain in full effect.

**SECTION 5.**

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

#1885 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY RESIDENTIAL ZONE AND ONE NEW OVERLAY ZONE WITH RESPECT TO LOT 10.02 AND A PORTION OF LOT 11 IN BLOCK 320 CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

**ORDINANCE #1885**

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY RESIDENTIAL ZONE AND ONE NEW OVERLAY ZONE WITH RESPECT TO LOT 10.02 AND A PORTION OF LOT 11 IN BLOCK 320 CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.**

**WHEREAS**, the Township of Wyckoff entered into a Settlement Agreement with Fair Share Housing Center on July 12, 2018 and with Canterbury Development Corp. on August 3, 2018 in In the Matter of the Application of the Township of Wyckoff's Housing Element and Fair Share Plan (Docket No.: BER-L-6224-15); and,

**WHEREAS**, these Settlement Agreements set forth that Lots 10.02 and 11 in Block 320 shall be merged and subdivided to create two new lots. One new lot to be retained by Canterbury Development Corp. to be approximately 5.46 acres in size and to be zoned for residential inclusionary housing; and,

**WHEREAS**, these Settlement Agreements set forth that the other newly created lot to be approximately 21.03 acres in size shall be purchased by the Township of Wyckoff and preserved as open space; and,

**WHEREAS**, these Settlement Agreements set forth that the new lot retained by Canterbury Development Corp

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shall be developed with residential inclusionary housing designed to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate-income housing; and,

**WHEREAS**, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that the new approximately 5.46 acre lot to be retained by Canterbury Development Corp shall be developed with residential inclusionary housing designed to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate-income housing; and,

**WHEREAS**, the Settlement Agreements have memorialized a resolution on, among other things, the number, size and setbacks for the buildings as well as the number of units for the inclusionary housing development; and,

**WHEREAS**, the amended zoning of Lot 10.02 and Lot 11 in Block 320 herein is consistent with the Settlement Agreements with Fair Share Housing Center and with Canterbury Development Corp., as well as the 2018 Housing Element and Fair Share Plan; and,

**WHEREAS**, the Township shall adopt a zoning amendment creating a new zone that permits the use and provides for appropriate bulk requirements to make possible the development described herein within the general area and per the plans as attached to the Settlement Agreement as Exhibits 1-6. Such zoning shall enable an application to the Wyckoff Planning Board for subdivision and site plan approval; and,

**WHEREAS**, the MF/AH-7 Zone will follow the property lines of Lot 10.02 and Lot 11 in Block 320.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Wyckoff, Bergen County, New Jersey, that the Code of the Township of Wyckoff is hereby amended to include provisions for new inclusionary residential development a portion of Lot 10.02 and a portion of Lot 11 in Block 320.

**SECTION 1. Amend Section 186-3 Zoning Map to add a new Section Y. as follows:**

Additions are shown as thus; deletions shown as ~~thus~~

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**Y. The MF/AH-7 Zone is the name of the zone established to include a portion of Lot 10.02 and a portion of Lot 11 in Block 320.**

**SECTION 2. Amend Section 186-49 Zoning districts and bulk requirements as follows:**

Additions are shown as thus; deletions shown as ~~thus~~

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- D. MF/AH7. The following requirements shall apply to the MF/AH7 district and are based on and designed to implement the August 3, 2018 Settlement Agreement between the Township of Wyckoff and Canterbury Development Corp. as incorporated into the Third Round Housing Element and Fair Share Plan adopted by the Township pursuant to the August 3, 2018 settlement agreement.
- (1) All development in the MF/AH7 district shall be in accordance with the Settlement Agreement dated August 3, 2018 and executed on August 7, 2018 between the Township of Wyckoff and Canterbury Development Corp., including but not limited to the Concept Plans and conceptual architectural drawings marked as Exhibits 1 through 6 and incorporated into such agreement (hereinafter the "Settlement Agreement"). Such Settlement Agreement is incorporated herein by reference. In the event of any conflict between the following ordinance and the Settlement Agreement, it is the Settlement Agreement that shall control.
  - (2) Principal permitted uses shall be as follows:
    - (a) Single and two family dwellings pursuant to underlying zoning ordinance.
    - (b) Multifamily housing.
    - (c) Passive recreation and open space
  - (3) Accessory uses shall be as follows:
    - (a) Accessory buildings.
    - (b) Off-street parking facilities, including structured parking
    - (c) Private recreational facilities and common open space including pool as shown on concept plan.
    - (d) Signs.
    - (e) Fences.
    - (f) Retaining walls.
    - (g) Uses which are customary and incidental to a permitted use.
  - (4) Conditional uses shall be as follows:
    - (a) None.
  - (5) The minimum tract size shall be four acres.
  - (6) Maximum units and buildings.
    - (a) Not more than 61 units
      - (i) One (1) unit shall be occupied by a resident superintendent. If such unit is not used as a superintendent's unit it must be converted to a 10<sup>th</sup> affordable unit and shall be restricted to moderate-income households.
    - (b) Residential units shall be constructed in 3 buildings consistent with the concept plan referenced above. The middle building shall be no more than 4 stories, plus lofts, over parking and the two buildings on either side shall be no more than 3 stories, plus lofts, over parking, as further regulated in the Settlement Agreement
  - (7) Affordable housing.

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- (a) 15%, or not less than 9 units, shall be reserved for affordable housing. If a unit is not used for the superintendent's residence, then 10 units shall be reserved for affordable housing.
- (b) Affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80- 26.1), which shall control in the case of any conflicts with this ordinance, provided that a minimum of 13 percent of the total low- and moderate-income units shall be affordable to very low income households (i.e. 30% or less of median income).
- (c) The bedroom distribution of the nine (9) affordable units shall include two (2) three bedroom units, one (1) one bedroom unit, and six (6) two bedroom units. The income distribution of the nine (9) affordable units shall include two (2) very low income units, three (3) low income units and four (4) moderate income units. One of the very low income units shall be a three-bedroom unit and one shall be a two-bedroom unit. At least 50 percent of each bedroom distribution shall be allocated to low and very low income units. The affordable units shall be reasonably and aesthetically integrated with the market units throughout the development.
- (d) The affordable units shall be managed by a single entity in accordance with an Affordable Housing Management Plan, which shall be approved by the Township of Wyckoff Affordable Housing Committee or other Township-designated Administrative Agent.
- (e) The property owner shall contract with the Township's Affordable Housing Administrator for the administration and marketing of the Affordable Housing in accordance with the Affirmative Marketing Plan, which directs the affirmative marketing, affordability controls and tenant household and income qualifications for such units.
- (f) The exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.
- (8) Bulk Requirements.
  - (a) The minimum tract setback between principal buildings and all exterior property lines: 40 feet.
  - (b) Maximum building height:
    - (i) 4 stories, plus lofts over parking for center building, 3 stories, plus lofts over parking for outside buildings, as further regulated in the Settlement Agreement.
    - (ii) The maximum height as measured from the rear elevation (north facing) of the building(s) shall be no greater than 65 feet and 58 feet 8 inches for the center and outside (east and west) buildings respectively. The front elevations (south facing) of the buildings shall be no greater than 55 feet and 48 feet 8 inches for the center and outside (east and west) buildings respectively. However, the westerly

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building may have a height of 50 feet if made necessary as a result of lowering the grade of the emergency access road surrounding the building. In addition, the eastern building shall measure at no more than 52 feet 8 inches at the southeast corner of the building due to the change in elevation at the site. Notwithstanding the above, pursuant to the agreement, the topographical height of the two outside buildings shall be no more than 350 feet 8 inches and the topographical height of the center building shall be no more than 357 feet as measured to the peaks of the roofs. This will ensure that the roof heights are no more than 12 feet higher for the center building and no more than 5 feet 8 inches higher than the outside buildings than the Canterbury topographical elevation measured at a point as depicted on exhibit 6 of the agreement.

- (c) Maximum building coverage, including accessory buildings: 35%
- (d) Maximum total impervious cover: 60%
- (e) Minimum Distance between buildings: 25 feet
- (f) Buildings may be connected by a walkway, as shown in the Concept Plan, but not withstanding they will be considered separate buildings
- (g) The minimum buffer areas, bermed, landscaped and unoccupied, except for entrance roads, utilities, signs, fences, fire access lanes, retaining walls, site driveways, security gates, and gatehouse:
  - (i) As shown in the Concept Plan in the Settlement Agreement, or 10 feet, whichever is greater.
  - (ii) Buffering in the form of evergreen trees and deciduous trees shall be provided along the southern property line in front of the development area which screens the development from the residences on Canterbury.
  - (iii) Buffering shall be provided in the form of evergreen trees and deciduous trees along the western edge of the development area so as to screen the buildings from the public open space area to the west.
  - (iv) Buffering in the form of evergreen trees and plantings shall be provided on the northern side of the tract and at other locations that will screen the development from residents on the opposite side of the railroad tracts as well as residents utilizing the path to the open space.
  - (v) Buffering in the form of evergreen trees and plantings shall be provided to screen the development from the properties to the east on Maple Drive and Cedar Hill.

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- (vi) If requested by the Planning Board during the site plan review process, Canterbury will provide plantings and screening on the adjoining residents' properties if agreed by such individual residents to reasonably achieve this purpose.
- (vii) Trees shall not be less than 6 feet in height at the time of planting.
- (viii) All buffer area plantings shall remain unless replacement in kind is proposed or the removal is approved by the municipal engineer/ shade tree commission
- (ix) The required buffering and screening is intended to reduce the visual appearance of the development and to screen the same to the greatest extent reasonably possible, recognizing that it may not be possible to totally obscure views of the development from all angles.
  - (x) **Given the uniqueness of the site, these requirements supersede section 168-20 F. (2) of the Township of Wyckoff Code.**
- (9) **Other design criteria shall be as follows:**
  - (a) Maximum height of retaining walls, or tiered walls, shall be six feet per wall.
  - (b) The Township's steep slope regulations shall not be applicable to the development of Lot 10.02A, consistent with the Settlement Agreement.
  - (c) HVAC units are not permitted on building roofs. They shall be located on the ground and on the north side of the buildings.
  - (d) Building mounted spotlights shall be prohibited other than those required for security purposes.
  - (e) Architectural design shall be as shown in the Architectural drawings in the Settlement Agreement and shall follow a Colonial Williamsburg style design,  
including trim and finishes on all four sides of all buildings.
- (10) **Signs shall be consistent with the applicable Township sign standards, with the following exceptions:**
  - (a) **One ground sign shall be permitted.**
    - (i) Maximum area: 25 square feet
    - (ii) Maximum height: 6 feet
    - (iii) This excludes required traffic signs and wayfinding signs
- (11) **No direct access to the development and/or lot shall be permitted from Canterbury Lane.**
- (12) **The design of the buildings shall appear aesthetically similar to that shown on Exhibit 2 attached to the agreement and include trim and finishes of same quality materials on all four sides of the buildings. Brick, stone and/or other complimentary materials shall be used if requested by the Planning Board and reasonably agreed upon by the**

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Planning Board, Design Review Committee and the developer.

- (13) Accessory Structures and Buildings
- (a) Accessory structures and buildings shall have a minimum setback to property lines of 25 feet excluding fences, retaining walls, parking areas, gatehouses, unground utilities, and drainage areas, as per the Concept Plan.
- (b) Trash enclosures shall be screened with one (1) row of evergreen trees.

Section 3. Severability.

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 affect the remaining provisions of this ordinance. The governing body of the Township of Wyckoff 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.

Section 4. Effective Date.

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

**Following is the vote on the Consent Agenda:**

MOTION: SCANLAN SECOND BOONSTRA  
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

**IV Resolutions (Not On Consent Agenda)**

**#19-262 Township of Wyckoff Policy of Inclusiveness**

**WHEREAS**, the Township Committee of the Township of Wyckoff adopts the following Policy of Inclusiveness, and;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that:

The Township of Wyckoff encourages all citizens and entities to interact with all individuals with courtesy, compassion, respect and recognition of everyone’s civil rights and inclusiveness as a member of the Wyckoff community.

The Township of Wyckoff adopts a resolution each year to affirm that the Township of Wyckoff treats all individuals for regardless of race, ethnicity, religion, sexual orientation, gender identity, creed, employment, political orientation, education, socioeconomic standing and beyond in a manner consistent with applicable Civil Rights Act of 1964, as subsequently amended, the New Jersey Law Against Discrimination, the Americans with Disabilities Act and basic human decency. The Township of Wyckoff aspires for all citizens to act in the same manner.



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MOTION:       RUBENSTEIN       SECOND       SCANLAN        
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

**#19-263     Policy on new Flag Pole and Government Speech**

**WHEREAS**, the Township Committee of the Township of Wyckoff adopts the following Policy with respect to a New Flag Pole and Government Speech, and;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that:

The Township of Wyckoff recognizes that community and civic engagement is best fostered through public and unambiguous communication with its citizens.

The Township of Wyckoff also recognizes that flags have for time immemorial been an effective way for government to communicate with its citizens.

The Township of Wyckoff shall construct a flagpole within the Municipal Campus at Block 258 Lot 1. The flagpole will be located in Memorial Field just past the entrance to the Library parking lot off of Woodland Ave. This location has been chosen since it constitutes a central location of community recreation being directly adjacent to the municipal playground, recreational fields and the township's free public library. The site receives significant pedestrian and vehicular traffic and sits at a high elevation within the municipal campus which will provide for optimal visibility. The site will allow for the communication of both the sovereignty of the Township of Wyckoff and various messages the Township of Wyckoff chooses to convey.

The Township of Wyckoff shall fly atop this flagpole the official flag of the Township of Wyckoff, to be designed at the discretion of the Township, that shall generally bear the official seal of the Township of Wyckoff. Below the official flag, the Township may fly a flag or flags that communicate a position or principal espoused by the governing body of the Township of Wyckoff through Township Committee resolution. Such a flag or flags may be flown for a limited period of time to be determined by the Township Committee.

A plaque shall be placed at the base of the flagpole which states the following: "The Township of Wyckoff establishes this flagpole as a means of communicating messages of support, recognition, and acceptance, from the municipal government to its citizens and to all who bear witness."

The Township of Wyckoff declares the flag pole and general area around the flagpole, including but not limited to the grounds of the Wyckoff Public Library and field adjacent, shall not be a public forum and is designated as property for the purpose of government speech so that this government's message to the people is clear, unambiguous and without confusion.

MOTION:       RUBENSTEIN       SECOND       SCANLAN        
BOONSTRA YES RUBENSTEIN YES SCANLAN YES SHANLEY YES  
MADIGAN YES

**V       Adjourned 8:55 pm**

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Mayor Thomas J. Madigan

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Robert J. Shannon, Deputy Clerk/  
Township Administrator

**PAGE NO.**

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