

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 18, 2019**

(Revised 11/18/19)

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE WORK SESSION MEETING
MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 18, 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. Mayor Madigan to administer the Oath of Office to Jr. Firefighter, Drew McNamara, into Volunteer Fire Company #1.
7. Presentation of Triple A Platinum Award from the American Automobile Association of the Northeastern United States for Community Traffic Safety.
8. Recognition by the Township Committee and Police Chief to Police Officers who Displayed Courage and Restraint While Assisting the Allendale Police Department with the Arrest of a Violent Individual.
9. Review of 8:00 p.m. Business Meeting Agenda – Administrator
10. Review of Policy Action Items – Administrator
11.
 - a. Report of Township Committee
 - b. Report of Administrator
 - c. Report of Attorney
12. Recess Work Session Meeting to conduct 8:00 pm Business Meeting
13. Reconvene Work Session Meeting
14. 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 BUSINESS MEETING
MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 18, 2019 - 8:00 PM**

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Thomas J. Madigan
2. Flag Salute
3. Invocation by Pastor Michael Johnson from Cedar Hill Christian Reformed Church
4. Reading of the "Open Public Meetings Act" statement by Mrs. Santimauro
5. Roll call of the Township Committee
6. 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.
7. Approval of the November 4, 2019 Township Committee Work Session and Regular Business meeting minutes:

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

8. **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):

- | | |
|---------|---|
| #19-319 | Return of Certain Overpaid Taxes, etc. |
| #19-320 | Award Contract for Firefighter Medical Mandate Testing and School Crossing Guard Hearing and Vision Testing |
| #19-321 | Request a Study Commission to Review the Open Public Records Act (OPRA) |
| #19-322 | Endorsement of Application for Community Development Grant |
| #19-323 | Payment of Bills |
| #19-324 | Award Lease for Placement on Cell Tower by Verizon |
| #19-325 | Award Lease for Placement on Cell Tower by T-Mobile |
| #19-326 | Authorize Emergency Procedures and Contracts |

II Motions

- a. Approve specifications and authorize advertised competitive sealed bidding for Greenwood Avenue NJDOT grant project.
- b. Approve specifications and authorize advertised competitive sealed bidding for recreation equipment.
- c. Approval of application for Drew McNamara as a Volunteer Junior Firefighter in Volunteer Fire Company #1.
- d. Accept with regrets the resignation of Township Committee Member Brian D. Scanlan effective November 5, 2019.

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III Ordinances – Introductions

#1896 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE
CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

#1897 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE
CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

#1898 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE
CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Following is the vote on the Consent Agenda:

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

IV. ORDINANCE-FURTHER CONSIDERATION

#1895 - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 54 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, POLICE DEPARTMENT
MOTION: BOONSTRA SECOND SHANLEY
BOONSTRA YES RUBENSTEIN 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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Meeting Called To Order

Mayor Thomas J. Madigan called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 8:00 pm.

Flag Salute

The Township Committee proceeded with the Pledge of Allegiance led by Mayor Madigan.

Invocation

The Invocation was given by Pastor Michael Johnson from Cedar Hill Christian Reformed Church

Attendance

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

Staff Present: Township Administrator Robert J. Shannon, Joyce C. Santimauro, Municipal Clerk, Township Attorney Robert Landel and Thomas Garlick, Esq.

Open Public Meeting Act Statement

Municipal Clerk Santimauro 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 Committeewoman Rubenstein. 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 Committeewoman Rubenstein with an affirmative vote.

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):

#19-319 Return of Overpaid Taxes, etc.

BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the Treasurer is hereby authorized and directed to return certain monies as follows:

BUILDING DEPT.:

Top Notch Tree & Landscape, LLC, 83 Grant Street, Ramsey, New Jersey 07446
– Refund of Performance Cash for sewer extension - #19-314 – Block 318/Lot 14

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– 424 Colony Court - \$2,885.00

PLANNING BOARD:

TAX REFUND:

Syleman Bresa & Kristina Lota, 516 Franklin Avenue, Wyckoff, New Jersey 07481 – Refund of overpaid 4th quarter taxes – Block 245/Lot 6.01 - \$776.49

Irwin & Heinze, PA, 383 Main Street, Ste. 100, Chatham, New Jersey 07928 – State Tax Court Judgement – Block 223/Lot 2 – 461 West Main Street - \$2,817.34

Archer & Greiner, PC, 101 Carnegie Center, Suite 300, Princeton, New Jersey 08540 – State Tax Court Judgement – Block 346/Lot 28 – 427 Ellis Place - \$1,354.37

Eric Sahadi & Alexa Quku, 453 Wyckoff Avenue, Wyckoff, New Jersey 07481 – Refund of overpaid 2019 added/omitted payment – Block 346/8.03 - \$9,680.33

RECREATION:

Tim Werkley, 539 Farview Court, Wyckoff, New Jersey 07481 – Basketball Refund - \$80.00

#19-320 Award Contract for Firefighter Medical Mandate Testing and School Crossing Guard Hearing and Vision Testing

WHEREAS, the Township of Wyckoff has a responsibility to comply with the NFPA Standard 1582, 2007 Edition, “Medical Requirements for Firefighters” in accordance with OSHA Standard 29 DFR 1910.134; and,

WHEREAS, the Township Committee also determined as a risk management best practice to follow the NJ Municipal Excess Liability Fund’s recommendation and provide for medical, vision and hearing testing of school crossing guards; and,

WHEREAS, the Township Committee has determined it to be most cost effective to establish unit prices for use throughout the calendar year; and,

WHEREAS, the Township of Wyckoff is the Lead Agency for Cooperative pricing System Number 176-WCGCPS-WOLF Group; and,

WHEREAS, this competitively bid procurement combines the purchasing volume for the WOLF Shared Service Group and as such this procurement establishes unit prices for system members (Franklin Lakes, Oakland and Wyckoff); and,

WHEREAS, the Township Committee on November 4, 2019 approved the specifications and authorized advertised sealed competitive bidding; and,

WHEREAS, in order to encourage competition, the Township; published the date for receipt of bids on the 13th day after the publication which exceeds the 10 day legal requirement; the Township provided the bid specification at no cost; and the Township published the bid advert on its web page under Bids and Jobs which is easily accessed from its home page; and,

WHEREAS, on November 1, 2019 a legal advert soliciting bids was published in the Ridgewood News; and,

WHEREAS, on November 13, 2019 at 11:00am the following bid was received, publicly opened and its contents read aloud.

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<u>BIDDER</u> <u>PRICES</u>		<u>BID</u>
1.	Valley Health Medical Group 15 Essex Road, Suite 504 Paramus, NJ 07652	
	<u>SERVICE</u>	<u>2020</u> <u>2021</u>
	Baseline respirator certification medical examination per firefighter in accordance with specification	\$245 \$245
	Annual and periodic recertifica- tion medical examination per firefighter in accordance with specification	\$125 \$125
	Periodic medical examination per firefighter in accordance with specification	\$240 \$240
	Cardiac stress test per fire- fighter in accordance with specification	\$245 \$245
	Federal Motor Carrier Act D.O.T. physical for C.D.L. renewal	\$ 45 \$ 45
	Prostrate screening (PSA) per firefighter in accordance with specification	\$ 40 \$ 40
	Vision & Hearing Test & Physical Exam per School Crossing Guard	\$135 \$135

WHEREAS, the attached letters from the Fire Chief and Police Chief indicates that they recommend a contract award; and,

WHEREAS, the Chief Financial Officer, in accordance with NJSA 40A:11-15 and NJAC 5:30-5.5 (d)ii, has executed a Certificate of Availability duly approved by the Township Attorney indicating that this procurement is subject to the Township Committee appropriating adequate funds in future year budgets, which will be adopted pursuant to the local budget law, and subject to adequate appropriation in the 2020 and 2021 budget, for payments required under said contract, a copy of said Certificate of Availability is attached hereto and made a part hereof as though set forth herein at length; and,

WHEREAS, items 1A through G of Section 1 of the bid specification are referenced as if set forth at length and are applicable to this award authorization for the Township of Wyckoff as lead agency and the Boroughs of Franklin Lakes and Oakland as participating members of this Cooperative Pricing System Procurement who shall be issuing their own purchase orders; and,

WHEREAS, the Township Attorney and Township Administrator approve this procurement.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a contract be awarded to Valley Health Medical Group, 15 Essex Road, Suite 504, Paramus, NJ 07652 for the year 2020 and 2021 in accordance with the specification and the above listed bid prices.

BE IT FURTHER RESOLVED, that in accordance with the local public contract law and this specification, if the Township finds it advantageous based solely on its own judgement, it may extend this contract for one (1) additional two (2) year period or two (2) additional one (1) year periods.

BE IT FURTHER RESOLVED, that the Fire Chief shall purchase only the number of required unit items at the awarded unit prices. The Fire Chief shall meet periodically throughout the year with the Fire Chiefs of Franklin Lakes and Oakland to discuss where standardization can be achieved for continued efficiencies.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a copy of this resolution to the Accounts Payable Clerk, Chief Financial Officer, Fire Chief, Police Chief, DPW Manager and the Municipal Administrators in Franklin Lakes and Oakland.

CERTIFICATION OF AVAILABILITY OF FUNDS

I, DIANA MC LEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF IN ACCORDANCE WITH NJAC 5:30-5.5(B)2 CERTIFY THAT THIS CONTRACT AWARD WHICH WOULD TAKE PLACE ON NOVEMBER 18, 2019 SUBJECT TO THE AVAILABILITY OF FUNDS APPROPRIATED IN THE 2020 AND 2021 ANNUAL BUDGET ACCOUNT Y-01-25-257-000 OF SUBSEQUENT ANNUAL BUDGETS AS REQUIRED. THE BUDGETARY ACCOUNTING ENCUMBRANCE PROCESS AS SET FORTH IN NJAC 5:30 (C) AND 5:30 – 5.4 (B) FOR EACH FISCAL YEAR SHALL TAKE THE PLACE OF AND BE USED INSTEAD OF, WRITTEN CERTIFICATION OF AVAILABLE FUNDS SET FORTH IN NJAC 5:30-5.4 (A).

DIANA MC LEOD
CHIEF FINANCIAL OFFICER

#19-321 Request a Study Commission to Review the Open Public Records Act (OPRA)

WHEREAS, the Township of Wyckoff strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and,

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and,

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and,

WHEREAS, over the course of eighteen (18) years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and,

WHEREAS, the Township of Wyckoff has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be

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released, with or without redaction, while attempting to maintain individual privacy; and,

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and,

WHEREAS, the Township of Wyckoff received and responded to:

**536 OPRA requests in 2016
665 OPRA requests in 2017
659 OPRA requests in 2018
431 requests as of 9/1/2019; and,**

WHEREAS, the Township of Wyckoff municipal staff has spent approximately 95 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 104 hours since 2017; and,

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Wyckoff must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees typically resulting in approximately \$1,000.00 each year in response to OPRA requests in 2019; and,

WHEREAS, for years Wyckoff has experienced OPRA requests resulting in significant amounts of time during the period of preparation and administration of many statutory required functions, such as: the election process, liquor license renewal, preparation of the Township Committee Reorganization Agenda and during scheduled vacation time of the Municipal Clerk and Township Attorney. As a small community it is nearly impossible to double staff personnel that require the skill level to respond to these frequently complex records requests; and,

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and,

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and,

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Kevin J. Rooney, Assemblyman Christopher P. DePhillips, Senator Kristen Corrado, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of

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the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

#19-322 Endorsement of Application for Community Development Grant

WHEREAS, a Bergen County Grant of \$40,000.00 has been proposed by the Township Committee of the Township of Wyckoff for the purchase and installation of energy efficient windows at the Larkin Senior Citizen Building in the Township of Wyckoff; and,

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and,

WHEREAS, the aforesaid project is in the best interest of the people of the Township of Wyckoff; and,

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey hereby confirms endorsement of the aforesaid project; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

#19-323 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 be 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. 18571 – 18603 Payroll A/C, Direct Deposit Vouchers no. 12010 - 12081, Library Payroll check nos. 1449 - 1451, Library Direct Deposit Vouchers no. 5097 - 5126, Claims Wire nos. 191104, 191105 & 191106, Claims check nos. 082321 – 082447 and Trs. Dog Trust - \$276.07.

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#19-324 Award Lease for Placement of Cell Towner by Verizon

WHEREAS, the Township of Wyckoff after advertised competitive sealed bidding awarded a lease to Verizon for placement of its cellular telephone antennas at an elevation of 125 feet and a ground space lease in exchange for non-tax revenue to reduce taxation; and,

WHEREAS, after 20 years that lease will expire on December 31, 2019 and since neither the Local Public Contract Law or the Local Lands and Building Law contemplates the extension of another lease period, advertised competitive sealed bidding is the procurement method chosen to procure a new lease; and,

WHEREAS, the Township Committee adopted resolution #19-187 to approve the specifications and authorize competitive bidding and to extend the lease when bidding has commenced in accordance with NJSA 40A:11-15; and,

WHEREAS, legal adverts soliciting advertised competitive bidding were published in two consecutive weeks in the Ridgewood News on October 11, 2019 and October 18, 2019; and,

WHEREAS, in accordance with NJSA:40A:11-23 c(1), Addendum #1 was published in the Ridgewood News on October 25, 2019 and provided to those who obtained a copy of the bid specifications; and,

WHEREAS, in order to encourage competition, the Township; published the date for receipt of bids on the 34th day after the first publication which exceeds the 10 day legal requirement; the Township provided the specification at no cost; and the Township published the bid advert on its web page under “Bids and Jobs” which is easily accessed from its home page; and,

WHEREAS, on Wednesday, November 13, 2019 at 11:00am the following bid was publicly received, opened and its content read aloud:

<u>Bidder</u>	<u>Bid Amount</u>
NYSMA Limited Partnership d/b/a Verizon Wireless 180 Washington Valley Road Bedminster, NJ 07921	\$40,800.00

WHEREAS, the Township Attorney has reviewed the bid submission and he recommends an award to Verizon Wireless as a responsive and responsible bidder; and,

WHEREAS, the Township Administrator has received the bid and concurs with the Township’s Attorney’s recommendation; and,

WHEREAS, a certificate of available funds is not required.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that a five (5) year renewals for a total of 25 years is hereby authorized to Verizon Wireless, 180 Washington Valley Road, Bedminster, New Jersey 07921, for the ability to place cellular telephone antennas at the Township of Wyckoff Emergency Services Monopole at an elevation of 125 feet and ground space in accordance with the bid specifications advertised on October 11, 2019 and October 18, 2019 for lease payment of \$40,800.00 and the in accordance with the lease payment increases.

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BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign the lease agreement as approved by the Wyckoff Township Attorney and the aforementioned bid specification is made a part of the lease.

#19-325 Award Lease for Placement on Cell Tower by T-Mobile

WHEREAS, the Township of Wyckoff after advertised competitive sealed bidding awarded a lease to T-Mobile for placement of its cellular telephone antennas at an elevation of 147 feet and a ground space lease in exchange for non-tax revenue to reduce taxation; and,

WHEREAS, after 20 years that lease will expire on December 31, 2019 and since neither the Local Public Contract Law or the Local Lands and Building Law contemplates the extension of another lease period, advertised competitive sealed bidding is the procurement method chosen to procure a new lease; and,

WHEREAS, the Township Committee adopted resolution #19-187 to approve the specifications and authorize competitive bidding and to extend the lease when bidding has commenced in accordance with NJSA 40A:11-15; and,

WHEREAS, legal adverts soliciting advertised competitive bidding were published in two consecutive weeks in the Ridgewood News on October 11, 2019 and October 18, 2019; and,

WHEREAS, in accordance with NJSA:40A:11-23 c(1), Addendum #1 was published in the Ridgewood News on October 25, 2019 and provided to those who obtained a copy of the bid specifications; and,

WHEREAS, in order to encourage competition, the Township; published the date for receipt of bids on the 34th day after the first publication which exceeds the 10 day legal requirement; the Township provided the specification at no cost; and the Township published the bid advert on its web page under “Bids and Jobs” which is easily accessed from its home page; and,

WHEREAS, on Wednesday, November 13, 2019 at 11:00am the following bid was publicly received, opened and its content read aloud:

<u>BIDDER</u>	<u>BID AMOUNT</u>
T-Mobile Northeast, LLC 12920 SE 38 th Street Bellevue, WA 98006	\$58,000

WHEREAS, the Township Attorney has reviewed the bid submission and he recommends an award to T-Mobile Northeast, LLC as a responsive and responsible bidder; and,

WHEREAS, the Township Administrator has reviewed the bid and concurs with the Township Attorney’s recommendation; and,

WHEREAS, a certificate of available funds is not required.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a five (5) year lease with four (4) five (5) year renewals for a total of twenty-five (25) years is hereby authorized to T-Mobile Northeast, LLC, 12920 SE 38th Street, Bellevue, WA 98006 for the ability to place cellular telephone antennas at the Township of Wyckoff Emergency Services Monopole at an elevation of 125 feet and ground space in accordance with the bid specifications advertised on 10/11/19 and

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10/18/19 for lease payment of \$58,000 and then in accordance with the lease payment increases.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign the lease agreement as approved by the Wyckoff Township Attorney and the aforementioned bid specification is made a part of the lease.

#19-326 Authorize Emergency Procedures and Contracts

WHEREAS, the NJ Local Public Contracts Law allows for expedited procurement when an imminent emergency condition exists which impacts public health, safety or welfare; and,

WHEREAS, in accordance with NJSA 40A:11-6 and NJAC 5:34-6.1, the Township Committee has adopted Resolution #12-78 which establishes rules for confirming the existence of an emergency; and,

WHEREAS, the Municipal Engineer has provided the required certification of request for emergency purchase regarding an imminent malfunctioning sanitary sewerage pumping station that serves 134 homes; and,

WHEREAS, the attached e-mail from the Township's Licensed Sewer Operator recommends an emergency repair; and,

WHEREAS, the Municipal Administrator provided the attached memorandum of his conversation and request for an immediate 11-18-19, 9:00 a.m. meeting with the Township Committee Liaison for the municipal sanitary sewer system; and,

WHEREAS, a recommendation from the Municipal Administrator, Municipal Engineer, Municipal Finance Officer, Mayor and Township Committee Liaison for the sanitary sewer system is that an emergent condition exists and the Township needs to expeditiously repair the sanitary sewer pumping station in order to prevent an imminent public health, safety and environmental consequence; and,

WHEREAS, this matter was discussed at the 11/18/19 Township Committee Public Business Meeting; and,

WHEREAS, the Township Attorney has reviewed this matter and concurs with an emergency procurement to avoid a public health, safety and environmental consequence.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the request for certification of request for emergency purchase amounting to approximately \$250,000 is hereby approved.

BE IT FURTHER RESOLVED, that the Municipal Engineer shall serve as Project Team Leader and devote his full attention to this repair for the purpose of performing and completing this repair as soon as possible. All employees shall assist the Municipal Engineer as the most critical municipal objective.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a certified copy of this resolution to the Township Engineer, Public Works Manager, Chief Financial Officer, Administrator and Accounts Payable Control Officer.

CERTIFICATE OF AVAILABLE FUNDS

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF IN ACCORDANCE WITH NJAC 5:34-6.1 CERTIFY THAT THIS EMERGENCY TOOK PLACE IN 2019 AND FUNDS APPROPRIATED IN SEWER CAPITAL ORDINANCE

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#1849 & 1873 ARE AVAILABLE. THE BUDGETARY ACCOUNTING ENCUMBRANCE PROCESS AS SET FORTH IN NJAC 5:30 (c) AND 5:30 – 5.4 (b) FOR EACH FISCAL YEAR SHALL TAKE THE PLACE OF AND BE USED INSTEAD OF, WRITTEN CERTIFICATION OF AVAILABLE FUNDS AS SET FORTH IN NJAC 5:30-5.4 (a).

DIANA McLEOD
CHIEF FINANCIAL OFFICER

II Motions

- a. Approve specifications and authorize advertised competitive sealed bidding for Greenwood Avenue NJDOT grant project.
- b. Approve specifications and authorize advertised competitive sealed bidding for recreation equipment.
- c. Approval of application for Drew McNamara as a Volunteer Junior Firefighter in Volunteer Fire Company #1.
- d. Accept with regrets the resignation of Township Committee Member Brian D. Scanlan effective November 5, 2019.

III Ordinances – Introductions

#1896 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Ordinance No. 1896
Amendments to Land Use Ordinance
Township of Wyckoff, Bergen County

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE
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 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 Agreement set forth that Block 259, Lots 1 and 2 shall receive zoning to permit mixed-use inclusionary development;

WHEREAS, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that 259, Lots 1 and 2 shall receive zoning to permit inclusionary development in order to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate- income housing;

WHEREAS, the amended zoning of 259, Lots 1 and 2 herein is consistent with the Settlement Agreement with Fair Share Housing Center, as well as the 2018 Housing Element and Fair Share Plan; and

WHEREAS, the MF/AH10 Zone will follow the property lines of 259, Lots 1 and 2; and

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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 zoning to permit mixed-use inclusionary development on 259, Lots 1 and 2.

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

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

Z. The MF/AH10 Zone is the name of the zone established to include 259, Lots 1 and 2.

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

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

D. MF/AH10 Zone: Affordable Housing

(1) Principal permitted uses shall be as follows:

- (a) Mixed-use development, consisting of multi-family units with a set-aside for affordable housing and ground floor nonresidential use.**
- (i) Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.**

(2) Accessory uses shall be as follows:

- (a) Accessory buildings.**
- (b) Off-street parking facilities**
- (c) Private recreational facilities and common open space.**
- (d) Signs.**
- (e) Fences.**
- (f) Retaining walls.**
- (g) Uses which are customary and incidental to a permitted use.**

(3) Conditional uses shall be as follows:

- (a) None.**

(4) Affordable housing.

- (a) Where the affordable units shall be for sale, 20% of the total units on the site shall be reserved for affordable housing.**
- (b) Where the affordable units shall be for rent, 15% of the total units on the site shall be reserved for affordable housing.**
- (c) 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).**
- (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,**

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Affordable Housing Committee or other Township-designated Administrative Agent.

- (e) The exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.

(5) Bulk Requirements.

- (a) Minimum Lot size: 3.25 acres
- (b) There shall be no more than 22 residential units in the district
- (c) Minimum Lot Width and Frontage: 150 feet
- (d) Minimum Lot Depth: 400 feet
- (e) Principal Building Setback
 - (i) Front: 35 feet
 - (ii) Each Side: 20 feet, 40 where abutting a single-family residential use
 - (iii) Rear: 30 feet
- (f) Accessory Building Setback
 - (i) Each Side: 10 feet
 - (ii) Rear: 10 feet
- (g) Maximum Building Height
 - (i) 2 ½ stories / 35 feet
 - (ii) No building, or portion thereof, within 50 feet of a single-family residential use or zone shall exceed 2.5 stories / 35 feet.
- (h) Maximum Lot Coverage
 - (i) Principal Building: 30%
 - (ii) Accessory building: 5%

(6) Building Design

- (a) Buildings shall be oriented along Franklin Avenue with all or a significant portion located parallel to the street. This shall not apply to any building located behind another building. Orientation shall include the provision of one or more primary building entrances.
- (b) First floor uses facing Franklin Avenue shall be nonresidential.
- (c) Building side and rear elevations shall be designed with the same material as the front of the building.
- (d) Multiple principal buildings shall be permitted on a lot.
- (e) Maximum building length: 200 feet.
- (f) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.
- (g) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet.

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Minimum two-foot offsets shall be required at breaks in the facade planes.

- (h) First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns, insets, projections or other vertical elements may be used to visually break up the plane of the first floor façade.
- (i) Nonresidential uses shall have a minimum of 60% of the ground floor facade between three and 10 feet above grade and 30% of upper floor facades shall be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
- (j) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
- (k) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber Cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.
- (l) Building materials and architectural details shall be consistent on all sides of each building.
- (m) When separate nonresidential tenants are housed in the ground floor of any building, separate entrances onto the sidewalk for each space should be provided, except when two stores share a vestibule.
- (n) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
- (o) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
- (p) Pedestrian friendly building design and site furnishings (outdoor tables, benches, bicycle racks, etc.) are required along Franklin.
- (q) Minimum Distance between buildings:
 - (i) Front facade to any facade: 60 feet
 - (ii) Rear facade to any façade: 50 feet
 - (iii) Side facade to any facade: 30 feet
- (r) Roof design:
 - (i) Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.

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- (ii) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - (iii) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (iv) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.
- (7) Plantings and buffers
 - (a) A buffer strip shall be provided along all property lines shared with a single-family residential use. A buffer strip of 20 feet or greater shall be provided where the multi-family use abuts a single-family residential use.
 - (b) Exterior utility boxes, mechanical and electrical equipment, and HVAC equipment shall be screened from view by architectural elements and/or landscape plantings.
 - (c) Buffers shall be maintained in perpetuity. If such buffers fail to provide adequate screening the buffers shall be re-established by the property owner using the same or similar plantings at the property owner's expense.
- (8) Miscellaneous Requirements.
 - (a) Signs shall be permitted pursuant to regulations for the B-1 district in §186-28.
- (9) Parking
 - (a) Parking shall not be located between the building and the public street.
 - (b) Off-street parking for residential uses shall be provided in accordance with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21.

SECTION 3 Except as hereby amended, all other sections of Chapter 186 shall remain in full force and effect.

SECTION 4 This Ordinance shall take effect upon final passage and publication according to law.

#1897 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Ordinance No. 1897
Amendments to Land Use Ordinance
Township of Wyckoff, Bergen County

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AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF
WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY
ZONE

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 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 Agreement set forth that Block 216, Lots 13.08, 13.09 and 13.10 shall receive zoning to permit mixed-use inclusionary development;

WHEREAS, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that Block 216, Lots 13.08, 13.09 and 13.10 shall receive zoning to permit inclusionary development in order to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate- income housing;

WHEREAS, the amended zoning of Block 216, Lots 13.08, 13.09 and 13.10 herein is consistent with the Settlement Agreement with Fair Share Housing Center, as well as the 2018 Housing Element and Fair Share Plan; and

WHEREAS, the MF/AH9 Zone will follow the property lines of Block 216, Lots 13.08, 13.09 and 13.10; and

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 zoning to permit mixed-use inclusionary development on Block 216, Lots 13.08, 13.09 and 13.10.

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

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

Z. The MF/AH9 Zone is the name of the zone established to include Block 216, Lots 13.08, 13.09 and 13.10.

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

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

D. MF/AH9 Zone: Affordable Housing

(1) Principal permitted uses shall be as follows:

- (a) Mixed-use development, consisting of multi-family units with a set-aside for affordable housing and ground floor nonresidential use.**
- (i) Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.**

(2) Accessory uses shall be as follows:

- (a) Accessory buildings.**
- (b) Off-street parking facilities**
- (c) Private recreational facilities and common open space.**
- (d) Signs.**
- (e) Fences.**
- (f) Retaining walls.**

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- (g) Uses which are customary and incidental to a permitted use.
- (3) Conditional uses shall be as follows:
 - (a) None.
- (4) Affordable housing.
 - (a) Where the affordable units shall be for sale, 20% of the total units on the site shall be reserved for affordable housing.
 - (b) Where the affordable units shall be for rent, 15% of the total units on the site shall be reserved for affordable housing.
 - (c) 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).
 - (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 exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.
- (5) Bulk Requirements.
 - (a) Minimum Lot size: 2.25 acres
 - (b) Maximum Gross Density: 8 du/ac
 - (c) Minimum Lot Width and Frontage: 200 feet
 - (d) Minimum Lot Depth: 200 feet
 - (e) Principal Building Setback
 - (i) Front: 30 feet
 - (ii) Each Side: 20 feet, 40 where abutting a single-family residential use
 - (iii) Rear: 30 feet
 - (f) Accessory Building Setback
 - (i) Each Side: 10 feet
 - (ii) Rear: 10 feet
 - (g) Maximum Building Height
 - (i) 2 ½ stories / 35 feet
 - (ii) No building, or portion thereof, within 50 feet of a single-family residential use or zone shall exceed 2.5 stories / 35 feet.
 - (h) Maximum Lot Coverage
 - (i) Principal Building: 25%
 - (ii) Accessory building: 5%
- (6) Building Design
 - (a) Buildings shall be oriented along Greenwood Avenue with all or a significant portion located parallel to the street. This shall not apply to any building located behind another building. Orientation shall include the provision of one or more primary building entrances.
 - (b) Not less than 50% of floor area of first floor uses facing Greenwood Avenue shall be nonresidential. Nonresidential uses shall not be oriented toward Godwin Avenue. Residential uses shall be permitted in the remaining 50% of the first floor facing Greenwood Avenue as well as portions of the building not facing Greenwood Avenue.
 - (c) Building side and rear elevations shall be designed with the

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- same material as the front of the building.
- (d) Multiple principal buildings shall be permitted on a lot.
 - (e) Maximum building length: 200 feet.
 - (f) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.
 - (g) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
 - (h) First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns, insets, projections or other vertical elements may be used to visually break up the plane of the first floor façade.
 - (i) Nonresidential uses shall have a minimum of 60% of the ground floor facade between three and 10 feet above grade and 30% of upper floor facades shall be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
 - (j) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
 - (k) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber Cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.
 - (l) Building materials and architectural details shall be consistent on all sides of each building.
 - (m) When separate nonresidential tenants are housed in the ground floor of any building, separate entrances onto the sidewalk for each space should be provided, except when two stores share a vestibule.
 - (n) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
 - (o) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
 - (p) Minimum Distance between buildings:
 - (i) Front facade to any facade: 60 feet
 - (ii) Rear facade to any facade: 50 feet
 - (iii) Side facade to any facade: 30 feet
 - (q) Roof design:
 - (i) Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.

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- (ii) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - (iii) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (iv) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.
- (7) Plantings and buffers
 - (a) A buffer strip shall be provided along all property lines shared with a single-family residential use. A buffer strip of 20 feet or greater shall be provided where the multi-family use abuts a single-family residential use.
 - (b) Exterior utility boxes, mechanical and electrical equipment, and HVAC equipment shall be screened from view by architectural elements and/or landscape plantings.
 - (c) Buffers shall be maintained in perpetuity. If such buffers fail to provide adequate screening the buffers shall be re-established by the property owner using the same or similar plantings at the property owner's expense.
- (8) Miscellaneous Requirements.
 - (a) Signs shall be permitted pursuant to regulations for the B-1 district in §186-28.
- (9) Parking
 - (a) Parking shall not be located between the building and the public street.
 - (b) Off-street parking for residential uses shall be provided in accordance with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21.

SECTION 3 Except as hereby amended, all other sections of Chapter 186 shall remain in full force and effect.

SECTION 4 This Ordinance shall take effect upon final passage and publication according to law.

#1898 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Ordinance No. 1898
Amendments to Land Use Ordinance
Township of Wyckoff, Bergen County

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY ZONE CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
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WHEREAS, the Township of Wyckoff entered into a Settlement Agreement with Fair Share Housing Center on July 12, 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 Agreement set forth that Block 216, Lots 17.01, 18 and 19 shall receive zoning to permit mixed-use inclusionary development;

WHEREAS, the Township adopted a Third Round Housing Element and Fair Share Plan that also set forth that Block 216, Lots 17.01, 18 and 19 shall receive zoning to permit mixed-use inclusionary development in order to satisfy a portion of Wyckoff's constitutional obligation to provide for its fair share of low- and moderate- income housing;

WHEREAS, the amended zoning of Block 216, Lots 17.01, 18 and 19 herein is consistent with the Settlement Agreement with Fair Share Housing Center, as well as the 2018 Housing Element and Fair Share Plan; and

WHEREAS, the MF/AH8 Zone will follow the property lines of Block 216, Lots 17.01, 18 and 19; and

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 zoning to permit mixed-use inclusionary development on Block 216, Lots 17.01, 18 and 19.

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

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

Z. The MF/AH8 Zone is the name of the zone established to include Block 216, Lots 17.01, 18 and 19

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

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

D. MF/AH8 Zone: Affordable Housing

- (1) Principal permitted uses shall be as follows:**
 - (a) Mixed-use development, consisting of multi-family units with a set-aside for affordable housing and ground floor nonresidential.**
 - (i) Permitted nonresidential uses on the first floor are limited to those uses permitted in the B-1 district.**
 - (ii) Single family dwellings in existence as of the time of the adoption of this ordinance.**
- (2) Accessory uses shall be as follows:**
 - (a) Accessory buildings.**
 - (b) Off-street parking facilities**
 - (c) Private recreational facilities and common open space.**
 - (d) Signs.**
 - (e) Fences.**
 - (f) Retaining walls.**
 - (g) Uses which are customary and incidental to a permitted use.**
- (3) Conditional uses shall be as follows:**
 - (a) None.**
- (4) Affordable housing.**
 - (a) Where the affordable units shall be for sale, 20% of the total units on the site shall be reserved for affordable housing.**
 - (b) Where the affordable units shall be for rent, 15% of the total units on the site shall be reserved for affordable housing.**

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- (c) 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).
- (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 exterior design of affordable housing units shall be harmonious in scale, texture and materials with market-priced units.
- (5) **Bulk Requirements.**
 - (a) Minimum Lot size: 0.5 acres
 - (b) Maximum Gross Density: 12 du/ac, not to exceed 6 units in the district.
 - (c) Minimum Lot Width and Frontage: 200 feet
 - (d) Minimum Lot Depth: 100 feet
 - (e) Principal Building Setback
 - (i) Front: 30 feet
 - (ii) Each Side: 20 feet
 - (iii) Rear: 30 feet
 - (f) Accessory Building Setback
 - (i) Each Side: 10 feet
 - (ii) Rear: 10 feet
 - (g) Maximum Building Height
 - (i) 2 ½ stories / 35 feet
 - (h) Maximum Lot Coverage
 - (i) Principal Building: 25%
 - (ii) Accessory building: 5%
- (6) **Building Design**
 - (a) Building side and rear elevations shall be designed with the same material as the front of the building.
 - (b) Not less than 50% of first floor uses shall be nonresidential. Residential uses shall be permitted in the remaining 50% of the first floor as well as portions of the building.
 - (c) Multiple principal buildings shall be permitted on a lot.
 - (d) An overall theme of design and architectural motif shall be utilized within the development for the purpose of presenting an aesthetically desirable effect and shall be such that they provide varied building elevations, design and structural appearance within the context of the unifying theme.
 - (e) Any facade of a residential building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
 - (f) First-floor facades containing nonresidential uses which are visible from a public street shall be expressed as building modules that do not exceed 40 feet in width so as to eliminate blank walls, create more interesting architecture, and facilitate small-scale commercial opportunities. Architectural elements including but not limited to piers, columns, insets, projections or other vertical elements may be used to visually break up the plane of the first floor façade.

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- (g) Nonresidential uses shall have a minimum of 60% of the ground floor facade between three and 10 feet above grade and 30% of upper floor facades shall be transparent and shall provide visual access to the street. Blanked-out windows, windows which display only signage, or look into unused or "dead" space do not meet this requirement.
- (h) First-floor windows facing a public street shall be clear; tinted windows in this location are prohibited.
- (i) Building facades shall be predominantly finished in brick and/or fiber cement. "Fiber Cement" shall refer to a combination of cellulose fibers and cementitious materials, that, manufactured in long, horizontal strips, has the appearance of wood siding. Stone veneer, stucco, cast stone and metal shall be used only for minor accentuation of other elements of the facade. Exterior insulation and finishing system shall not be used on any portion of the building facade.
- (j) Building materials and architectural details shall be consistent on all sides of each building.
- (k) Building entrances should be articulated to make it easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awnings and architectural treatments.
- (l) Upper floor windows should be divided into individual units or groupings of individual units, rather than a continuous "ribbon."
- (m) Roof design:
 - (i) Flat roofs are prohibited. Gambrel, gable and hipped roofs are permitted. Dormers may be utilized where appropriate for the architectural style.
 - (ii) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
 - (iii) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
 - (iv) Rooftop equipment such as mechanical units, vents, and flues should be located centrally on the building roof, to the extent practicable. Any equipment visible from a publicly accessible area, adjacent lots, and pedestrian corridors shall be screened with solid materials using parapets, pitched roof forms, or penthouses. Screening shall be constructed of the same or complementary material as the building.
- (7) Plantings and buffers
 - (a) A buffer strip of 20 feet or greater shall be provided where the multi-family use abuts a single-family residential use.
 - (b) Exterior utility boxes, mechanical and electrical equipment, and HVAC equipment shall be screened from view by architectural elements and/or landscape plantings.
 - (c) Buffers shall be maintained in perpetuity. If such buffers fail to provide adequate screening the buffers shall be re-established by the property owner using the same or similar plantings at the property owner's expense.
- (8) Miscellaneous Requirements.
 - (a) Signs shall be permitted pursuant to regulations for the B-1 district in §186-28.
- (9) Parking
 - (a) Parking shall not be located between the building and the

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- public street.
(b) Off-street parking for residential uses shall be provided in accordance with the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21.

SECTION 3 Except as hereby amended, all other sections of Chapter 186 shall remain in full force and effect.

SECTION 4 This Ordinance shall take effect upon final passage and publication according to law.

Following is the vote on the Consent Agenda:

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

IV ORDINANCE-FURTHER CONSIDERATION

#1895 - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 54 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, POLICE DEPARTMENT

ORDINANCE

FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1895, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 54 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, POLICE DEPARTMENT

for second reading, by title only, and a copy of this Ordinance has been posted on the bulletin board in Town Hall where public notices are customarily posted, and copies have been made available to members of the general public of the Township who have requested the same.

COMMITTEEMAN BOONSTRA: I move the Ordinance on second reading by Title only.

COMMITTEEMAN SHANLEY: Seconded.

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

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1895, and all persons who wish to be heard, please state your name and address before making your statement.

Public Comments are made here.

At the Conclusion of public comments:

COMMITTEEMAN BOONSTRA: I move that the Public Hearing on the Ordinance be closed.

COMMITTEEMAN SHANLEY: Seconded.

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

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MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1895 be, and the same is hereby adopted, and the Municipal Clerk is hereby authorized and directed to publish the Notice of Final Passage of said Ordinance in the official newspaper for the Township as provided by law.

COMMITTEEMAN BOONSTRA: I move the resolution.

COMMITTEEMAN SHANLEY: Seconded.

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

ORDINANCE #1895

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 54 OF
THE CODE OF THE TOWNSHIP OF WYCKOFF, POLICE
DEPARTMENT**

BE IT ORDAINED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that Chapter 54 of the Code of the Township of Wyckoff, Police Department, be amended as follows:

SECTION 1 - Chapter 54-21A is hereby amended to reflect an increase in the traffic and security assignment rate in item (1) 54-21A.

A. Private employers shall pay to the Treasurer of the Township of Wyckoff such hourly
rate as is set forth herein or may be fixed from time to time by
resolution of the
Township Committee as compensation for such services. The
Township shall remit
to the member of the Police Department performing such off-duty
service a portion of
said hourly rate, and the balance shall be retained by the Township for
administration,
payroll and insurance expenses, all as established by this article or by
future resolution
of the Township Committee. Off duty rates shall be as follows:

(1) Traffic and Security Assignment rate: ~~one hundred and twenty dollars, (\$120)~~
one hundred thirty-five dollars (\$135) per hour for each officer
paid to the
Township of Wyckoff, from which the police officer
performing the off-duty
service shall be paid one and one half times the officer's
regular hourly pay
but not less than \$65.00 per hour.

(2) Non-profit organizations, charitable organizations, Wyckoff
businesses and Wyckoff residents rate: ninety five

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dollars (\$95) per hour cost paid to the Township of Wyckoff, of which seventy five (\$75) dollars per hour shall be paid to the police officer performing the off-duty service.

(3) An additional charge of twenty-five dollars (\$25) per hour shall be paid when a police patrol vehicle is required and/or requested for use for the off-duty assignment. The twenty-five dollars (\$25) per hour charge shall apply to numbers (1) and (2) above.

(4) When a traffic safety review meeting is required, a traffic safety review fee shall be paid to the Township of Wyckoff in the amount of seventy-five dollars (\$75).

(5) A four (4) hour minimum shall be required for each private duty assignment. A minimum of two (2) hour increments after the first four (4) hours.

B. The Police Department shall require private individuals and/or entities requesting off-duty police assignments to submit payment based on estimates of the work to be performed, in advance of services rendered. The Township will escrow the moneys in the dedicated fund to ensure timely payment to the police officers who performed the off-duty assignment.

C. Wyckoff sworn officers may work off-duty assignments in a municipality other than Wyckoff in compliance with this section when Wyckoff sworn officers are not required for Wyckoff overtime assignments or off-duty assignment.

SECTION 2 - Except as herein amended and supplemented, all other provisions of Chapter 54 of the Code of the Township of Wyckoff, Police Department, shall remain in full force and effect.

SECTION 3 – This ordinance shall take effect immediately upon final passage and publication as required by law.

V Adjourned 8:09pm

Mayor Thomas J. Madigan

Joyce C. Santimauro, Municipal Clerk

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