



**BOROUGH OF HIGHLANDS
COUNCIL REGULAR MEETING**
22 Snug Harbor Avenue, Highlands NJ 07732
Wednesday, June 15, 2022 at 7:00 PM

AGENDA

REGULAR MEETING:

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and the Two River Times and by posting at the Borough of Highlands Municipal Building and filing with the Borough Clerk all on January 1, 2022. Items listed on the agenda are subject to change.

ROLL CALL

Councilmember Cervantes | Councilmember Chelak

Councilmember Melnyk | Council President Olszewski

Mayor Broullon

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / CERTIFICATES

1. Proclamation Congratulating Orianna Nolan

APPROVAL OF MINUTES

2. June 1, 2022 Meeting Minutes

RESOLUTIONS

- [3.](#) R 22-144 Authorizing Payment of Bills
- [4.](#) R 22-145 Approving Renewal of Liquor Licenses for the 2022-2023 Term
- [5.](#) R 22-146 Authorizing Refund of Municipal Fee for Liquor License Renewal Overpayment
- [6.](#) R 22-147 Resolution Authorizing Special Counsel to Prepare and Submit a Petition to the Commissioner of Education Seeking Authorization to Hold a Referendum on the Issue of the Addition of a Purpose to Henry Hudson to Convert it from a Limited Purpose into an All-Purpose Regional Serving Highlands, Atlantic Highlands and Sea Bright
- [7.](#) R 22-148 Accepting Donation of a Motorized Scooter from Highlands Business Partnership, Inc.

CONSENT AGENDA

8. R 22-149 Reappointing Gerald Jay Briscione to Serve as the Tax Assessor for the Borough of Highlands
9. R 22-150 Appointing Green Team member
10. R 22-151 Cancelling Grant Balances
11. R 22-152 Awarding a Fair and Open Contract for the Waterwitch Wastewater Pump Station Project
12. R 22-153 Appointing Nancy Tran, RMC, to Serve in the Position of Municipal Clerk
13. R 22-154 Acknowledging Consistency Report O-22-09
14. R 22-155 Acknowledging Consistency Report O-22-11

INTRODUCTION OF PROPOSED ORDINANCES

PUBLIC HEARING ON PROPOSED ORDINANCES

15. O-22-09 Ordinance Amending Section 21-84B "Steep Slopes and Slump Blocks" of the Borough of Highlands Municipal Code
16. O-22-11 Ordinance Repealing Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 Through 21-127 and Replacing It with a New Article XXIV (Floodplain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Floodplain Administrator

OTHER BUSINESS

17. Monmouth Hills

REPORTS

PUBLIC PORTION

Individuals wishing to address the Council shall be recognized by the presiding officer and shall give their name, address, and the group, if any, they represent. Although the Council encourages public participation, it reserves the right, through its presiding officer, to terminate remarks to and/or by any individual not in keeping with the conduct of a proper and efficient meeting. If any individual refuses to conduct themselves in a proper manner, they will be removed from the meeting. The Council will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific or prospective or current employee. There is a 3-minute time limit for your comments.

EXECUTIVE SESSION: Cancelled

ADJOURNMENT

If you have any questions regarding this agenda, please contact the Borough Clerk at (732) 872-1224 ext. 201 or email clerk@highlandsborough.org



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-144
RESOLUTION AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated June 10, 2022, which totals as follows:

Current Fund	\$ 861,432.18
Sewer Account	\$ 1,340.00
Capital Fund	\$ 282,864.70
Trust-Other	\$ 8,557.95
Federal/State Grants	\$ 111,062.60
Total	\$ 1,218,103.23

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,218,103.23** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

Motion to Approve R 22-144:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands

RECAP OF PAYMENT OF BILLS
06/15/2022

Item 3.

CURRENT:		\$	861,482.18
Payroll	(05/30/2022)	\$	
Manual Checks		\$	1,340.00
Voided Checks		\$	
SEWER ACCOUNT:		\$	52,845.80
Payroll	(05/30/2022)	\$	
Manual Checks		\$	
Voided Checks		\$	
CAPITAL/GENERAL		\$	281,864.70
CAPITAL-MANUAL CHECKS		\$	1,000.00
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	8,557.95
Payroll	(05/30/2022)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	111,062.60
Payroll	(05/30/2022)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

P.O. Type: All
Range: First to Last
Format: Detail without Line Item Notes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO # PO Date Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	chk/Void Date	Invoice	1099 Exc1
ATC ATC VOICE/DATA, INC.										
	22-00506 05/02/22 Equipment									
	1 PD 2 CO Line Call Recording	1,478.00	2-01-25-240-000-295	B Police: Office Equipment/Furniture	R	05/02/22	06/08/22		56314	N
	Vendor Total:	1,478.00								
BAYSH010 BAYSHORE SINGLE STREAM SOLUTIO										
	22-00668 06/09/22 Commingling									
	1 Commingling	33.84	2-01-26-306-000-283	B Sanitation Contract: Co-Mingled Disposal	R	06/09/22	06/09/22		13145	N
	Vendor Total:	33.84								
CINTA005 CINTAS CORPORATION										
	22-00619 05/26/22 Facility cleaning services									
	6 Facility cleaning services	553.05	2-01-26-310-000-294	B B&G: Other/Janitorial Contract	R	05/26/22	06/07/22		4118990087	N
	7 Facility cleaning services	785.83	2-01-26-310-000-294	B B&G: Other/Janitorial Contract	R	05/26/22	06/07/22		4120358940	N
	8 Facility cleaning services	469.60	2-01-26-310-000-294	B B&G: Other/Janitorial Contract	R	05/26/22	06/07/22		4121713635	N
		1,808.48								
	Vendor Total:	1,808.48								
CJISS005 CJIS SOLUTIONS										
	22-00592 05/18/22 Equipment Maintenance									
	1 Law Safe 250gb	240.00	2-01-25-240-000-254	B Police: Equipment Maintenance	R	05/18/22	06/08/22		2021-3608	N
	Vendor Total:	240.00								
CME01 CME ASSOCIATES										
	21-01107 10/08/21 land surveying/Improv Hillside									
	14 land surveying/Improv Hillside	1,134.00	C-04-14-108-000-510	B Ord 14-08 Engineer	R	10/08/21	06/09/22		0304861	N
	21-01435 12/16/21 Improv. King and Matthew St.									
	11 Improv. King and Matthew St.	4,735.00	G-02-41-815-000-101	B GRANT-2021-159-NJDOT King/Mathew	R	12/16/21	06/09/22		0304868	N

June 13, 2022
01:02 PM

BOROUGH OF HIGHLANDS
Bill List By Vendor Name

Vendor # Name	PO # PO Date Description	Contract Amount	PO Type Charge Account	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
CME01 CME ASSOCIATES										
Continued										
22-00007	01/05/22 Engineering services 2022									
31	2022 General engineering	1,052.50	2-01-20-165-000-244	B Engineering:General Engineering	R	06/09/22	06/09/22		0304860	N
32	barberie drainage	3,262.50	2-01-20-165-000-244	B Engineering:General Engineering	R	06/09/22	06/09/22		0304862	N
33	stormwater pollution plan	378.00	2-01-20-165-000-244	B Engineering:General Engineering	R	06/09/22	06/09/22		0304863	N
34	cdbg grant app.	2,854.50	2-01-20-165-000-244	B Engineering:General Engineering	R	06/09/22	06/09/22		0304866	N
		7,547.50								
22-00445	04/19/22 Phase I sanitary improvements									
4	Phase I sanitary improvements	5,155.75	C-06-18-001-000-201	B ORD#18-23 Storm Water-Soft Costs	R	04/19/22	06/09/22		0304865	N
22-00446	04/19/22 South Bay/Hillside Avenue									
4	South Bay/Hillside Avenue	1,143.75	C-06-18-001-000-201	B ORD#18-23 Storm Water-Soft Costs	R	04/19/22	06/09/22		0304869	N
22-00495	04/28/22 Engineering Snugharbor park									
4	Engineering Snugharbor park	274.25	T-03-56-855-000-000	B Trust: Storm Recovery Trust	R	04/28/22	06/09/22		0304864	N
22-00538	05/06/22 ELEVATED WALKWAY-MARINE PLACE									
2	ELEVATED WALKWAY-MARINE PLACE	8,100.00	2-01-20-165-000-244	B Engineering:General Engineering	R	05/06/22	06/09/22		0304867	N
	Vendor Total:	28,090.25								
COLLI005 COLLIERS ENGINEERING/DESIGN										
21-00680	06/22/21 Restoration bulkheads									
12	Restoration bulkheads	1,002.20	C-04-20-101-000-202	B ORD#20-07 Various Capital Improv.	R	06/22/21	06/09/22		759715	N
22-00266	03/03/22 Prof. services/skate park									
3	Prof. services/skate park	8,185.00	2-01-20-165-000-244	B Engineering:General Engineering	R	03/03/22	06/09/22		759643	N
	Vendor Total:	9,187.20								
COMCAST COMCAST										
22-00661	06/09/22 22 snugharbor avenue									
1	22 snugharbor avenue	267.98	2-01-31-450-000-213	B Telecommunications	R	06/09/22	06/09/22		22 SNUGHARBOR	N
2	17-1 shore dr	89.90	2-01-31-450-000-213	B Telecommunications	R	06/09/22	06/09/22		17-1 SHORE DR	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
COMCAST COMCAST								
	22-00661 06/09/22 22 snugharbor avenue	Continued						
	3 40 shore drive	Continued	181.08 2-05-55-502-000-213 B Sewer: Telephone	R	06/09/22	06/09/22	40 SHORE DR	N
			538.96					
	Vendor Total:		538.96					
CONNELL CONSULTING LLC								
	22-00112 01/27/22 Training							
	1 OPRA for Practitioners		298.00 2-01-25-240-000-236 B Police: Schooling/Training	R	01/27/22	06/08/22	4259-22	N
	Vendor Total:		298.00					
COSTCO								
	22-00639 06/01/22 Bon fire							
	1 Bon fire		192.30 2-01-28-360-000-244 B Community Ctr: Special Events	R	06/01/22	06/08/22	6/1/22	N
	Vendor Total:		192.30					
DAVISON, EASTMAN, MUNOZ, LEDERMAN								
	22-00002 01/05/22 Municipal Attorney-Reso	22-001						
	15 Retainer		5,500.00 2-01-20-155-000-242 B Legal Services: Consultants -Boro Attny	R	06/09/22	06/09/22	393795	N
	16 Hourly		5,157.55 2-01-20-155-000-252 B Legal Services: Consultants Hourly	R	06/09/22	06/09/22	393796	N
	17 Litigation		105.00 2-01-20-155-000-251 B Legal Services: Consultants -Litigation	R	06/09/22	06/09/22	393725	N
	18 street vacation 72 4th st.		660.00 2-01-20-155-000-294 B Legal Services: Other	R	06/09/22	06/09/22	393794	N
			11,422.55					
	Vendor Total:		11,422.55					
EASTPOINTE CONDOMINIUM ASS.								
	22-00658 06/08/22 Electric reimbursement							
	1 Electric reimbursement		3,626.07 2-01-26-325-000-217 B Condo Services: Street Lighting	R	06/08/22	06/08/22	JAN-MAY 2, 2022	N
	Vendor Total:		3,626.07					

June 13, 2022
01:02 PM

BOROUGH OF HIGHLANDS
Bill List By Vendor Name

Vendor # Name	PO # PO Date Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
ELRAC005 ELRAC, INC.									
	22-00637 06/01/22 Leased Equipment								
	1 Car Rental 01/14/22-02/28/22	2,019.47	2-01-25-240-000-270	B Police: Leased Equipment	R	06/01/22	06/10/22	500050235266	N
	Vendor Total:	2,019.47							
FILEB005 FILEBANK									
	21-00471 05/04/21 REPACKING, RETENTION/SHREDDING								
	16 REPACKING, RETENTION/SHREDDING	53.46	1-01-26-310-000-103	B B&G: Consumable Supplies	R	05/04/21	06/09/22	0112111	N
	Vendor Total:	53.46							
GENER005 GENERAL CODE LLC									
	22-00344 03/23/22 Codification								
	1 Codification	900.00	2-01-20-120-000-258	B Municipal Clerk: Codification	R	03/23/22	06/07/22	PG000028278	N
	Vendor Total:	900.00							
GEORGE GEORGE WALL									
	22-00441 04/14/22 Emergency repair for pd 17-15								
	1 Emergency repair for pd 17-15	3,904.08	2-01-42-717-000-203	B Interlocal: Motor Vehicle - Police	R	04/14/22	06/07/22	FOCS365500	N
	22-00590 05/18/22 Oxygen sensor 17-15								
	1 oxygen sensor 17-15	70.39	2-01-42-717-000-203	B Interlocal: Motor Vehicle - Police	R	05/18/22	06/07/22	217592	N
	2 oil filters	73.08	2-01-42-717-000-203	B Interlocal: Motor Vehicle - Police	R	05/18/22	06/07/22	217592	N
		143.47							
	Vendor Total:	4,047.55							
H2MAS005 H2M ASSOCIATES, INC.									
	20-01163 11/09/20 waterwitch wastewater pumpstat								
	12 waterwitch wastewater pumpstat	4,500.00	C-06-18-001-000-201	B ORD#18-23 Storm Water-Soft Costs	R	11/09/20	06/09/22	230981	N
	21-00598 05/28/21 sanitary consulting								
	11 sanitary consulting	195.00	2-05-55-502-000-294	B Sewer: Other	R	06/09/22	06/09/22	230980	N
	Vendor Total:	4,695.00							

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
HALET005 HALE TRAILER								
	22-00249 02/28/22 20 FOOT CONTAINER							
	5 20 FOOT CONTAINER		95.00 T-03-56-855-000-000 B Trust: Storm Recovery Trust	R	02/28/22	06/08/22	1387869	N
	Vendor Total:		95.00					
HENRY HENRY HUDSON REGIONAL HIGH SCH								
	22-00671 06/09/22 June 2022							
	1 June 2022		308,050.00 2-01-99-999-002-206 B Regional School Taxes Payable	R	06/09/22	06/09/22	JUNE 2022	N
	Vendor Total:		308,050.00					
HIGHBDED HIGHLANDS BOARD OF EDUCATION								
	22-00672 06/09/22 June 2022							
	1 June 2022		349,962.00 2-01-99-999-001-206 B Local School Taxes Payable	R	06/09/22	06/09/22	JUNE 2022	N
	Vendor Total:		349,962.00					
HOL01 HOLMAN, FRENIA, ALLISON PC								
	22-00006 01/05/22 Municipal auditor 2022							
	3 Municipal auditor 2022		9,000.00 1-01-20-135-000-257 B Audit Services: Audit	R	01/05/22	06/08/22	53009	N
	4 Municipal auditor 2022		3,000.00 1-05-55-502-000-157 B Sewer: Audit	R	06/08/22	06/08/22	53009	N
			12,000.00					
	Vendor Total:		12,000.00					
IMPAC005 IMPAC								
	22-00647 06/07/22 Fuel							
	1 Fuel		8,252.91 2-01-31-460-000-192 B Fuel	R	06/07/22	06/07/22	SQLCD-762986	N
	Vendor Total:		8,252.91					
GARDENFL IN THE GARDEN FLORIST								
	22-00676 06/10/22 gourmet baskets							
	1 gourmet baskets		190.00 2-01-20-130-000-294 B Finance: Other	R	06/10/22	06/10/22	10244	N

June 13, 2022
01:02 PM

BOROUGH OF HIGHLANDS
Bill List By Vendor Name

Vendor # Name	PO # PO Date Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
GARDENFL IN THE GARDEN FLORIST										
Continued										
	22-00676 06/10/22 gourmet baskets	625.00	2-01-20-100-000-294	B Admin: Other	R	06/10/22	06/10/22		09508	N
	2 wreaths	815.00								
	Vendor Total:	815.00								
BUTLER JAMES BUTLER, ESQ.										
	22-00004 01/05/22 Municipal Prosecutor 2022	2,540.00	2-01-25-275-000-201	B Contract Cost	R	01/05/22	06/09/22		JUNE/JULY 2022	N
	4 Municipal Prosecutor 2022									
	Vendor Total:	2,540.00								
JAMES035 JAMES R. INETILE INC.										
	21-01436 12/16/21 Improv. to King and Matthew St	106,327.60	G-02-41-815-000-101	B GRANT-2021-159-NJDOT King/Mathew	R	12/16/21	06/08/22		PAYMENT #2	N
	1 Improv. to King and Matthew St									
	Vendor Total:	106,327.60								
JFKEM005 JFK EMS										
	22-00058 01/14/22 ems agreement									
	5 ems agreement	15,000.00	2-01-42-737-000-299	B Shared Service EMS/JFK Medical Center	R	06/10/22	06/10/22		MAY 2022	N
	6 ems agreement	15,000.00	2-01-42-737-000-299	B Shared Service EMS/JFK Medical Center	R	06/10/22	06/10/22		JUNE 2022	N
		30,000.00								
	Vendor Total:	30,000.00								
KAPPA005 KAPPA CONSTRUCTION CORP.										
	22-00587 05/16/22 CONTRACTOR NEW BORO COMPLEX	268,373.00	C-04-16-101-000-201	B ORD#16-7 Pre] Const New Borough Hall	R	05/16/22	06/10/22		CERT. #2	N
	2 CONTRACTOR NEW BORO COMPLEX									
	Vendor Total:	268,373.00								
LANIGAN LANIGAN ASSOCIATES, INC.										
	22-00427 04/13/22 Uniform Accessories									
	1 B96 Police Officer Breast	63.00	2-01-25-240-000-232	B Police: Uniform Clothing & Access.	R	04/13/22	06/08/22		98168	N
	2 B96 Police Officer wallet	63.00	2-01-25-240-000-232	B Police: Uniform Clothing & Access.	R	04/13/22	06/08/22		98168	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
Item Description	Amount	Charge Account Acct Type Description						
LANIGAN LANIGAN ASSOCIATES, INC. Continued								
22-00427 04/13/22 Uniform Accessories		Continued						
4 B96 Spl. Officer Wallet	63.00	2-01-25-240-000-232	B Police: Uniform Clothing & Access.	R	04/13/22	06/08/22	98168	N
	189.00							
22-00607 05/25/22 Nameplates								
1 Nameplates	54.00	T-03-56-850-000-013	B Trust: Police Explorers	R	05/25/22	06/07/22	33348	N
Vendor Total:	243.00							
MASTE005 MASTER MAINTENANCE OF RED BANK								
22-00667 06/09/22 Cleaning of boro buildings								
1 Cleaning of boro buildings	840.00	2-01-26-310-000-178	B B&G: Building Maintenance	R	06/09/22	06/09/22	5654	N
Vendor Total:	840.00							
MIDDLE040 MIDDLETOWN TWP.								
21-01258 11/05/21 Shared service leaf/brush disp								
4 Shared service leaf/brush disp	750.00	1-01-26-305-000-284	B Sanitation: Brush & Bulk	R	11/05/21	06/10/22	5/20/22	N
5 Shared service leaf/brush disp	150.00	1-01-26-305-000-284	B Sanitation: Brush & Bulk	R	11/05/21	06/10/22	30 YARDS	N
	900.00							
Vendor Total:	900.00							
MIRAN005 MIRANDA NASH								
22-00675 06/10/22 website hosting								
1 website hosting	300.00	1-01-20-152-000-294	B Central Services: Other	R	06/10/22	06/10/22	20200601270204	N
2 website hosting	300.00	1-01-20-152-000-294	B Central Services: Other	R	06/10/22	06/10/22	20210601387019	N
3 website hosting	300.00	2-01-20-152-000-294	B Central Services: Other	R	06/10/22	06/10/22	20220604009212	N
	900.00							
Vendor Total:	900.00							
MONMOUPO MONMOUTH COUNTY POLICE ACADEMY								
22-00634 05/27/22 Training								
1 SLEO I Training - A. Carey	125.00	2-01-25-240-000-236	B Police: Schooling/Training	R	05/27/22	06/07/22	44TH SLEO I	N
Vendor Total:	125.00							

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
MONM0045 MONMOUTH TELECOM								
	22-00657 06/08/22 Data and voice services							
	1 Data and voice services	2-01-31-440-000-213	B Telephone	R	06/08/22	06/08/22	331930	N
	Vendor Total:	525.62						
NJAMERIC NEW JERSEY AMERICAN WATER								
	22-00660 06/09/22 Bay avenue park							
	1 Bay avenue park	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	BAY AVENUE	N
	2 27 shore drive	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	27 SHORE DR	N
	3 s bay avenue	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	S BAY AVE	N
	4 garage	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	GARAGE	N
	5 linden avenue	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	LINDEN AVE	N
	6 22 snugharbor ave	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	22 SNUGHARBOR	N
	7 17-1 shore dr	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	17-1 SHORE DR	N
	8 42 shore dr	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	42 SHORE DR	N
	9 waterwitch avenue	2-01-31-445-000-219	B Water	R	06/09/22	06/09/22	WATERWITCH AVE	N
	10 122 hydts	2-01-31-463-000-193	B Fire Hydrants	R	06/09/22	06/09/22	122 HYDTS	N
	11 gravelly pt hydrants	2-01-31-463-000-193	B Fire Hydrants	R	06/09/22	06/09/22	GRAV HYDRANTS	N
	12 Firehouse hydrant	2-01-31-463-000-193	B Fire Hydrants	R	06/09/22	06/09/22	FIREHOUSE	N
	13 40 shore drive	2-05-55-502-000-219	B Sewer: Water	R	06/09/22	06/09/22	40 SHORE DR	N
	Vendor Total:	7,385.97						
NEWPO005 NEWPORT MEDIA HOLDINGS, LLC								
	22-00638 06/01/22 adop 0-22-10							
	1 Adopt 0-22-10	2-01-20-120-000-220	B Municipal Clerk: Advertising	R	06/01/22	06/08/22	17402	N
	Vendor Total:	8.99						
VETERINA NJ STATE DEPT. OF HEALTH								
	22-00664 06/09/22 Dog report May 2022							
	1 Dog report May 2022	T-12-99-999-000-002	B DOG TRUST: DUE STATE OF NEW JERSEY	R	06/09/22	06/09/22	MAY 2022	N
	Vendor Total:	23.40						

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date Invoice	1099 Excl
OMSOL005 O&M SOLUTIONS, LLC								
	22-00492 04/28/22 wastewater maintenance							
	8 Emergency call out		750.00 2-05-55-502-000-154	B Sewer: Equipment Maintenance	R	06/08/22 06/08/22	3507	N
	Vendor Total:		750.00					
ONE CALL ONE CALL CONCEPTS, INC.								
	22-00648 06/07/22 mark-outs for may 2022							
	1 mark-outs for may 2022		47.19 2-05-55-502-000-154	B Sewer: Equipment Maintenance	R	06/07/22 06/07/22	2055084	N
	Vendor Total:		47.19					
PARTN005 PARTNER ENGINEERING & SCIENCE								
	22-00670 06/09/22 New boro hall debris sampling							
	1 New boro hall debris sampling		556.00 C-04-21-101-000-202	B ORD#21-28 NEW BOROUGH HALL- SOFT COST	R	06/09/22 06/09/22	22-373603-1	N
	Vendor Total:		556.00					
POORJ005 POOR JOHNS PORTABLE TOILETS								
	22-00645 06/02/22 Port-a potty 22 Snugarbor Ave							
	1 Port-a potty 22 Snugarobr Ave		203.00 2-01-28-376-000-170	B Beachfront: Leased Equipment	R	06/02/22 06/08/22	9536	N
	Vendor Total:		203.00					
PUMPING PUMPING SERVICES, INC.								
	22-00065 01/14/22 2 year service pump watch expr							
	1 2 year service pump watch expr		384.00 2-05-55-502-000-154	B Sewer: Equipment Maintenance	R	01/14/22 06/09/22	1127775	N
	2 2 year service pump watch expr		384.00 2-05-55-502-000-154	B Sewer: Equipment Maintenance	R	05/20/22 06/09/22	1130121	N
			768.00					
	Vendor Total:		768.00					
RUDER005 RUDERMAN & ROTH, LLC								
	22-00003 01/05/22 Labor Council 2022							
	4 Labor Council 2022		1,330.00 2-01-20-155-000-294	B Legal Services: Other	R	01/05/22 06/08/22	MAY 2022	N
	Vendor Total:		1,330.00					

June 13, 2022
01:02 PM

BOROUGH OF HIGHLANDS
Bill List By Vendor Name

Vendor #	Name	PO #	PO Date	Description	Amount	Contract	PO Type	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
SEAB0005 SEABOARD WELDING SUPPLY, INC.															
		22-00649	06/07/22	Oxygen/Argon											
				1 Oxygen/Argon	39.50	2-01-26-310-000-170			B B&G: Leased Equipment	R	06/07/22	06/07/22		938805	N
				Vendor Total:	39.50										
SKIP SKIP'S SPORTS															
		22-00532	05/05/22	Student of the month shirts											
				1 Student of the month shirts	959.00	2-01-20-110-000-294			B Mayor/Council: Misc. Expenses	R	05/05/22	06/08/22		47694	N
				Vendor Total:	959.00										
SPECTROL SPECTROTEL, INC.															
		22-00656	06/08/22	Police department											
				1 Police department	443.05	2-01-31-440-000-213			B Telephone	R	06/08/22	06/08/22		10925481	N
				Vendor Total:	443.05										
STAPLES STAPLES ADVANTAGE															
		22-00595	05/19/22	Office supplies											
				1 Office supplies	1,128.06	2-01-26-290-000-101			B Streets: Office supplies	R	05/19/22	06/07/22		3508386658	N
				2 Office supplies	38.92	2-01-26-310-000-103			B B&G: Consumable Supplies	R	05/19/22	06/07/22		3508386658	N
				3 Office supplies	38.64	2-01-20-152-000-201			B Central Services: Office Supplies	R	05/19/22	06/07/22		3508386658	N
					1,205.62										
				Vendor Total:	1,205.62										
STATE021 STATE TREASURER															
		22-00678	06/13/22	RMC Certificate											
				1 RMC Certificate NT	50.00	2-01-20-120-000-227			B Municipal Clerk: Dues	R	06/13/22	06/13/22		N. TRAN	N
				Vendor Total:	50.00										
SUBUR005 SUBURBAN DISPOSAL INC.															
		22-00655	06/08/22	May 2022											
				1 May 2022	30,416.66	2-01-26-306-000-284			B Sanitation Contract: Solid waste	R	06/08/22	06/08/22		8719	N
				2 May 2022	18,068.63	2-01-26-309-000-220			B Mon Cty Rec: Tipping Fees	R	06/08/22	06/08/22		8719	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date Date	Chk/Void	Invoice	1099
	Item Description								Date	Date	Excl
SUBUR005 SUBURBAN DISPOSAL INC.											
	22-00655 06/08/22 May 2022	Continued									
	3 May 2022	Continued	655.83	2-01-26-305-000-284	B Sanitation: Brush & Bulk	R	06/08/22	06/08/22		8719	N
			<u>49,141.12</u>								
	Vendor Total:		49,141.12								
TM T&M ASSOCIATES											
	22-00669 06/09/22 2022 General services										
	1 2022 General services		607.75	2-01-21-180-000-244	B Mun Land Use Law: Consultants - Engineer	R	06/09/22	06/09/22		SE425124	N
	2 2022 lub meeting		400.00	2-01-21-180-000-244	B Mun Land Use Law: Consultants - Engineer	R	06/09/22	06/09/22		SE425125	N
	3 B-Four enterprises		467.75	T-03-56-875-000-167	B TRUST: LUB2022-03 BFourEnt 1 Atlantic	R	06/09/22	06/09/22		SE424859	N
	4 342 Shore Drive		537.25	T-03-56-875-000-164	B TRUST: LUB2022-02 Shwom B101 L9 342Shore	R	06/09/22	06/09/22		SE424858	N
	5 38 Grand Tour		250.40	T-03-56-875-000-158	B TRUST: LUB2021-06 38 Grand Tour B14 L6	R	06/09/22	06/09/22		SE424987	N
	6 Arjika properties		93.50	T-03-56-875-000-136	B TRUST: LUB 289 BAY AVE B 81 L 12	R	06/09/22	06/09/22		SE424986	N
	7 32 Shrewsbury Avenue		17.40	T-03-56-875-000-159	B TRUST: LUB2021-07 Farrell B43 L7	R	06/09/22	06/09/22		SE424857	N
			<u>2,374.05</u>								
	Vendor Total:		2,374.05								
TOMSA T.O.M.S.A.											
	22-00659 06/08/22 May 2022										
	1 May 2022		46,756.05	2-05-55-502-000-196	B Sewer: TOMSA	R	06/08/22	06/08/22		MAY 2022	N
	Vendor Total:		46,756.05								
TARGE005 TARGETED TECHNOLOGIES LLC											
	22-00083 01/21/22 IT SERVICES										
	15 IT SERVICES		2,195.00	2-01-20-145-000-294	B Tax Collection: Other	R	01/21/22	06/08/22		118115	N
	16 IT SERVICES		936.00	2-05-55-502-000-294	B Sewer: Other	R	06/08/22	06/08/22		118116	N
			<u>3,131.00</u>								
	Vendor Total:		3,131.00								

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
TREAS020 TREASURE, STATE OF NJ														
	22-00652	06/08/22	DBIZ loan payment											
	1		DBIZ loan payment	35,000.00	2-01-45-910-000-107			B Debt Service: DBIZ Loan Principal	R	06/08/22	06/08/22		7/1/22	N
	Vendor Total:			35,000.00										
USBANKBV US BANK CUST FOR BV002 TRUST														
	22-00650	06/07/22	premium bid											
	1		premium bid	5,200.00	T-03-56-851-000-001			B Trust: Tax Sale Premiums	R	06/07/22	06/07/22		B34/L4	N
	Vendor Total:			5,200.00										
VERIZON1 VERIZON														
	22-00662	06/09/22	40 shore drive											
	1		40 Shore drive	120.72	2-05-55-502-000-213			B Sewer: Telephone	R	06/09/22	06/09/22		40 SHORE DR	N
	2		Valley st pump station	39.39	2-05-55-502-000-213			B Sewer: Telephone	R	06/09/22	06/09/22		VALLEY ST PUMP	N
				160.11										
	Vendor Total:			160.11										
VERWIRE VERIZON WIRELESS														
	22-00663	06/09/22	First aid											
	1		First aid	76.02	2-01-31-440-000-213			B Telephone	R	06/09/22	06/09/22		9906756631	N
	Vendor Total:			76.02										
COAST VILLAGE OFFICE SUPPLY														
	22-00604	05/25/22	Bottles of water											
	1		Bottles of water	55.93	2-01-26-310-000-154			B B&G: Equipment Maintenance	R	05/25/22	06/08/22		4496259-0	N
	22-00605	05/25/22	Bottles of water											
	1		Bottles of water	15.98	2-01-26-310-000-154			B B&G: Equipment Maintenance	R	05/25/22	06/08/22		4496262-0	N
	22-00606	05/25/22	Bottles of water											
	1		Bottles of water	7.99	2-01-26-310-000-154			B B&G: Equipment Maintenance	R	05/25/22	06/08/22		4496264-0	N
	Vendor Total:			79.90										

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
WEINE005 WEINER LAW GROUP LLP											
22-00677 06/10/22 32 SHREWSBURY AVENUE											
	1		32 SHREWSBURY AVENUE	180.00	T-03-56-875-000-159	B TRUST: LUB2021-07 Farrell B43 L7	R	06/10/22	06/10/22	277108	N
	2		38 GRAND TOUR	1,020.00	T-03-56-875-000-158	B TRUST: LUB2021-06 38 Grand Tour B14 L6	R	06/10/22	06/10/22	275868	N
	3		38 GRAND TOUR	345.00	T-03-56-875-000-158	B TRUST: LUB2021-06 38 Grand Tour B14 L6	R	06/10/22	06/10/22	277106	N
				<u>1,545.00</u>							
	Vendor Total:			1,545.00							

Total Purchase Orders: 68 Total P.O. Line Items: 114 Total List Amount: 1,315,813.23 Total Void Amount: 0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	1-01	10,553.46	0.00	10,553.46	0.00	0.00	10,553.46
	1-05	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>3,000.00</u>
Year Total:		13,553.46	0.00	13,553.46	0.00	0.00	13,553.46
	2-01	850,928.72	0.00	850,928.72	0.00	0.00	850,928.72
	2-05	<u>49,845.80</u>	<u>0.00</u>	<u>49,845.80</u>	<u>0.00</u>	<u>0.00</u>	<u>49,845.80</u>
Year Total:		900,774.52	0.00	900,774.52	0.00	0.00	900,774.52
CAPITAL PROJECTS	C-04	271,065.20	0.00	271,065.20	0.00	0.00	271,065.20
	C-06	<u>10,799.50</u>	<u>0.00</u>	<u>10,799.50</u>	<u>0.00</u>	<u>0.00</u>	<u>10,799.50</u>
Year Total:		281,864.70	0.00	281,864.70	0.00	0.00	281,864.70
	G-02	111,062.60	0.00	111,062.60	0.00	0.00	111,062.60
TRUST NON BUDGET-TWO RIVER	T-03	8,534.55	0.00	8,534.55	0.00	0.00	8,534.55
	T-12	<u>23.40</u>	<u>0.00</u>	<u>23.40</u>	<u>0.00</u>	<u>0.00</u>	<u>23.40</u>
Year Total:		8,557.95	0.00	8,557.95	0.00	0.00	8,557.95
Total of All Funds:		<u><u>1,315,813.23</u></u>	<u><u>0.00</u></u>	<u><u>1,315,813.23</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>1,315,813.23</u></u>

June 1, 2022
12:08 PM

BOROUGH OF HIGHLANDS
Check Payment Batch Verification Listing

Pa Item 3.

Batch Id: JORGI Batch Type: C Batch Date: 06/01/22 Checking Account: CLEARING G/L Credit: Budget G/L Credit
Generate Direct Deposit: N

Check No.	Check Date	Vendor #	Name	Payment Amt	Street 1 of Address to be printed on Check	Charge Account	Account Type	Status	Seq	Acct
PO #	Enc Date	Item	Description		Description					
22-00641	06/01/22	1	Soil erosion/ cdbg Marine Plac	1,340.00	4000 KOZLOSKI ROAD	2-01-20-165-000-244	Budget	Aprv	1	1
				1,340.00	Engineering:General	Engineering				

Checks:	<u>Count</u>	<u>Line Items</u>	<u>Amount</u>
	1	1	1,340.00

There are NO errors or warnings in this listing:

BOROUGH OF HIGHLANDS
Check Payment Batch Verification Listing

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	2-01	1,340.00	0.00	0.00	1,340.00
Total of All Funds:		<u>1,340.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,340.00</u>

G/L Posting Summary

Account	Description	Debits	Credits
2-01-101-01-000-002	Cash - Clearing - Valley	0.00	1,340.00
2-01-201-20-000-000	Current Appropriations	<u>1,340.00</u>	<u>0.00</u>
	Grand Total:	1,340.00	1,340.00

June 2, 2022
12:01 PM

BOROUGH OF HIGHLANDS
Check Payment Batch Verification Listing

Pa Item 3.

Batch Id: JORGI Batch Type: C Batch Date: 06/02/22 Checking Account: CLEARING G/L Credit: Budget G/L Credit
Generate Direct Deposit: N

Check No.	Check Date	Vendor #	Name	Payment Amt	Street 1 of Address to be printed on Check	Charge Account	Account Type	Status	Seq	Acct
PO #	Enc Date	Item	Description		Description					
22-00644	06/02/22	1	CAFRA GP 13	1,000.00	C-04-22-101-000-201	Budget	Aprv	1	1	
				<u>1,000.00</u>	ORD#22-06 SNUG HARBOR SKATE PARK					

Checks:	<u>Count</u>	<u>Line Items</u>	<u>Amount</u>
	1	1	1,000.00

There are NO errors or warnings in this listing.

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CAPITAL PROJECTS	C-04	1,000.00	0.00	0.00	1,000.00
Total of All Funds:		<u>1,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>

G/L Posting Summary

Account	Description	Debits	Credits
2-01-101-01-000-002	Cash - Clearing - valley	0.00	1,000.00
2-01-160-05-000-003	Due Capital Fund	<u>1,000.00</u>	<u>0.00</u>
	Totals for Fund 2-01 :	<u>1,000.00</u>	<u>1,000.00</u>
2-04-160-05-000-001	Due Current	0.00	1,000.00
2-04-215-55-000-000	Improvement Authorizations	<u>1,000.00</u>	<u>0.00</u>
	Totals for Fund 2-04 :	<u>1,000.00</u>	<u>1,000.00</u>
	Grand Total:	<u>2,000.00</u>	<u>2,000.00</u>



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-145

APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2022-2023 TERM

WHEREAS, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2022-2023 license term be and are hereby authorized:

License Number	Licensee	Establishment
1317-33-004-014	Bay Avenue Associates	Inactive
1317-33-012-006	SmokeNMirrors LLC	Active
1317-33-022-010	M&D Inc.	Active

Motion to Approve R 22-145:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-146

AUTHORIZING REFUND OF MUNICIPAL FEE FOR LIQUOR LICENSE RENEWAL OVERPAYMENT

WHEREAS, the Inlet Café Inc., liquor license number 1317-33-007-003, sent in checks on two separate occasions, each in the amount of \$1,036.00, as payment for the liquor license renewal fee with the Borough of Highlands for the 2022-2023 renewal term; and

WHEREAS, the amount due for the renewal of liquor license number 1317-33-007-003 for the 2022-2023 term was \$1036.00; and

WHEREAS, the Inlet Café Inc., has over-paid in the amount of \$1036.00 for the renewal of liquor license for the 2022-2023; and

WHEREAS, the overpayment fees paid need to be refunded to the applicant; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Municipal Clerk is authorized to immediately refund and pay the overpayment of the municipal fee to the individual and owner of the specific liquor license listed below, and attached hereto:

<u>Liquor License</u>	<u>Year</u>	<u>Amount</u>	<u>Name</u>
1317-33-007-003	2022-2023	\$1,036.00	Inlet Cafe

Motion to Approve R 22-146:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-147

Resolution Authorizing Special Counsel to Prepare and Submit a Petition to the Commissioner of Education Seeking Authorization to Hold a Referendum on the Issue of the Addition of a Purpose to Henry Hudson to Convert it from a Limited Purpose into an All-Purpose Regional Serving Highlands, Atlantic Highlands and Sea Bright

WHEREAS, the Borough of Highlands ("Highlands") currently educates its resident students in grades PK-6 at the Highlands Elementary School operated by the Highlands School District; and

WHEREAS, Highlands is a member of a limited purpose regional school district, Henry Hudson Regional High School District ("Henry Hudson"), whereby students residing in Highlands in grades 7-12 are educated in schools operated by Henry Hudson; and

WHEREAS, Highlands, the Borough of Atlantic Highlands ("Atlantic Highlands"), and the Borough of Sea Bright ("Sea Bright") wished to determine the viability and impact of a proposed school district reconfiguration whereby a new All-Purpose PK-12 Regional School District would be created with Highlands, Atlantic Highlands, and Sea Bright as constituent districts of this new district and which would educate all students residing in the three communities in grades PK-12;

WHEREAS, in an effort to explore this proposed school district reconfiguration, Highlands, Atlantic Highlands, and Sea Bright retained Porzio, Bromberg, & Newman, P.C., to facilitate a feasibility study that would be prepared by Statistical Forecasting, LLC, Porzio Compliance Services, LLC; James L. Kirtland, CPA, and David Corso; and

WHEREAS, in March 2020 Statistical Forecasting, LLC, Porzio Compliance Services, LLC; James L. Kirtland, CPA, and David Corso issued a report that analyzed the financial, demographic, and educational impact of creating a new All-Purpose PK-12 regional school district which would be responsible for educating students residing in Highlands, Atlantic Highlands, and Sea Bright; and

WHEREAS, in January 2022 Statistical Forecasting, LLC, Porzio Compliance Services, LLC; and Steven Cea issued an update to the March 2020 report that analyzed the financial, demographic, and educational impact of creating a new All-Purpose PK-12 Regional District which would be responsible for educating students residing in Highlands, Atlantic Highlands, and Sea Bright; and

WHEREAS, with regard to educational impact, the feasibility study concluded that the All-Purpose PK-12 Regional District "will present distinct advantages" for students from Highlands, Atlantic Highlands, and Sea Bright "as opposed to the status quo given the degree of cooperation, alignment and articulation possible through a unified district from PK-12 in areas of curriculum, instruction, student services, transitions, enrichment, athletics and clubs, governance and leadership;" and

WHEREAS, the feasibility study further concluded "that a new All-Purpose PK-12 Regional District consisting of Highlands, Atlantic Highlands and Sea Bright will have the best opportunity to put in place those characteristics of successful schools and will be best able to respond to demographic, educational, and fiscal challenges in the future" and that "[t]o the extent the Sea Bright students bring greater diversity to these schools, the proposal will have a positive educational impact on students from Highlands and Atlantic Highlands."

WHEREAS, with regard to the financial impact of the possible reconfiguration, the feasibility study concluded that "the increased financial resources that Sea Bright students will bring to the regional district provides the opportunity for greater investments in education resources, programs and services" while still providing long-term tax savings to Highlands and moving "to an arguably fairer and more equitable allocation of cost methodology" for all three communities; and

WHEREAS, the criteria established in Section 11(a) of P.L 2021, c.402 paragraphs (2) through (8) have been met as the Feasibility Study demonstrates that the approval of the application:

1. "is not foreseeably likely to increase or exacerbate the segregation of students by racial, socioeconomic, disability, or English Language Learner status..."
2. "consolidates school districts that are in close geographic proximity of each other...;"
3. "to the maximum extent practicable, reduces student seat time and transportation costs;"
4. "possesses the potential for improved efficiency and cost savings;"
5. "possesses the potential to advance an enhanced learning environment for participating school districts;"
6. "coordinates curriculum across schools and grades throughout the proposed limited purpose or all purpose regional district; and"
7. "reflects a documented commitment from the affected boards of education to make good faith efforts to implement practices that promote efficiency and quality of education"; and

WHEREAS, as a result, the consultants who prepared the feasibility study recommended "that Highlands, Atlantic Highlands and Sea Bright Regional continue to pursue the creation of a new All-Purpose PK-12 Regional District as outlined in the proposed scenario;" and

NOW THEREFORE BE IT RESOLVED that, after due consideration, Highlands has determined that its students can receive an outstanding and fully aligned and articulated PK-12 education by the addition of a purpose to Henry Hudson to convert it from a limited purpose into an all-purpose regional serving Highlands, Atlantic Highlands and Sea Bright; and

BE IT FURTHER RESOLVED that Highlands has determined that there exists good cause to pursue a referendum on the addition of a purpose to Henry Hudson to convert it from a limited purpose into an all-purpose regional serving Highlands, Atlantic Highlands and Sea Bright so as to provide its voters with the ability to decide how their tax dollars are spent and how their children are educated; and

BE IT FURTHER RESOLVED that Highlands seeks to have a referendum placed on the November 2022 ballot with regard to the addition of a purpose to Henry Hudson to convert it from a limited purpose into an all-purpose regional serving Highlands, Atlantic Highlands and Sea Bright; and

BE IT FURTHER RESOLVED that Highlands authorizes special counsel, Porzio, Bromberg, & Newman, P.C., to prepare and submit a petition, pursuant to state law, to the Commissioner of Education seeking authorization to hold a referendum on the issue of the addition of a purpose to Henry Hudson to convert it from a limited purpose into an all-purpose regional serving Highlands, Atlantic Highlands and Sea Bright; and

BE IT FURTHER RESOLVED that Highlands authorizes special counsel, Porzio, Bromberg, & Newman, P.C., to take any and all appropriate action to obtain the aforementioned authorization from the Commissioner of Education and to effectuate same.

Motion to Approve R 22-147:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-148

ACCEPTING DONATION OF A MOTORIZED SCOOTER FROM HIGHLANDS BUSINESS PARTNERSHIP, INC.

WHEREAS, Highlands Business Partnership, Inc. has offered to donate a motorized scooter, VIN No. 31E9EL921XHD560085Z, valued at \$7,000.00 to the Borough of Highlands; and

WHEREAS, the Borough of Highlands is authorized to accept and maintain donations of personal property pursuant to N.J.S.A. 40A:5-29.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands, hereby accepts the donation of a motorized scooter, VIN No. 31E9EL921XHD560085Z, valued at \$7,000.00 from the Highlands Business Partnership, Inc.

Motion to Approve R 22-148:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-149

REAPPOINTING GERALD JAY BRISCIONE TO SERVE AS THE TAX ASSESSOR FOR THE BOROUGH OF HIGHLANDS

WHEREAS, N.J.S.A. 40A:9-146, provides that, “The governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of a tax assessor...”

WHEREAS, by way of Resolution 18-054, duly adopted February 7, 2018, Gerald Jay Briscione was appointed to serve as Tax Assessor for a four (4) year term effective July 1, 2018 and ending on June 30, 2022; and

WHEREAS, the Mayor has offered the name of Gerald Jay Briscione to be reappointed to serve as the Tax Assessor for the Borough of Highlands; and

WHEREAS, the Mayor and Council have determined that Gerald Jay Briscione is qualified to continue to serve in the position of Tax Assessor and will be able to perform the duties of Tax Assessor as delineated by statute and in the Borough Code, Chapter 2-8.4; and

WHEREAS, it is the desire of the Mayor and Council to reappoint Gerald Jay Briscione to serve in the position of Tax Assessor for the term of office beginning on July 1, 2022, which will grant the Assessor tenure in his position pursuant to N.J.S.A. 54:1-35.31.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey that Gerald Jay Briscione be and is hereby reappointed to serve as the Tax Assessor for the Borough of Highlands beginning July 1, 2022.

BE IT FURTHER RESOLVED, that pursuant to the provisions of N.J.S.A. 54:1-35.31, Gerald Jay Briscione, is granted tenure in the position of Tax Assessor upon being reappointed to the position.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward a copy of this Resolution to Gerald Jay Briscione, the Borough Administrator, the Chief Financial Officer, the Monmouth County Board of Taxation and to the State of New Jersey, Department of the Treasury, Division of Taxation.

Motion to Approve R 22-149:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-150
APPOINTING MEMBER OF THE GREEN TEAM

WHEREAS, Borough of Highlands Code Section 2-46 requires the governing body to appoint nine (9) members to serve as the Green Team Advisory Committee; and

WHEREAS, the position held by Joe Misita became vacant on May 5, 2022, due to his resignation; and

WHEREAS, Joe Misita was appointed to the Green Team effective January 1, 2021 and accordingly his unexpired term extends until December 31, 2024; and

WHEREAS, the Borough wishes to appoint Spencer Carpenter to serve on the Green Team for the remainder of the unexpired term pursuant to N.J.S.A. 40A:9-156.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Spencer Carpenter is hereby appointed to serve on the Green Team until December 31, 2024.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

Motion to Approve R 22-150:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-151
CANCELLING GRANT BALANCES

WHEREAS, the following grant balances have been previously approved in prior year budgets, and

WHEREAS, these grants have now been completed, and

WHEREAS, it is necessary to formally cancel the receivable and appropriation reserve balance from the balance sheet in the 2022 budget year.

NOW, THEREFORE, BE IT RESOLVED that the following grant balances be cancelled:

<u>Grant Title</u>	<u>Grant Receivable</u>	<u>Grant Appropriation</u>
Stormwater Engineer		\$ 52.76
Summer Food-2018/2019	\$12,327.69	1,878.81
Municipal Alliance-2013/2019		395.86
American Rain Barrel	1,000.00	3,466.00
Jersey Small Grant		1,000.00
Zoning-2017		18,453.75
NJDOJ Vest	1,738.00	
CDBG-2019	<u>10.00</u>	
Totals	\$15,075.69	<u>\$25,247.18</u>

Motion to Approve R 22-151:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-152

AWARDING A FAIR AND OPEN CONTRACT FOR THE WATERWITCH WASTEWATER PUMP STATION PROJECT

WHEREAS, the Borough of Highlands advertised a request for proposals for the Waterwitch Wastewater Pump Station Project; and

WHEREAS, one (1) bid was received for the aforesaid project which was reviewed by H2M Associates, Inc., the Project Manager, as follows:

<u>Bidder</u>	<u>Bid</u>
Shorelands Construction, Inc. 7 Columbus Drive Monmouth Beach, NJ 07750	\$861,000.00

WHEREAS, the Project Manager, by way of correspondence dated May 31, 2022, has made the recommendation that the contract be awarded to Shorelands Construction, Inc. in the amount of \$861,000.00, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the required bonds and insurance certificates for the project; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body as follows:

1. That the Contract for the Waterwitch Wastewater Pump Station Project is hereby awarded to Shorelands Construction, Inc. in an amount not to exceed \$861,000.00, subject to submission of the required bonds and insurance certificates for the project.

2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of Shorelands Construction, Inc., including executing a contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Project Engineer.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion to Approve R 22-152:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-153

APPOINTING NANCY TRAN, RMC, TO SERVE IN THE POSITION OF MUNICIPAL CLERK

WHEREAS, by Resolution No. 22-044, Nancy Tran was appointed to serve in the position of Acting Municipal Clerk for a period of sixty (60) days as a result of a vacancy which occurred, effective January 8, 2022; and

WHEREAS, by Resolution No. 22-071, Nancy Tran was appointed to serve in the position of Acting Municipal Clerk for an additional ten (10) month period; and

WHEREAS, N.J.S.A. 40A:9-133 provides that “Within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate to serve as acting municipal clerk for a period not to exceed one year and commencing on the date of the vacancy.”; and

WHEREAS, N.J.S.A. 40A:133.3 provides that, “Upon the successful completion of the examination by an applicant, a certificate shall be issued to the applicant as a registered municipal clerk.”; and

WHEREAS, Nancy Tran has successfully completed the examination for a registered municipal clerk; and

WHEREAS, in accordance with N.J.S.A. 40A:9-133(a), in every municipality there shall be a municipal clerk appointed for a three (3) year term by the governing body of the municipality; and

WHEREAS, Nancy Tran is certified in this position and qualified in the operations of the Municipal Clerk’s Office; and

WHEREAS, the Borough wishes to appoint Nancy Tran, RMC to serve as the Municipal Clerk for a three (3) year term effective June 15, 2022.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that Nancy Tran, RMC is hereby appointed to serve as Municipal Clerk for a three (3) year term effective June 15, 2022.

Motion to Approve R 22-153:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-154

ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT FOR ORDINANCE 0-22-09

WHEREAS, the Borough of Highlands introduced Ordinance O-22-09, Amending Section 21-84B “Steep Slopes and Slump Blocks”, on May 4, 2022; and

WHEREAS, the Borough referred the aforesaid Ordinance to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

WHEREAS, the Land Use Board reported its findings by and through the issuance of a Report dated June 9, 2022 and found that the proposed development regulation, revision or amendment thereto is consistent with the Borough’s Master Plan.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council acknowledges receipt of the Land Use Board’s Report and has reviewed the said Report which finds the Ordinance to be consistent with the Borough’s Master Plan.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Land Use Board Secretary.

Motion to Approve R 22-154:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-12

MEMORIALIZATION CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-09 AMENDING SECTION 21-84B "STEEP SLOPES AND SLUMP BLOCKS" OF THE BOROUGH OF HIGHLANDS MUNICIPAL CODE

Decided: May 12, 2022
Memorialized: June 9, 2022

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-09

WHEREAS, under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a, prior to the adoption of a Development Regulation, revision or amendment thereto, the Land Use Board, shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and Recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, the Borough of Highlands Governing Body introduced Ordinance No. 22-09 entitled "Ordinance Amending Section 21-84B 'Steep Slopes and Slump Blocks' of the Borough of Highlands Municipal Code" and;

WHEREAS, the Mayor and Council of the Borough of Highlands referred this matter to the Land Use Board under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a; and

WHEREAS, the Land Use Board has considered this matter at a duly-noticed, in-person, public meeting conducted on May 12, 2022; and

NOW, THEREFORE, the Highlands Land Use Board having reviewed Ordinance No. 22-09 makes the following findings of fact and conclusions of law in regard to the proposed amendments to the Code of the Borough of Highlands in connection therewith:

1. Ordinance No. 22-09 amends Section 21-84B of the Code of the Borough of Highlands to update and clarify the provisions pertaining to the development and preservation of the Borough's steep slope properties to promote the public health, safety, and welfare of the Borough's citizens.

2. The Board's Professional Engineer and Mayor Broullon provided an overview of the Ordinance and recommended that it is substantially consistent with the Master Plan.

3. The Land Use Board finds that the adoption of Ordinance No. 22-11 is substantially consistent with the comprehensive goals set forth in the Master Plan.

6. The Land Use Board finds that adoption of Ordinance No. 22-09 is substantially consistent with the comprehensive goals, land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its Professional Engineer and Mayor Broullon.

NOW, THEREFORE, BE IT RESOLVED, BY the Highlands Land Use Board that Ordinance No. 22-09 entitled "Ordinance Amending Section 21-84B 'Steep Slopes and Slump Blocks' of the Borough of Highlands Municipal Code" has been determined by the Land Use Board to be substantially consistent with the comprehensive goals, land use goals and economic development goals in the Master Plan or as designed to effectuate such plan elements for the Borough of Highlands.

BE IT FURTHER RESOLVED that the Land Use Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40:55D-26a of the Municipal Land Use Law.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ON MOTION OF: Mr. Kutosh

SECONDED BY: Mr. Montecalvo

ROLL CALL:

YES: Mr. Kutosh, Mr. Montecalvo, Mr. Cramer, Chair Knox

NO:

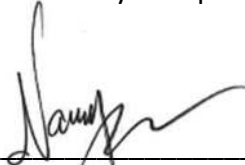
RECUSED:

INELIGIBLE: Ms. LaRussa, Mr. Zill, Ms. Chang, Mr. Ziemba

ABSENT: Mayor Broullon, Chief Burton, Mr. Lee, Councilmember Olszewski, Vice Chair Tierney

DATED: June 9, 2022

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on June 9, 2022.



Nancy Tran, Secretary
Borough of Highlands Land Use Board



BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH

RESOLUTION 22-155

ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT FOR ORDINANCE 0-22-11

WHEREAS, the Borough of Highlands introduced Ordinance O-22-11, Repealing Chapter 21 (Zoning and Land Use Regulations), Part VIII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 through 21-127 and Replacing it With a New Article XXIV (Floodplain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Floodplain Administrator, on May 18, 2022; and

WHEREAS, the Borough referred the aforesaid Ordinance to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

WHEREAS, the Land Use Board reported its findings by and through the issuance of a Report dated June 9, 2022 and found that the proposed development regulation, revision or amendment thereto is consistent with the Borough’s Master Plan.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council acknowledges receipt of the Land Use Board’s Report and has reviewed the said Report which finds the Ordinance to be consistent with the Borough’s Master Plan.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Land Use Board Secretary.

Motion to Approve R 22-155:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF VOTE: June 15, 2022

 Nancy Tran, Acting Municipal Clerk
 Borough of Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-13

MEMORIALIZATION CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-11 REPEALING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VII (FLOOD DAMAGE PREVENTION), ARTICLE XXIV (FLOOD DAMAGE PREVENTION), SECTIONS 21-109 THROUGH 21-127 AND REPLACING IT WITH A NEW ARTICLE XXIV (FLOODPLAIN MANAGEMENT REGULATIONS) TO ADOPT FLOOD HAZARD MAPS AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR

**Decided: May 26, 2022
Memorialized: June 9, 2022**

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-11

WHEREAS, under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a, prior to the adoption of a Development Regulation, revision or amendment thereto, the Land Use Board, shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and Recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, the Borough of Highlands Governing Body introduced Ordinance No. 22-11 entitled “Ordinance Repealing Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 through 21-127 and Replacing it with a New Article XXIV (Flood Plain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Flood Plain Administrator” and;

WHEREAS, the Mayor and Council of the Borough of Highlands referred this matter to the Land Use Board under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a; and

WHEREAS, the Land Use Board has considered this matter at a duly-noticed special, public meeting conducted on May 26, 2022 virtually via the Zoom platform; and

NOW, THEREFORE, the Highlands Land Use Board having reviewed Ordinance No. 22-11 makes the following findings of fact and conclusions of law in regard to the proposed amendments to the Code of the Borough of Highlands in connection therewith:

1. Ordinance No. 22-11 amends Chapter 21 to be consistent with New Jersey flood hazard area rules and regulations promulgated by the New Jersey Department of Environmental Protection (NJDEP) concerning the development and use of land in the flood fringe areas.

2. The Board's Professional Engineer and Mayor Broullon provided an overview of the Ordinance and recommended that it is substantially consistent with the Master Plan and conforms to the flood hazard area rules and regulations promulgated by the NJDEP.

3. The Land Use Board finds that the adoption of Ordinance No. 22-11 is substantially consistent with the comprehensive goals set forth in the Master Plan and conforms to the flood hazard area rules and regulations promulgated by the NJDEP.

6. The Land Use Board finds that adoption of Ordinance No. 22-11 is substantially consistent with the comprehensive goals, land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its Professional Engineer and Mayor Broullon.

NOW, THEREFORE, BE IT RESOLVED, BY the Highlands Land Use Board that Ordinance No. 22-11 entitled "Ordinance Repealing Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 through 21-127 and Replacing it with a New Article XXIV (Flood Plain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Flood Plain Administrator" has been determined by the Land Use Board

to be substantially consistent with the comprehensive goals, land use goals and economic development goals in the Master Plan or as designed to effectuate such plan elements for the Borough of Highlands.

BE IT FURTHER RESOLVED that the Land Use Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40:55D-26a of the Municipal Land Use Law.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ON MOTION OF: Ms. LaRussa

SECONDED BY: Mr. Zill

ROLL CALL:

YES: Ms. LaRussa, Mr. Montecalvo, Mr. Zill, Mr. Cramer, Chair Knox

NO:

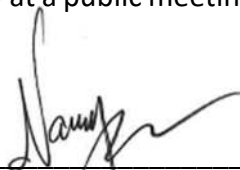
RECUSED:

INELIGIBLE: Mr. Kutosh, Ms. Chang, Mr. Ziemba

ABSENT: Mayor Broullon, Chief Burton, Mr. Lee, Councilmember Olszewski, Vice Chair Tierney

DATED: June 9, 2022

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on June 9, 2022.



Nancy Tran, Secretary
Borough of Highlands Land Use Board



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 22-09

ORDINANCE AMENDING SECTION 21-84B "STEEP SLOPES AND SLUMP BLOCKS" OF THE BOROUGH OF HIGHLANDS MUNICIPAL CODE

WHEREAS, Section 21-84B of the Borough Code entitled "Steep Slopes and Slump Blocks" addresses land use and construction requirements for properties located in steep slope and slump block areas; and

WHEREAS, the governing body of the Borough of Highlands wishes to better guide the development and preservation of the Borough's steep slope properties and has determined that it is in the best interest of the Borough to revise Section 21-84B to update and clarify these provisions to promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Section 21-84B "Steep Slopes and Slump Blocks" is hereby deleted in its entirety.

SECTION II. Borough Code Section 21-84B "Steep Slopes" shall be added as follows:

21-84B STEEP SLOPES.

- A.** Areas Covered. The areas of Highlands covered by this section (referred to hereafter as "slope area") are any properties south of Shore Drive and the Highlands-Sea Bright Bridge, including Blocks 1 through 29, inclusive, Blocks 34 through 38, inclusive, Blocks 40, 60, and 61, and Blocks 103 through 120, inclusive, as described by the Tax Assessment Map of the Borough of Highlands.
- B.** Permit requirement exceptions. A slope area permit is required for any work or disturbance affecting a slope area, except when the area of the proposed work or disturbance:
- (1)** Contains no slopes greater than 10%, nor any slope greater than 15% within 100 feet, and the work or disturbance is:
 - (a)** Soil disturbance of five cubic yards or less;
 - (b)** Change in impervious ground cover of 200 square feet or less;
 - (c)** Removal of five trees or less, having a circumference of up to 20 inches each, measured at four feet above the ground;
 - (d)** Removal or disturbance of vegetation covering 200 square feet or less.
 - (2)** Contains no slopes greater than 15%, nor any slope greater than 20% within 100 feet; and the work or disturbance is:
 - (a)** Soil disturbance of three cubic yards or less;

- (b) Change in impervious ground cover of 100 square feet or less;
 - (c) Removal of three trees or less, having a circumference of up to 20 inches each, measured at four feet above the ground;
 - (d) Removal or disturbance of vegetation covering 100 square feet or less.
 - (3) Contains slopes greater than 15% and the work or disturbance is:
 - (a) Soil disturbance of one cubic yard or less;
 - (b) Change in impervious ground cover of 25 square feet or less;
 - (c) Removal of one tree, having a circumference of up to 20 inches measured at four feet above the ground;
 - (d) Removal or disturbance of vegetation covering 25 square feet or less.
 - (e) All items described in Subsection B(1), (2) and (3) above represent a cumulative total per lot, per calendar year.
 - (4) Inspection for tree trimming.
 - (a) In slope areas of greater than 15%, no normal tree topping to provide a view, protecting adjacent structures or the removal of dead or unhealthy trees shall take place prior to an inspection and a determination as to how much of the tree may be trimmed or what trees may be removed. Such determination shall be subject to the Tree Commissioner and shall require a permit as set forth in Section 22-1 of the Borough Code.
 - (b) Where site plan or subdivision approval is also required, the slope area permit review will be performed along with that approval process, and the applicant will submit copies of all required information to the Land Use Board. Although the Board cannot grant or deny a slope area permit (except for an appeal under Subsection J), the Board shall consider all plans submitted under this section in any application for site plan or subdivision approval affecting a slope area.
 - (5) Additions to a single-family residence shall be exempt from the lot coverage, impervious coverage and lot disturbance provisions of this section if the following conditions exist:
 - (a) That the size of any one-story addition, deck, patio or excavation is less than 200 square feet. Soil logs and testing for future subsurface disposal systems shall not be exempted.
 - (b) That no slope greater than 10% exists within 20 feet of the area to be disturbed.
 - (c) The applicant provides plans or a written statement describing soil erosion and stabilization measures which will be used as part of construction.
 - (d) A final inspection fee of the equivalent of one hour of the Borough Engineer's time is posted prior to the issuance of the permit.
- C. Application for permit. An application for a slope area permit shall be made to the Highlands Construction Official. The application shall include at least:
- (1) Property description by Tax Map block and lot, and by street address if available.
 - (2) Scalable drawing of location of proposed work or disturbance along with existing and proposed topography. This drawing shall also include a delineation of the proposed limit of disturbance with area calculation.

- (3)** Areas clearly identified showing the following, as measured between ten-foot contour lines: Area 1, 30% or greater; Area 2, 20% but less than 30%; Area 3, 15% but less than 20%; Area 4, less than 15%.
 - (4)** Calculation, in square footage and acres, of amount of area in the various slope categories listed above. All applications shall contain calculations demonstrating compliance with Subsections E(1) through E(4) of this Section.
 - (5)** Statement of proposed work or disturbance.
 - (6)** Any other additional information as is reasonably necessary to make an informed decision, including, but not limited to, the items listed below and in Subsection F:
 - (7)** Where site plan or subdivision approval is required, the following exhibits shall also be submitted:
 - (a)** Topographic map showing existing contours at two-foot intervals.
 - (b)** Extent and erosion potential of exposed soils.
 - (c)** Length, steepness and surface roughness of exposed slopes.
 - (d)** Resistance of soil to compaction and stability of soil aggregates.
 - (e)** High water table, water infiltration capacity and capacity of soil profile.
 - (f)** Chemical, physical and biological nature of subsurface soils.
 - (g)** Type and location of construction activity, including the amount of site grading, and depth of such grading.
 - (h)** The time period of exposure of erodible soils during construction.
 - (i)** The area and density of woodlands and forest, within the construction site and on contiguous lands for a distance of 200 feet, or such other distance as deemed appropriate by the Borough Engineer. All significant tree specimens four inches or greater in diameter, measured at four feet above the ground; all dogwood, American holly, and mountain laurel; and all other vegetation on slopes 15% or greater shall be indicated on the application plans as well as physically marked on the construction site.
 - (j)** The extent of impervious surface to be constructed.
 - (k)** Location of construction access roads.
 - (l)** Calculation of amount of site grading, to include a cut-and-fill balance sheet, including cross sections, and indicating, where applicable, the volume of and source of off-site fill.
 - (m)** Extent of on-site erosion sediment control measures, during and after construction and until any affected area is stabilized.
 - (n)** Any other information as is reasonably necessary to make an informed decision.
- D. Application review and standards of approval.**
- (1)** The Borough Engineer shall review every slope area application to determine whether the proposed work or disturbance may have a detrimental impact upon any slope area. Such review shall include at least an on-site inspection.
 - (2)** The Borough Engineer shall thereafter approve only those applications where the proposed work or disturbance will:
 - (a)** Have no detrimental impacts.
 - (b)** Control velocity and rate of water runoff so that such velocity and rate are no greater after construction and development than before, and are within tolerances

- deemed safe by the Borough Engineer, and the project or site plan complies with all other provisions of the Borough Code and Article XXIV of the Land Use Volume of the Borough Code, Flood Damage Prevention.
- (c) Minimize stream turbidity and changes in flow.
 - (d) Protect environmentally vulnerable areas.
 - (e) Stabilize exposed soils both during and after construction and development.
 - (f) Prevent soil slippage.
 - (g) Minimize number and extent of cuts to prevent groundwater discharge areas to underlying soils.
 - (h) Preserve the maximum number of trees and other vegetation on the site and avoid disturbance of the critical hillside, slope and forest areas.
 - (i) Control water infiltration at the top of the slope and thus decrease the tendency for shear failure and erosion.
 - (j) Control the growth of vegetation, which is detrimental to slope stability and promote the establishment of plant species which add to the stabilization of the slope.
 - (k) Control construction techniques to mitigate damage to steep slopes at the time of greatest vulnerability.
- (3) The Borough Engineer may impose such conditions upon any approval as said Engineer deems necessary to achieve the purposes of this section. All permanent improvements necessary to achieve the purposes of this section shall require performance and maintenance bonds in forms and amounts to be reviewed and approved by the Borough Engineer and Borough Attorney. Said maintenance bond shall continue for two years after complete stabilization.
- (4) Any approval may be subject to the condition that, for safety reasons, the applicant provides and adheres to a detailed construction and inspection schedule, copies of which shall be supplied to the Borough Construction Official for the purpose of monitoring the progress of the work and compliance with the construction schedule. Said approval may be further conditioned upon submission of periodic certifications by the applicant as to compliance with the construction schedule, and, in the event of noncompliance, written assurance as to the nature and time when steps will be taken to achieve compliance with the construction schedule.
- (5) If the applicant does not comply with the construction schedule or any other requirements or conditions attached to the approval of the application, and the Borough Engineer or the Borough Construction Official certifies such lack of compliance, the Borough Construction Official shall thereupon revoke approval of the application, after notice to the applicant, and no further work may be performed on such site, with the exception for temporary measures necessary to stabilize the soil and to protect the site from stormwater damage or other hazards created by construction activity on the site.
- E. Lot size, development density, lot coverage and disturbance. To meet the purposes, goals and standards set forth in this section, in areas of slopes greater than 15%, the applicable provisions of this chapter relating to minimum lot sizes and density of development, and

maximum percentage of lot coverage, shall be modified, and limitations including maximum impervious surfaces and maximum lot disturbance shall be added as follows:

(1) Minimum lot size; density.

(a) The minimum lot size shall be determined by multiplying the total land area in various slope categories by the following factors and totaling the results. This modified minimum lot size shall be used as the lot size in density calculations. Slope calculations shall be based on elevation intervals of 10 feet.

Slopes	Factor
30% or greater	0.1
20% but less than 30%	0.2
15% but less than 20%	0.5
Less than 15%	1.0

(b) As the result of the computation of the total density allowed, any fractional amount shall be rounded down or truncated to the nearest whole integer. If the total density allowed is less than one, and prior to this section the lot dimensions met or exceeded the minimum lot size for its zone, than the total density allowed shall be one.

(2) Determination of maximum lot coverage.

(a) The maximum lot coverage area shall be determined by multiplying the total land area in various slope categories by the following factors, totaling the results and multiplying the result by the maximum lot coverage percentage allowed for the appropriate zone. Slope calculations shall be based on elevation intervals of 10 feet.

Slopes	Factor
30% or greater	0.25
20% but less than 30%	0.50
15% but less than 20%	0.75
Less than 15%	1.00

(b) Where the modified maximum lot coverage area is less than the minimum gross floor area required for the proposed building, the minimum gross floor area required shall be the modified maximum lot coverage area.

(3) The maximum impervious surface area permitted in slope areas shall be determined by multiplying the total land area in various slope categories by the following percentages and totaling the results:

Slopes	Percentage
30% or greater	10%
20% but less than 30%	15%
15% but less than 20%	25%
Less than 15%	35%

(4) The maximum lot disturbance shall be no greater than 130% of the maximum impervious surface permitted for the lot.

- (5) No disturbance or improvements shall be permitted in the areas within fifteen (15) feet of the top of slope and no structures shall be located within twenty-five (25) feet of the top of slope; nor shall there be any disturbance within ten (10) feet of the toe of the slope or any structures located within fifteen (15) feet of the toes of the slope
 - (6) Setbacks of all structures necessary for slope area stabilization shall be sufficient to allow for any future maintenance that may be necessary.
 - (7) All land required to be maintained as permanent open space shall be indicated as such on any approved plans.
- F. Environmental appraisal and applicability.**
- (1) When site plan or subdivision is required, an environmental impact report or request for waiver shall be prepared. The Borough Engineer shall review and approve the report in accordance with specifications and procedures required by this section.
 - (2) No application for slope area permit shall be approved unless it has been affirmatively determined, after an environmental appraisal, that the proposed project:
 - (a) Will not result in a detrimental impact on the environment; and
 - (b) Has been conceived and designed in such a manner that it will not significantly impair natural processes.
- G. Review and inspections fees.** The applicant shall deposit an initial application filing fee of \$425 with the Chief Financial Officer. If additional escrow fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the estimated review fee, as determined by the Borough Engineer. Inspections shall be required before, during stabilization and upon completion of the work or disturbance, during and for two years after complete stabilization, or for any other reasonable time, as determined by the Borough Engineer, to insure the purposes of this section are met. No permit will be issued until a deposit is placed with the Chief Financial Officer, equal to the estimated inspection fee, as determined by the Borough Engineer. If additional inspection fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the new estimated inspection fee before any work can continue. The inspection fee deposit account shall remain for two years after complete stabilization. Any deposit accounts shall be maintained at levels sufficient at all times to cover all estimated fees or work may be halted. The Chief Financial Officer will keep the Borough Engineer aware of account balances as necessary.
- H. Municipal liability.** The granting of any permit or approval in any slope area shall not constitute a representation, guarantee or warranty of any kind by the Borough, Borough Engineer, Borough Attorney, Construction Official, or by any other official, employee or representative thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against, such public body, official or employee for any damage that may result pursuant thereto.
- I. Penalties.** In addition to penalties already provided in Section 1-5 of the Borough Code, the Court may order any person convicted of violating this section to pay the Borough all costs for and associated with necessary stabilization or corrective measures, as determined by the Borough Engineer.
- J. Appeal.** The Land Use Board shall have the power to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, decision (including

review and inspection fees under Subsection G) or refusal made by the Borough Engineer based on or made in the enforcement of this section. All such appeals under this section from the decisions of the Borough Engineer shall be taken within 20 days by filing a notice of appeal with the Borough Engineer specifying the grounds of such appeal. The Borough Engineer shall immediately transmit to the Land Use Board all papers constituting the record upon which the action appealed from was taken. All such appeals shall be heard by the Land Use Board upon notice given by the applicant as required by Section 21-11 of the Land Use Volume of the Borough Code. The Land Use Board may permit, or require, the record on appeal to be supplemented with such documents or other evidence or information as are reasonably necessary to make an informed decision as to whether the requirements of this section have been met.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

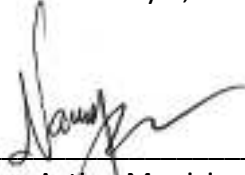
[REST OF PAGE INTENTIONALLY LEFT BLANK]

First Reading and Set Hearing Date for O-22-09:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK		X	X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: May 4, 2022



Nancy Tran, Acting Municipal Clerk
Highlands

Public Hearing and Adoption for O-22-09:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 1, 2022

Nancy Tran, Acting Municipal Clerk
Highlands



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 22-11

ORDINANCE REPEALING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VII (FLOOD DAMAGE PREVENTION), ARTICLE XXIV (FLOOD DAMAGE PREVENTION), SECTIONS 21-109 THROUGH 21-127 AND REPLACING IT WITH A NEW ARTICLE XXIV (FLOODPLAIN MANAGEMENT REGULATIONS) TO ADOPT FLOOD HAZARD MAPS AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Borough of Highlands and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Borough of Highlands was accepted for participation in the National Flood Insurance Program on September 3rd, 1971 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

WHEREAS, the Borough of Highlands is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough of Highlands is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough of Highlands is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

SECTION I. The foregoing Whereas clauses are incorporated herein by reference and made a part hereof.

SECTION II. Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention) is hereby deleted in its entirety and replaced with the following floodplain management regulations:

CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VII (FLOOD DAMAGE PREVENTION), ARTICLE XXIV (FLOODPLAIN MANAGEMENT REGULATIONS)

21-109 SCOPE AND ADMINISTRATION

21-109.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of Borough of Highlands (hereinafter "these regulations").

21-109.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 21-110 of these regulations.

21-109.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.

- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

21-109.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Highlands administer and enforce the State building codes, the Mayor and Council of Borough of Highlands does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

21-109.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 21-111.14 of this ordinance.

21-109.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

21-109.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

21-109.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before

the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine up to \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

21-109.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

21-109.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

21-110 APPLICABILITY

21-110.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

21-110.2 Establishment of Flood Hazard Areas. The Borough of Highlands was accepted for participation in the National Flood Insurance Program on September 3rd, 1971.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department

delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the Floodplain Administrator at 42 Shore Drive, Highlands, NJ 07732.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009 and revised June 20, 2018 and June 15, 2022, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 21-110.2(1) whose effective dates are June 20, 2018 or June 15, 2022 are hereby adopted by reference.

Table 21-110.2(1)

Map Panel #	Effective Date	Revision Letter
34025C0067	June 20, 2018	G
34025C0069	June 15, 2022	G
34025C0086	June 20, 2018	G
34025C0088	June 15, 2022	H

- 2) **Federal Best Available Information.** Borough of Highlands shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 21-110.2(2)

Map Panel #	Preliminary Date
34025C0067H	January 30, 2015
34025C0069H	January 31, 2014
34025C0086H	January 30, 2015
34025C0088J	January 31, 2014

- 3) **Other Best Available Data. Borough of Highlands** shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Highlands. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 21-110.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 21-117, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 21-110.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Sandy Hook Bay	V0000081	Sheet 4

21-110.3 Establishing the Local Design Flood Elevation (LDFE). The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 21-110.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

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

- (1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 21-110.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- (2) For any undelineated watercourse (where mapping or studies described in Section 21-110.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:

- (a) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - (b) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 21-113.2(3).
- (3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- (4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- (5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

21-111 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

21-111.1 Floodplain Administrator Designation. The Borough Engineer is designated as the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

21-111.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 21-115 of these regulations.

21-111.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

21-111.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 21-110 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 21-111.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 21-115 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 21-114 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 21-115 of these regulations.
- (13) Cite violations in accordance with Section 21-116 of these regulations.

- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Highlands have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 21-110.2.

21-111.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

21-111.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

21-111.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in Section 21-110.2 and Section 21-110.3 respectively. This information shall be provided to the Construction Official and documented according to Section 21-111.15.

21-111.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting

flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

21-111.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

21-111.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

21-111.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

21-111.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

21-111.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

21-111.12 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and

Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

21-111.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

21-111.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 21-110.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10

years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.

- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

21-111.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

21-111.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

21-112 PERMITS

21-112.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

21-112.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 21-113 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

21-112.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

21-112.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

21-112.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

21-113 SITE PLANS AND CONSTRUCTION DOCUMENTS

21-113.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 21-113.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 21-113.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

21-113.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

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

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

21-113.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 21-113.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base

flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 21-113.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

21-113.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

21-114 INSPECTIONS

21-114.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

21-114.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

21-114.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- (1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 21-123.2 shall be submitted to the Construction Official on an Elevation Certificate.
- (2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 21-123.2 shall be submitted to the Construction Official on an Elevation Certificate.
- (3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 21-123.2.
- (4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 21-123.2 shall be submitted to the Construction Official on an Elevation Certificate.

21-114.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

21-115 VARIANCES

21-115.1 General. The Borough of Highlands Land Use Board shall hear and decide requests for variances. The Borough of Highlands Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 21-115.5, the conditions of issuance set forth in Section 21-115.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Borough of Highlands Land Use Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

21-115.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

21-115.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

21-115.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 21-113.3(1) of these regulations.

21-115.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

21-115.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

21-116 VIOLATIONS

21-116.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

21-116.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

21-116.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

21-116.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent

determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine up to \$2,000 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

21-117 DEFINITIONS

21-117.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

21-117.2 Definitions

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

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

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

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

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

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

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

small pole barns, storage sheds, and similar buildings.

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

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

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

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

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

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a

published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

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

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

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

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

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

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

COASTAL A ZONE – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

COASTAL HIGH HAZARD AREA – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other

area subject to high velocity wave action from storms or seismic sources.

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

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

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

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

DEEP FOUNDATIONS – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

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

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

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

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

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

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

FLOOD OR FLOODING

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

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

HARDSHIP – As related to Section 21-115 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Borough of Highlands Land Use Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- (a) Prior to January 31, 1980; or
- (b) On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the

effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LIMIT OF MODERATE WAVE ACTION (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other

than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

LOWEST HORIZONTAL STRUCTURAL MEMBER - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local

health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

- (a) Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- (b) Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- (c) institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The Start of Construction is as follows:

- (a) For other than new construction or substantial improvements, under the Coastal Barrier

Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (b) For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a number of 10-year period (leading up to the date of the permit application), the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

V ZONE CERTIFICATE - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

V ZONES – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

21-118 SUBDIVISIONS AND OTHER DEVELOPMENTS

21-118.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

21-118.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

21-119 SITE IMPROVEMENT

21-119.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 21-113.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 21-113.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also

be in accordance with Section 21-123.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

21-119.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

21-119.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal AZones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.
- (3) Basements or enclosures that are below grade on all sides are prohibited.
- (4) The use of fill for structural support of buildings is prohibited.

21-119.3 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

21-119.4 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

21-119.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

21-119.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

21-119.7 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

21-119.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 21-113.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 21-123.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

21-119.9 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

21-120 MANUFACTURED HOMES

21-120.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

21-120.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 21-123.2.

21-120.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

21-120.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

21-120.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 21-123.2.

21-120.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 21-123.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 21-123.2, the systems

and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

21-121 RECREATIONAL VEHICLES

21-121.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

21-121.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

21-121.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 21-123.2 for habitable buildings.

21-122 TANKS

21-122.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

21-123 OTHER DEVELOPMENT AND BUILDING WORK

21-123.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 21-113.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 21-110.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 21-110.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design

Flood Elevation unless the attendant utilities and equipment are:

- (i) Specifically allowed below the Local Design Flood Elevation; and
 - (ii) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

21-123.2 Requirements for Habitable Buildings and Structures.

- (1) Construction and Elevation in A Zones not including Coastal A Zones.
- (a) No portion of a building is located within a V Zone.
 - (b) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - (c) All new construction and substantial improvement of any habitable building (as defined in Section 21-117) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 21-110.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - (d) All new construction and substantial improvements of non-residential structures shall:
 - (i) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 21-110.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (ii) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - (1) Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - (2) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is

certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

(e) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- (i) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
- (ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 21-123.2(1)(d)ii are met;
- (iii) Be constructed to meet the requirements of ASCE 24 Chapter 2;
- (iv) Have openings documented on an Elevation Certificate; and
- (v) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

- (1) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
- (2) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
- (3) The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

(2) Construction and Elevation in V Zones and Coastal A Zones.

- (a) All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- (b) All new construction and substantial improvement of any habitable building (as defined in Section 21-117) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all

- electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 21-110.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- (c) All new construction and substantial improvements of non-residential structures shall:
- (i) Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 21-110.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - (ii) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - (1) Meets the requirements of ASCE 24 Chapters 4 and 7; and
 - (2) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- (d) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- (e) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
- (i) Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
 - (ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 21-123.2(2)(c)ii are met;
 - (iii) Be constructed to meet the requirements of ASCE 24 Chapter 4;

- (iv) Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 21-123.2(2)(c)ii are met for a non-residential structure; and
- (v) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - (1) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - (2) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - (3) The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- (f) For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

21-123.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

21-123.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 21-113.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 21-115 of this ordinance.

21-123.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 21-113.3(1) of these regulations and N.J.A.C. 7:13.

21-123.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 21-113.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

21-123.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 21-113.3(1) of these regulations.

21-123.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and
- (3) On-site filled or mound sewage systems.

21-123.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Sand dune construction and restoration of sand dunes under or around elevated

buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

21-124 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

21-124.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

21-124.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

21-124.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 21-113.3(1) of these regulations.

21-125 UTILITY AND MISCELLANEOUS GROUP U

21-125.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

21-125.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 21-110.3.

21-125.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 21-110.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

21-125.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with 21-123.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

21-125.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 21-110.3.

21-125.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 21-110.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION III. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION IV. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE.

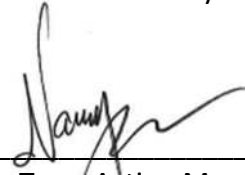
This ordinance shall take effect upon adoption and publication according to law.

First Reading and Set Hearing Date for O-22-11:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: May 18, 2022



Nancy Tran, Acting Municipal Clerk
Highlands

Public Hearing and Adoption for O-22-11:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: June 15, 2022

Nancy Tran, Acting Municipal Clerk
Highlands

Carolyn Broullon, Mayor