AGENDA
Livingston Township Council
Meeting #1 Regular
Livingston Town Hall—357 S. Livingston Avenue—7:30 p.m.
Notice of this meeting has been given in accordance with the "Open Public Meetings Law." "Annual Notice" was faxed to the West Essex Tribune and the Star-Ledger on January 2, 2020.

Statement of Decorum
Pursuant to Township Code Section 2-15, while the Township Council is in session, any person who desires to address the Council must first be recognized by the presiding officer. Recognized speakers must make their statements within six cumulative minutes, unless such time is extended by the Council. Appropriate decorum is to be observed at all times.

1. Roll Call
2. Silent Meditation and Pledge of Allegiance
3. Presentations
4. Essex County Update/Questions
5. Public Comments on Agenda Items
6.* Resolution - Consent Agenda (Includes All Items Marked "*" R-20-62
7.* Approval of Minutes
   a) December 16, 2019
8.* Approval of Licenses
9. Final Hearing Ordinances
10. Proposed Ordinances
    a) Ord. 1-2020 Amending Chapter 170, Land Use, Article X, Flood Hazard Areas of the Code of the Township of Livingston
    b) Ord. 2-2020 Repealing Section 170-71 and Enacting a New Section 170-71 Subdivision Plat and Site Plan Details
11. Resolutions
    a) R-20-63 Authorizing a Bulk Water Supply Agreement with East Orange
    b) R-20-64 Authorizing Filing of CDBG
    c) R-20-65 Educational Services Coop
    d) R-20-66 Morris County Coop
12. Public Comment
13. Recess

GLENN R. TURTLETAUB
Township Clerk
RESOLUTION

Accepting, Approving and/or Adopting the Consent Agenda of January 6, 2020

WHEREAS, the Township Council of the Township of Livingston has determined that certain items on its agenda which have the unanimous approval of all Councilmembers and do not require comment shall be termed the “Consent Agenda”; and

WHEREAS, the Township Council has determined that to increase its efficiency, the Consent Agenda shall be adopted with one resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the items on the regular agenda for January 6, 2020, attached hereto, which are preceded by an "*" are the Consent Agenda and are hereby accepted, approved and/or adopted.

Approved as to form: Rufino Fernandez, Jr. Mayor

Sharon L. Weiner
Township Attorney

Glenn R. Turtletaub, Township Clerk

Adopted: 1/6/20
ORDINANCE NO. 1-2020

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170, LAND USE, ARTICLE X, FLOOD HAZARD AREAS, OF THE CODE OF THE TOWNSHIP OF LIVINGSTON

WHEREAS, in order to continue Township participation in the National Flood Insurance Program, it is necessary for the Township to amend the Flood Hazard Areas Ordinance to comply with revised Federal Emergency Management (FEMA) guidelines,

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that the following sections of the Code of the Township of Livingston shall be revised to read as follows:

SECTION 1.0

ARTICLE X, Flood Hazard Areas [Amended by Ord. No. XX-2020]

§ 170-76. Statutory Authorization, Findings of Fact, Purpose and Objectives.

A. Statutory Authorization.

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

B. Findings of Fact. The Township Council finds that:

(1) The flood hazard areas of the Township of Livingston are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Statement of Purpose.

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

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses.

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

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

§ 170-77. Definitions.

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

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

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.
Appeal — A request for a review of the Township Engineer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on the Township’s Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within the Township subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

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

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

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 Elevation — The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

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

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

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

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

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

**FEMA Publication** — Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the NFIP. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers (ASCE) Standards documents.

**Flood Design Class** — An ASCE classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

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

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

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

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

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

**Floodproofing Certificate** — Certification by an engineer or architect to certify a floodproofing design for a non-residential building.
**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 flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**Historic Structure** — Any structure that is:

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

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved State program as determined by the Secretary of the Interior; or

   (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

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

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

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by the Township and includes any subsequent improvements to such structures.
New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Township.

Preliminary Flood Insurance Rate Map— The draft version of the FIRM released for public comment before finalization and adoption.

Recreational Vehicle — A vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the longest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures
which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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.

§ 170-78. Limitation of definitions to Article X.

The definitions set forth in § 170-77 are applicable solely to this Article X, and the various terms defined in § 170-77 have been included for purposes of consistency with model ordinances prepared by the New Jersey Department of Environmental Protection. The inclusion of any term within § 170-77 shall not be interpreted to authorize or permit a use or structure which is not expressly permitted by other articles of this Chapter 170.

§ 170-79. General Provisions. Applicability; basis for establishing areas of special flood hazard; penalties; abrogation and greater restrictions; interpretation; warning and disclaimer.

A. Lands to which Article X Applies.

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

B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Township of Livingston, Community No. 340185, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:


(3) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement, shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance, Article X. The Flood Insurance Study, maps and advisory documents are on file at the Township Hall, 357 South Livingston Avenue, Livingston, New Jersey 07039.

C. 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, Article X, and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Livingston, from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions.

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

E. Interpretation.

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability.

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

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


The Township of Livingston shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 170-79B. Application for a Development Permit shall be made on forms furnished by the Township Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;

B. Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 170-84B;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

E. Any forms, plans, or information required pursuant to any applicable FEMA publication.

§ 170-81 Designation of the Local Administrator. Duties and Responsibilities of the Administrator.

The Township Engineer is hereby appointed to administer and implement this ordinance, Article X, by granting or denying development permit applications in accordance with its provisions. Duties of the Township Engineer shall include, but not be limited to:

A. Permit Review.

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of §170-84D(1) are met.

(4) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding;

(5) Review all permit applications to determine whether development complies with all applicable FEMA Publications;

(6) Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements;

B. Use of Other Base Flood and Floodway Data.

When base flood elevation and floodway data has not been provided in accordance with section §170-79B, Basis for establishing the areas of special flood hazard, the Township Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer §170-84A, Specific Standards, Residential Construction, and §170-84B, Specific Standards, Nonresidential Construction.

C. Information to be Obtained and Maintained

(1) Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(2) For all new or substantially improved floodproofed structures:

   (a) Verify and record on a Floodproofing Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum);

   (b) Maintain the floodproofing certifications required in §170-80C.

(3) Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and

(4) Maintain for public inspection all records pertaining to the provisions of this ordinance, Article X.

D. Alteration of Watercourses.

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to
any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. Substantial Damage Review.

(1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

(2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.

(3) Ensure substantial improvements meet the requirements of §170-84A, Specific Standards, Residential Construction, §170-84B, Specific Standards, Nonresidential Construction and §170-84C, Specific Standards, Manufactured Homes.

F. Interpretation of Firm Boundaries.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §170-82.

G. Report Changes in Flooding Conditions.

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

§ 170-82. Variance and Appeal Procedure.

A. Appeal Board.

(1) The Planning Board as established by the Township Council shall hear and decide appeals and requests for variances from the requirements of this ordinance, Article X.

(2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Engineer in the enforcement or administration of this ordinance, Article X.

(3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court, as provided by law.

(4) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this ordinance, Article X, and:

(a) The danger that materials may be swept onto other lands to the injury of others;
(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of § 170-82A(4) and the purposes of this ordinance, Article X, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Township Engineer shall maintain the records of all appeal actions, including technical information, the justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § 170-82A(4)(a) through (k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

   (a) A showing of good and sufficient cause;

   (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

   (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in § 170-82A(4), or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.


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

A. Anchoring.

   (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

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

B. Construction Materials and Methods.

   (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

   (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.
(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision Proposals.

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

E. Enclosure Openings.

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

§ 170-84. Provision for Flood Hazard Reduction. Specific Standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 170-79B, Basis for establishing the areas of special flood hazard or in § 170-81B, Use of other base flood and floodway data, the following standards are required:
A. Residential Construction.

New construction and substantial improvement of any residential structure located in an A, AE, AO or AR zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:

(1) For A or AE zones:

(a) Base flood elevation (published FIS/FIRM) plus one (1) foot,

(b) The best available flood hazard data elevation plus one (1) foot,

(c) As required by ASCE/SEI 24-14, Table 2-1, or

(d) As required by N.J.A.C. 7:13-3.

(2) For AO or AR zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(3) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

B. Nonresidential Construction

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AR zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either:

(1) Elevated at or above the more restrictive of the following:

(a) For A or AE zones:

[1] Base flood elevation (published FIS/FIRM) plus one (1),

[2] The best available flood hazard data elevation plus one (1) foot,

[3] As required by ASCE/SEI 24-14, Table 2-1, or

(b) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

(c) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

or:

(2) Be floodproofed so that below the more restrictive of the following:

(a) For A or AE zones:

[1] Base flood elevation (published FIS/FIRM) plus one (1) foot,

[2] The best available flood hazard data elevation plus one (1),

[3] As required by ASCE/SEI 24-14, Table 6-1, or


[5] AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot, (at least three (3) feet if no depth number is specified) . And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,

(b) The structure is watertight with walls substantially impermeable to the passage of water;

(c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 170-81C(2)(b).

(e) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

C. Manufactured Homes

(1) Manufactured homes shall be anchored in accordance with § 170-83A(2).
(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

   a. Be consistent with the need to minimize flood damage,

   b. Be constructed to minimize flood damage,

   c. Have adequate drainage provided to reduce exposure to flood damage,

   d. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:

      [1] Base flood elevation (published FIS/FIRM) plus one (1) foot,

      [2] The best available flood hazard data elevation plus one (1) foot, or

      [3] As required by ASCE/SEI 24-14, Table 2-1,


      [5] AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,

   e. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

(3) All recreational vehicles located within an area of special flood hazard shall either:

   a. Be on site for fewer than 180 consecutive days,

   b. Be fully licensed and ready for highway use, or

   c. Meet the requirements of § 170-80 and § 170-84C(1) and (2) above.

D. Floodways.

Located within areas of special flood hazard established in § 170-79B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

   (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
(2) If § 170-84D(1) is satisfied, all new construction and substantial improvements must comply with § 170-83, Provisions for flood hazard reduction, general standards, and § 170-84, Provisions for flood hazard reduction, specific standards.

(3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 2.0

Severability

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

Section 3.0

Enactment

This Ordinance shall take effect upon final passage and twenty days after publication in accordance with the law and shall remain in force until modified, amended or rescinded by the Township of Livingston, Essex County, New Jersey.

ENACTED AND ADOPTED by the Township Council this [day] day of [month], [year].

ATTEST: Township Council of the Township of Livingston

Rufino Fernandez, Jr. Mayor

Glenn R. Turtletaub Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
ORDINANCE OF THE TOWNSHIP OF LIVINGSTON REPEALING SECTION 170-71 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON AND ENACTING A NEW SECTION 170-71 SUBDIVISION PLAT AND SITE PLAN DETAILS

WHEREAS, under the Municipal Land Use Law completeness of applications for development is predicated upon the provision of data via checklists that call for information required by a municipal ordinance; and

WHEREAS, the relevant ordinance was last revised in 1989 and is in need of extensive modernization; and

WHEREAS, the Township Council of the Township of Livingston has found it appropriate that Section 170-71 of the Code of the Township of Livingston be replaced in its entirety through enactment of a new ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. §170-71 of Chapter 170 of the Code of the Township of Livingston is hereby repealed in its entirety as of the effective date of this ordinance; provided, however, that any checklist then already submitted with a filed application for development shall remain in full force and effect in respect of such application.

Section 2. The following language shall be added to Chapter 170 of the Code of the Township of Livingston in replacement of the language repealed:

§ 170-71. Subdivision plat and site plan details.

A. Concept plan. The concept plan for any application for development shall be based on Tax Map information or some other similarly accurate information and shall be drawn by a New Jersey licensed professional engineer, land surveyor, architect, professional planner or landscape architect, as required by the New Jersey Administrative Code, and shall show the name and address of the preparer and the following information:

(1) Concept plan for a subdivision:

(a) The location of that portion which is to be subdivided in relation to the entire tract.

(b) All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.
(c) The names of the applicant(s) and owner(s) and the names and addresses of all adjoining property owners as disclosed by the most recent Township tax records.

(d) The Tax Map block(s) and lot numbers and zone district(s).

(e) All streets or roads and streams within 500 feet of the subdivision.

(f) The original and proposed lot layout, lot dimensions and total area of each lot.

(g) Existing contours at sufficient intervals to determine the general slope and natural features and drainage of the tract.

(h) The scale and reference meridian with North arrow.

(2) **Concept plan for a site plan:**

(a) The name(s), title(s) and address(es) of the applicant(s) and owner(s) and the names and addresses of all adjoining property owners as disclosed by the most recent Township tax records.

(b) A key map indicating, at a scale not greater than 1 inch equals 1,000 feet, the general location of the site and zone district and showing street locations, lot lines, zoning district boundaries and municipal boundaries within 500 feet of the site.

(c) A survey of the site.

(d) A site illustration, indicating with sufficient accuracy all boundaries of the site with natural features of the land and showing all developed, undeveloped and to-be-developed portions. The illustration shall convey the development scheme, including all buildings, circulation, parking and landscaping, whether existing or proposed.

(e) An evaluation statement, consisting of a general description of the intended project and an assessment of its anticipated broad impact on the neighborhood, the community and the environment, including but not necessarily limited to considerations of land use, visual qualities, traffic, drainage, utilities and natural resources.

(f) Preliminary architectural plans.
B. Minor Subdivision plat. The minor subdivision plat shall be drawn by a licensed New Jersey professional engineer or land surveyor as required by the New Jersey Administrative Code and shall be based on Tax Map information or some other similarly accurate base, at a scale of not more than one inch equals 50 feet, and shall show or include the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract.

2. All existing structures, wooded areas and wetlands on the tract.

3. The name(s) and address(es) of the owner(s) and the names of all adjoining property owners, as disclosed by the most recent Township tax records.

4. The Tax Map sheet, block and lot number of the property to be subdivided.

5. The original and proposed lot layout, lot dimensions, total area of each lot, and metes and bounds description for each lot within the subdivision.

6. Topographic data if steep slopes or other physical conditions of the land are likely to result in drainage problems or otherwise cause concern in connection with the future development of the property.

7. The name and address of the person preparing the map, the scale, reference meridian and North arrow.

8. Present zoning districts of the property to be subdivided and of adjoining properties.

9. Certification from the Township Tax Collector that no taxes, or assessments for local improvements, are due or delinquent.

10. Soil erosion and sediment control plan if required in accordance with N.J.S.A. 4:24-39 et seq. or successor legislation. Said plan shall be submitted to the Soil Conservation District in accordance with said statute, and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the district.

11. A key map showing the proposed minor subdivision and its relation to surrounding areas within 500 feet of the extreme limits thereof.
(12) All improvements abutting the subject property, such as street pavement, curbs, sidewalks, sanitary and storm sewers, waterlines, electric lines, gas lines and television and telephone cables.

(13) If the applicant is a corporation or a partnership, the application form shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

(14) Copies of any pending or approved application for a Tree Removal Permit, and all related plans or drawings, as required in Chapter 306, Trees, of the Code of the Township of Livingston.

C. Preliminary plat. The preliminary plat shall be prepared by a licensed New Jersey licensed architect, professional engineer, land surveyor or professional planner, at a scale of not more than 100 feet to the inch. The plat shall show or be accompanied by sufficient information to establish the design, arrangement and dimensions of streets, lots and other planned features as to form, size and location. This information shall form the basis for the general terms and conditions upon which preliminary approval may be granted and shall include:

(1) A key map showing the entire subdivision and its relation to surrounding areas within 500 feet of the extreme limits thereof.

(2) The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision, except that plats of portions of a larger subdivision may bear the same name if the several portions are consecutively numbered by section.

(3) The name and address of the person who prepared the plat, the date of its preparation, the scale thereof and the reference meridian and a North arrow.

(4) The Tax Map block and lot numbers.

(5) The present zoning district(s) within which the subdivision and adjoining properties are located.

(6) The name and address of the record owner(s), along with certification that the applicant is the owner of the land or his authorized agent or that the owner has given consent under an option agreement, giving names and addresses of both.

(7) If the applicant is a corporation or a partnership, the application form shall list the names and addresses of all stockholders or individual partners
owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

(8) The names of adjacent subdivisions, if any, and of the owners of adjoining parcels of unsubdivided land.

(9) The acreage of the tract to be subdivided to the nearest 10th of an acre.

(10) Certification from the Township Tax Collector that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

(11) Existing contours with intervals of not more than five feet where the slope is greater than 10%, and not more than two feet where the slope is less than 10%. Elevations are to be based on sea level datum. Inquiry respecting such datum shall first be made at the office of the Township Engineer.

(12) The location of and principal dimensions for all proposed streets, sidewalks, alleys, rights-of-way, easements, lot lines, drainage rights-of-way and areas to be reserved for public use.

(13) Plans for utility systems such as water, gas, storm and sanitary sewers, telephone, cable and electricity, if underground, and showing location of poles where telephone, cable and electric service are overhead. Connections to existing or proposed utility systems should be shown.

(14) Plans and profiles of all proposed streets and sidewalks within the subdivision, and profiles of existing or future continuing streets, a minimum distance of 200 feet beyond the subdivision boundaries. The central angle of all arcs and curves along all street lines shall be shown.

(15) A copy of any protective covenants or deed restrictions applying to land being subdivided.

(16) A soil erosion and sediment control plan, if required in accordance with N.J.S.A. 4:24-39 et seq. or successor legislation. Said plan shall be submitted to the Soil Conservation District in accordance with said statute, and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the district.

(17) A map showing the entire drainage area and the drainage area contributing to each pertinent drainage structure along with drainage tabulation sheets showing calculations for each drainage area. Each drainage area shall be marked for identification purposes.
(18) The location, widths and names of existing or platted streets, railroad rights-of-way, permanent buildings, easements, watercourses, bridges, culverts and school park and playground sites.

(19) A statement setting forth:

(a) The proposed use of lots, stating the type of residential buildings with the number of proposed dwelling units.

(b) The type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.

(c) The source of water supply.

(d) Provisions for sewage disposal, drainage and flood control.

(20) An environmental impact statement as required in Chapter 130, Environmental Impact Statement, of the Code of the Township of Livingston.

(21) A stormwater management plan as required by Article XIII of this Chapter.

(22) Copies of any pending or approved application for a Tree Removal Permit, and all related plans or drawings, as required in Chapter 306, Trees, of the Code of the Township of Livingston.

D. Final plat. The final plat shall be drawn in ink on tracing cloth or Mylar at a scale of not more than 50 feet to the inch and shall be in compliance with all provisions of N.J.S.A. 46:23-9.9 et seq. or successor legislation. The final plat shall show or be accompanied by the following.

(1) Those items as required in § 170-71.C.(1) through (19), inclusive.

(2) The name of the subdivision.

(3) A key map showing the proposed final plat and its relation to surrounding areas within 500 feet of the extreme limits thereof.

(4) Minimum building setback lines on all lots.

(5) The location and description of all monuments.

(6) Certification by an engineer and surveyor as to the accuracy of details on the plat.
(7) When approval of a plat is required by an officer or body of the Township, county or state, approval shall be certified on the plat.

(8) The Township Engineer's statement confirming receipt of a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed, and that the developer has installed all improvements in accordance with the requirements of these regulations, or a statement by the Township Clerk that proper performance guaranties have been posted with the Township Council. Said performance guaranties shall be based on a detailed written estimate prepared by the Township Engineer showing the estimated cost of installation of all required improvements.

E. Minor Site Plan. The Minor Site Plan shall be drawn at a scale of not less than one inch equals 50 feet and shall include such details as may be necessary to properly evaluate the application and determine compliance with this Chapter. Such details shall include:

(1) Identification of the provision(s) of the Minor Site Plan definition in Township Code §170-3 under which approval is sought, with specificity as to the details proposed that meet that definition.

(2) The name(s), title(s) and address(es) of the applicant(s) and the owner(s). If an applicant is a corporation or a partnership, the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

(3) The name, address, license number, signature and official seal of the New Jersey professional engineer, land surveyor, architect, landscape architect, or professional planner preparing the plans as required by the New Jersey Administrative Code.

(4) A sheet index listing the drawings included within the site plan set.

(5) A place for the signatures of the Township Engineer, Planning Board Chairman and Planning Board Secretary.

(6) The date of preparation of the plans and the dates of all revisions.

(7) The scale of the site plan (Not less than 1" = 50').

(8) Reference meridian and North arrow.

(9) The location of all structures within 100 feet of the site.
(10) The name (if any) of the tract.

(11) The Tax Map Block and Lot number(s) and the street address.

(12) The area, in square feet and to the tenth (.1) of an acre, of the site.

(13) All lot line dimensions (bearings and distances).

(14) A key map, at a scale of not greater than one inch equals 1,000 feet, showing street locations and names, lot lines, zoning district boundaries and municipal boundaries within 500 feet of the site.

(15) A Zoning Table showing the zone district bulk requirement (setbacks, lot areas, lot widths, lot coverage, floor area ratios, number of parking spaces, etc.) as applicable to the approval sought, existing and proposed conditions.

(16) Applicable to the approval sought: location and dimensions of the site's driveways, driveway aprons, walkways/sidewalks, loading spaces, curbs and driveway line of sight triangles.

(17) Copies of any pending or approved application(s) for a Tree Removal Permit, and all related plans or drawings, required in Chapter 306, Trees, of the Code of the Township of Livingston.

(18) Certification from the Tax Collector that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

(19) Wall or window signage or a Comprehensive Sign Package.

(20) The locations of all proposed signs.

(21) Sign details: size, height above grade, materials, letter style and size, colors, and type of any illumination.

(22) The locations of signs to be on the building(s) shown on the building elevations identified by compass direction and name of the street faced.

(23) All exterior lighting locations, heights, types and levels of illumination.

(24) Locations, materials, colors, and dimensions and illustrations of any fences, or decorative or retaining walls, to be removed or installed.

(25) For any emergency generator; location, dimensions, type of fuel, output in kw, ambient sound generation, testing schedule.
Photographs of any existing buildings or structures on the site.

A copy of any recommendations received from the Business Improvement District.

F. Preliminary site plan. The preliminary site plan shall be drawn at a scale of not less than one inch equals 50 feet and shall include the Township Tax Map block and lot number(s) of the site, the meridian reference and North arrow, and such details as may be necessary to properly evaluate the application and determine compliance with this Chapter. Any site plan involving any new building or addition thereto or any site improvements shall be drawn by a licensed New Jersey professional engineer, architect or professional planner as required by the New Jersey Administrative Code. Where applicable to the proposed use or construction, the following information shall be clearly shown:

1. The name(s) and title(s) of the applicant(s), the owner(s) and of the person(s) preparing the area map. If an applicant is a corporation or a partnership, the application form shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

2. The name, address, license number, signature and official seal of the New Jersey licensed professional engineer, land surveyor, architect or professional planner preparing the plans as required by the New Jersey Administrative Code.

3. Lists setting forth:
   (a) An index listing the drawings included within the site plan set.
   (b) A list of Block and Lot numbers, street address, and the name(s) of owners of all properties within 200 feet of the site:
   (c) A contact list.

4. A place for the signatures of the Township Engineer, Planning Board Chairman and Planning Board Secretary.

5. The date of preparation of the plans and the dates of all revisions.

6. The location of all structures within 100 feet of the site.

7. The name (if any) of the tract, the Township Tax Map Block and Lot number(s) and the street address.
(8) The area, in square feet and to the tenth (.1) of an acre, of the site.

(9) All lot line dimensions (bearings and distances), all abutting streets.

(10) A key map, at a scale of not greater than one inch equals 1,000 feet, showing street locations and names, lot lines, zoning district boundaries and municipal boundaries within 500 feet of the site, and the border of the area within 200 feet in which notice must be served.

(11) A Zoning Table with separate columns showing the zoning district bulk requirements (setbacks, lot areas, lot widths, lot coverage, floor area ratios, number of parking spaces, etc.) existing and proposed conditions, and whether (and if so what) variances are requested. The parking spaces information shall be shown in schedule form.

(12) Location and dimensions of the site's off-street parking area(s), driveways, driveway aprons, walkways/sidewalks, parking spaces, loading spaces, driveway line of sight triangles, barrier-free pedestrian routes, the properly screened trash, refuse and recycling pickup area.

(13) Location of all present and proposed buildings, structures and off-street parking areas, and their setback distances and vehicular and pedestrian circulation patterns.

(14) General description of the use(s) of each building, building dimensions, square gross floor area (GFA) and net floor area (NFA) by use for each floor.

(15) Location, and specifications for, all surface paving and curbing; including asphalt, concrete, brick, stone, pavers, or artificial materials.

(16) Location and classification of all watercourses, water bodies, wetlands, buffer(s), transition area(s), floodway(s), flood plain(s), and flood hazard area(s) as per NJDEP or Township standards.

(17) Copies of all environmental permits or approvals, letters of interpretation (LOI) obtained, copies of any denials; and, copies and status of all applications pending.

(18) Description and location of all easements, covenants, deed restrictions or encumbrances that may affect the premises; and, all rights-of-way, easements or lands to be dedicated to the Township.
(19) Location, dimensions and materials of all fences, retaining or decorative walls, or similar man-made features to remain, be removed or modified or provided; and illustrations or photographs of same.

(20) A storm water management plan; a map showing and identifying the existing and proposed drainage areas, location of natural and man-made drainage facilities onsite and within 200 feet, location and construction details of all catch basins and storm water drainage facilities, inlets, pipes, swales, berms, and storm water detention, retention or treatment facilities; drainage calculations and tabulation sheets.

(21) Location, type and connections of all present and proposed utilities, including electric, gas, telephone and cable lines, water mains, sanitary sewer lines or systems, water wells, and pumping stations.

(22) A soil erosion and sediment control plan if required.

(23) Existing and proposed contours, at two-foot intervals, for the entire site and for 100 feet outside the site; however, if only a portion of the site is being developed the contours need only be shown for that portion and 100 feet beyond.

(24) Spot and finished elevations at all site corners, corners of all proposed buildings, paved areas, and other points where contours do not adequately define the elevation of the point.

(25) Location of all slopes greater than 15%.

(26) Location of all existing and proposed signs and the details such as nature of construction, dimensions, height above grade, letter style, materials, colors, and type, direction and lumen power of any illumination.

(27) All building exterior lighting, with location, direction and area of illumination and strength, including on adjacent property, expressed in foot-candles.

(28) Details of parking area and other lighting fixtures or standards and a schedule showing type, dimensions, height above grade, letter style, materials, colors, type, direction and area of illumination and strength, including on adjacent property, expressed in foot-candles.

(29) Landscaping plan with location, size and types of plantings to be preserved or provided on the entire site.

(30) Copies of any pending or approved application(s) for a Tree Removal Permit, and all related plans or drawings as required in Chapter 306 Trees of the Code of the Township of Livingston.
An environmental impact statement as required by Chapter 130, Environmental Impact Statement, of the Township Code.

A recycling plan that will make provisions for the collection and disposition of recyclable materials as required in Chapter 232, Recycling. This required plan shall not only show in specific detail on the site plan where aluminum, glass, newspapers, other recyclables and nonrecyclable material will be separated and collected on site, but shall also be accompanied by a program in narrative form. This narrative of the proposed recycling program for the site shall address who is responsible for the separation and collection of all recyclable materials and the method of disposing all recycling materials on site.

Building front, rear and side elevations, drawn at a scale of not less than 1/8 inch to one foot by a licensed architect, showing materials, colors, heights, and stating any differences from other buildings on the site. Each elevation shall identify any street(s) that it faces and shall indicate whether it faces north, east, south or west.

Floor plans showing uses, for each building subject of the application, drawn at a scale of not less than 1/8 inch to one foot by a licensed architect.

Photographs of existing buildings on the site; annotated with height(s) of the building(s).

Any recommendations from the Business Improvement District.

Statement of compliance with, or request for exception from, applicable requirements of the State Residential Site Improvement Standards.

Certification from the Township Tax Collector that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

Final site plan. The final site plan shall be drawn in the same manner as the preliminary site plan and shall include all those details required for the Preliminary Site Plan. In addition, the final site plan shall show or include the following:

Final contours of the property and for 100 feet outside the property at two-foot intervals when new buildings or parking areas or resurfacing of existing parking areas are proposed. If only a portion of the property is
being developed, contours need only be shown for said portion and 100 feet beyond.

(2) Final building floor plans and front, rear and side building elevations, showing building materials.

(3) The location, type and size of existing and proposed catch basins, storm drainage facilities and all utilities, both above and below ground.

(4) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances that may affect the premises in question and the location, size and description of any lands contemplated to be dedicated to the Township.

(6) The location, size and nature of the entire property in question and any contiguous property owned by the developer or in which the developer has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought; provided, however, that where it is physically impossible to show such entire property or contiguous property or properties on one map, a key map thereof shall be submitted.

(7) A recycling plan which will make provisions for the collection and disposition of recyclable materials as required in Chapter 232, Recycling. This required plan shall not only show in specific detail on the site plan where aluminum, glass, newspapers, other recyclables and nonrecyclable material will be separated and collected on site but shall also be accompanied by a program in narrative form. This narrative of the proposed recycling program for the site shall address who is responsible for the separation and collection of all recyclable materials and the method of disposing all recycling materials on site.

(8) Copies of any pending or approved application(s) for a Tree Removal Permit, and all related plans or drawings as required in Chapter 306 Trees of the Code of the Township of Livingston.

(9) Certification from the Township Tax Collector that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

H. Deviation from or interpretation of provisions of the Livingston Center Redevelopment Plan. An application to deviate from, or seeking an interpretation of the provisions of, the Livingston Center Redevelopment Plan must include the following:
(1) Two copies, with original signatures, of the completed.
   (a) Application to the Planning Board to deviate from or interpret provisions of the Livingston Center Redevelopment Plan; and
   (b) Declaration of applicable provisions.

(2) Two copies of a current survey and two copies of a survey with the proposed building(s) and structure(s) or other change(s) drawn to scale with all setbacks from all property lines.

(3) Two sets of building plans either bearing the seal of a licensed New Jersey architect who prepared the plans or certified as having been prepared by the homeowner for his or her own use or occupancy.

(4) After the application has been reviewed and deemed complete, 10 additional copies of the application and each of the surveys and plans.

(5) Certification from the Township Tax Collector that no taxes or assessments for local improvements are due or delinquent.

(6) The name(s) and title(s) of the applicant(s) and owner(s). If an applicant is a corporation or a partnership, the application form shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

(7) Fees and deposits as stipulated in § 170-52 of this Chapter for site plans, variances and interpretations.

J. Application review. Upon request by an applicant, the Planning Board may waive submission of specific information required by this Section 170-71 to be submitted with an application when such information is not necessary for proper evaluation of the application. Absent such a waiver, failure to provide required information shall be a factor in determining whether an application is complete.

Section 3. Should any provision of this ordinance be held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of this ordinance shall continue in full force and effect.

Section 4. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.
Section 5. This ordinance shall take effect twenty (20) days after its final passage in accordance with law.

RUFINO FERNANDEZ, JR., Mayor

GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

SHARON L. WEINER, Township Attorney

Introduced: January 6, 2020

Adopted:
RESOLUTION No. R-20-63

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON AUTHORIZING ENTERING INTO A BULK WATER SUPPLY AGREEMENT WITH THE EAST ORANGE BOARD OF WATER COMMISSIONERS

WHEREAS, the City of East Orange owns and the East Orange Board of Water Commissioners ("EOBWC") is responsible for the operation of the EOBWC water supply system to serve the residents of the City of East Orange, New Jersey; and

WHEREAS, the Township of Livingston desires to enter into a Bulk Water Supply Agreement with the EOBWC to supply water at a wholesale rate to its customers; and

WHEREAS, the Township of Livingston has expressed a need for the bulk sale and purchase of water and the EOBWC is willing to enter into such an agreement; and

WHEREAS, the parties wish to enter into the agreement and specify terms and conditions under which the EOBWC will sell and deliver water from the EOBWC water supply system to the Livingston water supply system for water supply within the service territory supplied by the Township of Livingston; and

WHEREAS, the agreement entered into shall supersede in all aspects earlier agreements or understandings between the parties written or oral for the sale and supply of portable water except for the supply of water to the Township of Livingston that predates the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Mayor is authorized to enter into a Bulk Water Supply Agreement on the terms negotiated between EOBWC and the Township of Livingston for the bulk water supply for a term of twelve (12) years consistent.

Rudy Fernandez, Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney
Adopted: 1/6/20
RESOLUTION

Authorizing Filing of Essex County Division of Housing and Community Development Block Grant (CDBG) 2020 Application

WHEREAS, the Township of Livingston has been a participating member of the Essex County Community Development Program since its inception in 1976; and

WHEREAS, the Essex County Division of Housing and Community Development, through its Director, is preparing a 2020 One Year Action Plan application for funding for the 2020 Program Year; and

WHEREAS, the Township of Livingston has been requested to submit Community Development Block Grant Program project proposals for inclusion in the 2020 One Year Action Plan to the Director of the Division of Housing and Community Development by January 8, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Township of Livingston as follows:

A. The proposed project designated and prioritized herewith be submitted to the Director of the Essex County Division of Housing and Community Development for inclusion in the Essex County 2020 One Year Action Plan application:

<table>
<thead>
<tr>
<th>Priority</th>
<th>Description of Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ADA Improvements—Accessible Bus</td>
</tr>
</tbody>
</table>

B. That the Deputy Township Manager is hereby authorized and directed to execute and file such proposed projects with the Director of the Essex County Division of Housing and Community Development and to provide additional application information and furnish such documents as may be required and to act as the authorized correspondent of the Township of Livingston.

C. The Mayor and Members of the Township Council endorse the proposed Community Development Block Grant Program project described herewith for inclusion in the Essex County 2020 One Year Action Plan Application.

Approved as to form: Rufino Fernandez, Jr. Mayor

Sharon L. Weiner Township Attorney

Glenn R. Turtletaub Township Clerk

Adopted: January 6, 2020
AUTHORIZING PURCHASES UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY PURCHASING PROGRAM

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Educational Services Commission of New Jersey Purchasing Program and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved Educational Services Commission of New Jersey Purchasing Program vendors on the attached list, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED, by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED, that the duration of this authorization shall be until December 31, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

Rufino Fernandez, Jr. Mayor

Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: January 6, 2020
<table>
<thead>
<tr>
<th>Commodity/Service</th>
<th>Vendor</th>
<th>Contract #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document Management for Records Retention and Disposal</td>
<td>Alpine Consulting, Inc. d/b/a Accu Scan</td>
<td>ESCNJ 16/17-48</td>
</tr>
<tr>
<td>Document Management for Records Retention and Disposal</td>
<td>Foveonics Imaging Technologies, Inc.</td>
<td>ESCNJ 16/17-48</td>
</tr>
<tr>
<td>Grounds Equipment</td>
<td>Bobcat of Central Jersey</td>
<td>ESCNJ 18/19-25</td>
</tr>
<tr>
<td>Grounds Equipment</td>
<td>North Jersey Bobcat, Inc.</td>
<td>ESCNJ 18/19-25</td>
</tr>
<tr>
<td>Grounds Equipment</td>
<td>Jesco, Inc.</td>
<td>ESCNJ 18/19-25</td>
</tr>
<tr>
<td>Grounds Equipment</td>
<td>Storr Tractor Company</td>
<td>ESCNJ 15/16-08</td>
</tr>
<tr>
<td>Job Order Contracting: General Contracting</td>
<td>Murray Paving &amp; Concrete, LLC</td>
<td>ESCNJ 16/17-54</td>
</tr>
<tr>
<td>Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment &amp; Related Products</td>
<td>Ben Shaffer Recreation, Inc.</td>
<td>ESCNJ 17/18-20</td>
</tr>
<tr>
<td>Playground Surfacing</td>
<td>Whirl Corporation, Inc.</td>
<td>ESCNJ17/18-18</td>
</tr>
<tr>
<td>Technology Supplies and Services</td>
<td>CDW-G</td>
<td>ESCNJ 18/19-03</td>
</tr>
<tr>
<td>Trucks 26,000 lbs. GVW or Greater</td>
<td>Campbell Freightliner</td>
<td>ESCNJ 17/18-30</td>
</tr>
<tr>
<td>Trucks 26,000 lbs. GVW or Greater</td>
<td>Jet Vac Equipment, LLC</td>
<td>ESCNJ 17/18-30</td>
</tr>
</tbody>
</table>
AUTHORIZING PURCHASES UNDER MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township of Livingston, pursuant to N.J.S.A. 40A:11-11(6) and N.J.A.C. 5:34-7.1 et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Livingston is a member of the Morris County Cooperative Pricing System and has the need on a timely basis to purchase goods or services using those contracts; and

WHEREAS, the Township of Livingston intends to enter into contracts with the attached referenced County contract vendors through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current County contracts.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Livingston authorizes the purchase of certain goods and services from those approved Morris County Cooperative Pricing System vendors on the attached list, pursuant to all the conditions of the individual County contracts; and

BE IT FURTHER RESOLVED, by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified at such time as the goods or services are called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED, that the duration of this authorization shall be until December 31, 2020 or upon the expiration of the vendors' contract, whichever event first occurs.

Rufino Fernandez, Jr., Mayor
Glenn R. Turtletaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: January 6, 2020
<table>
<thead>
<tr>
<th>Commodity/Service</th>
<th>Vendor</th>
<th>Contract #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catch Basins and Manhole Castings</td>
<td>Campbell Foundry Company</td>
<td>14</td>
</tr>
<tr>
<td>Concrete Blocks &amp; Granite Curb Blocks</td>
<td>Continental Hardware, Inc.</td>
<td>19A</td>
</tr>
<tr>
<td>Crushed Stones, Gravel &amp; Sand</td>
<td>Eastern Concrete Materials, Inc.</td>
<td>9</td>
</tr>
<tr>
<td>Disposal/Recycling of Municipal Road Clean-up Materials</td>
<td>Deer Carcass Removal Service, LLC</td>
<td>49, Category A</td>
</tr>
<tr>
<td>Disposal/Recycling of Municipal Road Clean-up Materials</td>
<td>Custom Environmental Management Company (CEMCO), Inc.</td>
<td>49, Category B &amp; C</td>
</tr>
<tr>
<td>Fencing Materials and Installation</td>
<td>Challenger Fence, Inc.</td>
<td>53A</td>
</tr>
<tr>
<td>Landscaping Materials &amp; Supplies</td>
<td>Grass Roots Turf Products</td>
<td>42</td>
</tr>
<tr>
<td>Landscaping Materials &amp; Supplies</td>
<td>Ben Shaffer Recreation</td>
<td>42</td>
</tr>
<tr>
<td>Police Uniforms &amp; Equipment</td>
<td>Atlantic Tactical, Inc.</td>
<td>23 A, D &amp; I</td>
</tr>
<tr>
<td>Police Uniforms &amp; Equipment</td>
<td>Fit-Rite Uniform Company, Inc.</td>
<td>23 B, C, E, F, G &amp; H</td>
</tr>
<tr>
<td>Preventative Maintenance/Repair of Emergency Generators</td>
<td>Atlantic Switch &amp; Generator, LLC</td>
<td>46</td>
</tr>
<tr>
<td>Road Resurfacing</td>
<td>Micro Pave Systems, Inc.</td>
<td>6, Category C</td>
</tr>
<tr>
<td>Road Resurfacing</td>
<td>Tilcon New York, Inc.</td>
<td>6 A, B &amp; G</td>
</tr>
<tr>
<td>Road Resurfacing</td>
<td>Schifano Construction Company</td>
<td>6 A, B &amp; G</td>
</tr>
<tr>
<td>Road Resurfacing</td>
<td>Cifelli &amp; Son General Contracting, Inc.</td>
<td>F</td>
</tr>
<tr>
<td>Rock Salt and Calcium Chloride</td>
<td>Morton Salt</td>
<td>3, Category I, VI &amp; VII</td>
</tr>
<tr>
<td>Traffic Paint</td>
<td>The Sherwin Williams Company</td>
<td>27</td>
</tr>
<tr>
<td>Traffic Sign Materials</td>
<td>Garden State Highway Products, Inc.</td>
<td>28 A-G, I</td>
</tr>
<tr>
<td>Traffic Striping on Roadways</td>
<td>Denville Line Painting, Inc.</td>
<td>36</td>
</tr>
<tr>
<td>Tree Removal, Trimming and Stump Grinding Services</td>
<td>Tree King, Inc.</td>
<td>18 A, B &amp; C</td>
</tr>
<tr>
<td>Tree Removal, Trimming and Stump Grinding Services</td>
<td>Rich Tree Service</td>
<td>18 B</td>
</tr>
<tr>
<td>Water Meters/Data Recorders &amp; Radio Frequency Meter Interface Unit</td>
<td>Rio Supply, Inc.</td>
<td>47, Category B,D, E, F &amp; H</td>
</tr>
</tbody>
</table>