

CINNAMINSON TOWNSHIP COMMITTEE

November 20, 2017

The Regular Session Meeting of the Township Committee was called to order by Deputy Mayor Young at 7:52 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ 08077. Deputy Mayor Young announces that this meeting is being held in accordance with the "Open Public Meetings Act," P.L. 1975 c.231, having been noticed to the Burlington County Times and Courier Post on January 6, 2017.

In Attendance: Mr. Brauckmann, Mr. Evans, Mr. McCarthy, Mr. Young, Also present: Michael P. King, Administrator; Julia Edmondson, CFO; John Gillespie, Solicitor; Michael Minton, Economic Development Director

Deputy Mayor Young opens the meeting with the Pledge of Allegiance.

Deputy Mayor Young asks for a Moment of Silence for Retired Police Officer Lt. Willie Mines who passed away today.

Liaison Reports

Health and Senior Services and Veteran's Affairs – Mr. Evans

The Senior's Christmas Dinner will be Friday, December 8th at 5:00 pm at the middle school. I'd like to thank Officer Mike and Mr. King for their efforts. I attended the middle school Veteran's Day celebration on November 14th. It's a shining example of everything that is right with this town. That concludes my report.

Parks and Recreation – Mr. Brauckmann

Parks and Rec committee met in the beginning of the month. We also invited all of our permit holders. Issues were discussed regarding the new park ordinance. There was feedback and suggestions. I took notes and they will be passed on to the attorney at a later date to see if any of the issues can be worked out. Mr. King, I did relay to them that all of the sports organizations should be making an appointment with you. Thank you.

Public Works – Mr. Young

Good evening. It seems that, once again, we have to remind a number of residents that you must follow the published schedule for putting out leaves for collection. Remember also that we will not collect mixed piles that contain both leaves and brush. Not only do we have a published schedule, but we are posting signs with the scheduled dates at the various streets that enter into your developments. The signs are being posted in advance so you know when to have your leaves out and ready for pickup. If you are going to ignore the posted times, you are going to get a violation notice from our Public Works staff. Please don't get angry with the staff as they are following the laws/rules set forth by the DEP. If your leaves are in the street, you need to get them out and back up behind the curb. Some folks are putting up small fences along the curb to hold their leaves and that's fine, just get them out of the street.

As far a collection goes, we have been holding schedule to date, but may get slightly off due to the short work week because of the holiday. We have had a mix of 2 & 3 crews on the street trying to get as much done as possible. We do intend to run a crew on Saturday to try to hold to

the schedule for week 3. We recognize that week's 3 & 4 become our heaviest collections as most of the leaves have now fallen.

It has also been observed that residents are putting out brush for pick-up. Brush collection stopped at the end of October and we will not be collecting any brush again until February or March, depending on the weather. That too, must be kept behind the curb on your property. You should give some consideration to where the brush is kept so as not to make it too inconvenient for your neighbors who may have people parking along the street over the holiday season. Please be sensitive to you fellow residents.

Our parks staff has been very busy over the last few weeks, prepping the fields for the annual soccer tournament along with the removal of the former hockey rink and the creation of a new field area. The tournament is the last major event in the parks for the year and the staff will immediately begin the restoration projects that occur annually for our field care and maintenance. The staff also will begin preparations for our annual tree lighting event scheduled for December 10.

Most importantly, as Public Works Liaison, I want to introduce Todd Day as our new Superintendent of Public work and welcome him on board. Todd is familiar with our DPW operations as he has been covering them for nearly the last two years as a representative of Remington & Vernick, our Township Engineer. In addition to his duties at DPW, Todd will also function in the dual role as our Township Engineer.

Administration and Finance – Mr. McCarthy

The annual Cinnaminson Police and Fire Depts. Breakfast with Santa is scheduled for Sunday, December 10th from 8:00 am to 11:00 am at the Merion. Ticket prices are \$12 for adults, children 5 and up are \$6 and children 4 and younger are free. Pre-event ticket sales can be made at the Cinnaminson Police Department, Monday through Friday, 9:00 am to 4:00 pm. Tickets will also be available at the door. Later on the same day, December 10th, we'll have our Christmas Tree and Menorah Lighting which will take place at Wood Park from 6:00 to 8:00 pm. The culmination of the event will be the lighting of the Menorah and the Christmas tree. There will be two carriages for a ride through a holiday laser light show. Also on hand will be the Cinnaminson High School Art Club students assisting the children in making a holiday craft. There will be Polar Express Train rides. BCIT food truck will be serving coffee and hot chocolate. Cinnaminson High School Life Skills program will be serving cookies. Cinnaminson High School choir and Rush School Music Makers and the Woodland String Band will be providing music and song. The Cinnaminson Fire Department will bring Santa to the event.

Once again this year the Cinnaminson Police and Fire Departments have joined together to raise awareness for men's health. They have begun to grow facial hair for "Movember". The public is encouraged to go to the webpage and donate to their team. That's all I have.

New Business

Donation of hockey boards to Maple Shade Hockey League

Mr. King advises committee that we are taking down the deteriorated hockey rink at Memorial Park. The boards are in good shape. Maple Shade Hockey League is asking if the boards can be donated to them. Motion to authorize donation made by Mr. Brauckmann, seconded by Mr. Evans. Voice vote. All aye. No opposed. Motion is approved.

Introduction of Ordinance 2017-15 Amending Chapter 108 of the Code of Cinnaminson Entitled Salaries and Compensation “The Salary Ordinance Mr. Brauckmann asks for an explanation of the three items to be amended. Ms. Edmondson explains the money is already in the budget but there was no line item for an engineer. This amendment adds that line item. We also increased the hourly rate for the high school crossing guards. Motion to introduce made by Mr. McCarthy, seconded by Mr. Evans. Voice vote. All aye, no opposed. Motion is approved. Public hearing to be December 18, 2017.

Motion to Approve Resolution 2017-141 Appointing Special Counsel Regarding Redevelopment Area Issues.

Mr. Gillespie asks that this resolution along with Resolution 2017-126 accepting recommendation of Township Planning Board regarding boundaries of proposed area in need of redevelopment and rehabilitation be removed from the table. Mr. Brauckmann makes the motion to remove these items, seconded by Mr. Evans. Voice vote. All aye, no opposed. Motion is approved.

Old Business

Public Hearing on Ordinance 2017-14 Flood Damage Prevention Ordinance

Deputy Mayor Young explains that this is a FEMA ordinance that came from the DEP. Deputy Mayor Young opens the floor for public comment. Hearing none he closes the public comment portion and asks for comments from committee. Mr. McCarthy asks how this ordinance will affect our residents. Mr. Young states that this is more attuned to identifying losses. Residents who have questions can come in and see the Zoning Officer. Mr. Young states that he, the Zoning Officer and the Construction Official all have reservations about it because it can impact a resident if they are in a flood plain and have a loss. This could affect their ability to rebuild. However, we have been advised by counsel that if we do not pass this ordinance we will get no FEMA reimbursement or support so we have no choice but to accept it.

Motion to adopt made by Mr. Young, seconded by Mr. Brauckmann. Voice vote. All aye, no opposed. Ordinance is adopted.

ORDINANCE 2017-14

THE FLOOD DAMAGE PREVENTION ORDINANCE SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

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

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Cinnaminson are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

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

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

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

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

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

SECTION 2.0

DEFINITIONS

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

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

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

Appeal — A request for a review of the Township Engineer's interpretation of any provision of this ordinance or a request for a variance.

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

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

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

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

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

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

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,

excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

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

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

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

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

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

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

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

Historic Structure — Any structure that is:

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

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

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

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

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

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

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

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

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

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

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Cinnaminson, Community No. (340092) are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Burlington County, New Jersey (All Jurisdictions)” dated December 21, 2017.
- b) “Flood Insurance Rate Map for Burlington County, New Jersey (All Jurisdictions)” as shown on Index and panel(s) 94, 111, 113, 114, 207, 209, 226, 227 revision F whose effective date is December 21, 2017.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 1621 Riverton Road, Cinnaminson, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 180 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 Cinnaminson, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance,

easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

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

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

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

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

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Township Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE TOWNSHIP ENGINEER

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

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

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

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Planning Board as established by Cinnaminson Township shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Engineer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the New Jersey Superior Court, as provided in the Rules Governing the Courts of the State of New Jersey.
- d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The (Township Engineer) shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

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

5.1-1 ANCHORING

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

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

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

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

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

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6.0

SEVERABILITY

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

SECTION 7.0

ENACTMENT

7.01 ADOPTION

This Ordinance shall be effective on November 24, 2017 and shall remain in force until modified, amended or rescinded by the Township of Cinnaminson, Burlington County, New Jersey.

2016 Annual Report of Zoning Board of Adjustment

Motion to accept report made by Mr. Young, seconded by Mr. Evans. Voice vote. All aye. Report is accepted.

Motion to Approve Resolution 2017-147 Authorizing Addendum to Agreement of Sale R & M Brothers. Mr. Gillespie explains that this requires the property owner to perform demolition before the Township takes possession of the property. The cap on reimbursement is \$200,000. Motion to approve made by Mr. Evans, seconded by Mr. Brauckmann. Voice vote. All aye, no opposed. Resolution is approved.

Public Comment on Consent Agenda Items Only – None

Consent Agenda

Motion to Approve Resolution 2017-135 Authorizing the Participation in the Burlington County Safe Streets Initiative Cooperation Agreement for Mutual Aid

Motion to Approve Resolution 2017-136 Renewal of Shared Services Agreement for Animal Control with Willingboro Township

Motion to Approve Resolution 2017-137 Appointing Todd Day as Superintendent of Public Works.

Motion to Approve Resolution 2017-138 Releasing Performance Bond Cinnaminson Car Wash

Motion to Approve Resolution 2017-139 Liens for DPW work

Motion to Approve Resolution 2017-140 Refund tax payment 164 Wedgewood Drive

Motion to Approve Resolution 2017-142 Chapter 159 Distracted Driving Grant

Motion to Approve Resolution 2017-143 Chapter 159 Drunk Driving Enforcement Grant

Motion to Approve Resolution 2017-144 Chapter 159 Alcohol Education & Rehabilitation Grant

Motion to Approve Resolution 2017-145 Chapter 159 Click It or Ticket Grant

Motion to Approve Resolution 2017-146 Chapter 159 Body Armor Grant

Motion to Approve Resolution 2017-148 Authorizing Mayor to Execute Agreement for Municipal Park Development Program

End of consent Agenda

Motion to approve consent agenda made by Mr. McCarthy, seconded by Mr. Evans. Voice vote. All aye, no opposed. Consent agenda is approved.

Minutes – Motion to approve minutes for Oct 2, 2017, regular session made by Mr. Brauckmann, seconded by Mr. McCarthy. Voice vote. All aye, no opposed. Minutes are approved.

Motion to approve minutes for Oct 2, 2017 1st session closed made by Mr. Evans, seconded by Mr. Young. Voice vote. All aye. Mr. Brauckmann recuses himself. Minutes are approved.

Motion to approve minutes for Oct 2, 2017 2nd session made by Mr. McCarthy, seconded by Mr. Evans. Voice vote. Ayes – Mr. Evans, Mr. McCarthy, Mr. Young. Mr. Brauckmann abstains. Minutes are approved.

Motion to approve minutes for Oct 16, 2017 regular session, Oct 16, 2017 Special, Oct 16, 2017 Closed 1st session and Oct 16, 2017 Closed 2nd session made by Mr. Young, seconded by Mr. Brauckmann. Voice vote. All aye. Minutes are approved.

Bill List

Motion to approve the bill list made by Mr. Brauckmann, seconded by Mr. Evans. Voice vote. All aye. Bill list is approved.

Public Comment

Deputy Mayor Young opens the meeting to public comment.

Marie Birbeck, 2513 Chestnut Hill Dr. – Asks about Resolution 2017-147 and if Lidl is definitely coming to Cinnaminson. Mr. Young explains that the resolution is only for demolition of the building. Mr. Gillespie explains further the background of the agreement and the committee’s feeling that there is a public benefit to buying the Garden State Inn and having it demolished. We do have an agreement of sale with Lidl. Mr. King adds that we have had meetings as recently as today with the County regarding the Lidl site. We have no reason to believe that Lidl is no longer interested. Ms. Birbeck asks about the Marriott and Siena. Mr. Young states that Siena is in negotiations. The Marriott has backed off although we are talking to another developer. Ms. Birbeck asks about the salary ordinance and will we still have an outside engineer. Mr. Young confirms that we will.

Roger Hare, 2603 Yellowstone Road – States that it was clear to him that when the discussion of the bond ordinance came up and it was announced that Lidl was coming to town, that if Lidl didn’t come than the bond wouldn’t be executed. He is concerned that if Lidl changes their mind we will be left with vacant land.

Hearing no further comment Deputy Mayor Young closes the public comment portion of the meeting.

Comments from Committee

Mr. Brauckmann – In 1994 when I first came to Cinnaminson Willie Mines was just one of those figures, a squared away guy but he was also one of the nicest people you’d ever meet. He was our defensive tactics instructor so anyone that’s ever been a police officer, whether Cinnaminson or Burlington County, if you came through the police academy you know that his fifty percent strikes were never fifty percent; they were eighty or ninety percent. We all learned from him, as a police officer and a human being, how to be better. He will be sorely missed by me and anyone who has come in contact with him. It is a big loss to our community. Godspeed to him and my blessings to his family. And on a more positive note I’d like to wish everyone a Happy Thanksgiving.

Mr. Young – I knew Officer Mines for a lot of years because he was from East Riverton section and I worked in that section for many years and in recent years in being involved with the St. Paul Baptist church. Willie was the stalwart of that church. That community is really hurting. Please keep them in your thoughts. I’d also like to wish everyone a Happy Thanksgiving.

Motion to adjourn made by Mr. Evans, seconded by Mr. Brauckmann. Voice vote. All aye, no opposed. Meeting is adjourned.

8:23 pm

Duly passed and adopted:

Respectfully submitted

Lisa A. Passione, RMC
Municipal Clerk