



**CITY OF LAMBERTVILLE
WORK SESSION
6:30 P.M. THURSDAY, FEBRUARY 2, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MINUTES**

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 6:30 p.m. and he asked the Deputy Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The Deputy Clerk read the following statement into the record: This meeting is being held in compliance with the Open Public Meetings Act, with the annual meeting schedule advertised in the Trenton Times, Notice provided to the Trenton Times and the Hunterdon County Democrat, members on the listserv, department heads, the City Engineer and City Attorney. The meeting agenda provides for action items known at the time of publication. This meeting will be streamed live and recorded using the Zoom Meeting Platform.

ROLL CALL

The Deputy Clerk called the roll as follows:

Present: Councilwoman Kominsky, Councilwoman Lambert, Councilman Lide, Council President Stegman, Mayor Nowick.

Also Present:, Lindsay Hansche – Deputy Clerk

PLEDGE OF ALLEGIANCE

Mayor Nowick led the public in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Nowick led the public in a Moment of Silence.

CLOSED SESSION: Closed Session of the Governing Body of the February 2, 2023 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

The Governing Body will go into Closed Session at 6:30 p.m. and will reconvene in open session at 7:00 p.m.

Councilman Lide made a motion to go into closed session at 6:33 p.m. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Stegman made a motion to reconvene in open session at 6:58 p.m. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

STATE OF THE CITY ADDRESS – Mayor Nowick

Mayor Nowick read the State of the City Address into the record.

“Good evening, everyone. Here are my thoughts about the State of the City: The City is resilient. Seventeen months after the remnants of Hurricane Ida slammed into our City, we have largely recovered. Our roads have been repaired and repaved. Our storm drains and culverts have been rebuilt. Extensive work in Swan and Ely Creeks have cleared debris, stabilized banks, and added structural support in key areas. Scores of trees and thousands of native plants have been planted along our creeks and in our parks. \$450k was included in the federal appropriations package for our Music Mountain Woodland Restoration and Stormwater Management Green Infrastructure Project. Eighty-seven people came out in April to haul 6,000 pounds of debris from Swan, Ely and Alexauken Creeks. The City was accepted into the NJ Resilience Accelerator Pilot, which provided important resources to the newly established Resilience Team. Neighbors continued to help neighbors. New businesses have opened in revitalized spaces. Lambertville has been awarded grant funding to hire a planner to help develop a Resilience action plan. The Prall Trust generously paid permitting fees for Idarelated construction. Two properties are in the final process of being acquired by Blue Acres; another three properties are in the offering. Residents continued to rebuild their lives. The Resilience Team has been awarded a grant to create a walking tour, with an augmented reality component, of six key flood locations. Mechanicals have been raised in houses and basements have been filled with gravel, their windows replaced with flood vents. And while we have largely recovered, we note the City is substantively altered. Many residents have left, some by choice, others forced by circumstance. With a few exceptions, we have not mitigated future hazards, we have only restored to pre-Ida condition infrastructure whose design and capacity are likely outdated for the predicted rates of heavier and more frequent precipitation. If life is good for most of us, we must also remember our most vulnerable have been left out of a full recovery. The Village apartments remain a shell, a redevelopment plan still incomplete, and local social service agencies have seen a marked increase in need, which, sadly, sees little chance of abating anytime soon. This City is Stretched. It’s going to be another rough year for the City’s finances and the taxpayers. Our debt service will hit its all-time peak at approximately \$1,586,000., which is \$114k more than last year. This level of debt, combined with substantial increases in employee health care benefits, inflation, and several new expenses, will have a painful effect on this year’s budget. We can sharpen our pencils all we like, but the numbers won’t lie and our debt is the reason. In 2022, Lambertville’s adopted budget raised municipal taxes more than 11%. We, the Governing Body, acknowledge the pain and difficulty this situation has caused our residents. I do not yet have a clear sense of where we will end up in 2023, but the finance team is working through the numbers and I hope to introduce the budget at the March 16th City Council meeting. Our administration of City services is also stretched. I can categorically state that the City has been, and remains, understaffed and under-resourced. Last January, I hired a fire official to work sixteen hours a week; previously, just eight hours a week were allocated for the joint position of Zoning and Fire Official. Last July, the NJ Division of Fire Safety conducted an audit and found dozens of violations in nineteen commercial and nonprofit sites, dating back years—it’s taken seven months to get through the backlog and it still isn’t done.

One of the hardest decisions I had to make last year was whether to consolidate several part time positions into an expanded, full time role for Ken Rogers, the Construction Code Official. I sprouted a few dozen gray hairs over that one, but as I look back, I see it as one of my best decisions. Having Ken's expertise and commitment expanded to full time has been exponentially beneficial to the City in added efficiencies and service. Not a day goes by when I'm not grateful to have him in the office. As the chief administrator, my own workday is given to managing the day to day operations of City government, overseeing human resource matters, responding to a steady flow of constituent concerns, and dealing with the constant and inevitable problems that arise in a 1.2 Square mile city of 4,000 souls. To do it well, I have found, is more than a full time position. Next year at this time, I will decide whether to run for a second term. Last year I promised I would not hire an administrator and I did not. Nor will I hire one in 2023 as we continue to deal with an overburdened budget. But at the end of this year, this City and this City Council will have to decide whether I have proven the need for additional staff in City Hall—either part time or full time—to help run this complex organization, which is far more work than it looks. With the exception of the restored library porch, our Municipal facilities and DPW equipment have just gotten a year older without improvement or even much in the way of maintenance. The Governing Body recently toured the facilities and observed first-hand what years of inattention have yielded. We bonded for a new trash truck in 2022, however, due to a pandemic backlog, it may not arrive until next year and in the meantime, we are using two fourteen year old trucks to do the heavy work of trash and recycling pick-up. Now that the consuming work of Ida restoration is behind us, the Governing Body must make decisions about our aging, and recently expanded, City assets. The good news is our debt service will drop next year by about \$250k. In 2025 it will further drop about \$525k. Between fiscal 2024 and fiscal 2025, the debt will drop by almost half—about \$800,000.—and we will finally be free of its stranglehold on our operational budget. Add to this, the revenue a 2% cannabis tax will yield for the City. I don't have projections yet, though at least one cannabis retail shop is expected to cut a ribbon sometime this spring so we can expect a new revenue stream by year's end. Our fiscal situation, lousy as it is now, is about to improve. Here's some more good news. Over 4 million dollars in grants have passed through Cindy Ege's capable hands this year. 2.75 Million for Ida related infrastructure projects. Another 1.3 Million dollars in grants to improve our streets, our environment, our Office of Emergency Management, our parks, our DPW, etc. I will include a complete list of these grants as part of the record and, I publicly thank Cindy Ege. You have no idea how much paperwork 4 million dollars' worth of grants generates. Even more good news. This City is a Popular, thriving destination. I can't keep track of all the awards and accolades Lambertville has received in the last year. This place is more desirable than ever, for all the right reasons: the City is walkable, it's historic, it's beautiful, it's progressive, It's friendly, it's got great parks. It's LGBTQ+ friendly. It's got terrific restaurants and community coffee houses, It's got artists. It's got music. It's got art-house movies. Shad fest, Porchfest, Halloween, Oaxaca Day. New restaurants, new coffee houses, three cannabis retail shops set to open this year. Our popularity is a wonderful thing, worth highlighting and worth celebrating. This City is evolving. This is a constant and immutable fact, sometimes difficult to accept. The world, our country, and our City are in motion—some of it we can control, a lot of it we can't. Demographic and national trends have affected our housing market, the cost of living, who comes and who goes. The

climate is changing, bringing more intense storms as well as other weather related hazards. To the extent your City government can shape policy that reflects our values as we evolve, we must fully and proactively engage in the process. In 2021, for example, the City successfully responded to the evolution that brings recreational cannabis to New Jersey. With widespread public input, the Governing Body enacted a well-reasoned Cannabis Ordinance, reflecting the cultural attitudes of our residents and the need for more local revenue. As the City has evolved into an ever more popular destination, short term rentals have sprung up in a way that concerns residents about housing stock and neighborhood quality of life. And so this year, the City will take up this matter of short term rentals before the situation evolves into something unwieldy, if it already hasn't. The climate is changing, and we must adapt our building codes and improve our stormwater management. New, stricter regulations have come down from the state and we must embrace them for the protection they offer the City, as well as those downstream. Our reassignment to the MS4Tier A Stormwater permit will require substantial resources in implementation and ongoing maintenance. As long as I'm Mayor, the Lambertville resilience team will continue to guide this City forward in preparedness. There will be development and with it the certainty of affordable housing units which we sorely need and are required to provide. K. Hovnanian has been designated the conditional redeveloper of the high school site, and while this proposed project is still at the City Council level, we have made steady, good-faith progress and I will work to move this project forward this year. Working with Council President Stegman and a few members from the Planning and Zoning Boards, I will look to identify areas of the City that we might identify as Areas in Need of Rehabilitation or Redevelopment. Identifying and designating such areas will leave us better situated to oversee and control the inevitable changes these sites will at some point undergo. There is nothing stopping us from being better planners of the cityscape. Possibly the state of the City may feel worrisome at times, given the vagaries of the economy, political divisions, unforeseen circumstances, and the climate, but our people keep it stable throughout the challenges—our residents and taxpayers, our municipal employees, our elected leaders, our countless, enthusiastic volunteers, our first responders, our business community, artists, neighbors, everyone who lives and works here. Given what we know of the world—of how many places struggle to meet the basic needs of their communities, the long term state of Lambertville is just fine and as the Mayor I have a fulsome gratitude for every person who adds value to this incredible City we call home. Thank you.”

PUBLIC PARTICIPATION – Agenda Items

Mayor Nowick opened the meeting for public participation about agenda items. He noted that the ACO issue will be addressed at the 2/16 Council Meeting.

Public Comment:

Mary Anne Borge, of Lambertville, regarding the Closson property: I just wanted to comment on the Closson property. It's such an essential opportunity, a wonderful property, but it contributed to the flooding during Ida. There's a small creek through the center that turns into a raging

torrent during a rainstorm. It contributed to flooding all across Main Street and Councilman Lide can attest to that. Last year we put together a plan to develop the property using green infrastructure to plant trees and a shrub/herbaceous perennial area with a meadow further down. It would be great to do this. There would also be some flood plain areas in the plan to allow water to spread out and be absorbed. Grass doesn't absorb flood water. Planting native plants opens the soil for absorption and it would help mitigate the flooding. We can't pass up the opportunity to do this.

Lily Chen, of Lambertville, regarding the Closson property: The mayor mentioned our debt, which is great, and I don't see it getting better. Taxes are increasing 10-13% yearly. We are not in the position to afford whatever plan we had in mind when we purchased this farm. We need to consider cutting our losses and doing subdivisions on the property. Can we afford to keep it? No. We need to think realistically. Is the farmstead important? Is the log cabin? The barn? It was \$250k to repair just the barn. Can we afford that? No. We need to think about what to do to save ourselves.

Trish B, of Lambertville, regarding the flood ordinance: There was a paragraph in the ordinance that mentioned that people in the flood zone would need to get permits for things they wouldn't normally have to get permits for. Is it saying I would need to get a permit to replace the carpeting in my house?

Ken Rogers (Construction Official), in response: Any work that is done in the flood zone will need to be permitted. It's separate and independent from construction permits. Properties in the flood hazard area – whether it's a regular improvement or flood related repair, need to follow the ordinance. Any work done in the flood zone requires a flood area permit.

Audrey Byrnes, of Lambertville: Is there a document that highlights only the changes that are brought in the new flood ordinance? It's very lengthy and a lot to go over. I got to tour the Closson property and it is very nice up there. If we could subdivide, we should think about trying to recoup some costs and repurpose the buildings. We could use the greenhouse and the farm space, maybe get chickens and have a CSA. The stone house is beautiful, it would make a great bed and breakfast or event center. We can sell the things that we aren't going to use. Can we sell some of the land? Could it be developed for affordable housing? It's great that Fisherman's Mark is using the market.

Mayor Nowick, in response: There is a memo on the website about the flood damage ordinance changes and we will update it after tonight with the newest changes. Next Wednesday evening at 7pm there will be an info session about the ordinance on Zoom. To your questions about the Closson property, I think I'll be able to answer most of them in a few minutes.

Gina Fischetti, of Lambertville, regarding the flood ordinance: I have concerns, particularly about the expansion of the special hazard area to the 500 year flood plain. It's very difficult to

discern which properties are impacted – there are no parcel lines, and the lines are tiny and hard to read. It would be helpful to residents on Clinton street to be able to see whether our properties are affected. There should be outreach to residents whose properties are affected. It might only be if there's damage to the property – but it's any damage, not just flood. It could be fire, electrical, any number of things that could trigger these new requirements. I wanted to note that it disproportionately affects Clinton St. What are the insurance costs? What is the benefit to the City for doing this?

Mayor Nowick, in response: Including the 500 year flood plain has the potential to lower our insurance rates. There are advantages for people who have insurance policies and for homeowners. There's no specific benefit to the City.

Dave Burd, of Lambertville, regarding the flood ordinance: Thank you to the Mayor for simplifying the things that are being changed in this very long ordinance. We need a list of here are the new homes, this is the insurance cost – it needs to be quantified. Some insurance goes from hundreds of dollars to thousands of dollars. I see on the agenda hiring the planner again – was the meeting held for the Closson planner to move forward? Before you hire a planner you need to develop a scope of work and goals for what we are looking to acquire. I appreciate the fact that there is public comment at the beginning of the meeting but I suggest public comment for each ordinance/issue being considered.

Jeff Tittle, of Lambertville, regarding the flood ordinance: The state of NJ is also moving forward with new regulations. They're adding two feet to the hundred year storm - this ordinance should probably reflect that. It's been proposed and I think it will be adopted by June. My house is outside the hundred year storm but if I added a deck in the backyard I would fall within. We're caught between the rock and the hard place with developing affordable housing on the high school site. Khov has a very bad track record. They've piped streams, created toxic sites, and failed to follow the clean water act on stormwater. You really have to do due diligence and hold them accountable. In regards to Closson, I was hoping for a back and forth dialogue instead of talking at the beginning. It's important for our town and for our future. There's potential to do many wonderful things there. What we could do there to get back some potential money we've had to spend. I hope we get more details.

Helen Pettitt, of Lambertville, regarding the flood ordinance: This is not going to address flooding – it's to address the cost to the public during flood events. This is affecting everything including even what the MUA does. It is only related to river flooding. We are still exposed to flooding that adds to the costs that FEMA has to cover during a flood. The more improvements we add, the more exposure we have to the cost of remediation, we have opportunities to move things out of the flood plain. I think this town is way overdue to revise the master plan and the zoning ordinance. We've got development allowed on Lewis Island. We need to think about new

construction. Unless we have zero runoff from that hill, our problem is going to be exacerbated with every bit of impervious cover.

Lori Stagnitto, of New Hope, regarding ACO: Thank you for taking your time and listening to the residents, I am feeling hopeful. Kudos to Councilwoman Kominsky who came across a situation where a dog was hit by a car, luckily someone saw, and it was a happy ending. Carolyn Murphy helped with the search. We had two lost cats, one who got out, after a few long nights we found her. The other is indoor/outdoor and has been missing since December. I hope the animal welfare sub-committee continues so we can address other animal issues. Late yesterday I got a call about a dumped chicken, it was very sick, and people called me. We were able to contain the chicken - I took it home but it passed. The other issue we're dealing with is a lost parakeet and we're still searching.

Michelle Glassburg – Closson – I was on the tour Saturday. It's an amazing property, very inspirational. Please remember that it is the gateway to our city. If there's one thing I've thought we needed improvement on, it's the entrance to the city. Please consider the importance of what Lambertville stands for and what people see as they approach the City. From the other side there's a beautiful building so I suggest keeping that in mind. In regards to the flood ordinance, in full transparency I work for NJ future and I am a disciple of green infrastructure. I hope you consider the importance of green infrastructure up there. Please keep that in mind as an asset. Fisherman's Mark – I had never been to the market, and I spoke to the volunteers and the director, and got an idea of what they do and how important the market is. It sends a message about community.

Gail Carabine, of Lambertville, regarding Closson: I live across the street so I enjoy the view of the property. But I want the Council to keep in mind the flooding from last year, the torrents of water that came down the hill. It hurt stores, they had to close and went out of business, and people lost their houses. I'm glad the City bought the property, and good luck as you figure out what to do. Please keep in mind the storm management.

Mayor Nowick responded that Gail was one of the property owners who had a culvert burst and collapse in her backyard and was then subject to almost daily visits from the Mayor as things were repaired. That culvert cost \$353,000 to repair, so I think Gail's point about stormwater management is a very personal one.

Mayor Nowick asked for a motion to close the Public Participation section of the meeting. Councilwoman Lambert made a motion to close the public participation section regarding agenda items. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTIONS

RESOLUTION NUMBER 35-2023: *A Resolution To Amend Resolution Number 159-2022, A Resolution Of The City Of Lambertville, County Of Hunterdon, Conditionally Designating K. Hovnanian Homes, LLC As The Redeveloper Of Property Identified As The Lambertville High School Redevelopment Area, Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33 And 33.01, Block 1090, Lots 4 And 5, And Block 1091, Lots 1 And 1.01, Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1, Et Seq., Retroactive to November 19, 2022*

Mayor Nowick read the resolution into the record by title. This is a resolution to extend the conditional redeveloper designation for KHOV and keep the escrow. I will note that the concept plan that was presented in August contained 202 housing units with 40 affordable housing units. That was what was presented, not necessarily the final plan. We are moving forward in good faith and will keep the public in the loop.

Mayor Nowick noted that the new end date is 6 months from November 19th, so the 19th of April. Councilwoman Kominsky commented that she and Councilman Lide had just started taking a look at this. Stormwater is one of the questions we are asking. Council President Stegman responded that when we've had the opportunity to meet with them, stormwater has been the number one question – how will we meet and exceed regulations, and also how to not make it worse with new construction.

RESOLUTION NUMBER 35-2023

A Resolution To Amend Resolution Number 159-2022, A Resolution Of The City Of Lambertville, County Of Hunterdon, Conditionally Designating K. Hovnanian Homes, LLC As The Redeveloper Of Property Identified As The Lambertville High School Redevelopment Area, Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33 And 33.01, Block 1090, Lots 4 And 5, And Block 1091, Lots 1 And 1.01, Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1, Et Seq., Retroactive to November 19, 2022

WHEREAS, the City of Lambertville, a public body corporate and politic of the State of New Jersey (the “**City**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) to determine whether certain parcels of land within the City constitute an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on June 19, 2018, the Governing Body of the City (the “**Governing Body**”) designated the area known as the Lambertville High School Redevelopment Area and identified as Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33, and 33.01, Block 1090, Lots 4 and 5, and Block 1091, Lots 1 and 1.01 on City of Lambertville Tax Maps including rights of way (the “**LHS Redevelopment Area**”), as an area in need of redevelopment; and

WHEREAS, on November 26, 2018, the Governing Body adopted Ordinance No. 22-2018, which approved a redevelopment plan to provide specific provisions for the redevelopment of the LHS Redevelopment Area (the “**Original LHS Redevelopment Plan**”); and

WHEREAS, on April 23, 2020, the Governing Body adopted Ordinance 01-2020, which approved certain additional revisions to the Original LHS Redevelopment Plan (the “**Amended LHS Redevelopment Plan**,” and together with the Original LHS Redevelopment Plan, the “**Redevelopment Plan**”); and

WHEREAS, K. Hovnanian Homes, LLC (the “**Conditional Redeveloper**”) submitted a proposal to the City, dated March 2022, along with a project concept plan, dated July 18, 2022 (the “**Proposal**”) for the potential redevelopment of the LHS Redevelopment Area (hereinafter referred to as the “**Property**”); and

WHEREAS, in accordance with the Redevelopment Plan, and as set forth in the Proposal, the Conditional Redeveloper proposes to develop, finance and construct on the Property two hundred (200) town homes, forty (40) of which will be reserved for affordable housing, along with associated amenities and improvements related thereto (collectively, the “**Project**”); and

WHEREAS, on August 18, 2022, pursuant to Resolution Number 159-2022, the City designated Conditional Redeveloper as conditional redeveloper of the Property for a period commencing upon the adoption of the resolution and ending ninety (90) days from that date or the date of the first meeting of the Governing Body following the ninetieth day of the date of adoption, whichever was later, to allow the City and Conditional Redeveloper the opportunity to pursue pre-development activities to implement the Project, including negotiation of a redevelopment agreement and other related actions (the “**Pre-Development Activities**”), and authorized the execution of a Funding Agreement to provide for the funding of an escrow account and procedures for the payment therefrom of moneys to pay the City’s costs and expenses incurred in undertaking the Pre-Development Activities, which escrow account Conditional Redeveloper has established with the City; and

WHEREAS, in furtherance of the continuation of Pre-Development Activities, the Governing Body deems it necessary to continue the designation of Conditional Redeveloper as conditional redeveloper of the Property, retroactive to November 19, 2022, for a period of one hundred twenty (120) days from the effective date of this resolution or the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution, whichever is later.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor is hereby authorized to execute any necessary amendment to the Funding Agreement with the Conditional Redeveloper to memorialize the terms contained herein, in a form acceptable to the City in consultation with counsel.

Section 3. The instant designation of the Conditional Redeveloper, with regard to the proposed redevelopment of the Property, is effective from November 19, 2022 and to the enactment of this resolution, and for a period of time being the later of: i) one hundred twenty (120) days from the effective date of this resolution or ii) the date of the next Governing Body meeting following the one hundred twentieth day from the effective date of this resolution.

Section 4. If, by the expiration of the conditional designation period, the City and the Conditional Redeveloper have not executed a mutually acceptable redevelopment agreement, the designation of K. Hovnanian Homes, LLC, or a wholly-owned subsidiary thereof, as Conditional Redeveloper of the Property shall automatically expire without any need for any further action of the Governing Body, provided, however, that the City and the Conditional Redeveloper may negotiate an extension of such designation upon terms mutually acceptable to both parties.

Section 5. The Mayor is hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with counsel.

Section 6. This Resolution shall take effect immediately.

ADOPTED at a meeting of the Governing Body of the City of Lambertville, Hunterdon County, on February 2, 2023.

Mayor Nowick asked for a motion to approve resolution Number 35-2023. Councilman Lide made the motion to approve Resolution Number 35-2023. Councilwoman Lambert seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

RESOLUTION NUMBER 36-2023: *A Resolution to Award the Contract for Alternate Planner to Topology, Using the Fair and Open Process for a One-Year Appointment with Funds Paid Through Escrow Accounts*

Mayor Nowick read the resolution into the record by title. The Mayor noted that this is just housekeeping – it was meant to be approved at the last meeting but it was missed. We keep a backup planner just in case.

RESOLUTION NUMBER 36-2023

“Authorizing Professional Service Contracts for the 2023 Calendar Year”

WHEREAS, there exists a need for a Professional Services for the 2023 calendar year; and

WHEREAS, the contract is being awarded pursuant to the Fair and Open Process, a process that provides for public solicitation of proposals OR qualifications and the New Jersey Local Unit Pay-to-Play Law as defined in N.J.S.A. 19:44A-20.4 et seq., bids were advertised on November 9, 2022 and received December 2, 2022, providing sufficient time to give notice, and publicly opened on December 2, 2022; and

WHEREAS, sufficient funds are available in the 2023 Temporary Budget, adopted ordinances or grants, and will be made available in the 2023 Municipal Budget for the City of Lambertville for such services;

NOW, THEREFORE, BE IT RESOLVED that the Council Members of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey hereby confirms the nomination made by Mayor Nowick for the position of Alternate City Planner made to Topology, with an hourly rate of \$150.00, and a not to exceed amount of \$500.00, noting the invoices will be charged to escrow accounts;

BE IT FURTHER RESOLVED that the not to exceed amount established is for general services only. Additional not to exceed amounts will be established on a per-project basis.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to finalize and sign an agreement for the 2023 calendar year.

BE IT FURTHER RESOLVED that notice of this actions shall be printed in the legal section of the next available issue of The Times, N.J.A.C. 5:34-9.5 (d).

ADOPTED: February 2, 2023

Mayor Nowick asked for a motion to adopt Resolution Number 36-2023. Council President Stegman made the motion to adopt Resolution Number 36-2023. Councilwoman Kominsky

seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING

ORDINANCE NO. 01-2023

An Ordinance By The City Council Of The City Of Lambertville Amending The City Of Lambertville Code Of Ordinances To Repeal Chapter 19; To Adopt A New Chapter 19; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date.

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

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

WHEREAS, the City of Lambertville was accepted for participation in the National Flood Insurance Program on April 1, 1981 and the City Council of the City of Lambertville desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 as necessary for such participation; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of The City of Lambertville that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Repeal Chapter 19 of the Ordinances of the City of Lambertville and replace with Chapter 19, titled Flood Damage Prevention Ordinance.

SECTION 101 SCOPE AND ADMINISTRATION

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

101.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

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

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City of Lambertville administer and enforce the State building

codes, the City Council of The City of Lambertville does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

101.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2000, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine of not more than \$2000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

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

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The City of Lambertville was accepted for participation in the National Flood Insurance Program on April 1, 1981.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the City Hall of the City of Lambertville, located at 18 York Street, Lambertville, NJ 08530.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study Hunterdon County, New Jersey (All Jurisdictions) dated May 2, 2012 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are May 2, 2012 and September 25, 2009 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34019C0339	May 2, 2012	G			
34019C0402	May 2, 2012	G			
34019C0406	September 25, 2009	F			

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

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

- 3) **Other Best Available Data.** The City of Lambertville shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of Lambertville. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3 or 4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Alexauken Creek	L0000154p	05P
Delaware River	L0000158p	01P
Alexauken Creek	L0000159p	05P
Tributary No. 1 to Swam Creek	L0000160p	04P
Swan Creek	L0000161p	03P
Swan Creek	L0000162p	02P
Delaware River	L0000163p	01P
Alexauken Creek	L0000168p	02P
Delaware River	L0000169p	01P
Delaware River, Alexauken Creek	L0000061	3
Delaware River, Swan Creek, Trib #1	L0000062	2
Delaware River, Raritan Canal	L0000063	1
Delaware River	SUPPVIII16	6

- 5) For the construction of new structures, repetitive loss properties, and substantially damaged structures, the most restrictive 0.2% annual chance (500 year) flood area, based on the effective or preliminary FEMA flood study, shall be considered when establishing the Best Available Flood Hazard Data Area and shall be considered the Special Flood Hazard Area. This section does not apply to substantial improvement determinations for structures that have not been substantially damaged.

102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

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

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus two feet of freeboard or as described by N.J.A.C. 7:13.

- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus two feet of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus two feet of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus two feet of freeboard . If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities, the Local Design Flood Elevation must be one foot above the currently adopted NJDEP Design Flood Elevation and freeboard, and in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Floodplain Administrator Designation. The person currently appointed by the City Council of the City of Lambertville is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.

- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries The City of Lambertville have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

hazard area limit, floodway limit, and/or another related feature.

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

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

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

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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

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

103.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the

Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

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

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

103.12 Reserved.

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made. To provide uniformity in all determinations, the market value of the structure shall be the tax assessed value plus any percentage used by the tax assessor in determining that value.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial

improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over the previous year prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.

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

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

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

SECTION 104 PERMITS

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

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

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these

regulations.

- (4) **Reserved.**
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) **Reserved.**
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will

not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) **Reserved.**
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and

- prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
 - 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
 - 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

SECTION 107 VARIANCES

107.1 General. The Zoning Board of Adjustments shall hear and decide requests for variances. The Zoning Board of Adjustments shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Zoning Board of Adjustments has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

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

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

107.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

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

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

107.6 Conditions for issuance. Variances shall only be issued upon:

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

SECTION 108 VIOLATIONS

108.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without

the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

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

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine of not more than \$2000 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

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

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

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

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

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

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

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

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (I.e., mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or

undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City Council of the City of Lambertville requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional

freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

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

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

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

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

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by the tax assessment value adjusted to approximate market value by a factor provided by the Tax Assessor employed by the City of Lambertville.

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

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

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

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

REPETITIVE LOSS – Any flood-related damage sustained by a structure on two separate occasions during any 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

- a. **For other than new construction or substantial improvements, under the** Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation includes all work done or proposed within one year of the application to repair, restore or improve the structure. This term also includes structures which have incurred “repetitive loss” or “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."

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the

floodway.

- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

401.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

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

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

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

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

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

SECTION 501 MANUFACTURED HOMES

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

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

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

501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

501.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 RECREATIONAL VEHICLES

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

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

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional

certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.

- c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

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

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

801.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

801.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

1001.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

1001.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

1001.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

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

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by

the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect in accordance to applicable law.

INTRODUCED AND FIRST READING: February 2, 2023

PUBLIC HEARING AND SECOND READING: February 16, 2023

- i. Note: Map and Memorandum from Ken Rogers, Construction Official and Flood Plain Manager.

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that the public hearing for Ordinance Number 01-2023 will be on February 16, 2023.

The Mayor noted that there were some last minute changes earlier in the afternoon from the DEP. Most of the changes were nothing substantive, just language, but two changes came back: The freeboard height is not changing with this ordinance – we had sought a one foot higher than the DEP requirement but DEP rejected the proposed change. The other thing to note is that variances to historical structures will now be automatically granted. Before, you would have to go before the zoning board, but now it will be automatically granted.

The definition of market value was more clearly defined. And we've added the 500 year flood zone. Based on an assessment, 20-25% of flood claims in the City were made outside of the 100 year flood zone. Other municipalities also included the 500 year flood plain in their new ordinances. There's more water coming and it's going to influence our communities. This will eventually help reduce losses and claims. If you live in the 500 year flood plain, you can still do improvements, you can do whatever you want to your house. The trigger is only when you've been substantially damaged within the flood plain. It's important as we think about resilience and planning for the future.

Next week there will be an info session via zoom for any further questions, with Mayor Nowick and Construction Official Ken Rogers.

Council members discussed.

Councilman Lide – Gina (Fischetti) brought up that there were a lot of insurance claims made from outside of the 500 year plain, and a lot of properties within the hundred year plain that were not affected. There are a lot of good things in this ordinance, but I'm very concerned about adding the 500 year plain since we don't have to do it. Since it doesn't only include flood hazards, we really need to look at whether we want to include the 500 year plain.

Councilwoman Lambert – It seems like maybe we need a better understanding of what the benefits are of imposing this restriction of the 500 year flood plain. Overall I understand we may get better insurance rates. Mayor Nowick noted that everything we do to protect our residents and their properties affects our rating. Mayor DeVechio’s work was instrumental in reducing costs for our residents. We can take measures to show that we are being proactive to planning.

Councilwoman Kominsky – Let’s take extra effort to notify people because it is a change and people need to know about it. Council President Stegman suggested sending a letter to residents who fall within the 500 year flood plain.

Councilman Lide – I know two residents just on my street who cannot comply with these laws. We need to note how important this is, and how this is going to affect people. It is significant.

Mayor Nowick – This happened after Irene and I remember. Homeowners who buy a house have to think about where they are buying properties and how to protect them. We can do what we can, and what we should, but it’s also incumbent on residents to look after their properties and show up to meetings and be informed. This ordinance is important and I am confident in it.

Councilwoman Lambert – My question is if we don’t incorporate the 500 year flood plain, what is the downside? The downside would be people in that area get substantial damage – how does that affect recovery assistance from government organizations who have seen us choose not to adopt the more strict regulations? By not adopting this, are we short changing people when the time comes and we have not adopted the appropriate safeguards? Councilman Lide responded that since it is only required to do 100 year, I would assume that the government would not think badly that we did not do 500. Without a doubt these changes help with future flooding. But it doesn’t help people now, who have an obligation they didn’t anticipate. When you go down past Elm, 95% of the homes had no electricity. The ordinance works and there’s a lot of good things. But do we need to do it now? I’m not sure. Mayor Nowick brings up good points. But some of the areas not in this zone got flooded, some of the areas in the zone got no flooding.

After more discussion, Council requested Mr. Opel’s advice on whether the second reading/public hearing for this ordinance could be pushed back. Mr. Opel explained that it could be delayed after the public hearing, it would just have to be noticed again and we would need to provide that date at the next meeting on the record.

*b. **ORDINANCE NUMBER 02-2023:** An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Handicapped Parking, Section 7-4.8 to Add a Handicapped Parking Space in Front of 41 Clinton Street.*

Mayor Nowick read the Ordinance into the record. He informed the members of the public that this is to add a handicapped parking space in front of 41 Clinton Street. The public hearing will be at the February 16, 2022 Voting Session.

ORDINANCE NUMBER 02-2023

Amending the Lambertville City Code, 2014, Chapter 7, Handicapped Parking, Section 7-4.8 to Include a Handicapped Parking Space in Front of 41 Clinton Street.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, Chapter 7, Handicapped Parking, Section 7-4.8, is amended to include the following:

West side of Clinton Street, in front of 41 Clinton

INTRODUCTION AND FIRST READING: February 2, 2023

PUBLIC HEARING AND SECOND READING: February 16, 2023

Mayor Nowick asked for a motion to introduce on first reading Ordinance Number 02-2023. Councilwoman Lambert made the motion to introduce Ordinance Number 02-2023. Councilwoman Kominsky seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ONGOING PROJECTS

- b. Animal Control Officer Update: Mayor Nowick noted that he had given the ACO update at the beginning of the meeting.
- c. One-Way Church Street Traffic Pattern – Council President Stegman noted that there is no update.

Mayor Nowick opened the meeting for a discussion on the Closson Property.

In some ways the Closson Property has sat quietly for the last year. Now we're ready to pivot and look at the property, this City asset, in hopes of making some forward movement soon. We will be having plenty of opportunities for the public to participate, gather ideas, and get excited about the property.

The purchase of the property goes back to Fall 2020. Tax assessor valued the property at \$2.91 million dollars which became the basis of the sale price, \$2.9 million dollars in June 2021. Most of the public support came for the preservation of the open space. The CAT didn't address what to do with the buildings – mostly found that the public wanted open space and a farm market.

The total 2022 expenses (utilities and landscaping) came to \$18,228 to maintain the property. The estimated municipal tax loss of \$5300 brings the total "cost" to \$23,000. Between the revenue from Fisherman's Mark (\$12,000 in rent) and landscaping fees paid for by the Open Space Fund, the "income" totals about the same, so it's a wash and I wanted to note that.

Council President Stegman met with Green Acres and the State Historic Preservation Office (SHPO). The property initially was split into open space and an exception area (all the buildings). We learned from SHPO that anything we do on the property is subject to review, as it

is historic property. We filed the initial paperwork with Green Acres for funding of \$234k at the end of 2022. It's likely we would get a similar amount from the county for open space. Green Acres has requirements, but the exception area can be used for whatever, there aren't restrictions (except from SHPO). Even in the open space we could add parking, we could have concerts, hold weddings, any way we want to use the open space. We could add a pavilion, or public restrooms.

Council President Stegman noted that at the same meeting we learned about a stewardship grant through Green Acres and they had a creative suggestion for the property. It was a very positive conversation and we learned a lot. The takeaway is that the money we could get from Green Acres, plus the money from selling properties in the exception zone, could serve to work towards our debt and decrease the amount of impact on the taxpayer. I've always been confident that if we needed funds we could sell off some of the assets (the farm market, or the log home). I'm more comfortable now with moving forward to take the money for the open space. We can proceed with starting to develop plans. What do we want to see? We'll involve our commissions, the Environmental Commission and Parks & Rec. I don't know if we'll need a planner right away. We're not talking about moving the police headquarters but we also need to start thinking about that property, we own that too. I think we own too many buildings, which is not a bad thing if you can afford to keep them, but we have buildings that need work and it's been several years.

Councilwoman Lambert: I want to acknowledge Mary Anne Borge for her great email about this. I want to point out that this is the only property the city ever bought without a referendum. We don't know how many people actually supported it. Two things are foremost in my mind with this property. First, stormwater management, which affects the entire community directly. And secondly to regain as much revenue as we can from this property. We struggle with debt, and we took on additional debt because of this property. I'm strongly interested in trying to recoup as much as we can, especially since the appraisals did not come in where we expected. There was some feedback from the last meeting when we didn't approve the planner for the property. I just want to say it wasn't "we don't want a planner" it was just "we don't want a planner right now"

Councilman Lide – I was able to see the property for the first time on Saturday. It is beautiful and has a lot of possibilities. The open space is beautiful and we're lucky that we have it. We need to utilize it well. I have concerns about the headquarters property. I hope it can be a meeting space or a place for hot chocolate for the sledding hill. In regards to the log cabin and the market, I don't think the city should be landlords. If we get the opportunity to sell those, we should consider it. Fisherman's Mark fills a hole that the city needs and we are fortunate to have them there. But if they did buy it, we would have to consider the tax rates. I think we do need a professional planner, but at the right time. First we need to talk about whether or not we want to keep everything. If we are considering parceling some of the pieces, we should go ahead and do

that. We also want to plan things that are low cost to get people to come out and enjoy the property. The stream is really cool and there are so many possibilities.

Councilwoman Kominsky – I’ve gone down that hill in a sled and I’ll certainly be looking for hot chocolate. I think this is a great opportunity to revisit the property and plan it out appropriately. This purchase does cost us, not just in terms of money but in terms of debt. We issued a \$3.7 million dollar bond ordinance for the purchase. We’re going to pay in interest, in maintenance costs, and we’re getting a lot less grant money than we expected. We should think about monetizing the market and log cabin to offset the cost. It's beautiful, and it's interesting, and I'm very much in favor of getting a planner at the right time. I'd like to see a public session to collect information to set some parameters, plan out the open space, and then we'd be equipped to inform the planner. We can have an open dialogue about changing the uses of those spaces which would be great. And we'll talk about stormwater, and the planting plan from Mary Anne Borge.

Mayor Nowick – I’m pleased with Council’s priorities about the property. Everyone has made the point that we need to start thinking about recouping some funds. Personally, my priority is open space preservation. Green infrastructure, native plant meadows, stormwater management. A year ago yesterday I advocated selling the farm market in a closed session meeting, as the cleanest break from the rest of the parcel. We should take a serious look at selling the market, and consider first Fisherman’s Mark as a buyer. Lastly, keeping the Holcombe house in the public trust is very important. No idea what we would do with it, but I want the City to own that building and take care of it. Councilwoman Kominsky’s idea of public meetings is great. Maybe we’ll keep opening the property once a month for the next few months. We’re thinking about devoting the next printed newsletter solely to the Closson property as well so people can learn the history and be well informed. I encourage everyone to share their ideas.

ANNOUNCEMENTS

1. DOG AND CAT LICENSES are due no later than Tuesday, February 28 to avoid the late fee. Please include a copy of your pet’s valid rabies vaccination.
2. PARKING STICKERS expired on 12/31/2022 - And you can renew online!
<https://www.lambertvillenj.org/government/forms-documents>

PUBLIC PARTICIPATION – Other

Mayor Nowick opened the meeting up for public participation.

Polly Anderson, of Lambertville – What is the status of the Village apartments? Will it be housing or something else? And as we think about the entrance of the city, that’s also something that could be done better.

City of Lambertville
Work Session
6:30 p.m. Thursday, February 2, 2023
Phillip L. Pittore Justice Center, 25 South Union Street
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Mayor Nowick responded that the Council is working with a contract purchaser for that site, but can't really say anything else at this time. Hopefully something will be brought to the public sometime this spring. We are working on it behind the scenes.

Bart Thurber, of Lambertville – unable to weigh in earlier re 500 flood ordinance – We purchased our Lambert Lane property in 2013, but the repetitive loss clause would qualify our property automatically as repetitive loss, from floods that occurred before we even owned it. Would it be possible to implement the 500 year restriction only on *future* property sales and not be retroactive? I don't know what the impact would be on myself and others on Lambert Lane, would we even be able to qualify for flood insurance? I hope there are other opportunities to talk about the Flood ordinance with more lead time.

Helen Petit, of Lambertville – I think there's a deep misunderstanding about the substantial damage approach. You don't have to change your property to meet the City code until there is an event that significantly damages your property, and then you have to bring it up to code. It's the same approach with this 500 year flood plain. It doesn't affect you until there is a substantial damage situation, and then you have to conform.

Mayor Nowick asked for a motion to close the public participation. Council President Stegman made the motion. Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

Mayor Nowick asked for a motion to adjourn the meeting. Councilwoman Lambert made the motion. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the meeting by all members present. MOTION CARRIED.

Respectfully submitted,

Lindsay Hansche
Deputy Clerk