BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
DECEMBER 19, 2016
8:00 PM

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo
Council President Corrado Belgiovine
Councilwoman Jeanine Chiavelli
Councilwoman Jacqueline Gadaleta
Councilwoman Angela Hayes
Councilwoman Kristy Herrington
Councilman Thomas Panso

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

December 5, 2016 (Closed)
December 5, 2016 (Open)

MAYOR'S COMMENTS

ADMINISTRATOR'S REPORT

NEW BUSINESS

- Community Updates, led by Council President Corrado Belgiovine

ORDINANCES

Public Hearing — Ordinance 16-18
An Ordinance Revising the Affordable Housing Development Fees within the Borough

Public Hearing — Ordinance 16-19
An Ordinance of the Borough Council of the Borough of Woodcliff Lake Authorizing the Acquisition by Purchase or Eminent Domain if Necessary, of the Real Property Known as 223 Woodcliff Avenue, Block 1402, Lot 7 on the Official Tax Map of the Borough of Woodcliff Lake

Public Hearing	Ordinance 16-20 An Ordinance Establishing Compliance with the International Property Maintenance Code for All Homes and Buildings within the Borough
Public Hearing	Ordinance 16-21 An Ordinance Updating Certain Fire Prevention Permit Fees of the Borough
Public Hearing	Ordinance 16-22 An Ordinance Updating Certain Board of Health Fees of the Borough

PUBLIC COMMENT

(limited to 5 minutes per speaker)

CONSENT AGENDA

Resolution No. 16-313	Resolution Authorizing Payroll and Payment of Claims
Resolution No. 16-314	2016 Budget Transfers
Resolution No. 16-315	Resolution Authorizing Raffle License to Woodcliff Lake Educational Foundation
Resolution No. 16-316	Resolution Authorizing a Refund of Overpaid Taxes Caused by a Tax Court Judgement for the Years 2010, 2011, 2014-2016
Resolution No. 16-317	Resolution to Authorize the Preparation and Advertisement of Bids for One (1) Truck in the Borough of Woodcliff Lake
Resolution No. 16-318	Resolution Setting Salary of Raymond Blackton as the Superintendent of the Department of Public Works in the Borough of Woodcliff Lake
Resolution No. 16-319	Resolution Setting Salary for Christopher Behrens as the Foreman of the Department of Public Works in the Borough of Woodcliff Lake
Resolution No. 16-320	Resolution Setting Salary for David T. Linko as the Lead Man of the Department of Public Works in the Borough of Woodcliff Lake
Resolution No. 16-321	Resolution Authorizing Taxes Due for First Half 2017 to Be Deleted Due to Major Subdivision (Gables)
Resolution No. 16-322	Resolution Authorizing Stipend for Harold Laufeld, Chief Financial Officer

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. 16-313
December 19, 2016

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 12/15/2016 - $186,433.18

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	$ 1,133,720.00
Special Capital:	$ 2,415.15
General Capital Fund:	$ 305,156.00
Animal Control:	$ 870.38
Trust/Other:	$ 287.41
State Unemployment:	$ 45.17
Escrow:	$ 3,866.00

CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

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Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

2016 Budget Transfers

RESOLUTION NO. 16-314
December 19, 2016

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Gasoline	6-01-31-460-020	10,000.00	
General Administration - Other Expenses	6-01-20-100-020		10,000.00
Landfill Disposal Costs	6-01-32-465-230	20,000.00	
Legal - Other Expenses	6-01-20-155-020		20,000.00
TOTAL		30,000.00	30,000.00

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION AUTHORIZING RAFFLE LICENSE TO WOODCLIFF LAKE EDUCATIONAL FOUNDATION

December 19, 2016
RESOLUTION NO. 16-315

WHEREAS, application has been made by Woodcliff Lake Education Foundation for a 50/50 Raffle and Tricky Tray to be held at 124 Woodcliff Avenue, Woodcliff Lake, New Jersey on February 10, 2017;

WHEREAS, said application has been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the application of the Woodcliff Lake Educational Foundation is hereby approved and the Borough Clerk is authorized to issue Raffle License(s) RA16-05 and RA 16-06.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY A TAX COURT JUDGEMENT FOR THE YEARS 2010, 2011, 2014-2016

RESOLUTION NO. 16-316
December 19, 2016

WHEREAS, The owners of Block 2406, Lot 6, La Sala Broadway, LLC, 123-125 Broadway, Woodcliff Lake, New Jersey was successful in their appeal to the County Tax Board New Jersey and have won a Judgement adjusting their assessed value for the years 2010, 2011, and 2014-2016; and

WHEREAS, this has resulted in their overpaying their property tax for years of 2010, 2011, and 2014-2016 in the amount of $14,537.92; and

WHEREAS, they have been awarded this judgement and therefore are entitled to a refund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of $14,537.92 to the owner of record, Irwin Law Firm, PA c/o La Sala Broadway LLC.

Mail check to:
IRWIN LAW FIRM, PA
80 MAIN STREET, SUITE 410
WEST ORANGE, NJ 07052

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION TO AUTHORIZE THE PREPARATION AND ADVERTISEMENT OF BIDS FOR ONE (1) TRUCK IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-317
December 19, 2016

WHEREAS, the Superintendent of Public Works has requested authorization to prepare bid specifications and advertise for receipt of bids for the purchase of one (1) new truck; to wit a 2017 International Model 7300 SFA Dumping Platform body with Central Hydraulics and Snow Plow; and

WHEREAS, pursuant with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the advertisement and acceptance of bids is required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake , County of Bergen and State of New Jersey, that:

1. The Superintendent of Public Works is hereby authorized to prepare bid specifications and the Borough Clerk is instructed to advertise for receipts of bids (date undetermined) for the purchase of one (1) new 2017 International Model 7300 SFA Dumping Platform body with Central Hydraulics and Snow Plow Truck.

2. The Borough Clerk shall advertise the Notice to Bidders for the purpose of the receipt of sealed bids for the above-named purpose or project.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION SETTING SALARY OF RAYMOND BLACKTON AS THE SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF WOODCLIFF LAKE

DECEMBER 19, 2016
RESOLUTION NO. 16-318

WHEREAS, by previous resolution, the Borough of Woodcliff Lake has determined that Raymond Blackton possesses the necessary skills and experience to hold the position of Superintendent of the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, Raymond Blackton's appointment shall be effective on January 1, 2017 with a salary of $84,600.00. Such salary is in line with the current salary ordinance.

NOW THEREFORE, BE IT RESOLVED, that Raymond Blackton appointment shall be effective on January 1, 2017 in accordance with the terms contained within this resolution and the salary ordinance, the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION SETTING SALARY FOR CHRISTOPHER BEHRENS AS THE FOREMAN OF THE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF WOODCLIFF LAKE

DECEMBER 19, 2016
RESOLUTION NO. 16-319

WHEREAS, by previous resolution, the Borough of Woodcliff Lake has determined that Christopher Behrens possesses the necessary skills and experience to hold the position of Foreman of the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, Christopher Behrens' appointment shall be effective on January 1, 2017 with a salary of $74,500.00. Such salary is in line with the current salary ordinance.

NOW THEREFORE, BE IT RESOLVED, that Christopher Behrens' appointment as Foreman of the Borough of Woodcliff Lake Department of Public Works shall be effective on January 1, 2017 in accordance with the terms of this resolution and the salary ordinance, the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION SETTING SALARY FOR DAVID T. LINKO AS THE LEAD MAN OF THE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF WOODCLIFF LAKE

DECEMBER 19, 2016
RESOLUTION NO. 16-320

WHEREAS, there is a need to appoint a Lead Man of the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, by previous resolution, the Borough of Woodcliff Lake has determined that David T. Linko possesses the necessary skills and experience to hold the position of as Lead Man of the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, David T. Linko's appointment shall be effective on January 1, 2017 with a salary of $58,250.00. Such salary is in line with the current salary ordinance.

NOW THEREFORE, BE IT RESOLVED, that David T. Linko's appointment as Lead Man of the Borough of Woodcliff Lake Department of Public Works shall be effective on January 1, 2017 in accordance with the terms of this resolution and the salary ordinance, the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION AUTHORIZING TAXES DUE FOR FIRST HALF 2017 TO BE DELETED DUE TO MAJOR SUBDIVISON (GABLES)

DECEMBER 19, 2016
RESOLUTION NO. 16-321

WHEREAS, the properties listed below were demolished for a major sub-division and will be deleted on the tax rolls, and

WHEREAS, these properties will be subdivided into smaller lots, and

WHEREAS, taxes due for February & May 2017 should be deleted, and

WHEREAS, the tax collector, Lois Frezza is authorized to delete taxes due for first half of 2017, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake property taxes listed below will be deleted.

BLOCK/LOT

303/2 – 6 PICKWICK LANE
401/1.02- 34 COUNTY ROAD
401/1.01- 40 COUNTY ROAD
303/1- 12 PICKWICK LANE
302/4- 5 PICKWICK LANE
302/3- 11 PICKWICK LANE
401/1.03- 28 COUNTY ROAD

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 19, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION AUTHORIZING STIPEND FOR HAROLD LAUFELD, CHIEF FINANCIAL OFFICER

RESOLUTION NO. 16-322
December 19, 2016

WHEREAS, the Woodcliff Governing Body desires to grant a stipend to Harold Laufeld, Chief Financial Officer for extra work performed in connection with payroll and tax collection; and

WHEREAS, the Finance Committee agrees with this stipend.

NOW, THEREFORE BE IT RESOLVED, that the Woodcliff Lake Governing Body approves the $5,000.00 stipend for Harold Laufeld, Chief Financial Officer.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake, in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 19, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-18

AN ORDINANCE REVISING THE AFFORDABLE HOUSING DEVELOPMENT FEES WITHIN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

Hereto introduced on the 10th day of November, 2016 at 8:00 PM did pass on first reading and that said Ordinance be further considered for final passage at a meeting to be held on the 21st day of December, 2016 at 8:00 PM or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of introduction and passage on first reading and of the time and place when and where said Ordinance be further considered.

WHEREAS , the Mayor and Council of the Borough of Woodcliff, with the advice of the Borough Planner, has recognized a need to update its Affordable Housing Development Fees Ordinance codified in Chapter 380 Article X.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: That the chapter § 380-68 is amended and shall now read as:

§ 380-68. PURPOSE.
In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules as amended from time to time and/or in accordance with the enacted legislation and/or in accordance with directives from the Courts. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to the above. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing.

Section 2: That the chapter § 380-69 is repealed in its entirety and replaced with the following "definition" chapter and shall now read as:

§ 380-69. DEFINITIONS.
The following terms as used in this section, shall have the following meanings:
AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.S.A. 52:27D-329.2.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

PARTIAL DESTRUCTION

If at least the foundation and at least two (2) walls to be incorporated into the rebuilt structure along the full dimension (horizontally and vertically) of the front, side or rear elevations of a principal or accessory building or structure remain intact, the building or structure shall be deemed to have been only partially destroyed.

Section 3: That the chapter § 380 -70 is repealed in its entirety and replaced with the following chapter governing development fees and shall now read as:

§ 380-70. DEVELOPMENT FEES.

A. Residential Development Fees.

1. Imposed fees.

a. Within all zone districts, unless invalidated by State Statute or Court Order, developers of residential housing, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided no increased density is permitted.

b. When an increase in residential density has been permitted pursuant to N.J.S.A. 40:55D-70d (known as a "d" variance) or pursuant to Zoning Amendment or pursuant to the adoption of a Redevelopment Plan pursuant to New Jersey Local Redevelopment and Housing Law (NJSA 40A-12-1 et. seq.), developers shall be required to pay a development fee of a maximum of 6% of the

equalized assessed value for each additional unit that may be realized.

2. Eligible exactions, ineligible exactions and exemptions for residential development.
    a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
    b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval or the developer has accepted responsibility to pay a development fee. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. A development fee shall be based on the percentage that applies on the date that a building permit is issued, regardless of the time of collection of the fee.
    c. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
    d. Development fees shall be imposed and collected when an existing structure is demolished, torn down or destroyed and replaced by a new or rebuilt structure. Only those structures which have been deemed to have only been "partially destroyed" as defined herein, shall be exempt from such fees. The development fee hereunder shall be calculated on the increase in the equalized assessed value of the new or rebuilt structure.
    e. A developer of an addition to an existing residential unit shall be exempt from the development fee.

B. Nonresidential development fees.
    1. Imposed fees.
        a. Within all zoning districts, unless invalidated by State Statute or Court Order, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction.
        b. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
        c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized

assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
    a. The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
    b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
    c. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.
    d. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
    e. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Woodcliff Lake as a lien against the real property of the owner.

Section 4: That the chapter § 380 -71 is repealed in its entirety and replaced with the following chapter governing the collection of fees and shall now read as:

§ 380-71. COLLECTION OF FEES.

A. Collection procedures.
    1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.

2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Woodcliff Lake fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
8. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

B. Appeal of Development Fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.

C. Retention of Fees
Any fees collected prior to the adoption or amendment of this article shall be retained by the Borough of Woodcliff Lake pursuant to COAH's rules regarding the retention of development fees.

Section 5: That the chapter § 380 -72 is amended and shall now read as:

§ 380-72. HOUSING TRUST FUND.

A. There is hereby created a separate interest-bearing, if possible, housing trust fund to be maintained by the Borough Chief Financial Officer from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
    1. Payments in lieu of on-site construction of affordable units;
    2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
    3. Rental income from municipally operated units;
    4. Repayments from affordable housing program loans;
    5. Recapture funds;
    6. Proceeds from the sale of affordable units; and
    7. Any other funds collected in connection with the Borough of Woodcliff Lake's affordable housing program.

Section 6: That the chapter § 380 -73 is amended and shall now read as:

§ 380-73. USE OF FUNDS.

A. Money deposited in a housing trust fund may be used for any activity approved by COAH or in accordance with any directives from the Courts for addressing the Borough of Woodcliff Lake's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; the purchase of land for low- and moderate-income housing; preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, including the extension of controls, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, extensions and/or improvements of roads and infrastructure to low- and

moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income households; and administrative costs necessary to implement the Borough of Woodcliff Lake's housing element. The expenditure of all money shall conform to a spending plan approved by COAH or by the Courts.

B. At least 30% of all development fees collected and any interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
    1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
    2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
    3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

C. The Borough of Woodcliff Lake may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

D. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's or the Courts monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

E. Funds shall not be expended to reimburse the Borough of Woodcliff Lake for housing activities carried out prior to the establishment of the Affordable Housing Trust Fund.

F. Monitoring. Borough of Woodcliff Lake shall complete and return to COAH or to the Courts all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Woodcliff Lake's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or the Courts. All monitoring reports shall be completed on forms designed by COAH.

G. This section is intended to be interpreted and applied consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.). In the event of any inconsistency, this section shall be read so as to comply with the Act.

Section 7: That the chapter § 380-76 is repealed in its entirety.

Section 8: That the chapter § 380-77 is repealed in its entirety.

Section 9: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 10: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 11. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 12: This ordinance shall take effect upon passage and publication according to law.

Date: November 10, 2016
Attest: Deborah A. Dakin

ORDINANCE NO. 16-19

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF THE REAL PROPERTY KNOWN AS 223 WOODCLIFF AVENUE, BLOCK 1402, LOT 7 ON THE OFFICAL TAX MAP OF THE BOROUGH OF WOODCLIFF LAKE

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 20:3-1 et seq., the Borough of Woodcliff Lake (the "Borough") has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the Borough desires to acquire the property located at 223 Woodcliff Avenue, Woodcliff Lake, New Jersey also known as Block 1402 Lot 7 on the official tax map of the Borough (the "Galaxy Gardens Property") in order to expand the open space available in the Borough for the use and enjoyment of the local population; and

WHEREAS, the Borough has determined that it is necessary, beneficial and in the public interest to acquire the Galaxy Gardens Property for public use as open space; and

WHEREAS, the acquisition of such property to be utilized as open space will fulfill a primary goal of the Borough with regard to preservation of the Borough's character by providing for open space for the Borough's residents; and

WHEREAS, the Bergen County Open Space Trust Fund shares in the goals of the Borough of Woodcliff Lake and is a dedicated program to support open space acquisition and recreation development throughout Bergen County; and

WHEREAS, the Borough submitted an application to the Bergen County Board of Chosen Freeholders' Open Space Trust Fund to finance the acquisition of the Galaxy Gardens Property; and

WHEREAS, the Board of Chosen Freeholders granted final approval to a grant award for the above-referenced open space land acquisition project at its meeting on August 10, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:5-1 et. seq., the Borough is authorized and empowered to accept such grants; and

WHEREAS, pursuant to Resolution No. 16-231, the Borough accepted the grant and will use such funds towards the acquisition of the Galaxy Gardens Property; and

WHEREAS, an appraisal of the Galaxy Gardens Property was completed on or about September 27, 2016 by Mason Helmstetter Associates, LLC ("Helmstetter Appraisal") setting forth the fair market value of the property as if remediated in the amount of $900,000.00; and

WHEREAS, the Borough hereby approves the Helmstetter Appraisal and the fair market value of the Galaxy Gardens Property and hereby authorizes the issuance of an "Offer Letter" pursuant to N.J.S.A. 20:3-6 to the record owners of the Galaxy Gardens Property to purchase the property for the full fair market value in the amount of $900,000.00 or some other amount the parties may amicably agree upon, or such amount which may be determined by a Court of competent jurisdiction, subject to the satisfaction of appropriate contingencies and holdbacks including, but not limited to, any environmental remediation regarding the Galaxy Gardens Property; and

WHEREAS, the Borough desires to formally authorize the acquisition of the Galaxy Gardens Property and the institution of eminent domain proceedings if necessary in order to acquire title to the Galaxy Gardens Property.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey that:

SECTION 1. The Mayor and such other officials, consultants, agents, employees and professionals as may be necessary and appropriate, shall be, and are hereby, authorized to pursue all lawful means of acquiring the Galaxy Gardens Property specifically known and designated as 223 Woodcliff Avenue, Woodcliff Lake, New Jersey Block 1402 Lot 7 through negotiation and/or condemnation if necessary pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. including the filing of a Declaration of Taking, the filing of a Condemnation Complaint and all other proceedings related thereto; and

SECTION 2. The Borough Council hereby confirms its approval of the Helmstetter Appraisal. The amount to be offered by the Borough to the record owner of the Galaxy Gardens Property pursuant to N.J.S.A. 20:3-6 shall be the fair market value of $900,000.00 or some other amount the parties may amicably agree upon or such amount which may be determined by a Court of competent jurisdiction, subject to the satisfaction of appropriate contingencies and holdbacks including, but not limited to, any environmental remediation regarding the Galaxy Gardens Property; and

SECTION 3. In conjunction with said acquisition, the Borough reserves and shall reserve any rights it may have had or may recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up that have been incurred or may be incurred in the future by reason of environmental conditions which were in existence on the Galaxy Gardens Property as of or prior to the date of vesting of title and possession of the Galaxy Gardens Property in the name of the Borough; and

SECTION 4. In conjunction with said acquisition, the Borough reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owner and/or responsible parties to remediate and/or clean up the Galaxy Gardens Property in accordance with applicable state and

federal statutory and regulatory provisions. The Borough is not and shall not be liable for the clean-up and removal costs of any discharge or contamination which occurred or began prior to the Borough's ownership; and

SECTION 5. The Borough Attorney, any special counsel retained by the Borough, and the Borough Administrator are hereby authorized to hire and employ such consultants and experts as may be appropriate to effectuate such acquisition, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services; and

SECTION 6. The Mayor and Borough Administrator are hereby authorized to execute and witness any documents or instruments necessary to acquire the Galaxy Gardens Property and/or any interests thereto; and

SECTION 7. If any word, phrase, clause, section or provision of this ordinance shall be adjudged by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect; and

SECTION 8. All ordinances of the Borough which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Date: November 21, 2016
Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-20

AN ORDINANCE ESTABLISHING COMPLIANCE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR ALL HOMES AND BUILDINGS WITHIN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to have all homes and buildings in the Borough to comply with the most recent editions of the International Property Maintenance Code; and

WHEREAS, to update the building construction code to include such compliance, Chapter 114 of the Borough Code shall be amended to reflect same; and

WHEREAS, to update the fire enforcement code to include such compliance, Chapter 178 of the Borough Code shall be amended to reflect same; and

WHEREAS, to update the property maintenance code to include such compliance, Chapter 265 of the Borough Code shall be amended to reflect same.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: That Chapter §114-4 (A) of the Building Code is amended to include compliance with the most recent editions of the International Property Maintenance Code and shall now read as:

§113-4 **Adoption of standards.**

A. The regulations contained in the current state Building Code and the most recent edition of the International Property Maintenance Code are hereby adopted as the regulations governing the construction of buildings and other structures in the Borough; and it shall be unlawful to erect or construct any building or structure in the Borough in violation of or without complying with the appropriate provisions of such regulations. Copies of such code shall be kept on file in the Borough Clerk's office for inspection, and three copies shall be furnished to the Construction Code Official.

Section 2: That Chapter §178-11 of the Fire Enforcement code is amended to include compliance with the most recent editions of the International Property Maintenance Code. The chapter is further amended to assure that the fire code shall apply to all homes within the Borough. As such, Chapter §178-11 shall now read as:

§178-11 **Duties of the enforcing Agency**

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it as well as the codes contained within the most recent edition of the International Property Maintenance Code in all buildings against owners and tenants therein (including tenancies created by the rental of the areas, rooms or space within the buildings, structures and premises) within the established boundaries of the Borough of Woodcliff Lake and shall faithfully comply with the requirements of the Uniform Fire Safety Act , the Uniform Fire Code and the most recent edition of the International Property Maintenance Code.

Section 3: That Chapter §256-5 of the Property Maintenance Code is amended to include compliance with the most recent editions of the International Property Maintenance Code and shall now read as:

§ 265-5 **Applicability.**

Every residential and nonresidential building and the premises on which it is situated, in the Borough of Woodcliff Lake, previously or presently used for dwelling, commercial, business or industrial occupancy, shall comply with the provisions of this code as well as the provisions contained within the most recent editions of the International Property Maintenance Code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this code. This code establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained herein, except as provided in § 265-6.

Section 4: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 5: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 6. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 7: This ordinance shall take effect upon passage and publication according to law.

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-21

AN ORDINANCE UPDATING CERTAIN FIRE PREVENTION PERMIT FEES OF THE BOROUGH OF WOODCLIFF LAKE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to update certain fire prevention fees within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: That the Borough's Fee Ordinance codified in Chapter §163-1 is amended for the following Fire Prevention permit fees:

~~Non-owner-occupied one- and two-family dwellings~~	~~$100.00~~
Condos/townhouses, each up to 20	$35.00 per unit
Condos/townhouses, over 20 units	$35 per unit for the first 20 units and $15.00 for every unit thereafter

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-22

AN ORDINANCE UPDATING CERTAIN BOARD OF HEALTH FEES OF THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to update certain Board of Health fees within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: That the Borough's Fee Ordinance codified in Chapter §163-1 is amended to change and add the following Board of Health fees:

Restaurants by seating capacity	
1-50	$250.00
51-150	$500.00
Over 150	$700.00
Pools (indoor)	$600.00
Pools (seasonal)	$300.00
Deli/Convenience Stores	$250.00 per unit
Nursing Homes/Assisted Living by Capacity	
1-12	$300.00
13-50	$600.00
Over 50	$1,200.00
Take Out Establishments	
Year Round	$250.00
Seasonal	$125.00
Hotels	$2,250.00
Supermarkets	$1,550.00
Vending Machines	$30.00
2nd & additional	$15.00
Ice-cream Trucks	$75.00

Mobile Vendor	$125.00
Non-Profit Organizations	$100.00
Day Care Facilitates	$400.00
Nursery Schools	$125.00
Temporary food license	
1-3 days	$75.00
4-7 days	$100.00
Massage Therapist (part of Spa/exercise)	$200.00
Pre-packaged candy counter	$100.00

Section 2: The terms of this Ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This Ordinance shall take effect upon passage and publication according to law.

Date: December 5, 2016
Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk