

July 22, 2014
Regular Meeting

The Regular Meeting of the Raritan Borough Council was called to order by Mayor Liptak at 6:00p.m. The meeting was held in the Meeting Room of the Raritan Borough Municipal Building at 22 First Street, Raritan, NJ 08869.

Mayor Liptak announced that the meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were sent to The Courier News and the Star Ledger on July 16, 2014. In addition, copies of notices were posted on the bulletin board in the Municipal Building, on the Raritan Borough website and filed in the Office of the Borough Clerk. Notices on the bulletin board have remained continuously posted.

ROLL CALL

Present: Councilwoman Carra, Councilwoman Gara, Councilman Giraldi, Councilman Lobell, Council President Tozzi

Absent: Councilman Sibilia

Also Present: Mayor Liptak, Borough Attorney Moscagiuri, Borough Engineer Schrek, Borough Planner Maski, Borough Administrator Jaxel, Police Chief McCormick, Borough Clerk Schmitt

FLAG SALUTE AND INVOCATION

Councilman Lobell led the invocation and flag salute.

Mayor Liptak introduced and welcomed James Moscagiuri as Borough Attorney filling in for Richard Wenner.

PUBLIC COMMENT

None.

WORK SESSION

Economic Activity - Raritan Riverfront

Borough Engineer Schrek began the discussion on the Raritan Riverfront economic activity by updating the Mayor and Council on the recent activity in this area. Mr. Schrek stated that new standards for usage are needed for privately owned recreational facilities along the Raritan Riverfront Greenway. He also reported that he and other members of the Mayor's appointed committee have met with developers who may be interested in the riverfront area. Mr. Shrek stated that two suggested uses for this area are an open-air market and a canoe/kayak ramp access. Mr. Schrek also informed Council that there is the possibility that Somerset County may be able to purchase a building in this area with open space funds.

Mr. Schrek asked for guidance on how Council would like to proceed with the open-air market before he looks into the costs associated with this project. He also suggested that a lease proposal be developed if Council chose to proceed with the market.

Discussion ensued on the proposed vendor's uses on this property, the structures that would be erected, the days and hours of operation and available parking. Discussion continued on acquiring the proper permits from the Department of Environmental Protection and the availability of other potential sites in the area. Council agreed to add discussion on this item to the next Agenda-Workshop Meeting in August when Mr. Schrek would have a cost analysis prepared.

Dave Maski, Borough Planner added that Somerset County is working on acquiring the proper permits to construct a bike/pedestrian path next year.

Don Christensen from the Economic Development Committee stated that he is pleased to hear that discussion on this topic is taking place and that things are starting to happen along the riverfront. He brought up the possibility of interest in a boutique hotel along the riverfront.

Mayor Liptak suggested that it would be beneficial if all members of Council could be provided with a current copy of the Master Plan. Dave Maski, Borough Planner stated that he would contact Somerset County and see if a digital copy is available.

Mayor Liptak called for a recess at 6:45p.m. Council resumed in regular session at 6:55p.m.

COMMENDATION

Raritan Township Chief Glenn Tobasco to Sergeant Thomas Fisher

Raritan Township Police Chief Tobasco addressed the Mayor and Council regarding an incident that occurred on Memorial Day of this year in Raritan Township. Chief Tobasco continued that Raritan Borough's Sergeant Thomas Fisher, while off duty and visiting in Raritan Township, heard screams coming from a neighboring pool and ran to the site. Sgt. Fisher encountered a non-responsive child who had just been pulled from the pool. Sgt. Fisher immediately administered CPR, reviving the child and ultimately saving the child's life. Chief Tobasco stated that Raritan Borough is very lucky to have Sgt. Fisher as an officer.

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Chief Tobasco read a commendation into record and presented Sgt. Fisher with a plaque from Raritan Township in appreciation of his life-saving actions on May 26, 2014.

Sergeant Fisher thanked Chief Tobasco and stated that he greatly appreciates the honor.

APPROVAL OF MINUTES

June 10, 2014 - Agenda-Workshop Meeting

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the June 10, 2014 - Agenda-Workshop Meeting minutes.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

June 10, 2014 - Executive Session

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to approve the June 10, 2014 - Executive Session minutes.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

June 24, 2014 - Regular Meeting

On motion by Councilman Lobell, seconded by Council President Tozzi, it was moved to approve the June 24, 2014 - Regular Meeting minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: Carra

Motion Carried 4-0-1.

June 24, 2014 - Executive Session

July 22, 2014
Regular Meeting

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the June 24, 2014 - Executive Session minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: Carra

Motion Carried 4-0-1.

July 8, 2014 - Agenda-Workshop Meeting

On motion by Councilwoman Carra, seconded by Councilwoman Gara, it was moved to approve the July 8, 2014 - Agenda-Workshop Meeting minutes.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

July 8, 2014 - Executive Session

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the July 8, 2014 - Executive Session minutes.

Recorded Vote: Aye: Gara, Giraldi, Lobell, Sibilia, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

ORDINANCES - SECOND READING

Ordinance No. 2014-05 - An Ordinance to Fix and Determine the Salaries, Wages or Compensation to be Paid to Certain Officers and Employees of the Borough of Raritan

Mayor Liptak requested a motion to open the Public Hearing.

On motion by Councilwoman Carra, seconded by Council President Tozzi, it was moved to open the public hearing on Ordinance No. 2014-05.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX

Abstain: XXX

Motion Carried 5-0.

There being no comments, Mayor Liptak called for a motion to close public hearing.

On motion by Councilman Giraldi, seconded by Councilwoman Gara, it was moved to close the public hearing.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

On motion by Councilwoman Carra, seconded by Council President Tozzi, it was moved to adopt Ordinance No. 2014-05.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

ORDINANCES - FIRST READING

Ordinance No. 2014-06 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 207, Land Use and Development, Part 6, Zoning, to Add a New Section 207-90.1 Regulating the Outdoor Storage of Firewood in Residential Areas of the Borough

BE IT ORDAINED by the Borough Council of the Borough of Raritan, County of Somerset and State of New Jersey, that Chapter 207, Land Use Development, Part 6, Zoning, is hereby amended in the Code of the Borough of Raritan, by adding a new Section 207-90.1, Outside Storage of Firewood; regulations as follows:

1. Section 207-90.1 Outside Storage of Firewood; Regulations
 - A. No persons shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in a front yard for a period of ten (10) days from the date of its delivery.
 - B. Outside Storage of Firewood; Generally

- (1) The firewood shall be cut, split, prepared for use and stored in neat, secure stacks. The firewood shall be neatly stacked and may not be stacked closer than three feet to any lot line and not higher than four feet from grade, except adjacent to a fence where firewood can be stacked as high as the fence. Fences as used in this Section shall not include hedges and other vegetation. The firewood shall be stored a minimum of eight inches off the ground and on a well-supported, non-rotting base.
 - (2) There shall be no more than two cords of wood stored at any time; and no more than one-fourth of a fireplace cord shall be stored on the porch of a residential structure.
- C. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within ten days and shall not be allowed to remain on the premises.
- D. Wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and wood piles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.
- E. Firewood may be stored on a residential property solely for use on the premises and not for resale.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D

This ordinance shall take effect immediately upon final publication as provided by law.

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to introduce Ordinance No. 2014-06.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Ordinance No. 2014-08 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 315, Storm Water Management, of the Code of the Borough of Raritan to Add a New Article VII, Stream Corridor Protection

BE IT ORDAINED by the Borough Council of the Borough of Raritan, County of Somerset and State of New Jersey, that Chapter 315, Storm Water Management, is hereby amended in the Code of the Borough of Raritan by adding a new Article VII, Stream Corridor Protection, as follows:

Section 1

Article VII Stream Corridor Protection

315-38 Purpose.

The governing body of the Borough of Raritan finds that properly vegetated riparian lands adjacent to streams, lakes or other surface water bodies provide important environmental protection and resource management benefits. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along surface water bodies within Raritan, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas.

The purpose of this ordinance is to establish minimal acceptable requirements for the design of buffers to protect riparian areas; to protect the water quality of watercourses, lakes and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of Raritan's land resources.

315-39 Definitions.

Administrative Authority - The Planning Board, Construction Office or Zoning Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Applicant - A person, corporation, government body or other legal entity applying to the Planning Board, Construction Office, or Zoning Office to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated riparian zone.

Disturbance - The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Riparian Zone - The land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian Zone Management Plan - A plan prepared by a landscape architect, professional engineer or other qualified professional that evaluates the effects of any proposed activity or use on any riparian zone. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

All other words and/or terms utilized in this ordinance shall be as defined or described in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this ordinance and as they may be amended over time.

315-40 Establishment of Riparian Zones.

A. Applicability

Except as provided in Sections 41 and 42 below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance.

B. Applicant's Responsibility

The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Borough of Raritan in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Borough Engineer, and where required by State regulation, the New Jersey Department of Environmental Protection.

C. Mapping Standards

Riparian zones shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.

2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters.

(a) Any trout production water and all upstream waters, including tributaries;

(b) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

(c) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

(d) Any segment of a water flowing through an area that contains acid producing soils.

3. For all other surface water bodies, a riparian zone measuring 50 feet wide shall be maintained along both sides of the water.

4. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

(a) Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;

(b) Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;

(c) Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

(d) Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

5. The riparian zone shall encompass the one hundred year floodplain wherever the floodplain has been delineated.

315-41 Permitted Uses.

Unless otherwise provided for by this ordinance, riparian zones shall remain in or be restored to their natural, indigenous state, with no clearing or cutting of trees and brush, altering of watercourses, regrading or construction. For riparian zones in C1 waters, permitted uses are governed by the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13,

unless otherwise exempt. The following shall be permitted uses or activities in all other riparian zones, provided that they do not disturb the indigenous character of the area:

- A. Public and private parkland and open space uses that are primarily passive in character provided near-stream vegetation is preserved. These uses do not require compliance with an approved riparian zone management plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, and fishing areas operated for the protection and propagation of wildlife, but excluding structures. Such uses also include swimming and fishing areas, boat launches, unpaved hiking, bicycle and bridle trails, provided that said trails have been stabilized with pervious materials.
- B. Open fences for which a permit has been issued to the extent required by local ordinance.
- C. Crossings by recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, subject to approval by the Borough Engineer, provided that the land disturbance is the minimum required to accomplish the permitted use, that any applicable State permits are acquired, that any disturbance is offset by buffer improvements in compliance with an approved riparian zone management plan, and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.
- D. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved riparian zone management plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to approval by the Borough Engineer and subject to compliance with an approved riparian zone management plan.
- E. Maintenance of landscaping including removal of dead vegetation, fallen trees and in-channel debris; pruning for reasons of imminent public safety; removal of invasive species.
- F. Reconstruction of a structure that predates the adoption of this article in the event of damage or destruction by fire or natural hazards provided the reconstruction does not have a greater footprint or total area than that of the damaged structure and no change in land use occurs. Any such reconstruction shall be performed in accordance with current state and federal construction standards within floodplains.

315-42 Prohibited Uses.

Any use or activity not specifically authorized in Section 41, Section 43 or Section 44 of this ordinance shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:

- A. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
- B. Storage of any hazardous or noxious materials.
- C. Alteration of watercourses, regrading, dumping of trash, soil, dirt, fill, vegetative or other debris.
- D. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
- E. Roads, driveways, or motor vehicle traffic except where otherwise permitted by this ordinance.
- F. Impervious parking lots.
- G. Any type of permanent structure, except structures needed for a use permitted by Section 41.

315-43 Variances.

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), new disturbances for projects or activities in the riparian zone established by this ordinance may be granted a variance by the Planning Board in accordance with § 40:55D-70 of the Municipal Land Use Law provided that:

- A. The disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) and there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning;
- B. There is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback

or other requirements that would allow conformance with the riparian zone requirements; or

- C. It is demonstrated that the disturbance is necessary to:
- a. protect public health, safety or welfare;
 - b. provide an environmental benefit;
 - c. prevent extraordinary hardship on the property owner peculiar to the property; or
 - d. prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

If a variance is granted under this section, the applicant shall rehabilitate an environmentally degraded riparian zone within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible, rehabilitate or expand a riparian zone at least equivalent in size within a nearby site owned by the same applicant, and if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization, and removal of debris in accordance with a riparian zone management plan.

If no options exist for the rehabilitation of an alternate riparian zone, the Borough may require a financial contribution be made to an open space or Municipal Stormwater Management Plan mitigation plan fund in exchange for this requirement.

315-44 Exceptions.

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this ordinance are allowed:

- A. Reconstruction within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the

Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E;

- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et. seq;

- F. Disturbance that would prevent extraordinary hardship on the property owner peculiar to the property; or prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment; and/or

315-45 Nonconforming Structures and Uses.

Nonconforming structures and uses of land within the riparian zone are subject to the following requirements.

- A. Legally existing but nonconforming structures or uses may be continued.

- B. Any proposed enlargement or expansion of the building footprint within the riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

- C. In non-category one riparian zones:
 - (1) Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

 - (2) Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.

 - (3) Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone as measured against the intent and purpose of this ordinance, than the existing or former nonconforming use.

315-46 Performance Standards.

All encroachments proposed into riparian zones in C1 waters shall comply with the requirements of the Stormwater Management rule at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.

The following conditions shall apply to all other riparian zones:

- A. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
- B. Any lands proposed for development which include all or a portion of a riparian zone shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses including agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable in accordance with an approved riparian zone management plan.
- C. For building lots which exist as of the date of adoption of this ordinance, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.
- D. All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (see N.J.A.C. 2:90-1.3.) If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability, then the proposed stabilization measures must meet the requirements of the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-10.2 et seq., and have an approved flood hazard area permit.

315-47 Conservation Easement.

Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by the Borough of

Raritan, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone.

315-48 Riparian Zone Management Plan.

Unless otherwise exempt under this ordinance, a landowner, applicant, or developer proposing any activities regulated by this ordinance and requiring major subdivision or site plan approval shall submit a riparian zone management plan to the Borough Engineer as described in this section. The riparian zone management plan shall be prepared by an environmental professional, professional engineer or other qualified professional and fully evaluate the effects of any proposed uses on the riparian zone. A riparian zone management plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.

- A. The management plan shall identify existing conditions including:
- (1) Vegetation;
 - (2) Field delineated surface water bodies;
 - (3) Field delineated wetlands;
 - (4) One-hundred-year floodplain;
 - (5) Flood hazard areas, including floodway and flood-fringe areas, as delineated by the New Jersey Department of Environmental Protection;
 - (6) Soil classifications as found on soil surveys;
 - (7) Existing subdrainage areas with HUC-14 (Hydrologic Unit Code) designations; and
 - (8) Slopes in each subdrainage area segmented into sections of slopes that are less than 15%; above 15% but less than 20%; and greater than 20%.
- B. The management plan shall describe all proposed uses and activities and fully evaluate the effects of those uses and activities in a riparian zone; and describe all proposed management techniques including proposed vegetation and any other measures necessary to offset disturbances or enhance the riparian zone.
- C. The management plan shall include provisions in narrative and/or graphic form specifying:
- (1) The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.

(2) The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone.

(3) The professional and personnel resources that are expected to be necessary to maintain and manage the riparian zone.

(4) A revegetation plan, if applicable, that includes: three layers of vegetation including herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. Vegetation selected must be native, non-invasive species, consistent with the soil, slope and moisture conditions of the site. Dominant vegetation in the riparian zone management plan shall consist of plant species that are suited to the riparian zone environment. The Borough Engineer may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or state or federal forest agencies.

D. The management plan shall be reviewed by the Borough Engineer who shall prepare and submit a report with recommendations to the applicable administrative authority prior to the authority rendering a decision.

E. The applicable administrative authority may require performance guarantees to ensure implementation of the management plan covering a period of not less than two years in the form of a bond, cash or letter of credit, which shall be provided to the Borough prior to the issuance of any permits.

315-49 Appeals.

Any party aggrieved by the location of the riparian zone boundary determination under this ordinance may appeal to the Borough Engineer. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal. Any party wishing to appeal the determination of the Borough Engineer shall file a notice of appeal with the Raritan Borough Council within 20 days of receipt of the Borough Engineer's decision. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

315-50 Inspections.

Lands within or adjacent to an identified riparian zone may be inspected by an authorized municipal representative as part of the normal review process under the following circumstances:

A. A subdivision or land development plan is submitted.

- B. A construction permit is requested for new construction which results in a net increase in lot coverage.

- C. A change or resumption of a nonconforming use is proposed.

- D. Excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

315-51 Enforcement.

When a riparian zone has been altered in violation of this ordinance, all ongoing development work shall stop and the riparian zone shall be restored. The Borough, through the office of the Borough Engineer, shall have the authority to issue a stop-work order to cease all ongoing development work and order restoration, rehabilitation or replacement measures at the expense of the owner or other responsible party, as appropriate, in order to compensate for violation of the provisions of this ordinance.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C.

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D.

This ordinance shall take effect immediately upon final publication as provided by law.

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to introduce Ordinance No. 2014-08.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Ordinance No. 2014-07 - An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending Chapter 207, Land Use and Development, Part 6, Zoning, to Amend Chapter 207-126, Entitled RG-Riverfront Greenway in Order to Add New Standards

BE IT ORDAINED by the Borough Council of the Borough of Raritan, County of Somerset and State of New Jersey, that Chapter 207, Land Use Development, Part 6, Zoning, is hereby amended in the Code of the Borough of Raritan, by amending Chapter 207-126, RG-Riverfront Greenway, as follows:

Section A

Chapter 207-126 RG-Riverfront Greenway, is hereby amended by adding the following language to said section:

The following additional standards shall apply to all privately-operated recreational facilities in the Riverfront Greenway District:

1. All facilities, buildings, structures and parking lots shall be kept in good repair and in conformance with the Borough's Property Maintenance Code.
2. All vegetated areas, including lawns, shall be properly maintained.
3. Wherever restroom facilities are provided, they shall be made available for use by all park patrons.
4. All buildings and structures shall be designed to complement the park setting, including where possible emulating the Adirondack style of architecture.
5. All facilities shall be compatible with, and supportive of, the Somerset County Bikeway/Greenway and in no way interrupt the free-flow of greenway users.
6. Where appropriate, trail amenities such as bike racks, benches and interpretive and directional signs shall be provided.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D

This ordinance shall take effect immediately upon final publication as provided by law.

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On motion by Councilwoman Gara, seconded by Councilman Lobell,
it was moved to introduce Ordinance No. 2014-07.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Mayor Liptak stated The ordinances read above for first reading will be considered for final passage after public hearing thereon at a meeting of said Borough Council to be held in the Municipal Building, 22 First Street, Raritan, New Jersey, on Tuesday, August 26, 2014 at 7:00 PM or at any time and place to which the meeting for the further consideration of these ordinances shall be adjourned.

RESOLUTIONS

Resolution No. 2014-07-108- Appointment of Firefighters

Mayor Liptak added Kenneth McCormick to the list of firefighters appointed to the Raritan Fire Department inserting his name in the Resolution.

On motion by Councilman Lobell, seconded by Councilwoman Gara,
it was moved to adopt Resolution 2014-07-108.

Recorded Vote on Resolution No. 2014-07-108.
Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-109 - Amendment to Resolution No. 2014-
01-004 Municipal Prosecutor

On motion by Councilwoman Gara, seconded by Councilman Lobell,
it was moved to adopt Resolution 2014-07-109.

Recorded Vote on Resolution No. 2014-07-109.
Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-110 - 2014 Salaries and Wages

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to table Resolution No. 2014-07-110 pending discussion on the exact salary figure of the Public Works Superintendent.

Recorded Vote on the above motion.

Aye: Gara, Lobell
Nay: Carra, Giralardi, Tozzi
Abstain: XXX

Motion Defeated 2-3.

On motion by Council President Tozzi, seconded by Councilwoman Carra, it was moved to adopt Resolution No. 2014-07-110.

Recorded Vote on Resolution No. 2014-07-110.

Aye: Carra, Giralardi, Tozzi
Nay: Gara, Lobell
Abstain: XXX

Motion Carried 3-2.

Resolution No. 2014-07-111 - Resolution Authorizing Award of a Contract for Professional Services with Mills & Schnoering Architects, LLC for Services Related to the Raritan Public Library Project Phase 4

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to adopt Resolution 2014-07-111.

Recorded Vote on Resolution No. 2014-07-111.

Aye: Carra, Gara, Giralardi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-112 - A Resolution of the Borough of Raritan, County of Somerset, State of New Jersey, Awarding a Lease for a Portion of Lot 11 in Block 116.02 Owned by the Borough of Raritan

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to adopt Resolution 2014-07-112.

Recorded Vote on Resolution No. 2014-07-112.

Aye: Carra, Gara, Giraldi, Lobell

Nay: XXX

Abstain: Tozzi

Motion Carried 4-0-1.

Resolution No. 2014-07-113 - Resolution Authorizing Extension of Service Agreement By and Between Affordable Housing Administrators and the Borough of Raritan

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to adopt Resolution 2014-07-113.

Recorded Vote on Resolution No. 2014-07-113.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-114 - Authorizing a Contract with ACCSES NJ/CNA SERVICES through the New Jersey State Contract Program

On motion by Councilwoman Gara, seconded by Councilman Giraldi, it was moved to adopt Resolution 2014-07-114.

Recorded Vote on Resolution No. 2014-07-114.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-115 - Disposal of Equipment by the Raritan Police Department

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to adopt Resolution 2014-07-115.

Recorded Vote on Resolution No. 2014-07-115.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-116 - Renewal of 2014-2015 Plenary Retail
Consumption License

On motion by Councilman Lobell, seconded by Councilwoman Gara,
it was moved to adopt Resolution 2014-07-116.

Recorded Vote on Resolution No. 2014-07-116.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-117 - Railroad Monthly Parking Refund

On motion by Councilwoman Gara, seconded by Councilwoman Carra,
it was moved to adopt Resolution 2014-07-117.

Recorded Vote on Resolution No. 2014-07-117.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Resolution No. 2014-07-118 - Resolution Authorizing Donation
Refund

On motion by Councilwoman Gara, seconded by Councilman Lobell,
it was moved to adopt Resolution 2014-07-118.

Recorded Vote on Resolution No. 2014-07-118.

Aye: Carra, Gara, Giraldi, Lobell, Tozzi

Nay: XXX

Abstain: XXX

Motion Carried 5-0.

Councilwoman Gara commented that she encountered an unfortunate incident with her computer when the hard-drive crashed; therefore, regrettably there will not be a calendar this year.

MOTION

1. Approval - Application to Keep or Maintain Animals

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to approve the application to keep or maintain animals.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

2. Approval - Reservation for Use of Riverfront Park

On motion by Council President Tozzi, seconded by Councilwoman Gara, it was moved to approve the Reservation for Use of the Riverfront Park.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

APPROVAL OF BILLS LIST

On motion by Councilwoman Gara, seconded by Councilwoman Carra, it was moved to approve the Bills List totaling \$1,696,346.54.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

PURCHASE ORDER REQUESTS

1. Recreation Department - 2014 Therapeutic Recreation Fee - Somerset County Park Commission in the amount of \$2,030.00.

On motion by Councilwoman Carra, seconded by Councilwoman Gara, it was moved to approve the above listed purchase order.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

2. Fire Department - Pagers - Motorola Solutions, Inc. in the amount of \$3,461.70.

On motion by Councilwoman Gara, seconded by Councilman Lobell, it was moved to approve the above listed purchase order.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

3. Police Department - Software - Innovative Data Solutions in the amount of \$2,950.00.

On motion by Councilman Lobell, seconded by Councilwoman Gara, it was moved to approve the above listed purchase order.

Recorded Vote: Aye: Carra, Gara, Giraldi, Lobell, Tozzi
Nay: XXX
Abstain: XXX

Motion Carried 5-0.

COMMITTEE AND LIAISON REPORTS

Council President Tozzi reported that by Thursday the Public Works Department will have completed the weed treatment on the Somerset Street pavers. He suggests that a letter be sent to the business owners stating that it is their responsibility to maintain their properties going forward. Also, this Saturday if it does not rain, the remainder of the light poles will be painted.

Mr. Tozzi reported that the dog park benches have been painted and he is happy to report that the dog park is being kept clean and is being utilized by many dog owners. Mr. Tozzi stated that with regard to parks and grounds; he and Councilwoman Gara walked Somerset Street and evaluated the trees and sidewalks. Mr. Tozzi suggested the Borough consider a tree maintenance contract in order to properly maintain the trees on Somerset Street.

Councilwoman Gara continued on the subject of Somerset Street and reviewed a list of additional issues that need to be addressed by Borough Departments. Some of these items included business owners who have installed lights in the Borough owned trees, graffiti on the post office drop box, business owners installing permanent banners, street signs that are unreadable, trees and tree stumps along Somerset Street, and raised

sidewalks. Discussion ensued on the most appropriate way to prune, maintain and remove the tree stumps on the Borough trees along Somerset Street.

Councilwoman Gara suggested that all councilmembers review the Borough Code on signage and that this topic be added to the next Agenda-Workshop meeting. Borough Engineer Schrek suggested that Lou Gara, Borough Construction Official and Frank Taddeo, Property Maintenance Inspector also attend this meeting.

Councilwoman Gara reported that the Environmental Commission did not meet this month. Ms. Gara requested the Mayor and Council's approval on establishing a Green Team Advisory Committee and a Shade Tree Advisory Committee and those resolutions appointing members be placed on the next agenda. Discussion ensued on who would be appointed to each committee.

Councilman Lobell reviewed the Police Department report and informed Council that an advertisement for an additional officer was placed in the newspaper. Mr. Lobell also commended the Police Chief's leadership and the Raritan Police Department for controlling the loitering on Main Street. Mr. Lobell also reported that the Regional Center has added four new speed indicator signs and that the Cultural and Historical Society's next meeting will be on August 29th at the Raritan Public Library.

Councilman Giraldi also commended Chief McCormick on the appearance of Main Street and reported that the Board of Health does not hold their meetings during the summer months.

Councilwoman Carra reported on the Gannet litigation with regard to the appeal ruling and reported that Raritan Borough will not be required to sequester any funds toward Gannet's legal fees. Ms. Carra also reported that the tax bills are in the process of being printed and should be received by residents no later than July 25th; the grace period has been extended to August 22nd.

Mayor Liptak read a letter received from Somerset County Freeholder Patricia Walsh thanking Raritan Borough for their participation in the BOBO (Buy One Bring One) food drive. Mayor Liptak also announced that HGTV's Property Brothers will be filming in town on Sunday, July 27th.

OLD BUSINESS

1. Library Audit/Finances (PG)

Councilman Giraldi stated that he is still waiting on the numbers from the Library; therefore, he has nothing to report at this time.

2. Property Maintenance Letter and Fee (GL)

Councilman Lobell proposed that once the clean up on Somerset Street is completed that a letter should be sent to the property owners that they are responsible for the upkeep or a fine would be assessed.

3. Business District Walk (SG)

Councilwoman Gara said that this item was discussed earlier in the meeting.

4. Borough Calendar (AS)

Councilman Sabilia was not in attendance.

5. Swaminarayan Mandir Loyadham Temple Parade Revision (DJ)

Borough Administrator Jaxel reviewed a proposed revision to the Temple Parade and asked if Council had any objections. There was Council consensus to approve the revision.

NEW BUSINESS

None.

PUBLIC COMMENTS

Donald Pernini of 1 Canal Street, Raritan, NJ came forward and presented Mayor and Council with a petition signed by residents of the Borough who live along Canal Street. Mr. Pernini stated that these residents are extremely dissatisfied with the operation of Total Automotive located at 35-31 Orlando Drive, Raritan, NJ. Mr. Pernini stated that the noise and operating hours of the business affects the lives of the taxpayers in this area. Additionally, Mr. Pernini also mentioned that millings may have been left in the parking lot of Blair's Building during road construction. Borough Engineer Schrek said he would look into this matter.

Thomas Brown of 18 Elmer Street, Raritan, NJ mentioned that it is not just the trees on Somerset Street that are a concern; there are trees, bushes and hedges throughout the Borough that need pruning. Mr. Brown commented that in the past the Borough had a newsletter but currently there is no way to communicate property maintenance issues to the residents. Mayor Liptak commented that the launching of the website replaced the newsletter.

Mr. Brown also mentioned that the intersection near Radio Shack is very dangerous and inquired how this issue could be addressed. Borough Engineer Schrek commented that this would

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have to be addressed either to the Department of Transportation or the Planning Board if a new application was made.

ADJOURNMENT

On motion by Councilwoman Gara, seconded by Council President Tozzi, it was moved to adjourn the meeting.

Recorded Vote: AYE: All Ayes
 NAY: XXX
 Abstain: XXX

Motion Carried 5-0.

Meeting adjourned at 8:05p.m.

Respectively Submitted,

Marguerite Schmitt, RMC
Borough Clerk

Approved: _____