

**REGULAR MEETING
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS
WAS HELD THIS EVENING IN THE MUNICIPAL BUILDING**

Monday, February 27, 2017

Council President Anthony Sgobba called the meeting to order at 7:00 p.m. with the following members present: Maria Cordonnier, William Liess, and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Engineer Dennis Lindsay, Township Administrator Charles Cuccia and Township Clerk Cynthia Kraus.

Absent: Councilmember Joseph Maceri, DPW Superintendent Philip Simone, and Deputy Registrar Marlene Simone.

Township Employees present: Police Chief Steven Post

Following the Salute to the Flag, the Statement of Public Notice was read.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 3, 2017; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Liess, seconded by Councilmember Cordonnier, that the Minutes of the Workshop Meetings of January 9, 2017 and February 13, 2017, and the Minutes of the Regular Meeting of January 23, 2017 be and they were approved.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

At this time Council President SGOBBA read a letter of resignation from Councilmember Maceri due to relocation, effective February 27, 2017. Council President SGOBBA then explained the process of obtaining new Council appointment. The temporary appointment would serve until the General Election in November.

REMARKS FROM THE CHAIR

Council Ad-Hoc-Committees:

Technology Committee (1) Christopher Vancheri

COUNCIL MEMBER REPORTS

Councilmember CORDONNIER announced the Open Space Committee will convene on Wednesday, March 1, 2017 to review open space opportunities, inclusive of playgrounds and the Recreation Center. On March 7, 2017 the Transportation Committee will convene to address traffic and safety with invitee, Police Chief Post. Finally, the Grant Committee continues to follow the mandate to identify alternative grant opportunities such as those from foundations and corporations.

Councilmember VANCHERI provided a Wildlife Committee update on methods to deal with the deer population within the Township. He met with Chief Post to brainstorm ideas and discuss the current ordinance on feeding wildlife. Councilmember VANCHERI contacted Mr. Simone to discuss signage and salt licks, and mayors from neighboring municipalities to gain insight into best practices. In reference to the Passaic Valley River Coalition, Councilmember VANCHERI will schedule a meeting at future date and report at the next Regular Meeting.

Councilmember LIESS reported the Senior Advisory Board is in the process of expanding activities and services. He met with a Vice President from MSU to discuss bringing musical theatre, classical or jazz music activities to the Township seniors. He also cited the potential for MSU volunteers to assist with Township senior activities.

MAYOR'S REPORT

At this time Mayor DAMIANO requested Tracey Marinelli, Superintendent of Schools, join him as he read the Proclamation for Observing March, 2017 as Youth Art Month.

Mayor DAMIANO summoned Tracey Marinelli and members of the Board of Education to join him as he read the Proclamation designating the Morris Canal Greenway Outdoor Learning Center.

Mayor DAMIANO invited William Van Houten to accept a plaque recognizing his years of service on the Planning Board from 1984-2016.

Mayor DAMIANO concluded by making the following appointment to the Municipal Alliance Committee:
Municipal Alliance – Mayor appoints – One-Year term

Regular Members (2) – Beth Billing and Tiffany Sellitto

2017 BUDGET PRESENTATION – Mr. Cuccia provided a PowerPoint presentation of the 2017 budget requirements, covering in comprehensive detail the following components: the annual budget calendar, budget cap, revenues and appropriations, transfers, emergencies and audit. The formal budget introduction shall occur tonight, and anticipated adoption of the budget is planned for March 27, 2017.

Meeting of February 27, 2017

Mayor DAMIANO presented the proposed 2017 budget detailing all of the budget's components. He commented on the vehicle acquisition program, stating his support to move back to purchasing two vehicles and to reinstate warranties to avoid spikes in the budget. Mayor DAMIANO elaborated on the conservative estimates of the EMS and anticipated better services at a reduced cost. He noted the assessed values of Township property has increased for the first time in about five years. Mayor DAMIANO also discussed implementing fees, currently charged by other municipalities, to increase revenues, one example being fees for fence installation. He added that the Court system has been bogged down by requiring a court appearance for certain minor violations. Plans are being developed to update an ordinance to set fees for minor violations, and enable online payment without a court appearance.

Mayor DAMIANO summarized his presentation by indicating the average home in Little Falls is valued at \$303,700. The taxpayer will experience a \$61 increase in 2017. Comparing tax rates among all counties in Passaic County, Little Falls is the fourth lowest.

Council President SGOBBA thanked the Mayor and Mr. Cuccia for their efforts on preparing the budget. Councilmember CORDONNIER commented the review period provided adequate time for digestion and inquiry. She questioned whether properties have been identified as potential municipal parking areas, and what would transpire with earmarked funds if no purchases were made in 2017. Mayor DAMIANO explained the funds will not be lost if not spent and will be carried over. Mayor DAMIANO stated a parking plan will be presented in the future, incorporating resident feedback to provide adequate parking while enhancing the Downtown area. Councilmember CORDONNIER requested the Open Space Committee be included in discussion of parking. Additionally, Councilmember CORDONNIER queried how paying down debt would help the Township's bond rating and how long an impact would take. Mr. Cuccia explained the bond rating is a function of how strong the Township is financially. There will come some point when an improvement will be larger than anticipated, requiring management of debt. He referred to the fund balance policy adopted at the Reorganization Meeting which encompasses this issue. Councilmember VANCHERI questioned the drop in anticipated revenue from 2016-2017. Mr. Cuccia attributed this decrease to a combination of a decrease in payment in lieu of taxes from MSU, the reserve for prepaid school tax which was paid last year, a reduction in the interfund, state taxes which have remained the same for energy receipts, a small increase in the uniform instruction code, and some operating grants that were obtained last year but have not be received this year. Should those grants be awarded, they will be incorporated into the budget at a later time. Councilmember VANCHERI asked whether there is a way to a decrease taxes. Mayor DAMIANO stated that although the Township is spending less, the amount to be raised by taxes has gone up slightly because of the loss of properties. Councilmember LIESS noted he met with Mr. Cuccia and Council President SGOBBA who sufficiently answered his questions regarding the budget. He supported the budget as prepared. Councilmember CORDONNIER emphasized the importance of bringing the right kind of development to the Township to aide in reducing taxes.

Authorizing Increase in Deferred School Taxes for Regional High School Taxes - It was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri to approve the following:

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
RESOLUTION [A] 17-02-27 - #1**

Resolutions Re: Authorizing Increase in Deferred School Taxes for Regional High School Taxes

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any amounts; and

WHEREAS, the Township desires to increase Deferred School Taxes to the amount permitted under State statutes and to be effected at December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council that the following Deferred School Taxes be hereby increased for the year ended December 31, 2016 as follows:

	Deferred Regional High School Taxes
Amount Deferred 12/31/16	\$3,627,671
Amount Deferred 12/31/15	<u>\$3,604,991</u>
Amount of Increase	<u>\$22,680</u>

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Introduction of the 2017 Municipal Budget - It was moved by Councilmember Cordonnier, seconded by Councilmember Liess to approve the following:

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
RESOLUTION [B] 17-02-27 - #2**

Re: Introduction of 2017 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Little Falls, Passaic County, New Jersey for the year 2017.

Meeting of February 27, 2017

BE IT FURTHER RESOLVED, that the said budget be published in the Herald News in the issue of March 2, 2017, and that a hearing on the Budget will be held at the Municipal Building on March 27, 2017 at 7:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1277 - It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and the meeting of March 27, 2017 set as the date for the public hearing of the following:

**ORDINANCE NO. 1277
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Little Falls in the County of Passaic finds its advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.0% increase in the budget of said year, amounting to \$356,574 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Little Falls, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Little Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.0%, amounting to \$356,574, and that the CY 2017 municipal budget for the Township of Little Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess to approve the following:

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

At this time, Mr. Cuccia introduced Leslie London, the Township Attorney who oversaw the COAH litigation for the Township. Mr. Cuccia prefaced that her presentation would provide an update and explain several of the ordinances related to Fair Share Housing, which are to be introduced to Council. Ms. London provided a history of the Fair Share Housing plan, affordable housing litigation, and how it affected the Township. A schedule was set forth to file declaratory judgements, which municipalities were required to ask courts to review housing plans and determine if they were constitutionally complaint. Ms. London announced the judge granted the Township compliance with condition the plan was reviewed by the Planning Board and that resolutions were adopted. The Planning Board review has occurred and the resolutions are slated to be presented tonight. Once approved, Ms. London will go back to the Court and await issuance of a final judgement of compliance to the Township, protecting the Township from builder's remedy suits from 2015-2025. She then explained the following series of ordinances that will be introduced this evening:

- Ordinance No. 1279 will supersede and replace Chapter 57, which involves development fees. A development fee ordinance was on the record but was outdated. Fair Share housing provided a template for a more uniform form of development fee.
- Ordinance No. 1280 speaks to a multi-family senior zone, a new zone, and therefore a new ordinance. Ordinance No. 1280 deals with the Walgreens site and what is to be done in that zone.
- Ordinance No. 1281 is the main Affordable Housing ordinance. The Township has an Affordable Housing ordinance but it was outdated. Ordinance No. 1281 provides a more uniform form of affordable housing ordinance, incorporating much of the statutory language from the Fair Housing Act and the Uniform Housing Affordability Control.
- Ordinance No. 1282 is a current ordinance addressing medium density zones. It is being amended to add in one line citing the Affordable Housing Ordinance.
- Ordinance No. 1283 is a new ordinance dealing with multi-family overlay zone. Ordinance No. 1283 also adds the language to tie it into the Affordable Housing Ordinance.
- Ordinance 1284 is the Transit Village ordinance that was already adopted, however, an amendment has been made to add a line tying it into the Affordable housing ordinance.

Ms. London stated the ordinances are standard and are required by the Court to be adopted. If not adopted, the Township will be in violation of the Judge's order. She concluded by indicating that Little Falls is the only Township in Passaic County that has settled at this time.

Meeting of February 27, 2017

ATTORNEY’S REPORT

Mr. Wenzel had nothing to report.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Mr. Cuccia informed the Council Ron Gollhardt, Sigtim Drive, is in attendance representing the West Essex Philatelic Society. Mr. Gollhardt provided the history and background of the Society. The Society has applied to hold their stamp club meetings at the Civic Center and requested a waiver of fees. Meetings would be held twice a month from 6-9pm. Council President SGOBBA requested Mr. Cuccia verify availability of the dates.

Janine Veteri- 26 Viewmont Terrace, raised the issue of property maintenance in the Township. She noted a Property Maintenance Board was formed and a property maintenance ordinance was developed in 2014. However, the hiring of a code enforcement officer did not transpire due to budget issues. She expressed the need to put more emphasis on property maintenance to make the Township more aesthetically pleasing. Council President SGOBBA requested Ms. Veteri provide a list of properties in question to Mr. Cuccia to address.

Louis Fernandez, Harrison Street, requested an explanation as to why Resolutions were passed at the beginning of the meeting without an opportunity for public comment. Secondly, he discussed parking on Harrison Street, summarizing that there is insufficient space for permanent residents.

Mr. Cuccia stated that Mr. Fernandez was correct that a change in the parking structure occurred, however, he believed the cars have been parked legally. Mr. Fernandez clarified that his complaint focuses on the lack of space to park for residents.

Mr. Fernandez expressed his concerns regarding the number of tax appeal settlements. Mr. Cuccia stated that Mr. Fernandez was correct that when taxes are refunded to a tax payer the Township returns 100%. Every tax payer has a right to appeal his/her taxes on an annual basis. It is determined at the County Tax Board whether the appeals is upheld or not. The Township is complying with statutory requirements. Council President SGOBBA commented the Township will try to do everything possible to limit the number of tax appeals. Councilmember CORDONNIER questioned whether Little Falls has more tax appeals than surrounding municipalities. Mr. Cuccia emphasized each town is structured differently. Nonetheless, the amount of monies has not had an adverse impact on the Township’s ability to generate surplus. He indicated the importance of maintaining assessed values as close to the market value as possible. If the market is less than what the assessed value is, taxes may be refunded. Mr. Cuccia concurred with Councilmember CORDONNIER that the Township should expect less tax appeals once elevations and demolitions in the flood zones are complete, especially coupled with the increase in assessed value of Township properties.

Council President SGOBBA requested Mr. Cuccia clarify the absence of public comment with regard to the budgetary resolutions. Mr. Cuccia stated the budgetary resolutions usually come after the budget presentation. There is a public hearing on the entire budget at the next Regular meeting to give residents ample time to review and provide comment.

Councilmember CORDONNIER requested Mr. Cuccia explain the school tax resolution in response to Mr. Fernandez’s query. At this time Mr. Cuccia elaborated on the accounting procedure expressed in Resolution A. The deferred school tax resolution has to do with the fact that the school raises taxes on a school year and the Township raises on a calendar year.

Renea Shapiro, ABC, thanked Mr. Simone and the DPW for the placing arrows in the municipal parking lot, and for remedying the garbage receptacle lid and receptacle placement issues brought up at the last meeting. She commented the reports presented tonight were commendable and was pleased to have another outdoor classroom. She requested a timeline on changes in the parking ordinance and an update on Transit Village.

Mayor Damiano requested clarification as to what parking issue Ms. Shapiro referenced, to which she specified parking violations. Mayor Damiano stated the ordinance has been drafted and should be on the Agenda at the next Workshop. He explained the process of approval, noting it may take some time as it has to be approved at the State level. Mayor Damiano announced the Transit Village ordinance has been sent to the DOT. The Township is awaiting approval for designation.

Mark Ortiz, on behalf of the World Mission Society Church of God, Passaic, discussed the purpose of his organization and offered volunteer services to the Township. Council President SGOBBA encouraged Mr. Ortiz contact him to set up a meeting at a future date.

No one further having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Cordonnier, that the meeting be and it was closed to the public.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

C O N S E N T A G E N D A

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

Meeting of February 27, 2017

REPORTS

Municipal Clerk's Report – Month of January 2017

MUNICIPAL CLERKS REPORT
Month of January 2017

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$5,060.00	
Pre-paid Business Licenses		
Raffle Licenses	\$100.00	
		\$5160.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$248.00	
Marriage Licenses-LF	\$9.00	
Marriage Licenses-NJ	\$75.00	
		\$332.00
MRNA		
Street Maps		
Zoning Maps	\$3.00	
Zoning Ordinances		
Document Copies	\$12.00	
Garage Sales		
Misc. Fees & Refunds:	\$5000.00	
TOTAL MRNA		<u>\$5015.00</u>
TOTAL CURRENT ACCOUNT		<u>\$10,507.00</u>
TOTAL TO TREASURER		<u>\$10,507.00</u>

Municipal Clerks Dog/Cat License Report - Month of January 2017

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of January 2017

Dog Licenses issued 1/1/17 thru 1/31/17		
Nos. 373 to 381 = 9 Licenses		
Amount due Little Falls		\$61.20
Amount due State		\$19.80
Total Cash Received		\$81.00
	Total to Treas.	<u>\$81.00</u>

Tax Collector's Report – Month of January, 2017

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of January 2017

Categories 01-	January 1-31, 2017	2017 Year to Date
2017 Taxes	\$2,072,770.45	\$2,072,770.45
2015&2016 Taxes	232,444.03	232,444.03
Interest	11,217.33	11,217.33
Duplicate Tax Bills	15.00	15.00
6% Penalty Fee	5,952.54	5,952.54
GRAND TOTALS	\$2,322,399.35	\$2,322,399.35

Delinquent 2015 Taxes	\$2,787.37
Delinquent 2016 Taxes	\$463,015.93 (1 st -4 th Qtrs.)
Total Delinquent Taxes	\$465,803.30

2017 Refunds this month =	-\$0.00
2017 Year to date refunds =	-\$0.00

Breakdown of refunds for years 2012-2017 completed in 2017

*N.J.S.A. 54:4-73 due to governing body on February 1, 2017.
cc: CMFO, Mayor, Council, Administrator, Clerk & Auditor file.

REFUNDS IN THE YEAR 2017

Months	2012 STCJ	2013 STCJ	2014 STCJ	2015 STCJ	2016 STCJ	2017 CBJ	Regular 2017	2017 Veteran / Widow	2017 Senior/ Disabled	Exempt 2017	Total by Months
January	\$3,956. 00	\$7,254.75	\$7,634.70	\$7,843.8 0	\$7,958.5 5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$34,647.80
Totals	\$3,956. 00	\$7,254.75	\$7,634.70	\$7,843.8 0	\$7,958.5 5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$34,647.80

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.
CBJ= County Board Judgments.

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
Revenues for the Month of January 2017

January 2017	Deposit	2017 Year-to-Date
Total Collected as of January 31, 2017	\$22,498.28	\$22,498.28
		\$22,498.28

Meeting of February 27, 2017

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
 Revenues for the Month of January 2017

	Liens with Premiums Redeemed/ (-)	Bal. /Dep. (+)
Balance Brought Forward (January 1, 2017)		\$285,500.00
January 2017	\$ -21,900.00	\$263,600.00
Ending Balance as of January 31, 2017		\$263,600.00

Recreation Report – Month of January, 2017

The following is a condensed version of our Excel work spread sheet providing the data on an ongoing basis for the Receptions Center.

Participants: indicates only those who participated in the various programs held here during the each month, it is not reflective of any spectators who might have attended these events.

Session: indicates the number of events held during each month.

Hours: indicates the total number of hours which were used to hold the session during each month and is not reflective of the total number hours the facility was open. It should be noted that the utilized number of hours may exceed the total number of hours of operation due to multiple events occurring at the same time.

Recreation Center Usage Report

Month	Participants	Sessions	Hours of Utilized
Jan 2017	4599	113	362
Feb 2017	3563	147	302

Civic Center Report - Month of January, 2017

The following is a condensed version of our Excel work spread sheet providing the data on an ongoing basis for the Civic Center.

Month	Participants
Jan 2017	482
Feb 2017	397

Construction Report – Month of January, 2017

Permit Fee Log Summary – All permits issued between 01/01/2017 and 01/31/2017

Permits Processed		Type of Work		
Permits:	28	New buildings:	1	
Permit Updates:	5	Additions:	1	
		Rehabilitation:		
Ownership		Alterations:	5	
Private	31	Renovations:	5	
Public	2	Reconstruction:	0	
		Repairs:	14	
		Multiple Rehab.:	0	
		Minor Work:	1	
Totals		Demolitions:	6	
Total Area:	2,453 sq. ft.	Addition/Rehab:	0	
Total Volume:	20,900 cu.ft	Lead Hazard Abatement:	0	
Total Value of Construction:	\$401,491	Asbestos Abatement:	0	
		Radon Remediation:	0	
		Annual Permit:	0	
Technical Subcodes				
Building	18			
Electrical	15			
Plumbing	15			
Fire Protection	5			
Elevator	0			
Housing Unit Changes				
	Sale		Rent	
	Sale	Income Restricted	Rent	Income Restricted
Units Gained:	1	0	0	0
Units Lost:	2	0	0	0
Change:	-1	0	0	0
Fee Summary				
Type	Inspection	Admin.	Total	
Building	\$2,752.00	\$0.00	\$2,752.00	
Electrical	\$1,992.00	\$0.00	\$1,992.00	
Plumbing	\$2,220.00	\$0.00	\$2,220.00	
Fire Protection	\$410.00	\$0.00	\$410.00	
Elevator	\$0.00	\$0.00	\$0.00	
Mechanical	\$0.00	\$0.00	\$0.00	
Annual Permit	\$0.00	N/A	\$0.00	
DCA	\$352.24	N/A	\$352.24	
Certificate	\$0.00	N/A	\$0.00	
Totals	\$7,726.24	\$0.00	\$7,426.00*	

*Note- Subcode fees include Administrative 3rd Party Agency Fees where applicable. "Adjustments" can include plan review credits, min/max. fees and rounding where applicable.

Meeting of February 27, 2017

Property Maintenance Report – Month of January, 2017

PROPERTY MANAGEMENT REPORT – MONTH OF JANUARY, 2017				
DATE	ADDRESS	COMPLAINT	ACTION	DATE SOLVED
1/3/2017		Certificate of Compliance	Field Insp.	
1/4/2017	88 Ridge	Metal	DPW Tag	1/6/2017
1/4/2017	426 Main St. Office Work	TV and Metal Files	DPW Tag	1/6/2017
1/5/2017	33 Grey Rock	Metal	DPW Tag	1/9/2017
1/5/2017	23 Crane St.	Roll off old permit	J. Veteri	OPEN
1/5/2017	59 Parkway	Sofa	Red Tag	1/6/2017
1/6/2017	113 William	Metal	DPW Tag	
1/6/2017	72 Parkway	Metal	DPW Tag	1/10/2017
1/6/2017	96 Browertown Rd.	Car on lawn	Warning Notice	1/6/2017
1/6/2017	Exxon 46 East	Fence needs repair	Owner	OPEN
1/9/2017	4 Stephen	Roll off no permit	Red Tag	1/9/2017
1/10/2017		Certificate of Compliance	Field Insp.	
1/12/2017	258 Woodcliffe	Car on lawn	Warning Notice	1/13/2017
1/12/2017	210 Woodcliffe	Car with no plates	Warning Notice	1/19/2017
1/12/2017	64 Lower Notch Road	Car with no plates	Warning Notice	1/16/2017
1/13/2017	Rainbow Main St. Office Work	Trash on Main St. Files	Called Owner	1/13/2017
1/16/2017	155 E. Main St.	Trash rear yard	Talk to Owner	1/18/2017
1/16/2017	46 Paterson Ave. Office Work	Car with no plates	Warning Notice	OPEN
1/17/2017		Certificate of Compliance	Field Insp.	
1/18/2017	24 William St.	Windows	DPW Tag	1/19/2017
1/18/2017	13 Browertown Rd.	Garbage can not removed	DPW Tag	1/20/2017
1/18/2017	112 Long Hill Rd.	Metal	DPW Tag	1/23/2017
1/19/2017	9 Campbell	POD no permit	Red Tag	1/20/2017
1/19/2017	47 Dewey	Metal	Red Tag	1/23/2017
1/19/2017	169 Rt. 23	Metal	Red Tag	1/23/2017
1/19/2017	7-11 East Main. Office Work	Trash	DPW Tag	1/20/2017
1/20/2017	4 Notch Rd.	Car on lawn	Warning Notice	OPEN
1/20/2017	205 Long Hill Rd.	Car on lawn	Warning Notice	1/23/2017
1/23/2017	662 Main St.	Metal	DPW Tag	1/24/2017
1/23/2017	65-67 Second Ave. Office Work	Metal	DPW Tag	1/26/2017
1/24/2017		Certificate of Compliance	Field Insp.	
1/25/2017	64 First Ave.	Metal	DPW Tag	1/27/2017
1/25/2017	649 Long Hill Rd.	Metal	DPW Tag	1/30/2017
1/25/2017	33 Clove Rd.	Metal	DPW Tag	1/30/2017
1/26/2017	Office Work			
1/26/2017	47 Browertown Rd.	Rubbish	Warning Notice	1/30/2017
1/26/2017	555 Rt. 46	Truck with trash	Warning Notice	1/30/2017
1/27/2017	Nailcafe Main St.	Rubbish rear lot	Warning Notice	2/7/2017
1/27/2017	77 Lower Notch	Metal	DPW Tag	1/30/2017
1/27/2017	1 Rustic Ridge	Certificate of Compliance	Apt. insp.	1/27/2017
1/27/2017	1500 Cardinal Dr.	Car with no tags	Warning Notice	2/1/2017
1/30/2017	47 Browertown Rd.	Car on lawn	Warning Notice	1/31/2017
1/30/2017	711 Main St.	Prohibited parking	Warning Notice	2/1/2017
1/30/2017	116 Rt. 23	Car on Lawn	Warning Notice	2/2/2017
1/31/2017		Certificate of Compliance	Field Insp.	

Police Department Report – Month of January, 2017

January 2017 Training Report

In –service training conducted:

- 2017 NJ Bail Reform – Sgt. Prall conducted a one-day training session for all department supervisors and senior patrol officers on New Jersey Bail Reform and the new ECDR system.
- NJ Learn Training – All department officers were assigned Web based training through the NJ LEARN, First Responder Training Center. One course was a synopsis of the new NJ Bail reform law and the second was regarding the State’s new reporting method for motor vehicle crashes.

Field Training

- Although there are no officers currently in field training, Sgt. Prall has been meeting with all probationary officers and their respective shift commanders to ensure they are adequately performing their duties and progressing satisfactorily. Preparations are continuing for Ptl. Conti to begin his field training support upon his graduation from the Passaic County Police Academy in March, 2017.

Outside Training

- Outside training is being scheduled and officers are attending. Once completed, the training certificates are loaded into PowerDMS and a copy placed into the officer’s training file. Summary of January 2017 outside training:
 - LTI Laser Speed Enforcement Operator’s Course 1-day (Sgt. Briggs)
 - Night Time Motor Vehicle Stops 1-day (Ptl. Emperio)
 - Introduction to the Dark Web 1-day (Det. Gilchrist)

Instructional Development Training:

- Sgt. Prall assisted with the instruction of department officers during a one-day Night Time Motor Vehicle Stops class
- Sgt. Pressing assisted with the instruction of the Passaic County Police Academy recruit class during active shooter response

Planning (Future training events)

- Roll Call Training Sessions on handcuffing
- 2017, planning for a departmental non-lethal use of force training course for baton, OC spray, defensive tactics and handcuffing
- 2017, planning for departmental officers to use Passaic County Police Academy’s Use of Force Simulator
- Spring, Summer 2017, Active Shooter Drill
- 2017, Advanced Law Enforcement Rapid Response Training (ALERRT)

Upcoming Training Events

Future training events are already scheduled for next month and beyond.

- February 6-10, DWI Detection and SFST Course
- February 17 – March 10, DWI Detection and SFST Course
- March 13-17, DWI Detection and SFST Course
- March 6, 13, 20, 27 Spring Firearms Training
- April 3, Spring Firearms Training
- May 18-19, Taser Instructor

Meeting of February 27, 2017

Little Falls Police Department Statistical Data January, 2017			
Call Type	Total	Call Type2	Total2
Reports Generated	617	Assault Aggravated	2
Gallons of Gas Used	2054	Assault Simple	3
Details Assigned	2953	Burglary	0
MV Stops	855	Domestic Violence	3
Park Checks	88	Sex Assault	0
Motor Vehicle Crashes	68	Theft	9
Disabled MV Assist	16	Theft Identity	1
NARCAN Deployment	0	Gallons of Gas Used	2054
Fire Department Calls	26		
Medical Calls	69		
Miles Patrolled	15,186		
Arrest	47		
Summonses	531		
911 Calls	418		
Burglar Alarms/False	25		
Burglar Alarm/Valid	10		
CDS/Drugs	14		
DWI	13		
Firearm Permits Denied	0		
Firearm Permits Issued	0	IA Complaints	0
Foot Patrols	9	IA Complaints Sustained	0
Hold Up/Panic Alarm	2	IA Complaints Unfounded	0
School Walk Thru	58	IA Counseling/Training	0
Training Detail onsite/offsite	57	IA Major Discipline	0
Vehicles Impounded	41	IA Minor Discipline	0

Little Falls Police Department Motor Vehicle Stop Data January, 2017		
RACE	TOTAL	%
White	544	63.7%
Black	91	10.65%
White/Hispanic	179	20.96%
Black/Hispanic	3	0.35%
Indian/Hispanic	1	0.12%
Asian/Hispanic	0	0.00%
Asian	36	4.22%

Little Falls Police Department Miles Patrolled Data January, 2017			
Column 1	Column2	Column3	Column4
810	32,788	33,154	366
811	118,611	120,213	1,602
812	23,694	25,866	2,172
813	51,190	54,775	3,585
814	56,801	56,968	167
815	60,731	62,871	2,140
816	15,234	16,490	1,256
817	115,582	117,169	1,587
818	15,564	17,875	2,311
819	318	318	0
TOTAL			15,186

Little Falls Police Department Overtime Report January, 2017			
REASON	HRS	REASON2	HRS2
Dispatch Coverage	76	LF DWI Court Case DDEF	0
Court Officer	51	\$50 Contractual OT	0
Personal Day	0	Personnel Matter	0
Sick	13	PVHS Event	0
Detective Invest.	2	PVHS Sporting Event	0
Vacation	0	Shift Short/Training	0
Tech Support	2	Training Mandatory	0
County Court	0	Training General	8.5
Court Other Town	2	Weather Related	0
PCADTF	0	Shift Shortage	16
Admin. Officer	0	DSGPO \$50 Grant	0
Bereavement	0	Shift Short PBA Day	7
LF Court Case	2		
DV Incident	6		
DWI Incident DDEF	2.5		
Firearms Training	0		
Follow-up Invest.	0		
Injury	0		
Incident Related	10.5		
Miscellaneous OT	18.5		
Prisoner Transport	3.5		
DWI Patrol DDEF	0		
TOTAL	189		31.5

Meeting of February 27, 2017

Little Falls Police Department Arrest Reports				
JANUARY, 2017				
Arrest #17-001				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/01/2017	Route 46 West	24	M	Little Falls, NJ
Arrestee Summary				
Subject arrested for possession of fourteen wax folds of heroin, marijuana under 50 grams and drug paraphernalia subsequent to a motor vehicle stop for observed traffic violations.				
Arrest #17-002				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/02/2017	Route 46 East	24	F	Yonkers, NY
Arrestee Summary				
Subject arrested for possession of marijuana and drug paraphernalia subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-003				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/03/2017	Shoprite	28	F	Paterson, NJ
Arrestee Summary				
Subject arrested for shoplifting from Little Falls Shoprite.				
Arrest #17-004				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/06/2017	LF Police HQ	22	M	Totowa, NJ
Arrestee Summary				
Subject arrested on outstanding Little Falls warrant. Subject posted cash bail and was released.				
Arrest #17-005				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/07/2017	Route 46 East	20	M	Rockaway, NJ
Arrestee Summary				
Subject arrested on outstanding Paterson and Fairfield warrants. Subject released on ROR for his ATS warrants.				
Arrest #17-006				
Arrest Dates	Arrest Locations	Arrestee Age	Arrestee Sex	Hometown
01/07/2017	Route 46 East	22	M	Denville, NJ
Arrestee Summary				
Subject arrested for marijuana under 50 grams and drug paraphernalia subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-007				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/07/2017	Route 46 East	21	M	Dover, NJ
Arrestee Summary				
Subject arrested on outstanding Dover warrants. Subject released on ROR for his ACS warrants.				
Arrest #17-008				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/08/2017	East Main Street	18	M	Little Falls, NJ
Arrestee Summary				
Subject arrested for marijuana under 50 grams and drug paraphernalia subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-009				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/09/2017	Long Hill Road	21	M	Toms River, NJ
Arrestee Summary				
Subject arrested for operating a motor vehicle while under the influence of alcohol above the legal limit. Subject released with summonses into custody of a friend who signed the potential liability warning.				
Arrest #17-010				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/09/2017	Union Ave.	19	M	Little Falls, NJ
Arrestee Summary				
Subject arrested for possession of marijuana under 50 grams and drug paraphernalia subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-011				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/10/2017	LF Police HQ	24	M	Newark, NJ
Arrestee Summary				
Subject arrested on outstanding Little Falls warrants. Subject was transported to Passaic County Jail pending court date.				
Arrest #17-012				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/10/2017	LF Police HQ	24	M	Newark, NJ
Arrestee Summary				
Subject arrested on outstanding Little Falls warrants. Subject was transported to Passaic County Jail pending court date.				
Arrest #17-013				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/11/2017	Route 46 East	32	M	Bloomfield, NJ
Arrestee Summary				
Subject arrested for possession of a hypodermic needle. Subject was released with summonses and without incident.				
Arrest #17-014				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/11/2017	Clifton Police HQ	31	M	Garfield, NJ
Arrestee Summary				
Subject was arrested for theft of movable objects (plumbing equipment). Subject was transported from Clifton to Little Falls, then from Little Falls to Passaic County Jail.				
Arrest #17-015				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/12/2017	Andrews Drive	26	M	Newark, NJ
Arrestee Summary				
Subject arrested for operating a motor vehicle while under the influence of alcohol above the legal limit. Subject released with summonses into custody of a friend who signed the potential liability warning.				

Meeting of February 27, 2017

Little Falls Police Department Arrest Reports JANUARY, 2017 (Continued)				
Arrest #17-016				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/12/2017	Paterson Ave.	27	M	Newark, NJ
Arrestee Summary				
Subject arrested on outstanding Newark warrants. Subject was able to post bail in cash and subsequently released without incident.				
Arrest #17-017				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/13/2017	Kingwood Drive	40	M	Little Falls, NJ
Arrestee Summary				
Subject arrested due to aggravated assault of a minor. Subject was processed and transported to Passaic County jail.				
Arrest #17-018				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/13/2017	Route 46 East	39	M	Clifton, NJ
Arrestee Summary				
Subject was arrested on outstanding Roxbury and Clifton warrants. Subject was able to post bail in cash and subsequently released without incident.				
Arrest #17-019				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/14/2017	Route 46 East	42	M	Dover, NJ
Arrestee Summary				
Subject was arrested for domestic violence/simple assault. Warrant issued and subject was transported to Passaic County Jail. Domestic Violence				
Arrest #17-020				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/14/2017	Route 46 East	29	M	Bloomfield, NJ
Arrestee Summary				
Subject was arrested for DUI. Subject was released with summonses into custody of his mother after she signed the potential liability warning.				
Arrest #17-021				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/15/2017	Route 46 East	20	M	Passaic, NJ
Arrestee Summary				
Subject was arrested on outstanding Clifton warrants. Subject was allowed to follow officer back to HQ where he posted bail.				
Arrest #17-022				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/15/2017	Route 46 East	23	M	Montclair, NJ
Arrestee Summary				
Subject was arrested for DUI. Car was not impounded, released to one of the passengers. Subject was released into the custody of a friend after she signed the potential liability warning.				
Arrest #17-023				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/15/2017	Francisco Ave.	29	M	Little Falls, NJ
Arrestee Summary				
Subject was arrested on outstanding Wayne and Paterson warrants. Subject was released after his mother posted bail for Wayne warrants and required appearance for Paterson warrants.				
Arrest #17-024				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/16/2017	Route 46 East	19	M	Kearny, NJ
Arrestee Summary				
Subject arrested for possession of marijuana subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-025				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/16/2017	Route 46 East	21	M	Kearny, NJ
Arrestee Summary				
Subject arrested for possession of marijuana subsequent to a motor vehicle stop. Subject was processed and released on summonses.				
Arrest #17-026				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/18/2017	Ridge Road	33	M	Cedar Grove, NJ
Arrestee Summary				
Subject was arrested for DUI. Subject was released with summonses to a family member.				
Arrest #17-027				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/19/2017	Route 46 East	18	M	Clifton, NJ
Arrestee Summary				
Subject arrested for possession of marijuana subsequent to a motor vehicle stop.				
Arrest #17-028				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/19/2017	Route 46 East	34	M	Boonton, NJ
Arrestee Summary				
Subject was arrested on outstanding Denville warrants. Subject was transferred into the custody of Denville Police Department.				
Arrest #17-029				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/19/2017	Little Falls PD	21	M	Edison, NJ
Arrestee Summary				
Subject was arrested for theft in regards to a case from 2016 (16-06127)				
Arrest #17-030				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/19/2017	Route 23	21	M	Palisades Park, NJ
Arrestee Summary				
Subject was arrested for possession of prescription legend drugs and paraphernalia. Subject was processed and released.				

Meeting of February 27, 2017

Little Falls Police Department Arrest Reports JANUARY, 2017 (Continued)				
Arrest #17-031				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/21/2017	River Boulevard	33	F	Scranton, PA
Arrestee Summary				
Subject was arrested for aggravated assault and domestic violence. Subject was processed and transported to Passaic County Jail.				
Domestic Violence				
Arrest #17-032				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/22/2017	Route 46 West	64	M	Wayne, NJ
Arrestee Summary				
Subject was arrested for DUI. Subject was released with summonses to a family member.				
Arrest #17-033				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/24/2017	Route 46 East	25	F	Newark, NJ
Arrestee Summary				
Subject was arrested due to CDS possession, <50g of marijuana, and possession of drug paraphernalia. Subject was processed and released with summonses.				
Arrest #17-034				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/24/2017	Route 46 East	21	M	Belleville, NJ
Arrestee Summary				
Subject was arrested due to CDS possession, <50g of marijuana, and DUI. Subject was released into the custody of his father after signing the potential liability form.				
Arrest #17-035				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/25/2017	Route 46 West	31	M	Bloomington, NJ
Arrestee Summary				
Subject was arrested for DUI. Subject was released into custody of a friend after filling out the potential liability form.				
Arrest #17-036				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/26/2017	Arlington Street	23	M	Linden, NJ
Arrestee Summary				
Subject was arrested on outstanding Carteret warrants. Subject was processed and taken into custody by Carteret Police the following morning.				
Arrest #17-037				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/26/2017	Arlington Street	20	M	Paterson, NJ
Arrestee Summary				
Subject was arrested for CDS possession, <50 g marijuana, and possession of drug paraphernalia. Subject was processed and released with summonses.				
Arrest #17-038				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/28/2017	Route 46 West	39	M	E. Stroudsburg, PA
Arrestee Summary				
Subject was placed under arrest for DUI subsequent to a motor vehicle stop. Transported to CGPD for Alcotest, LFPD machine broken. Transported back to LFPD. Subject was held in Cell 2 overnight and released in the morning with summonses.				
Arrest #17-039				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/28/2017	Main Street	37	M	Paterson, NJ
Arrestee Summary				
Subject was placed under arrest for DUI after a motor vehicle accident. Transported to CGPD for Alcotest, LFPD machine broken. Transported back to LFPD. Subject was released with summonses into the custody of a friend after he signed the potential liability warning.				
Arrest #17-040				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/28/2017	Route 23	23	F	Paterson, NJ
Arrestee Summary				
Subject was placed under arrest for forgery, a third degree crime, and theft. Subject was transported to Passaic County Jail and warrants were issued by Clifton.				
Arrest #17-041				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/29/2017	Route 46 East	24	M	Passaic, NJ
Arrestee Summary				
Subject was placed under arrest for DUI subsequent to a motor vehicle stop. Subject was processed and released with summonses into the custody of his brother after signing the potential liability form.				
Arrest #17-042				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/28/2017	Route 23	23	F	Paterson, NJ
Arrestee Summary				
Subject was placed under arrest for forgery, a third degree crime, and theft. Subject was transported to Passaic County Jail and warrants were issued by Clifton.				
Arrest #17-043				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/29/2017	Route 46 East	30	M	Bloomfield, NJ
Arrestee Summary				
Subject was arrested for DUI subsequent to a motor vehicle stop. Subject's passenger was given a courtesy ride to HQ. Subject was processed and released with summonses into the custody of his friend after signing the potential liability form.				
Arrest #17-044				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/29/2017	Route 46 East	25	M	Elizabeth, NJ
Arrestee Summary				
Subject was arrested for outstanding warrants and CDS possession, <50 g of marijuana, and drug paraphernalia. Subject was processed and released with summonses.				

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Little Falls Police Department Arrest Reports JANUARY, 2017 (Continued)				
Arrest #17-045				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/29/2017	Route 46 East	24	M	Elizabeth, NJ
Arrestee Summary				
Subject was arrested for CDS possession, <50g of marijuana, and drug paraphernalia. Subject was processed and released with summonses.				
Arrest #17-046				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/30/2017	Route 46 East	23	M	Elizabeth, NJ
Arrestee Summary				
Subject was arrested for outstanding warrants and CDS possession.				
Arrest #17-047				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/30/2017	East Main Street	18	F	Totowa, NJ
Arrestee Summary				
Subject was arrested for thefts out of the female locker rooms at Passaic Valley High School.				
Arrest #17-047				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/31/2017	Browertown Road	31	F	Haledon, NJ
Arrestee Summary				
Subject was arrested for theft at Shoprite. Subject was processed and transported back to Shoprite where complaints were signed against her.				
Arrest Date	Arrest Location	Arrestee Age	Arrestee Sex	Hometown
01/31/2017	Route 46 East	19	M	Hoboken, NJ
Arrestee Summary				
Subject was arrested for CDS possession, <50g of marijuana, and drug paraphernalia subsequent to a motor vehicle stop. Subject was processed and released with summonses without incident.				

APPLICATIONS

Raffle – Little Falls Alliance for a Better Community, Tricky Tray, 4/4/17, 6 P.M.-8:30 P.M., 215 Route 23 North, Little Falls, NJ

Raffle – Little Falls Alliance for a Better Community, On-Premise 50/50, 4/4/17, 6 P.M.-8:30 P.M., 215 Route 23 North, Little Falls, NJ

Raffle – Little Falls Alliance for a Better Community, On-Premise 50/50, June-August 2017, 7 P.M.-8:30 P.M., Wilmore Road Park, Little Falls

Raffle – Passaic Valley Regional High School Education Foundation, Inc., Merchandise Raffle, 3/31/17, 7 P.M.-11 P.M., Meat Cutters Hall

Raffle – Passaic Valley Regional High School Education Foundation, Inc., On-Premise 50/50, 3/31/17, 7 P.M.–11 P.M., Meat Cutters Hall

Raffle – St. Catherine of Siena Church, Casino Night, 5/5/17, 7 P.M.-11 P.M., The Falls, Little Falls

Raffle – St. Catherine of Siena Church, On-Premise 50/50, 5/5/17, 7 P.M.-11 P.M., The Falls, Little Falls

Raffle – Henry Buikema American Legion Post #121, Pull Tab Raffle, Annual License, 3/2/17-3/2/18, 55 Van Ness Avenue, Little Falls, NJ

CORRESPONDENCE

REQUEST FROM ENTERPRISE FIRE COMPANY NO. 2 TO HOLD ITS ANNUAL BOOT DRIVE FUNDRAISER ON FRIDAY, MAY 12, 2017 AND SATURDAY, MAY 13, 2017 AT THE INTERSECTIONS OF MAIN STREET AND UNION AND MAIN STREET AND STEVENS AVENUE FROM 10:00 A.M. TO 4:00 P.M., WITH RAIN DATES OF MAY 19, 2017 AND MAY 20, 2017.

REQUEST FROM LITTLE FALLS ALLIANCE FOR A BETTER COMMUNITY FOR PERMISSION TO HANG A BANNER AT THE CORNER OF MAIN STREET AND 1ST AVENUE FROM JUNE 16, 2017 THROUGH SEPTEMBER 1, 2017.

RESOLUTIONS

2012 State Tax Court Judgement

RESOLUTION [C] 17-02-27 - #3

WHEREAS, there is a State Tax Court Judgment on Block 88.02 Lot 1 C004, known as Lawrence Sheer of 240 Main Street, Unit 4, Little Falls, NJ 07424 for the Year 2012 reducing the assessed value by \$51,600.00;

<u>YEAR 2012</u>	
Original Assessment	\$486,600.00
STCJ	435,000.00
Difference	\$ 51,600.00
2012 Tax Rate	x 2.30%
	\$1,186.80

WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$1,186.80 for the Year 2012 payable to Law Offices of Elie Fink-Attorney Trust Account; mail to Law Offices of Elie Fink, 66 Park Street, First Floor, Montclair, NJ 07042; and

Meeting of February 27, 2017

WHEREAS, this refund shall be granted on or before March 6, 2017 (60 days from the date of entry of the Tax Court Judgment January 5, 2017);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 27th day of February 2017 that the above taxpayer’s attorney be refunded the total amount of \$1,186.80 for the overpayment of taxes due to a State Tax Court Judgment on Block 88.02 Lot 1 C004 for the Year 2012.

Settlement of Property Tax Appeal 1500 Cardinal Drive

**RESOLUTION [D] 17-02-27 - #4
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by 1500 Cardinal Drive, LLC (hereinafter the “Tax Appeal”), under Docket Numbers 002072-2015 and 002539-2016, and;

WHEREAS, the aforesaid Tax Appeal involves an industrial property located on Cardinal Drive, and is also designated as Block 89 Lot 9 on the tax assessment map of the Township (hereinafter the “subject property”), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement will set the Subject Properties’ assessment at \$1,200,000 for both years under appeal, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the “Freeze Act”) shall be applicable to the terms of this settlement, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be hereby approved, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

Settlement of Property Tax Appeal 69 E. Main Street

**RESOLUTION [E] 17-02-27 - #5
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by Susan Sandleman Trustee, c/o Kin Properties (hereinafter the “Tax Appeal”), under Docket Numbers 002366-2011; 009445-2014; 004494-2015; and 005009-2016, and;

WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 69 E. Main Street, and is also designated as Block 122 Lot 15 on the tax assessment map of the Township (hereinafter the “subject property”), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule “A” attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE “A”

The terms of the aforesaid tax appeal settlement shall consist as follows:

- 2011 Appeal: \$1,800,000
- 2014 Appeal: Withdrawn
- 2015 Appeal: Withdrawn
- 2016 Appeal: Withdrawn

The provisions of N.J.S.A. 54:51A-8 (the “Freeze Act”) shall be applicable to the terms of this settlement for the 2012 tax year.

Settlement of Property Tax Appeal 24 Newark Pompton Turnpike and 12 Muller Avenue

**RESOLUTION [F] 17-02-27 - #6
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by KLT Two, LLC (hereinafter the “Tax Appeal”), under Docket Numbers 020961-2010; 005280-2011; 018375-2011; 010824-2012; 004724-2013; 003718-2014; 000990-2015; and 000436-2016, and;

WHEREAS, the aforesaid Tax Appeal involves two adjacent commercial properties located at 24 Newark Pompton Turnpike and 12 Muller Avenue, and which are also designated as Block 58 Lot 1 and Block 58 Lot 12.01 respectively on the tax assessment map of the Township (hereinafter the “subject property”), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule “A” attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE “A”

The terms of the aforesaid tax appeal settlement shall consist as follows:

12 Muller Place
Block 58 Lot 12.01
2011 Appeal: Withdrawn
2012 Appeal: Withdrawn
2013 Appeal: Withdrawn
2014 Appeal: Withdrawn
2015 Appeal: Withdrawn
2016 Appeal: Withdrawn

24 Newark Pompton Turnpike
Block 58 Lot 1
2010 Appeal: Withdrawn
2011 Appeal: \$2,882,600
2012 Appeal: \$2,750,000
2013 Appeal: \$2,650,000
2014 Appeal: \$2,650,000
2015 Appeal: \$2,650,000
2016 Appeal: \$2,650,000

The provisions of N.J.S.A. 54:51A-8 (the "Freeze") shall be applicable to the terms of this settlement.

Settlement of Property Tax Appeal 2 Newark Pompton Turnpike

RESOLUTION [G] – 17-02-27-#7
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by KLT One, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 005281-2011; 010657-2012; 009040-2013; 009277-2014; 000991-2015; and 000430-2016, and;

WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 2 Newark Pompton Turnpike, and is also designated as Block 58 Lot 31 on the tax assessment map of the Township (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

The terms of the aforesaid tax appeal settlement shall consist as follows:
2011 Appeal: Withdrawn
2012 Appeal: Withdrawn
2013 Appeal: \$1,200,000
2014 Appeal: \$1,200,000
2015 Appeal: \$1,200,000
2016 Appeal: \$1,200,000

The provisions of N.J.S.A. 54:51A-8 (the "Freeze") shall be applicable to the terms of this settlement.

Settlement of Property Tax Appeal 41 Oak Hill Road

RESOLUTION [H] 17-02-27 - #8

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by ACA Realty Co, GP (hereinafter the "Tax Appeal"), under Docket Numbers 010720-2014; 010721-2014; 008835-2015; 008837-2015; 009218-2016 and 009219-2016, and;

WHEREAS, the aforesaid Tax Appeal involves a residential property located at 41 Oak Hill Road that occupies two adjacent parcels of land, and is also designated as Block 251 Lots 2 and 14 on the tax assessment map of the Township (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

The terms of the aforesaid tax appeal settlement shall consist as follows:
Block 251 Lot 14
2014 Appeal: \$272,000
2015 Appeal: \$272,000
2016 Appeal: \$272,000
Block 251 Lot 2
2014 Appeal: \$128,000
2015 Appeal: \$128,000
2016 Appeal: \$128,000

The parties further agree that Lots 2 and 14 shall be merged in the 2017 tax year, and that the total assessment for the two parcels shall not exceed \$400,000 for that tax year.

The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act"), shall be applicable to the terms of this settlement, if permitted by the Court.

Settlement of Property Tax Appeal 64-72 Main Street

**RESOLUTION [I] - #9
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by Central Building, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 009484-2013; 002460-2014; 003556-2015; and 001603-2016, and;

WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 64-72 Main Street, and is also designated as Block 112 Lot 1 on the tax assessment map of the Township (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

The terms of the aforesaid tax appeal settlement shall consist as follows:

- 2013 Appeal: \$1,300,000
- 2014 Appeal: \$1,300,000
- 2015 Appeal: \$1,300,000
- 2016 Appeal: \$1,300,000

The provisions of N.J.S.A. 54:51A-8 (the "Freeze") shall be applicable to the terms of this settlement.

Use of Poles by Verizon Wireless

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS
RESOLUTION [J] 17-02-27 - #10**

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of Little Falls; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Little Falls, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Little Falls.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Little Falls, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Little Falls.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Little Falls as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - F. Notwithstanding any provision contained herein, neither the Township of Little Falls nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
 - G. The instrument shall be adopted on behalf of the Township of Little Falls by the Township Council of the Township of Little Falls and attested to by the Township of Little Falls Clerk who shall affix the Township of Little Falls seal thereto.
 - H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Township of Little Falls by parties that have the lawful right to maintain such poles.

Municipal Alliance Funding Fiscal Year 2018

**RESOLUTION [K] 17-02-27 - #11
GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 2014-JUNE 2019**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

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WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Passaic;

NOW, THEREFORE, BE IT RESOLVED by the Township of Little Falls, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Little Falls Municipal Alliance grant for the period of July 1, 2017 to June 30, 2018 (FY2018) in the amount of:
2.

DEDR	\$22,440.00
Cash Match	\$ 5,610.00
In-Kind	\$16,830.00
3. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including administrative compliance and audit requirements.

Appropriation of Bonds in Event of Funding Shortfall

**RESOLUTION [L] 17-02-27 - #12
TOWNSHIP OF LITTLE FALLS RESOLUTION OF INTENT TO
APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL**

WHEREAS, the Township of Little Falls, Passaic County has petitioned the Court for a Judgment of Compliance and Response with respect to its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to the Court allocates for funds for:

1. Rehabilitation;
2. Affordability assistance and
3. Administration

WHEREAS, the Township of Little Falls anticipates that funding will come from the following sources to satisfy these obligations:

1. Development fees;
2. Public funds; and
3. Bonding

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in Little Falls’ Housing Element and Fair Share Plan, Little Falls shall provide sufficient funding to address any shortfalls.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, Passaic County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED, that after a finding that inadequate funding exists to complete the affordable housing programs included in the Township of Little Falls’ Housing Element and Fair Share Plan, the Township of Little Falls agrees to appropriate funds or authorize the issuance of debt within 90 days of said finding; and

BE IT FURTHER RESOLVED, that Little Falls may repay debt through future collections of development fees, as such funds become available.

Little Falls Football Parent Association (LFFPA) Insurance Coverage

**RESOLUTION [N] 17-02-27 - #14
A RESOLUTION SPONSORING THE LITTLE FALLS FOOTBALL PARENT ASSOCIATION (LFFPA), INC. FOR
INSURANCE COVERAGE THROUGH THE SUBURBAN ESSEX JOINT INSURANCE FUND**

WHEREAS, the Township of Little Falls, (hereinafter the Township) is a member of the Suburban Essex Joint Insurance Fund for property and casualty coverage, including but not limited to Property, General and Excess Liability, Police Professional Liability, Employment Practices and Public Officials Liability and Workers Compensation; and

WHEREAS, the Suburban Essex JIF provides for member municipalities to sponsor non-governmental civic and/or recreational organizations deemed by the Governing Body, to provide a valuable benefit to the community for General Liability, Non-Owned & Hired Automobile and Crime coverage as a designated Quasi Entity; and

WHEREAS, the Little Falls Football Parent Association (LFFPA), Inc. provides valuable recreational Football and Cheering opportunities to the youth of Little Falls and serves as an integral part of the fabric of this community; and

WHEREAS, the Little Falls Football Parent Association, Inc. meets the underwriting criteria of a Quasi IV Athletic Organization under the rules promulgated by the Suburban Essex JIF.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Little Falls, County of Passaic, State of New Jersey, does hereby recognize and acknowledge the inherent benefit of the Little Falls Football Parent Association, Inc. as a valuable athletic organization in the Township and further, requests the Executive Committee of the Suburban Essex Joint Insurance Fund provide Quasi IV – Athletic Organization status to the group, thus providing General Liability and Non-Owned and Hired insurance coverage to the Organization; and

BE IT FURTHER RESOLVED, the Township Risk Management Consultant is hereby instructed, in coordination with the organization’s leaders and Township staff, to effectuate the necessary application and supporting documentation for a **March 1, 2017** effective date with said documentation to be provided to the Suburban Essex JIF for approval as soon as administratively possible; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Township.

Fair Share Housing

**RESOLUTION [O] 17-02-27 - #15
TOWNSHIP OF LITTLE FALLS MUNICIPAL COUNCIL FAIR HOUSING RESOLUTION**

The Township of Little Falls supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Township of Little Falls to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Township of Little Falls further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of the Township of Little Falls do hereby approve the following resolution.

BE IT RESOLVED, that within available resources, the Township of Little Falls will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Township of Little Falls shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community

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contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Release of Walgreens' Performance Bond

**RESOLUTION [P] - #16
RESOLUTION FOR RELEASE OF PERFORMANCE BOND**

The Township Council hereby authorizes the release of the Performance bond for Diamond Holdings, LLC (Walgreens) in accordance with the recommendations of the Township Engineer as provided in correspondence dated October 27, 2016 and November 10, 2016. The Township Council also authorizes, and requires, the submission of a maintenance bond for a period of two (2) years as recommended by the Township Engineer and in accordance with the Municipal Land Use Law (§40:44D-53.3 & 5).

Roadway Improvements to Woodcliff Avenue Project

RESOLUTION [Q] 17-02-27 - #17

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements to Woodcliff Avenue project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Little Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor of the Township of Little Falls, the Clerk and Engineer are hereby authorized to submit an electronic grant application identified as MA-2017-Woodcliff Avenue-00536 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor James Damiano, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Roadway Improvements to Stephen Place Project

RESOLUTION [R] 17-02-27 - #18

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements to Stephen Place project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Little Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor of the Township of Little Falls, the Clerk and Engineer are hereby authorized to submit an electronic grant application identified as MA-2017-Stephen Place-00535 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor James Damiano, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

CDBG Application for Recreation Center Cooling

**RESOLUTION [S] 17-02-27 - #19
RESOLUTION AUTHORIZING APPLICATION TO THE PASSAIC COUNTY
CDBG PROGRAM FOR RECREATION CENTER COOLING**

BE IT RESOLVED, at a meeting held on Monday, February 27, 2017, the Municipal Council of the Township of Little Falls, adopted the following resolution:

The Municipal Council authorizes an application to the Passaic County Community Development Block Grant (CDBG) Program for Recreation Center Cooling described in the proposal. If awarded CDBG funds, the Municipality shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

Grant and Authorized Correspondent – Paterson Avenue Field Improvements

RESOLUTION [T] 17-02-27 - #20

WHEREAS, the Township of Little Falls is making a grant application to the Passaic County Open Space and Farmland Preservation Trust Fund for improvements to Paterson Avenue Fields;

WHEREAS, the funding request in the amount of \$164,000 is to make improvements to the park that include replacement of dugouts, upgrades to bleacher seating, and on-deck circles;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Governing Body/board resolves that James Damiano or the successor to the office of Mayor is hereby authorized to:

- (a) Make application for such a grant,
- (b) Provide additional application information and furnish such documents as may be required, and
- (c) Act as the authorized correspondent of the above named Applicant.

Designation of Outdoor Learning Center

**RESOLUTION [U] 17-02-27 - #21
DEDICATING A PORTION OF THE MORRIS CANAL GREENWAY FOR AN OUTDOOR LEARNING CENTER**

WHEREAS, The Township of Little Falls wishes to join with the Little Falls Board of Education in support of unique and interesting learning opportunities; and

WHEREAS, The Morris Canal Greenway has such a location in Little Falls which is suited for an outdoor learning facility; and

WHEREAS, The Township along with the Board of Education wish to develop a portion of the Morris Canal Greenway as a classroom for our elementary school students; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls hereby designates the western most portion of the Morris Canal Greenway just below the Little Falls, overlooking the majestic Passaic River as the Township of

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Little Falls, Morris Canal Greenway Outdoor Learning Center, and authorizes the construction of an outdoor classroom facility to be utilized by the Little Falls Board of Education to provide unique and interesting learning opportunities for our elementary school students.

Councilmember VANCHERI requested Resolution M be moved on separately due to his position as LFAC Vice President.

Mr. Cuccia announced the presence of the Risk Manager to explain points about the quasi entities and how they relate to the new Joint Insurance Fund, specifically Resolutions M and N. At this time, Mr. Covelli of PIA, addressed the Council. He stated he conducted training tonight which resulted in a \$1500 credit. He described how the LFAC and LFPA were eligible for sponsorship with the Suburban Essex JIF. The applications have been submitted to the Suburban Essex JIF. Coverage was approved contingent upon Council adoption of Resolutions M and N.

It was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri, that the Consent Agenda be approved as printed.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess that Resolution M be approved as printed.

Little Falls Athletic Club (LFAC) Insurance Coverage

RESOLUTION [M] - 17-02-27 - #13

A RESOLUTION SPONSORING THE LITTLE FALLS ATHLETIC CLUB (LFAC), INC. FOR INSURANCE COVERAGE THROUGH THE SUBURBAN ESSEX JOINT INSURANCE FUND

WHEREAS, the Township of Little Falls, (hereinafter the Township) is a member of the Suburban Essex Joint Insurance Fund for property and casualty coverage, including but not limited to Property, General and Excess Liability, Police Professional Liability, Employment Practices and Public Officials Liability and Workers Compensation; and

WHEREAS, the Suburban Essex JIF provides for member municipalities to sponsor non-governmental civic and/or recreational organizations deemed by the Governing Body, to provide a valuable benefit to the community for General Liability, Non-Owned & Hired Automobile and Crime coverage as a designated Quasi Entity; and

WHEREAS, the Little Falls Athletic Club (LFAC), Inc. provides valuable recreational opportunities to the youth of Little Falls and serves as an integral part of the fabric of this community; and

WHEREAS, the Little Falls Athletic Club, Inc. meets the underwriting criterion of a Quasi IV Athletic Organization under the rules promulgated by the Suburban Essex JIF.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Little Falls, County of Passaic, State of New Jersey, does hereby recognize and acknowledge the inherent benefit of the Little Falls Athletic Club, Inc. as a valuable athletic organization in the Township and further, requests the Executive Committee of the Suburban Essex Joint Insurance Fund provide Quasi IV – Athletic Organization status to the group, thus providing General Liability and Non-Owned and Hired insurance coverage to the Organization; and

BE IT FURTHER RESOLVED, the Township Risk Management Consultant is hereby instructed, in coordination with the organization’s leaders and Township staff, to effectuate the necessary application and supporting documentation for a **March 1, 2017** effective date with said documentation to be provided to the Suburban Essex JIF for approval as soon as administratively possible; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Township.

Poll: Ayes: Cordonnier, Liess, and Council President Sgobba
Nays: None
Abstain: Vancheri

The Council President declared the motion passed.

REGULAR AGENDA

NEW BUSINESS

Ordinance No. 1276- Ordinance No. 1276, “**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LITTLE FALLS TO ACCEPT THE CONVEYANCE OF A SANITARY SEWER UTILITY EASEMENT FROM THE GREAT NOTCH VILLAGE ASSOCIATES, LP,**” was opened for public hearing.

No one having come forward to be heard, Council President Sgobba closed the public hearing on Ordinance No. 1276 was closed.

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that Ordinance No. 1276 be and it was adopted.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1278 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

**ORDINANCE NO. 1278
TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY
ELECTRONIC SMOKING OR VAPOR DEVICES**

_____. Definitions.

ELECTRONIC SMOKING OR VAPOR DEVICE – An electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or any cartridge or other component of the device or related product.

ELECTRONIC SMOKING or VAPOR DEVICE OPERATION – Any establishment, person, entity, or business that sells electronic smoking or vapor devices including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or other smoking or vapor device, or any cartridge or other component of the device or related product.

_____. Right of entry.

It shall be lawful for any member of the Township Department of Health, the Health Officer, Health Inspectors or any person acting under and by the authority of the Township Department of Health to enter in and upon any premises within the Township in the exercise of the powers or in the fulfillment of its or their duties conferred or imposed by law or township ordinance and the rules and regulations thereunder. Any person hindering, obstructing, delaying, resisting, preventing or interfering with such right of access shall be deemed to violate the provisions of this article.

_____. License required; fees; inspection.

- A. It shall be unlawful for any person(s) or any corporate body to conduct an electronic smoking or vapor device operation, as defined in _____ herein without first having procured a license from the Health Officer.
- B. No person shall carry on, conduct or operate an electronic smoking or vapor device operation within the Township without first obtaining a license therefor from the Health Officer as outlined in _____ and _____.
- C. The annual license fee to be paid for an electronic smoking or vapor device establishment shall be as provided in _____, Fees.
- D. Electronic smoking or vapor device operations are subject to periodic compliance inspections by the health department. Fees for the re-inspection of any operation which is necessitated by violations of any of the provisions set forth in this article observed during the initial inspection shall be as provided in _____, Fees.
- E. Electronic smoking or vapor device operations must be conducted inside a place of business located within a retail zone. A license will only authorize sales of related devices or products at the place of business identified on the application.
- F. It shall be unlawful for the electronic smoking or vapor device operation to allow the use of sampling of the devices or related products in the public right of way or in an egress where pedestrians or customers must pass that falls within the storefront occupied by the operation or that fall in front of businesses in the same building that directly neighbor the said operation.

_____. Application for license; renewal license.

- A. Application for an electronic smoking or vapor device operation shall be submitted on forms to be furnished by the Health Officer. The application shall be accompanied by the applicable license fee in cash, check or money order.
- B. A renewal license may be applied for by a license for premises licensed during the previous licensed period.
- C. Each and every applicant for a license for an electronic smoking or vapor device operation shall set forth the following information in writing on forms provided by the Health Officer:
 - (1) The applicant's name, business name, business address, applicant's phone number and the business's phone number.
 - (2) The applicant's email address.
 - (3) If the applicant is an individual, the applicant's residence address.
 - (4) If the applicant is a partnership, corporation, limited liability company, or any other type of business entity, the applicant shall set forth the full name and residence address of each partner, member or officer of the business entity.
 - (5) If the applicant is a partnership, corporation, or limited liability company, the applicant must submit a certificate from the State of New Jersey that the business entity, regardless of form, is in good standing, according to the records of the State of New Jersey.

_____. Issuance of license; contents; expiration date.

- A. The granting of an electronic smoking or vapor device establishment license shall be by the Health Officer. The Health Officer shall not issue or renew a license until he/she has confirmed that the establishment is in compliance with all provisions set forth within this _____.
- B. The license shall state:
 - (1) Date of issuance
 - (2) Name of establishment
 - (3) Name of owner
 - (4) Purpose for which issued
 - (5) Location of licensed premises
- C. The term of the license shall be for one year, commencing January 1st and expiring December 31st of each year.

_____. License not transferable; display of license.

- A. A license issued under this _____ shall not be transferable to any other person or to any other location.
- B. The issued license shall be conspicuously displayed at all times on the licensed premises.

_____. Age restrictions; proof of age; signage.

- A. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purposes at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 19 years of age, any electronic smoking or vapor device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or device of another form, or any cartridge or other component of the electronic smoking or vapor device or related products.
- B. An electronic smoking or vapor device operation must require proof of age from any customer who is of the appearance of 26 years of age or younger. Proof must come in the form of a valid government issued photo ID.
- C. Signage must be conspicuously posted at the point of display and at the point of sale. The sign must state the following in English with letters no less than 1 inch in size as follows:
 - (1) "A person who sells or offers to sell an electronic smoking or vapor device, components, cartridges or related products to a person under 19 years of age shall pay a penalty of up to \$1,000 and may be subject to a license suspension or revocation. Proof of age may be required for purchase. Those persons or establishments in violation shall be prosecuted."
 - (2) "Smoking, sampling or using an electronic smoking or vapor device inside this place of business is prohibited by NJ State law. Those establishments or individuals in violation shall be prosecuted."
- D. No electronic smoking or vapor device operation shall offer or allow the smoking or sampling of an electronic smoking or vapor device to anyone who is under 19 years of age.

_____. Suspension or revocation of license.

- A. Licenses issued under this chapter may be revoked or suspended by the Township Council, after a public hearing. Reasons for automatic suspension or revocation of an establishment license include but are not limited to the following:

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- (1) Fraud, misrepresentation or false statement in the application for the establishment license.
 - (2) Fraud, misrepresentation or false statement made while operating the licensed business in the Township.
 - (3) Conducting the licensed business within the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
 - (4) The owner and/or operator or any employee refuses to permit any duly authorized Township Police Officer or health official to inspect the premises or the operations therein.
 - (5) Any violation of this chapter.
- B. In addition to any penalty prescribed, any license under this _____ is subject to revocation for violating any provision of this _____ or where the operation of the licensed premises is otherwise detrimental to the preservation of health, safety and welfare of the public. The Township Clerk shall serve the licensee with a written complaint setting forth specifically the grounds of the complaint along with a notice indicating the time and place to appear before the Township Council for a hearing. Such service shall be made by personal service or certified and regular mail at least ten (10) days before the hearing date. The Township Council after such hearing may revoke the license.
- C. Should it be determined that the conduct of the licensee is detrimental to the health, safety and general welfare of the public, such establishment's license may be suspended by the Health Officer or designee and the establishment shall close until all violations are corrected. The Health Officer may also recommend revocation of the license and suspend the license pending the revocation hearing referred to in Section B above. This hearing must be concluded within forty-five (45) days of the date of suspension and closure of the establishment.

_____. Violations and penalties.

A person who violates the provisions of this _____ including the owner of the operation or the employee of the operation who actually sells or otherwise provides an electronic smoking or vapor device or related product to a person under 19 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1279 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

**ORDINANCE NO. 1279
AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 57 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF
LITTLE FALLS IN ITS ENTIRETY
REGARDING THE TOWNSHIP'S AFFORDABLE HOUSING DEVELOPMENT FEES**

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that Chapter 57 of the Municipal Code of the Township of Little Falls, is hereby replaced and superseded in its entirety, with this Ordinance, to address the Township's Affordable Housing Development Fee requirements. This Ordinance shall apply except where inconsistent with applicable law.

57-1.1 Findings and Purpose.

- a. In Holmdel Builder's Ass'n 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 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L.2008, c.46 Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or a Court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- c. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate- income housing. This ordinance shall be interpreted within the framework of COAH's prior round rules on development fees, codified at N.J.A.C. 5:93-8. and P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

57-1.2 Basic Requirements

- a. This ordinance shall not be effective until approved by the Court.
- b. The Township of Little Falls shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

57-1.3 Definitions.

The following terms, as used in this ordinance, shall have the following meanings:

"Affordable housing development" means 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 100 percent affordable development.

"COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

"Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

"Developer" means 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.

"Equalized assessed value" means 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 (C. 54:1-35a through C. 54:1-35c).

"Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low- maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

57-1.4 Residential Development Fees.

- a. *Imposed Fees*
 - 1. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one percent of the equalized assessed value for residential development provided no increased density is permitted.
 - 2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six (6%) percent of the equalized

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assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and one-half (1.5%) percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

3. Eligible exactions, ineligible exactions, and exemptions for residential development.
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. 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. 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. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure **undergoes a change to a more intense use, is demolished and replaced, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit, or is expanded, if the expansion is not otherwise exempt from the development fee requirement.** The development fee shall be calculated on the increase in the equalized assessed value of the improved or replaced structure as **compared to the previous structure.**
 - iv. Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

57-1.5 Non-Residential Development Fees.

1. Imposed Fees.

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential **construction on an unimproved lot or lots.**
- ii. Non-residential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. made an improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions, and exemptions for non-residential development.

- i. **The non-residential portion of a mixed-use inclusionary or market rate** development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value **resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.**
- iii. Non-residential developments shall be exempt from the payment of non-residential 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 Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential 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 non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the **non-residential development, whichever is later.**
- v. If a property which was exempted from the collection of a non-residential 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 non-residential development fees under these circumstances may be enforceable by the Township of Little Falls as a lien against the real property of the owner.

57-1.6 Collection Procedures.

- a. 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.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential 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.**
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. Should the Township of Little Falls 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 (C.40:55D-8.6).
- h. Except as provided in Section 57-1.5a.3. above, fifty (50) 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.
- i. 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 escrow account by the Township of Little Falls. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

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2. A developer may challenge non-residential 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 escrow account by the Township of Little Falls. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

57-1.7 Affordable Housing Trust Fund.

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township of Little Falls Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential 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 ten percent (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 Township of Little Falls' affordable housing program.
- c. Within seven days from the opening of the trust fund account, the Township of Little Falls shall provide the State of New Jersey, Department of Community Affairs, Division of Local Government Services with **written authorization, in the form of a three-party escrow agreement** between the municipality, the bank, and NJDCA-LGS to permit NJDCA-LGS to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.15, 8.18 and 8.19. This requirement shall be deemed to have been satisfied by a previously executed three-party escrow agreement with COAH, provided the bank remains the same **as in the original agreement.**
- d. All interest accrued in the housing trust fund shall only be used on eligible housing activities approved by the Court.

57-1.8 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Little Falls' fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse the Township of Little Falls for past housing **activities.**
- c. At least 30 percent of all development fees collected and 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 percent 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 percent 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 percent 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.
- d. The Township of Little Falls 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.
- e. No more than 20 percent 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 percent 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 the reporting and monitoring requirements that have been approved by the Court. Legal or other fees related to litigation opposing affordable housing sites or objecting to or appealing Court's approval of Little Falls' Housing Element and Fair Share Plan are not eligible uses of the affordable housing trust fund.

57-1.9 Monitoring.

On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose to Little Falls, the Township of Little Falls shall report all activity in connection with its Affordable Housing Trust Fund to the New Jersey Department of Community Affairs (either the Division of Local Government Services or the Council on Affordable Housing (COAH), whichever entity is designated by the State of New Jersey), with a copy provided to Fair Share Housing Center and to the Intervenor/Defendants IMO the Application of the Township of Little Falls for a Final Judgment of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No.: PAS-L-2348-15, and with a posting of same on the municipal website, using forms previously developed for this purpose by COAH. The reporting shall include all sources and amounts collected/earned and the amounts and purposes for which funds have been expended.

57-1.10 Ongoing Collection of Fees.

- a. The ability for the Township of Little Falls to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless the Township of Little Falls has filed an adopted Housing Element and Fair Share Plan with the Court or with COAH or its successor agency designated by the State of New Jersey, has petitioned for a Judgment of Compliance and Repose or substantive certification, and has received the Court's or COAH's approval of its development fee ordinance. If the Township of Little Falls fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320). The Township of Little Falls shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Township of Little Falls retroactively impose a development fee on such a development. The Township of Little Falls shall not expend development fees after the expiration of its Judgment of Compliance and Repose.
- b. It is the intent of the Township Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code.
- c. **If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.**
- d. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

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- e. This Ordinance shall take effect after twenty (20) days of its final passage by the Township Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1280 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

ORDINANCE NO. 1280
Multi-Family/Senior Zone (MFS)
Township of Little Falls, Passaic County
AN ORDINANCE PROPOSED OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE TO ADDRESS THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

Purpose.

The purpose of the MFS Zone is to create an opportunity for the construction of low- and moderate-income and senior housing in the Township of Little Falls and thereby address the unmet-need portion of the fair share housing obligation of the Township of Little Falls under the New Jersey Fair Housing Act. This zone shall be additionally regulated by the Little Falls’ Affordable Housing Ordinance.

Geographic scope.

The MFS Zone is identified by the following properties: Block 168, Lots 35-41, Lots 46-63, and Lots 65-74 as they appear on the Township's official Tax Map.

Permitted uses and structures.

In the Multi-Family/Senior Zone (MFS),^[1] no lot, plot, parcel or tract of land shall be built on, altered, or have a structure erected and used for any purpose other than that of:

- A. Multiple-family residential units
- B. Senior housing with a minimum age for at least one occupant of 55 years.

Permitted uses, however, may be developed with more than one building. Senior residences must be developed in a separate building from any multifamily dwellings.

[1]: Editor's Note: See also the Schedule of Use, Area and Bulk Regulations included as an attachment to this chapter.

Permitted Accessory Uses.

- A. Accessory uses for low- and moderate-income housing and multi-family dwellings shall permit and may include the following:
 - (1) Public utilities and essentials services.
 - (2) Fences subject to the provisions of § 280-163 through § 280-167.
 - (3) Accessory surface and/or garage parking. Subsurface parking shall not be counted as a story for the purpose of this use when less than 1/2 of such subsurface parking height is below the established curb level or below the finished lot grade level where curb level has not been established.
 - (4) A sign identifying the multiple-family residential development and located at the entrance or entrances to such developments. The size, design, location, landscaping and maintenance of such sign or signs shall be in accordance with the requirements of Article XX, Signs, of this chapter and the specifications and conditions of the Planning Board.
 - (5) Retention and detention drainage facilities.
- B. Accessory uses for senior housing shall permit and may include:
 - (1) Off-street parking and loading.
 - (2) Public utilities and essential services.
 - (3) Fences subject to the provisions of § 280-163 through § 280-167.
 - (4) Indoor and outdoor recreation areas for residents for the facility and their guests.
 - (5) Indoor common laundry facilities for use by residents and staff.
 - (6) A sign identifying the senior housing development, and located at the entrance or entrances to such developments. The size, design, location, landscaping and maintenance of such sign or signs shall be in accordance with the requirements of Article XX, Signs, of this chapter and the specifications and conditions of the Planning Board.
 - (7) Retention and detention drainage facilities.

Low- and moderate-income housing requirements.

- A. The residentially zoned properties shall be permitted to be developed at a maximum gross density of thirty units per acre. Said development shall consist of multi-family residential and senior housing facilities where the senior facility will have no more than ten units total on the site.
- B. Twenty percent (20%) of the total number of units constructed within the MFS Zone shall be affordable to low- and moderate-income households. When calculating the required number of affordable units, any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of 0.5 or greater shall be rounded up; provided, however, that a minimum of one affordable unit shall be required as part of any project constructed within the MFS Zone.
- C. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.
- D. The housing units set aside for low- and moderate-income households shall be constructed, marketed, and rented or sold in accordance with applicable COAH regulations (or any other applicable state regulations adopted to implement the requirements of the New Jersey Fair Housing Act), including:
 - (1) Affordability;
 - (2) Occupant eligibility;
 - (3) Proportion of low-income units and moderate-income units;
 - (4) Resale price controls;
 - (5) Handicapped adaptability and accessibility;
 - (6) Bedroom mix; and
 - (7) Affirmative marketing.

Bulk standards.

The applicable bulk standards are as follows and also appear on the Township of Little Falls Bulk Schedule Table:^[1]

- A. Min Lot area: 79,000 square feet.
- B. Min Lot width: 325 feet.
- C. Min Lot depth: 200 feet.
- D. Min Front yard: 25 feet.
- E. Min Side yard: 25 feet.
- F. Min Rear yard: 25 feet.
- G. Maximum building coverage: 40%
- H. Maximum Impervious coverage: 75%
- I. Maximum height.
 - a. Multi-Family: 3 stories/40 feet
 - b. Senior Housing: 3 stories/40 feet

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- J. Distance between buildings: The minimum distance between buildings shall be 50 feet, except that the side to side minimum distance between buildings shall be twenty (25) feet.

[1]: Editor's Note: The Schedule of Use, Area and Bulk Regulations is included as an attachment to this chapter.

Buffer required.

A landscaped buffer with a minimum of 15 feet in width and eight feet in height at planting shall be provided for any development permitted in this Multi-Family/Senior District which is adjacent to a single-family residential use. Said buffer shall be subject to review and approval by the Planning Board/Zoning Board pursuant to site plan review.

- (1) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property, and the Board may also permit a portion of a buffer area to be used for detention or retention basin, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of a buffer area.

Parking.

1. Parking may be provided as both surface parking and garage spaces.
2. All required parking must be provided on site.
3. Parking is prohibited in any required front yard setback.
4. Parking shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way will be minimized. Parking is prohibited in any front yard.
5. The minimum setback from a building to a parking area or paved area shall be ten (10) feet.
6. Adequate fire and emergency access must be provided subject to the Little Falls Fire Dept.
7. Parking spaces are to be a minimum of nine feet by eighteen (9x18) feet.
8. One-car garage spaces shall be a minimum of ten (10) feet wide and a maximum width of twelve (12) feet.
9. On-site parking shall not be provided for any use or to any party other than a resident of the site, nor shall parking areas be used for any purpose other than parking.
10. Required parking.
 - a. Apartment uses: Shall adhere to the standards in the Residential Site Improvement Standards. However, in accordance with those standards that state that alternate parking standards shall be accepted if the applicant demonstrates that these standards better reflect local conditions and factors such as household characteristics, mass transit options, urban versus suburban location, and off-street parking resources, the Planning Board may grant deviations and exceptions.
 - b. Senior Units Parking shall be required at 1.5 per unit
 - c. Signage shall be provided where parking spaces are to be reserved for residents and/or for areas used for visitor parking.

Site plan review.

All of the foregoing shall be subject to site plan review.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1281 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

ORDINANCE NO. 1281
Affordable Housing Ordinance
Township of Little Falls, Passaic County

AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 97 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS IN ITS ENTIRETY TO ADDRESS THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that Chapter 97 of the Municipal Code of the Township of Little Falls, is hereby replaced and superseded in its entirety, with this Ordinance, to address the Township's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Little Falls Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Section 1. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Multifamily unit” means a structure containing five or more dwelling units.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

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“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 2. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Little Falls pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan.
2. Where a developer is able to demonstrate that a 20% set-aside would warrant the project economically infeasible, the developer should submit an economic analysis and pro-forma to the Township for review. A real estate analysis expert hired by the Township through escrow funds provided by the developer, will evaluate the pro-forma and determine if the claim of economic infeasibility is valid. In the event the Township’s review agrees with the developer, the Township will permit a 15% set-aside.
3. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
4. All affordable housing developments, including those intended to be funded through federal Low Income Housing Tax Credit programs, shall be deed restricted to comply with COAH and UHAC Rules pertaining to the income and bedroom distributions of the units.

Section 3. Reserved

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC.
3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Inclusionary Zoning

1. Rental Units: In inclusionary developments, all affordable units shall be family rental units, with the exception of inclusionary developments within the Multi Family Senior (MFS) Zone.
2. Phasing: In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted.
 - b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - 4) The remaining two and three bedroom units may be allocated at the discretion of the developer and township.
 - d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
2. Accessibility Requirements:
 - a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
 - b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - 1) An adaptable toilet and bathing facility on the first floor; and
 - 2) An adaptable kitchen on the first floor; and
 - 3) An interior accessible route of travel on the first floor; and
 - 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit;
 - 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Little Falls has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b) To this end, the builder of restricted units shall deposit funds within the Township of Little Falls’ Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - c) The funds deposited under paragraph 6) b) above shall be used by the Township of Little Falls for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Little Falls for the conversion of adaptable to accessible entrances.
 - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township’s Affordable Housing Trust Fund in care of the

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- Township Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- f) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.
3. Design:
- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.
4. Maximum Rents and Sales Prices:
- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
5. Minimum Presumptive Densities/Maximum Presumptive Set-asides for Multi-Family Development:
- Affordable Housing Requirements
- a. For Sale and Rental Developments:
- Any project not associated with a specific density or affordable housing requirement as outlined in a specific zone or redevelopment plan shall be required to provide a 20% set aside for affordable housing. Where a developer is able to demonstrate that a 20% set-aside would warrant the project economically infeasible, the developer should submit an economic analysis and pro-forma to the Township for review. A real estate analysis expert hired by the Township through escrow funds provided by the developer, will evaluate the pro-forma and determine if the claim of economic infeasibility is valid. In the event the Township's review agrees with the developer, the Township will permit a 15% set-aside.
- b. A project shall not be subdivided into two or more lots so as to fall below the threshold or avoid the set aside requirement by taking multiple actions.

Section 7. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Little Falls takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

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6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements to Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Little Falls takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine percent Low Income Housing Tax Credits, a control period of not less than a 30 year compliance period plus a 15 year extended use period shall be required.
2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Passaic. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

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2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. The Township of Little Falls shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Little Falls shall adopt an Ordinance creating the position of Municipal Housing Liaison. Little Falls shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Little Falls, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Little Falls' primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Little Falls' Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
3. Subject to the approval of the Court, the Township of Little Falls shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

Section 18. Administrative Agent

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

1. Affirmative Marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Little Falls and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Little Falls when referring households for certification to affordable units.
3. Affordability Controls:
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Passaic County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 - d. Communicating with lenders regarding foreclosures; and
 - e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
4. Resales and Rerentals:
 - a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
5. Processing Requests from Unit Owners:
 - a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinancing during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - c. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - d. Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
 - a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

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- c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
7. Additional Responsibilities:
- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
 - c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The Township of Little Falls shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Passaic, Hunterdon and Somerset Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Little Falls shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - 1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - 2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Little Falls Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - 3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - 1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - 2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - 3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

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- 4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- 5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- 6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

Section 22. Reporting and Monitoring Requirements

- 1. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or such other entity designated by the State of New Jersey, with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- 2. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the Township website with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.
- 3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its Township website, with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may, by motion, request a hearing before the Court regarding these issues.
- 4. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every third year thereafter, the Township shall post on its Township website, with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township with copies provided to Fair Share Housing Center and the Intervenors in *IMO Application of the Township of Little Falls*, Docket No.: PAS-L-2348-15, on the issue of whether the municipality has complied with its very low income housing obligation.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1282 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

ORDINANCE NO. 1282

ARTICLE IXA

MDR-Medium Density Residential Zone¹

[Added 12-22-2008 by Ord. No. 1058; amended 6-8-2009 by Ord. No. 1064;11-8-2010 by Ord. No. 1108]

AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 280 ARTICLE IXA OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS IN ITS ENTIRETY TO ADDRESS THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

§ 280-73.1. Purpose.

The purpose of the MDR Zone is to create an opportunity for the construction of low- and moderate-income housing in the Township of Little Falls and thereby address the unmet-need portion of the fair share housing obligation of the Township of Little Falls under the New Jersey Fair Housing Act. This zone shall be additionally regulated by the Little Falls' Affordable Housing Ordinance.

§ 280-73.2. Geographic scope.

The MDR Zone is specific for the property identified by Block 185, Lot 5, as it appears on the Township's official Tax Map.

§ 280-73.3. Permitted uses and structures.

In the Medium Density Residential Zone (MDR),² no lot, plot, parcel or tract of land shall be built on altered or have a structure erected and used for any purpose other than that of:

- A. Multiple-family residential units with self-contained parking located on the ground floor.
- B. Accessory surface parking.

¹ Editor's Note: This article was originally adopted as Article XXVIII, but was redesignated Article IXA, to fit into the organization of the Code.

² Editor's Note: See also the Schedule of Use, Area and Bulk Regulations included as an attachment to this chapter.

3. Editor's Note: The Schedule of Use, Area and Bulk Regulations is included as an attachment to this chapter.

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- C. A sign identifying the multiple-family residential development and located at the entrance or entrances to such developments. The size, design, location, landscaping and maintenance of such sign or signs shall be in accordance with the requirements of Article XX, Signs, of this chapter and the specifications and conditions of the Planning Board. **[Amended 6-9-2014 by Ord. No. 1194]**

§ 280-73.4. Low- and moderate-income housing requirements. [Amended 6-9-2014 by Ord. No. 1194]

- A. Twenty percent of the total number of units constructed within the MDR Zone shall be affordable to low- and moderate-income households. When calculating the required number of affordable units, any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of 0.5 or greater shall be rounded up; provided, however, that a minimum of one affordable unit shall be required as part of any project constructed within the MDR Zone.
- B. The housing units set aside for low- and moderate-income households shall be constructed, marketed, and rented or sold in accordance with applicable COAH regulations (or any other applicable state regulations adopted to implement the requirements of the New Jersey Fair Housing Act), including:
 - (1) Affordability;
 - (2) Occupant eligibility;
 - (3) Proportion of low-income units and moderate-income units;
 - (4) Resale price controls;
 - (5) Handicapped adaptability and accessibility;
 - (6) Bedroom mix; and
 - (7) Affirmative marketing.

§ 280-73.5. Bulk standards.

The applicable bulk standards are as follows and also appear on the Township of LittleFalls Bulk Schedule Table:³

- A. Lot area: 34,000 square feet. **[Amended 6-9-2014 by Ord. No. 1194]**
- B. Lot width: 185 feet.
- C. Lot depth: 185 feet.
- D. Front yard: 25 feet.
- E. Side yard: 25 feet.
- F. Rear yard: 10 feet.
- G. Maximum coverage: 60% (35% building).
- H. Maximum height: three stories/38 feet.
- I. Minimum dwelling size: one-bedroom, 880 square feet; two-bedroom, 1,200 square feet.

§ 280-73.6. Buffer required.

A landscaped buffer minimum of 15 feet in width and eight feet in height at planting shall be provided for any development permitted in this Medium Density Residential District which is adjacent to a single- family residential use. Said buffer shall be subject to review and approval by the Planning Board/Zoning pursuant to site plan review.

§ 280-73.7. Site plan review.

All of the foregoing shall be subject to site plan review.

ZONING
280 Attachment 7
Township of Little Falls
Schedule of Use, Area & Bulk Regulations
MDR-Medium Density Residential Zone
[Amended 6-8-2009 by Ord. No. 1064; 6-9-2014 by Ord. No. 1194]

Principal Permitted Use	Accessory Uses	Max. Density (u/ac)	Min. Lot			Min. Required Yards					Max. Cvg.	Min. Dwelling Sizes (sq.ft.)	
			Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)	Corner (ft.)	Max Bldg. Height (stories s/ft.)		Type. Apt.	Usable Floor Area
Midrise apartments with self-contained parking on ground floor	Surface parking; signs to identify midrise apartment development located at entrance or entrances to development	18	34,000	185	185	25	25	10	10	3/38	60% (35% building)	1 bedrm 2 bedrm	880 1,200

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1283 – It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and at the meeting of March 27, 2017 set as the date for the public hearing of the following:

ORDINANCE NO. 1283
Affordable Multi-Family Overlay Zone (AMF)
Township of Little Falls, Passaic County
AN ORDINANCE PROPOSED OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE TO ADDRESS THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

Purpose.

The purpose of the AMF Overlay Zone is to create an opportunity for the construction of low- and moderate-income housing in the Township of Little Falls and thereby address the unmet-need portion of the fair share housing obligation of the Township of Little Falls under the New Jersey Fair Housing Act. This overlay zone shall be additionally regulated by the Little Falls' Affordable Housing Ordinance.

Geographic scope.

The AMF Overlay Zone is identified by the following properties: Block 251, Lots 1-8, the unimproved portions of Lot 10-11, all of Lot 14 and the unimproved portions of Lot 16, as they appear on the Township's official Tax Map.

Permitted uses and structures.

In the Affordable Multi-Family Overlay Zone (AMF),^[1] no lot, plot, parcel or tract of land shall be built on altered or have a structure erected and used for any purpose other than that of:

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- A. Multiple-family residential units [1]: *Editor's Note: See also the Schedule of Use, Area and Bulk Regulations included as an attachment to this chapter.*

Permitted Accessory Uses.

- A. Accessory uses for low- and moderate-income housing and multi-family dwellings shall permit and may include the following:
- (1) Public utilities and essential services.
 - (2) Fences subject to the provisions of § 280-163 through § 280-167.
 - (3) Accessory surface and/or garage parking.
 - (4) A sign identifying the multiple-family residential development and located at the entrance or entrances to such developments. The size, design, location, landscaping and maintenance of such sign or signs shall be in accordance with the requirements of Article XX, Signs, of this chapter and the specifications and conditions of the Planning Board.
 - (5) Retention and detention drainage facilities.

Low- and moderate-income housing requirements.

- A. The residentially zoned properties shall be permitted to be developed at a maximum gross density of thirty-five units per acre. Said development shall consist of multi-family residential.
- B. Twenty percent (20%) of the total number of units constructed within the AMF Overlay Zone shall be family rental units affordable to low- and moderate-income households. When calculating the required number of affordable units, any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of 0.5 or greater shall be rounded up; provided, however, that a minimum of one affordable unit shall be required as part of any project constructed within the AMF Overlay Zone.
- C. The housing units set aside for low- and moderate-income households shall be constructed, marketed, and rented or sold in accordance with applicable COAH regulations (or any other applicable state regulations adopted to implement the requirements of the New Jersey Fair Housing Act), including:
- (1) Affordability;
 - (2) Occupant eligibility;
 - (3) Proportion of low-income units and moderate-income units;
 - (4) Resale price controls;
 - (5) Handicapped adaptability and accessibility;
 - (6) Bedroom mix; and
 - (7) Affirmative marketing.

Bulk standards.

The applicable bulk standards are as follows and also appear on the Township of Little Falls Bulk Schedule Table: ^[1]

- A. Min Lot area: 280,000 square feet.
- B. Min Lot width: 110 feet.
 - a. Where frontage is along Oak Hill Road, located in the City of Clifton.
- C. Min Lot depth: 110 feet.
- D. Min Front yard: 15 feet.
- E. Min Side yard: 15 feet.
 - a. Where the side yard setback shall be determined by using the existing private right-of-way as a pseudo lot-line.
- F. Min Rear yard: 10 feet.
 - a. Where the rear yard setback shall be determined by using the start of the existing improved area as a pseudo lot-line.
- G. Maximum lot coverage: 70%
- H. Maximum height. 4 stories/50 feet.
- I. Minimum dwelling size: one-bedroom, 880 square feet; two-bedroom, 1,100 square feet.

[1]: *Editor's Note: The Schedule of Use, Area and Bulk Regulations is included as an attachment to this chapter.*

Buffer required.

A landscaped buffer with a minimum of 15 feet in width and eight feet in height at planting shall be provided for any development permitted in this Affordable Multi-Family Overlay District which is adjacent to a residential use. Said buffer shall be subject to review and approval by the Planning Board/Zoning Board pursuant to site plan review.

- (1) No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons therefor, permit a portion of a buffer area to be used for utility easements or streets to ensure access to or from adjacent property, and the Board may also permit a portion of a buffer area to be used for detention or retention basin, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of a buffer area.

PARKING

1. Parking may be provided as both surface parking and garage spaces.
2. All required parking must be provided on site.
3. Parking is prohibited in any required front yard setback.
4. Parking shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way will be minimized. Parking is prohibited in any front yard.
5. The minimum setback from a building to a parking area or paved area shall be ten (10) feet.
6. Adequate fire and emergency access must be provided subject to the Little Falls Fire Dept.
7. Parking spaces are to be a minimum of nine feet by eighteen (9x18) feet.
8. One-car garage spaces shall be a minimum of ten (10) feet wide and a maximum width of twelve (12) feet.
9. On-site parking shall not be provided for any use or to any party other than a resident of the site, nor shall parking areas be used for any purpose other than parking.
10. Required parking.
 - a) Apartment uses: Shall adhere to the standards in the Residential Site Improvement Standards.
 - b) Signage shall be provided where parking spaces are to be reserved for residents and/or for areas used for visitor parking.

Site plan review.

All of the foregoing shall be subject to site plan review.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

PUBLIC COMMENT –GENERAL MATTERS

Council President SGOBBA requested Mrs. Kraus read the Statement of Public Notice.

No one having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Vancheri, that the meeting be and it was closed to the public.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Meeting of February 27, 2017

PAYMENT OF BILLS

It was moved by Councilmember Liess, seconded by Councilmember Vancheri, that the Council approve the following:

RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer's certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

Poll: Ayes: Cordonnier, Liess, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that the Council approve the following:

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and
WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted for the Public; and
WHEREAS, the regular meeting of this Governing Body with reconvene;
NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) – contract negotiation.

Poll: Ayes: Cordonnier, Liess, Vancheri and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 9:19 p.m.

At 9:38 p. m. the Council returned and it was moved by Councilmember Vancheri, seconded by Councilmember Liess, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Vancheri, seconded by Councilmember Cordonnier, that the meeting be and it was adjourned at 9:39 p.m.

Cynthia Kraus
Municipal Clerk