

**MAYOR & COUNCIL  
REGULAR MEETING  
JULY 9, 2020  
6:00 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:00 p.m.

Mayor Mulligan read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 6:00 p.m. on this date. Mayor Mulligan announced the location of the fire exits.

Councilmembers Present

Melissa Burnside  
Thomas Haynes  
James Hurley  
Patrick McDonald  
Robert Smith - Council President

Councilmembers Absent

Russell Greuter

Borough Attorney Joseph J. Bell, Jr., Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Hurley, seconded by Councilwoman Burnside, and carried unanimously upon voice vote, the minutes of the 5/28/2020 and 6/11/2020 Regular Meeting were accepted as submitted.

COUNCIL/COMMITTEE REPORTS

Councilman Hurley - Finance and License Committee

*Payment of Bills* - Upon motion by Councilman Hurley, seconded by Haynes, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Councilman Hurley provided an update on the many projects currently underway in the Borough, including road resurfacing and sanitary sewer projects.

Councilman McDonald - Personnel Committee

*Recreation* – Councilman McDonald reported that all playgrounds, basketball courts, and hockey rings have been reopened.

*Personnel* – Councilman McDonald shared that applications for a part-time Receptionist at the Municipal Building will be accepted until July 31, 2020.

Council President Smith - Ordinance Committee

Council President Smith reported a new personnel ordinance is being worked on regarding reimbursement of training.

Councilman Greuter - Public Safety Committee

*Council President Smith spoke on behalf of Councilman Greuter.*

Council President Smith reported that the Police Department has to 521 calls for service since June 25<sup>th</sup>.  
Councilwoman Burnside - Fire Committee

*Library* – Councilwoman Burnside reported that a thoughtful plan on how to safely reopen to the public is being put together; curbside pick-up is currently being offered.

*Board of Health* – Councilwoman Burnside reported that Covid-19 numbers have remained flat.

Councilman Haynes - Public Utility and Works Committee

Councilman Haynes reported that outdoor water restrictions have begun, all walking paths have been cleared, playgrounds and basketball courts have been reopened.

#### ATTORNEY'S REPORT

The Attorney reported that he reviewed and approved the application for the Fox Lake Dam subdivision.

#### MAYOR'S REPORT

Mayor Mulligan announced that a resolution has an agreement has been finalized with Teamsters Union #469 and thanked everyone for their efforts during negotiations.

#### CLERK'S REPORT

The Acting Borough Clerk reported that the Freeholder's would not be attending the first August meeting as planned, but plan on rescheduling.

#### RESOLUTIONS (CONSENT AGENDA ITEMS)

Upon motion by Councilman Hurley, seconded by Councilman Haynes, and carried unanimously upon call of the roll, the following resolutions were adopted:

##### **RESOLUTION 105-20: RESOLUTION APPOINTING ALICE CASSARA AS CLERK/TYPIST**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Alice Cassara is hereby appointed to the position of Clerk/Typist and is hereby employed by the Borough of Rockaway at salary within the salary ordinance, effective Monday, July 6, 2020.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

##### **RESOLUTION 106-20: RATIFY AGREEMENT BETWEEN BOROUGH OF ROCKAWAY AND TEAMSTERS LOCAL 469 OF NJ, IBT**

**WHEREAS**, the Borough of Rockaway (“Borough”) and the Teamsters Local 469 (“Teamsters”) have conducted negotiations for a Collective Bargaining Agreement; and

**WHEREAS**, the terms and conditions negotiated and agreed to by the parties have been incorporated into an Agreement between the Borough and the Teamsters; and

**WHEREAS**, the Borough desires to ratify the Agreement for the period of January 1, 2019 through December 31, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council ratifies and authorizes the Mayor to sign the Agreement between the Borough of Rockaway and Teamsters Local 469 of NJ, IBT for the period of January 1, 2019 through December 31, 2023.

**BE IT FURTHER RESOLVED** that the Borough Clerk is directed to send the executed Memorandum of Agreement to the Teamsters Local 469 of NJ, IBT.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 107-20: AWARD CONTRACT (EMERGENCY SERVICES FOR PUBLIC WORKS)**

**WHEREAS**, the Department of Public Works has identified a need for backup services in the event assistance is required for emergency roadwork or water main breaks; and

**WHEREAS**, a diligent attempt to obtain quotations for such services was made by the Superintendent, Department Public Works, with the only responsive quotation being received from Carner Bros., P.O. Box 116, 10 Steel Court, Roseland, NJ 07068 (973-226-1840); and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

**WHEREAS**, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that a contract to supply manpower and equipment for backup emergency services (i.e., roadwork or water main breaks) is hereby awarded to Carner Bros., P.O. Box 116, 10 Steel Court, Roseland, NJ 07068 (973-226-1840) as specified by quote dated June 26, 2020, with the following prices valid July 1, 2020 through July 1, 2023.

Per Crew (3 men, truck, and machine):

Regular working hours Monday-Friday, 7 a.m. - 3:30 p.m.	\$4,500.00 per working 8-hour day
Nights and weekends	Time and a half, 8-hour minimum
Holidays	Double time, 8-hour minimum

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 108-20: APPROPRIATE ENGINEERING COSTS (LAKESIDE DRIVE ROAD IMPROVEMENT PROJECT)**

**WHEREAS**, the Superintendent, Department of Public Works, and the Borough Engineer have determined that certain repairs, including minor driveway apron reconstruction, curb repair, drainage structure reconstruction and inlet upgrades roadway base repair, milling, resurfacing and restriping of Lakeside Drive, are necessary; and

**WHEREAS**, the Borough received NJDOT Local Aid funding in the amount of \$325,000.00 for the project; and

**WHEREAS**, the Borough Engineer submitted a proposal dated January 14, 2020 identifying the engineering and services that are anticipated for the Lakeside Drive Road Improvement Project, including topographic survey and basemap preparation, conceptual layout of realigned intersection, new right-of-way and temporary grading easements, basic design services, bidding and award services, contract management and coordination services, construction stakeout, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project; and

**WHEREAS**, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the amount appropriated for engineering costs for the Lakeside Drive Road Improvement Project, including basemap preparation, basic design services, bidding and award services, contract management and coordination services, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project shall not exceed \$78,000.00.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 109-20: APPROPRIATE ENGINEERING COSTS (UNION STREET CANAL PHASE II)**

**WHEREAS**, there exists a need for the removal of silt and debris buildup along a section of the old canal located east of Union Street within Borough owned property (Block 14, Lot 24) and the reconstruction of the existing drainage pipe headwall; and

**WHEREAS**, the Borough Engineer has submitted a proposal dated January 31, 2019 and revised December 20, 2019 for the engineering services associated with the NJDEP Permitting Pre-Application Meeting, NJDEP Permitting Application, Construction Ready Documents, Bidding and Award, and Contract Management and Construction Inspection; and

**WHEREAS**, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the amount appropriated for engineering costs to Paul W. Ferriero, Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, NJ 07930 for the removal of silt and debris buildup along a section of the old canal located east of Union Street within Borough owned property (Block 14, Lot 24) and the reconstruction of the existing drainage pipe headwall, including: NJDEP Permitting Pre-Application Meeting, NJDEP Permitting Application, Construction Ready Documents, Bidding and Award, and Contract Management and Construction Inspection, is not to exceed \$45,000.00.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 110-20: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87 (DDEF)**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$83.35, which is now available from Drunk Driving Enforcement Fund in the amount of \$83.35.

**BE IT FURTHER RESOLVED**, that the like sum of \$83.35 is hereby appropriated under the caption Drunk Driving Enforcement Fund; and

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 111-20: A JOINT RESOLUTION DESIGNATING AUGUST 31 OF EACH YEAR AS "OVERDOSE AWARENESS DAY" IN NEW JERSEY**

**WHEREAS**, drug addiction is a chronic disease, characterized by compulsive or difficult to control drug use despite harmful consequences; and

**WHEREAS**, drug addiction is seen by both the Centers for Disease Control and the World Health Organization as a fast-growing epidemic that can all too easily lead to overdose and death; and

**WHEREAS**, in 2018, 67,367 individuals died from drug overdoses in the United States; and

**WHEREAS**, in New Jersey alone, 2,900 people died from drug overdoses in 2018; and

**WHEREAS**, furthermore, for every drug overdose that results in death, there are many more nonfatal overdoses, each taking an emotional and economic toll on the individual, their family, and the community at large; and

**WHEREAS**, drug addiction can fuel feelings of shame, guilt, embarrassment, depression, and hopelessness, causing individuals to resist seeking treatment and support; and

**WHEREAS**, Overdose Awareness Day is a global event held on August 31 of each year that aims to raise awareness of drug overdoses, reduce the stigma of a drug-related death, and to acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury as a result of a drug overdose; and

**WHEREAS**, to further the goals of Overdose Awareness Day, all flags throughout the State should be flown at half-staff for the day's duration; and

**WHEREAS**, recognizing Overdose Awareness Day in New Jersey sends a strong message to former or current substance users, namely, that they are valued, and that overdose death is preventable.

**NOW, THEREFORE, BE IT RESOLVED** by the Senate and General Assembly of the State of New Jersey:

1. August 31 of each year shall be designated as "Overdose Awareness Day" in New Jersey to raise awareness of overdose and reduce the stigma of a drug-related death.
2. The Governor is respectfully requested to order flags be flown at half-staff and to issue a proclamation calling upon public officials and the citizens of this State to observe "Overdose Awareness Day" with appropriate activities and programs each year.
3. This joint resolution shall take effect immediately.

#### STATEMENT

This resolution designates August 31 of each year as "Overdose Awareness Day" in New Jersey;

Drug addiction is a chronic disease, characterized by compulsive or difficult to control drug use despite harmful consequences, and is seen by both the Centers for Disease Control and the World Health Organization as a fast-growing epidemic that can all too easily lead to overdose and death. In 2018, 67,367 individuals died from drug overdoses in the United States, while in New Jersey alone that year, 2,900 people died from drug overdoses. Furthermore, for every drug overdose that results in death, there are many more nonfatal overdoses, each taking an emotional and economic toll on the individual, their family, and the community at large.

Drug addiction can fuel feelings of shame, guilt, embarrassment, depression, and hopelessness, which can cause individuals to resist seeking treatment and support. Overdose Awareness Day is an international event held on August 31 of each year that aims to raise awareness of drug overdoses, reduce the stigma of a drug-related death, and to acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury as a result of a drug overdose. To further the goals of Overdose Awareness Day, all flags throughout the State should be flown at half-staff for the day's duration. Recognizing Overdose Awareness Day in New Jersey sends a strong message to former or current substance users, namely, that they are valued, and that overdose death is preventable.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

#### **RESOLUTION 112-20: RELEASE MAINTENANCE BOND (BLOCK 1, LOTS 57 AND 58)**

**WHEREAS**, R.P.C., Inc., Petroleum Markers, 6 Emery Avenue, Suite 1, Randolph, NJ 07869 deposited \$6,000.00 to cover the maintenance bond required by the Borough Engineer for improvements related to an Application for Tree Removal at 33-35 Hibernia Avenue (known as Block 1, Lots 57 and 58); and

**WHEREAS**, the maintenance bond was to be held for two years from the date of the substantial completion of the improvements, or June 14, 2017; and

WHEREAS, the Borough Engineer has inspected the improvements and recommended the release of the maintenance bond posted by Rockaway Three Investors, Inc.; and

WHEREAS, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that the Treasurer is hereby authorized to refund the maintenance bond in the amount of \$6,000.00 to R.P.C., Inc., Petroleum Markers, 6 Emery Avenue, Suite 1, Randolph, NJ 07869 related to an Application for Tree Removal.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 113-20: APPROVE 2020-2021 ALCOHOL BEVERAGE CONTROL LICENSES**

WHEREAS, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2020 to June 30, 2021:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-33-004-004	Skat Inc. t/a Shenanigans	75 Maple Avenue Rockaway, NJ 07866

and;

WHEREAS, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses.

NOW, THEREFORE, BE IT RESOLVED that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

ORDINANCE NO. 10-20, Public Hearing & Adoption

On motion by Councilman Hurley and seconded by Councilman Haynes, to offer the following ordinance as read by title on second reading:

**ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL  
AMENDING CHAPTER 169 (LAND USE ADMINISTRATION AND PROCEDURES), CHAPTER  
171 (LAND SUBDIVISION AND SITE PLAN REVIEW), AND CHAPTER 172 (ZONING) OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKAWAY, AND ESTABLISHING  
STANDARDS FOR "SENIOR HOUSING (AHO-S)" DISTRICT IN THE BOROUGH**

WHEREAS, the Borough Council of the Borough of Rockaway desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain land within the Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone with an affordable housing (AHO-6) overlay commonly referred to as Block 73, Lot 65 (hereinafter "the Property") are suited for the development of a senior housing apartment for affordable housing; and

WHEREAS, senior housing apartment are not permitted within the Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone or the Affordable Housing-6 (AHO-6) overlay and therefore the Zoning Ordinance must be amended in order to implement and comply with the pending settlement agreement to which the Borough will be a party;

WHEREAS, pursuant to N.J.S.A. 40:55D-62(a), reasonable consideration must be given to the character of each district and its suitability to particular uses, and appropriate uses must be encouraged; and

WHEREAS, introduction of a senior housing apartment within the existing Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone with an AHO-6 overlay would only be appropriate under certain circumstances, this sort of development would most appropriately be incorporated a separate affordable housing overlay within the Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Rockaway in the County of Morris and the State of New Jersey that under Chapter 172, Zoning, of the General Code the Zoning Map be changed for Block 73, Lot 65, as depicted on the attached Exhibit A, from Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone with the Affordable Housing-6 (AHO-6) overlay to Office Business (O-B) Zone, Single-Family Residential (R-1) Zone and General Business (G-B) Zone with the Affordable Housing-Senior (AHO-S) overlay; and that the following be added or amended:

Section One: Article I, Subsection 169-4 (Definitions) of the Revised General Ordinances is amended and supplemented by adding the following new definition:

***“Senior Housing, Apartment. A multi-family apartment exclusively for age-restricted units (see Age-Restricted Unit in Chapter 88-2, Affordable Housing) 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% 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.***

Section Two: Article III, Subsection 171-17.A.1 (Off-street parking, traffic aisles and driveways) of the Revised General Ordinances is amended and supplemented by adding the following:

<i>Housing Unit Type and Size</i>	<i>Required Off-Street Parking Spaces per Unit</i>
<b><i>Senior Housing, Apartment</i></b>	<b><i>1.0 per unit, plus 1.0 per maximum number of employees per shift, 1.0 for every 5 units for visitor parking, plus one oversized parking space (8' x 40') for bus, shuttles, deliveries, etc.</i></b>

Section Three: Article I, Subsection 172-3 (Zone Districts) of the Revised General Ordinances is amended and supplemented by revising and adding the following:

*For the purpose of this chapter, the Borough of Rockaway is hereby divided into 12 standard zone districts and ~~one~~ three overlay zone districts known as:*

<b><i>AHO-6</i></b>	<b><i>Affordable Housing Overlay - 6</i></b>
<b><i>AHO-15</i></b>	<b><i>Affordable Housing Overlay - 15</i></b>
<b><i>AHO-S</i></b>	<b><i>Affordable Housing Overlay – Senior</i></b>

Section Four: Article XIV, Subsection 172-97.A (Designation of Affordable Housing Zones) of the Revised General Ordinances is amended and supplemented by revising and adding the following:

<b><i>AHO-6</i></b>	<b><i>Affordable Housing Overlay District</i></b>	<b><i>Block 27.02, Lot 7; Block 73, Lots 59.01 <del>and</del> 65</i></b>
<b><i>AHO-S</i></b>	<b><i>Affordable Housing Overlay District</i></b>	<b><i>Block 73, Lot 65</i></b>

Section Five: Article XIV, Subsection 172-97.B (Designation of Affordable Housing Zones) of the Revised General Ordinances is amended and supplemented by revising and adding the following:

*All developments in the AHO-6, ~~and~~ AHO-15 and AHO-S overlay zones shall comply with Site design and performance standards, § 172-56 of the Borough Code unless otherwise discussed herein.*

Section Six: the following section shall be created to incorporate the new “Permitted principal uses for AHO-S” under Article XIV, of Chapter 172-98.1 of the Revised General Ordinances, which shall contain the following subsections:

*The following shall be permitted principal uses in the AHO-S District:*

**A. Senior Housing, Apartment.**

*The following shall be permitted accessory uses in the AHO-S District:*

**A. Accessory uses permitted in Subsection 172-100, with the exception of 172-100.A, whereas signage shall conform to 172.105.T**

**B. Indoor and outdoor amenity/recreation facilities**

**C. Management and/or leasing offices**

**D. On-site caretaker unit (one)**

**E. Typical maintenance and utility uses**

Section Seven: Article XIV, Subsection 172-101 (Low- and moderate-income housing requirements) of the Revised General Ordinances is amended and supplemented by revising and adding the following:

*A minimum of 20% of the total number of units constructed within the AHO-6, ~~and~~ AHO-15 and AHO-S Districts shall be affordable low- to moderate-income households per N.J.A.C. 52:27D-329.9. When calculating the required number of affordable units, any computation resulting in a fraction 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 AHO Districts having at least five residential dwelling units. Low- and moderate-income housing shall be constructed in accordance with Chapter 88, Affordable Housing.*

***Dwellings constructed for low- and moderate-income households shall be governed by thirty-year (30) deed restrictions (see N.J.A.C 5:93-5.16) ensuring long-term affordability controls.***

Section Eight: the following section shall be created to incorporate the new “Requirements for Senior Housing Apartment in AHO District” under Article XIV, of Chapter 172-105 of the Revised General Ordinances, which shall contain the following subsections:

***The following requirements shall apply to all senior housing apartment developments within the AHO Districts:***

**A. Height. No building containing senior housing apartment units shall exceed three stories or 37 feet in height. Buildings containing senior housing apartment units shall have a gable or sloped roof, residential in character. Height shall be measured from the average elevation of the proposed finished grade at each corner of the building next to the foundation to the mean height of a gable roof. A minimum roof pitch of 5:12 shall be provided.**

**B. Height of Rooftop Equipment: Maximum building height shall not include roof-mounted appurtenant structures, fixtures and equipment, including but not limited to chimneys, antennas, HVAC equipment, tanks, cupolas, and similar projections if such structures comply with the following:**

***(1) Rooftop mechanical equipment not to exceed 15% of roof area.***

***(2) Shall be setback minimum 20’ from front and side building perimeter, and 10’ from any rear building perimeter.***

***(3) Any rooftop equipment shall not exceed 10’ height and must be screened/treated architecturally in materials/colors that complement building facade to reduce visual impact.***

***(4) Any equipment that does not comply with above must be included in overall building height.***

- C. Story Height. Minimum story height shall be 9'.*
- D. Lot Area. Each development shall have a minimum lot area of 7 acres.*
- E. Lot Width. Minimum lot width of 300'.*
- F. Lot Depth. Minimum lot depth of 100'.*
- G. Side Yard - Principal. 50 FT*
- H. Front Yard - Principal. 50 FT*
- I. Rear Yard - Principal. 50 FT*
- J. Building Coverage. 10%*
- K. Lot Coverage 30%*
- L. Accessory Structure and Parking Setback. 10' from all property lines.*
- M. Maximum Density. 9.5un/ac on a 7-acre lot or 8.2un/ac on a 7.805 acre lot, including one accessory on-site caretaker unit if approved by the Board.*
- N. Parking. Each development shall meet the off-street parking provisions of Chapter [171](#), Land Subdivision and Site Plan Review. Parking in the 50' front yard setback shall not exceed 30% of the required parking spaces.*
- O. Unit Sizes. All dwelling units shall conform to the following minimum floor area requirements:*
  - (1) 1-Bedroom Units: 700 square feet.*
  - (2) 1-Bedroom Units with den: 775 square feet.*
  - (3) At least 20% of the total number of units shall include 1-Bedroom with den.*
- P. Architecture. The architecture employed shall be aesthetically congruous with the surrounding area, as approved by the Land Use Board.*
  - (1) The exterior of building wall shall be of high-quality and durable building materials as permitted by the Uniform Construction Code and as approved by the Land Use Board. Exposed cinder block shall not be used for the exterior facing of any structure.*
  - (2) The exterior of all accessory structures shall harmonize architecturally with and be constructed of materials of a like character to those used in principal structures.*
  - (3) All stairways shall be constructed and contained within the apartment buildings.*
  - (4) Walls separating dwelling units shall be constructed as 1HR rated fire partitions with sound attenuation, as required by the 2018 International Building Code: NJ Edition.*
  - (5) To ensure an articulated façade, one of following architectural elements must be provided: 1) At least every 35' the building will step forward or backward at least 5' OR 2) At least every 50' the building façade will step back or forward at least 2', with an average change of 4', plus a step forward of at 10' least for the 20-30' width around and at the building entrance.*
  - (6) All building facades shall have a minimum transparency requirement of 30%.*
  - (7) The main building entrance shall be prominently designed, with roof cover.*
- Q. Utilities. Each development shall be connected to the public sanitary sewer and water systems, as approved by the Borough Engineer. Fire hydrants shall be installed by the developer in adequate numbers and at locations recommended by the Borough Engineer. All utilities (including transformers, HVAC, generators, telecommunication equipment)*

*shall be located in a way that is visually unobtrusive. Utilities shall be placed within the interior of the principal structure if feasible. Otherwise, utilities shall be located to the rear or side of the principal structure where such locations are infeasible inside. All utilities shall be screened so as to not be visible from the public right of way. All new electric and telecommunications connections shall be installed underground.*

**R. Facilities.**

- (1) Minimum of two bathroom facilities for common use shall be provided on first floor.*
- (2) Total amenity areas shall be a minimum of 150 SF per bedroom and must include at least 30% of amenity space indoors and 30% of amenity space outdoors. Outdoor space may include accessible lawn area, decks, patios, terraces, or similar amenity space and shall be available to and accessible to each unit.
  - a. Indoor amenity areas must consist of at least one "Flex community room" with communal kitchen appliances and seating that can be used for gatherings, events, or activities.**
- (3) Indoor amenity areas must also contain at least one of the following:
  - a. Fitness center/gym.*
  - b. Business center (computers, printers, conference rooms, etc.).*
  - c. Dedicated "health rooms" for on-site health care visits.**
- (4) Outdoor amenity areas must consist of at least:
  - a. Seating accommodation for at least 0.25 seats per bedroom or 0.50 linear feet of bench per bedroom. At least fifty percent shall be in shade.*
  - b. One active recreation area, which may include outdoor exercise equipment, swimming pool, and/or bocce court.*
  - c. One passive recreation area, which may include walking path, gardening areas, chess/checker tables, gazebos, library, butterfly garden, and/or outdoor living rooms/firepits.*
  - d. In addition, outdoor amenity areas may also consist of personal patios, personal decks, personal balconies, and additional active/passive recreation areas.*
  - e. Outdoor amenity areas must be setback a minimum of 30' from all property lines, will be enclosed and screened by fencing or landscaping as approved by the Board. Walking paths are exempt from setback and screening requirements.**
- (5) Bicycle parking required per Ordinance may be included in the total amenity space, either located indoors or outdoors.*
- (6) The facility may have at least one on-site maintenance/caretaker unit.*

**S. Landscaping.**

- (1) A landscape yard buffer shall be a minimum of 5 feet along the length of the property with building or parking improvement area. No structure, storage of materials or parking of vehicles shall be permitted within a buffer, with the exception of a permitted ground sign.*
- (2) All driveways and paths shall be buffered on both sides by 3' wide landscaping, not including parking spaces abutting sidewalks/walkways.*
- (3) All outdoor areas shall be landscaped as required by the Land Use Board at site plan approval. All parking, service and storage areas for trash and recyclables shall be adequately screened and shielded from public right-of-way and located on the site as approved by the Land Use Board.*
- (4) Interior development roadway and pedestrian walks shall be provided with shade trees. Areas along the side of pedestrian walks shall be graded and seeded to*

*provide a thick stand of grass or other plant material ground cover. Entrances and approaches to building structures and entrance areas shall be attractively shrubbed.*

(5) *Landscape buffering of at least 4 feet or solid fencing or wall shall be provided around parking areas visible to public right-of-way at no less than 50% opacity to a height of four feet after five years of growth. This shall exclude sight lines.*

(6) *Invasive species shall not be permitted.*

**T. Refuse.** *Refuse shall not be located in any required front yard or buffer. All outdoor refuse shall be visually screened within a durable, non-combustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or streets. Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to screen these structures.*

**U. Signage.**

(1) *Maximum of one façade sign with residential building name, with a maximum 20 SF in area. Externally illuminated or backlit channel letters only.*

(2) *Maximum of two ground signs, either 2-post-wood-freestanding, monument style, or post and arm, or approved equal. Externally illuminated or backlit channel letters only. Maximum sign area of 20 SF per sign, total sign height up to 6' including monument base. No electronic/neon/flashing messaging. Minimum setback of 1' from front property line (10' from curb line), and minimum setback of 10' from side/rear property lines.*

**V. Lighting.**

(1) *Site lighting shall be provided and all wiring shall be laid underground.*

(2) *All lighting fixtures shall be downward facing and full cut-off, and all non-essential lights shall be turned off overnight.*

(3) *Maximum mounting height of all lighting fixtures shall be no more than 12' in front yard, and 15' in side and rear yard. No 15' lights can be within 30'.*

(4) *No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.*

(5) *Maximum color temperature should be 3,500°K.*

(6) *Outdoor lighting levels and illumination shall meet the following average maintained horizontal footcandles measured at average point of illumination between 4 and 5 feet above grade:*

*a. Property Line (Maximum): 0.5 footcandles at side/rear property line and 3.0 footcandles at sidewalk frontage.*

*b. Property Line (Maximum): 1 footcandles at front property line and 3.0 footcandles at sidewalk frontage.*

*c. Parking and Driveway Area: 1 - 3 Footcandles.*

*d. Residential Entrance (Fully Shielded Luminaire): 3-5 footcandles.*

*e. Building Façade (Maximum): 3 footcandles.*

**W. Sustainable Design.** *Applicant should employ at least one sustainable design feature:*

(4) *Electric vehicle charging stations or electric conduits to facilitate future electric vehicle charging stations.*

(5) *Energy efficient windows and appliances.*

(6) *Rainwater harvesting such as rain gardens and bioswales.*

(7) *Green walls or green roofs.*

(8) *Solar panels on building roof.*

(9) *Efficient LED lighting.*

**X. *Site plan approval. Prior to the issuance of any building permit, pursuant to this chapter, a site plan of the entire project as required in Chapter 171 shall be approved by the Land Use Board.***

Section Nine: This ordinance shall take effect upon publication and filing with the Morris County Planning Board after final adoption, as provided by law.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

The Borough Planner, Golda Speyer of Topology, made a presentation reviewing the details of the Ordinance.

Mayor Mulligan opened the meeting to the public.

*Barbara Koch, 47 Woodside Avenue* – expressed her appreciation to the Mayor and Council, as well as the Borough Planner, for their efforts in putting together a well thought out and considerate plan.

*Kathy Haake, 74 Rockaway Avenue* – expressed her concerns with the Ordinance, including the impervious coverage and sustainable design.

There being no further comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Councilwoman Burnside, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith  
Nays:  
Abstain:

ORDINANCE NO. 11-20, Introduction & First Reading

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$630,000 FOR FOX LAKE DAM REPAIRS AND IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$598,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Councilman Hurley moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on August 13, 2020.

Said motion was seconded by Councilwoman Burnside and passed as follows upon call of the roll:

Roll Call: Ayes: Councilwoman Burnside, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith  
Nays: None  
Abstain: None

ORDINANCE NO. 12-20, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL AUTHORIZING LONG TERM TAX EXEMPTION  
AGREEMENT BETWEEN BOROUGH OF ROCKAWAY AND  
74 WEST MAIN STREET URBAN RENEWAL ASSOCIATES, LP**

Councilman Hurley moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on August 13, 2020.

Said motion was seconded by Councilwoman Burnside and passed as follows upon call of the roll:

Roll Call: Ayes: Councilwoman Burnside, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith  
Nays: None  
Abstain: None

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the meeting to the public.

CLOSED SESSION

Upon motion by Council President Smith, seconded by Councilwoman Burnside, and adopted unanimously upon call of the roll, the following resolution was adopted:

**RESOLUTION 114-19: CLOSE MEETING TO THE PUBLIC**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances do exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - Pending or Anticipated Litigation, Contract Negotiation, or Matters Falling Within Attorney-Client Privilege
  - Personnel (matter involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting)
  - Confidential Per Express Provision of Federal Law or State Statute
  - Release of Information Would Impair Right to Receive Federal Funds
  - Disclosure of Information Would Constitute Unwarranted Invasion of Individual Privacy
  - PBA Collective Bargaining Agreement Negotiations
  - Teamsters Collective Bargaining Agreement Negotiations
  - Purchase, Lease, or Acquisition of Real Property with Public Funds, or Investment of Public Funds
  - Tactics or Techniques to Protect Safety and Property of Public
  - Deliberations May Result in Imposition of Specific Civil Penalty
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: July 9, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 8:34p.m. and resumed the public meeting at 9:59 p.m.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Approved: As Submitted

Kimberly Cuspilich, Acting Borough Clerk

Date: August 13, 2020