

RECOMMENDATION ON THE VARIANCE APPLICATION OF
Union Meadows/ENER-G Rudox - Renovation & Addition
FILE # 14-641

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Michael J. Gross, Esq., of the firm Giordano, Halleran & Ciesla, on behalf of ENER-G Rudox, Inc., for the premises located at 180 East Union Avenue and identified as Block 106.02, Lot 3, in the Borough of East Rutherford, New Jersey. The subject premises is located within the District's Light Industrial A zone. The bulk variance is sought in connection with the applicant's proposal to construct a 4,500-square-foot light industrial building addition on the subject premises.

Specifically, the applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-5.2(a)3, which requires that the minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one-foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, or at an elevation of 9 feet in the North American Vertical Datum of 1988 (NAVD 88) in this instance; whereas a 4,500-square-foot light industrial building addition has been constructed with a minimum lowest floor elevation of 7.74 feet NAVD 88.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the Office of the Commission on Tuesday, April 30, 2019. All information submitted to the

Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question consists of approximately 3.11 acres. It contains frontage on East Union Avenue to the north and is bordered by Berry's Creek to the east. The site is encumbered by a four-foot-wide drainage easement along the southerly lot line. The eastern side of the subject property contains wetlands and a portion of Berry's Creek. Wetlands also extend along the southerly property line. An office building is located on adjacent property to the west of the site.

The site is currently improved with a one-story light industrial building, which is utilized for the manufacture and service of generators, along with associated parking and loading areas. The existing building has a pre-existing nonconforming lowest first floor elevation of 7.8 NAVD 88. Direct access to the site is provided from East Union Avenue by one driveway located to the northeast of the existing building.

On November 14, 2014, ENER-G Rudox, Inc., owner of the subject premises, submitted a zoning certificate application for the construction of a 4,500-square-foot light industrial building addition with a proposed first floor elevation of 7.8 feet NAVD 88. In accordance with the NJSEA's District Flood Plain Management regulations at N.J.A.C. 19:4-9.20, projects proposing new construction and "substantial improvement" of any non-residential structure shall either have the lowest floor elevated a minimum of one-foot above the base flood elevation, or shall be floodproofed to an elevation equal to one-foot above the base flood elevation, which equates to 9.0 feet NAVD 88 in this instance. In order for this Office to evaluate the addition with a proposed first floor elevation of 7.8 feet NAVD 88, a determination was needed as to whether the proposed

project constituted a “substantial improvement.” Thus, in a letter dated December 23, 2014, this Office requested that ENER-G Rudox, Inc. provide an evaluation of the market value of the existing building versus the project costs in order to determine whether the improvement project and proposed renovations would be considered a “substantial improvement” in accordance with FEMA’s National Flood Insurance Program Regulations, specifically 44 CFR 59.

In accordance with 44 CFR 59.1, a “substantial improvement” is defined as any reconstruction, rehabilitation, addition, or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. All building improvement projects requiring a building permit must be considered when determining the value of a “substantial improvement.”

In response, ENER-G Rudox, Inc. provided a report entitled, “Appraisal Report,” prepared by ARD Appraisal Company on February 19, 2015. Based upon the information provided in this report, this Office determined that the project could be classified as a “non-substantial improvement,” as the estimated cost of the project (\$578,100) was calculated to be 34.83 percent of the market value of the existing building (\$1,660,000.00), which is under the 50 percent threshold. As a result, on April 15, 2015, the NJSEA approved Conditional Zoning Certificate, CZC-14-641, for the construction of the proposed addition with a finished floor elevation of 7.8 feet NAVD 88.

Upon completion of construction, the applicant was required to submit to the NJSEA a detailed report indicating the actual post-construction costs of the improvement project. Accordingly, a revised Appraisal Report prepared by ARD Appraisal Company on February 16, 2018, was submitted to the NJSEA indicating a total actual post-construction cost of \$775,740.00, which was calculated to be 46.73 percent of the market value of the existing building. Thereafter, this Office requested that copies of the actual invoices be provided in order to verify the total actual post-construction cost indicated.

The applicant provided actual invoices for the constructed work on February 27, 2018. The total cost of the completed work, as per the submitted invoices, was just over \$3.66 million. Therefore, based on our review of the submitted invoices, this Office determined that the renovations and building addition as constructed do not meet the criteria to be deemed a non-substantial improvement. As such, in accordance with FEMA's regulations at 44 CFR 59.1, the NJSEA considers the subject project to be a **substantial improvement**, necessitating the lowest floor of the addition to be elevated above elevation 9.0 NAVD 88. As a result, the applicant submitted a request for a variance to allow the proposed addition constructed with a finished floor elevation of 7.8 feet NAVD 88 to remain, while floodproofing the entire structure to the required elevation of 9.0 feet NAVD 88.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (April 30, 2019)

A public hearing was held on Tuesday, April 30, 2019. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, Principal Planner and Ronald Seelogy, P.E., P.P., Principal Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	"Floor Plan - Floodproofing," Drawing No. A101a, prepared by KSS Architects on October 25, 2018.

- A-2 "Grading and Utility Plan," Sheet 5 of 11, prepared by Partner Engineering and Science, Inc., on October 6, 2014, last revised on October 19, 2016.
- A-3 "Floodproofing Planks – Reference Product Installations, 180 East Union Avenue, East Rutherford NJ," prepared by KSS Architects, undated.
- A-4 "Elevations – Floodproofing," Drawing No. A301a, prepared by KSS Architects on October 25, 2018.

B. Testimony

Michael J. Gross, Esq., of the firm, Giordano, Halleran & Ciesla, represented the applicant at the hearing. The following witnesses testified in support of the application:

1. David Suarez, ENER-G Rudox, Inc.;
2. Daphne A. Galvin, P.E., Partner Engineering & Science, Inc.; and
3. David J. von Stappenbeck, AIA, NCARB, KSS Architects.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Shorthand Reporter.

C. Public Comment

No members of the public were present at the public hearing.

IV. RECOMMENDATION(S)

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.2(a)3, which requires that the minimum lowest floor elevations for structures within the designated 100-year flood zones**

shall be established one-foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, or at an elevation of 9 feet NAVD 88 in this instance; whereas a 4,500-square-foot light industrial building addition has been constructed with a minimum lowest floor elevation of 7.74 feet NAVD 88.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The property is unusual because, as an upland property situated along the bank of Berry's Creek, it contains a pre-existing industrial building with a nonconforming lowest first floor elevation of 7.8 NAVD 88, but lies within the 100-year floodplain where the required first-floor elevation is 9 feet NAVD 88. According to aerial photography records, the building was constructed sometime between 1958 and 1969. It is one of only four properties in the Light Industrial A zone within the Borough of East Rutherford that are located directly along Berry's Creek, whereas most properties along Berry's Creek are predominately wetlands and zoned Environmental Conservation. This combination of factors is not

ordinarily found in other areas of the Hackensack Meadowlands District.

- ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

Adjacent property owners will not be adversely impacted by the proposed variance request to permit a 4,500-square-foot light industrial building addition at elevation 7.74 feet NAVD 88, where the required minimum lowest floor elevation is 9 feet NAVD 88. The adjacent properties to the west and north are industrial in nature. The property to the south is an Environmental Conservation-zoned wetlands parcel owned by the State of New Jersey. Berry's Creek is located directly east of the site. No residences are located nearby. The new light industrial building addition will be compatible with neighboring land uses. Should any flooding of the site occur, the construction of the addition at a lower elevation than required will not cause storm and flood waters to be directed onto adjacent properties.

- iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the provision of these regulations requiring all new construction to maintain a minimum lowest floor elevation of 9 feet NAVD 88 will create an undue hardship on the applicant. Based on the applicant's assertion that it was a non-substantial improvement, the building addition was initially approved and

constructed with a minimum lowest floor elevation of 7.74 feet NAVD 88, which matches the finished floor elevation of the pre-existing nonconforming building.

The area of the new addition is intended to be utilized by Ener-G Rudox as a test area for its larger generator units, which are manufactured in a portion of the existing building that is adjacent to the addition. When fully assembled, each of the larger generator units measures approximately 10 to 12 feet in height and weighs roughly 25,000 to 30,000 pounds. A uniform finished floor elevation between the existing building and the addition will enable the massive 12 to 15 ton generator units to be moved on skates from the assembly to testing area. Raising the floor of the building addition by 1.26 feet (15.12 inches) to meet FEMA and NJSEA regulations would not be practical as ramps would be required. It would be very difficult to maneuver the assembled product, the largest of which is 15 tons, by ramp between the new addition and the existing building. Such ramping would also lead to a reduction in manufacturing and warehouse space. In addition, raising the finished floor elevation within the existing structure to elevation 9.0 NAVD 88 is also not practical since an increase in floor elevation would result in a loss of clear height in the assembly area and would also impede the use of an existing gantry system running along the underside of the roof structure, thus creating an undue hardship.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The granting of the variance to permit a 4,500-square-foot light industrial building addition at an elevation of 7.74 feet NAVD 88, whereas the required minimum lowest floor elevation is 9 feet NAVD 88, will not adversely affect the health, safety, morals, order, convenience, prosperity or general welfare. No health or safety issues shall result from an addition constructed at the lower floor elevation, as the applicant has testified that the entire building will be floodproofed to protect it from flooding. Specifically, in accordance with a proposed Flood Emergency Plan, which shall address operations, maintenance and inspection in accordance with NFIP requirements, ENER-G Rudox personnel will be assigned to monitor and be on call 24/7 to deploy flood protection measures in the event of a flood, including the installation of flood panels at all personnel and loading door openings. An epoxy coating will be applied to the base of the structure to prevent saturation by floodwaters, and existing masonry walls will be reinforced to withstand wind force in accordance with current code requirements. An emergency access door and steps will also be installed with a threshold at or above elevation 9 feet NAVD 88. To address existing utilities, the applicant's professional testified that a check valve will be installed within the existing sanitary sewer pit to prevent sanitary sewer effluent from surcharging into the building and that existing electrical utilities are located well above the design flood. The provision of these dry floodproofing

measures and an associated Flood Emergency Plan will be a condition of the granting of this variance.

ENER-G Rudox manufactures, services, and sells/rents generators to the public. The granting of the variance to permit an addition with a floor elevation below the minimum required elevation will ensure the continued operation of the ENER-G Rudox facility. As such, ENER-G Rudox will be able to manufacture its generators, which are utilized by the local business community to ensure business continuity in the event of a power outage. The provision of equipment for emergency power is a benefit to the public good, health, safety, order, convenience, and prosperity.

v. The variance will not have a substantial adverse environmental impact.

The granting of the variance to permit the construction of a 4,500 square-foot addition with a lowest floor elevation below the minimum required elevation of 9 feet NAVD 88 will not have an adverse environmental impact. The existing wetlands on site will not be negatively impacted by the elevation of the addition. The addition was constructed in an area of the site that had been previously paved. The applicant's professional also testified that the new building addition, which is constructed at elevation 7.74 feet NAVD 88, will not have an impact on glare, airborne emissions, vibrations or noise and will not require the use of hazardous materials.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The variance requested represents the minimum deviation from the regulations that will afford relief. The required minimum lowest floor elevation is 9 feet NAVD 88. The applicant is providing an addition with a minimum lowest floor elevation of 7.74 feet NAVD 88, which is three inches below the FEMA base flood elevation and 15 inches below the NJSEA's required minimum lowest floor elevation. The existing structure adjacent to the new addition has a lowest floor elevation of 7.74 feet NAVD 88. As such, the existing structure and the new addition will have the same floor elevation.

A uniform finished floor elevation between the existing building and the addition will enable the 12 to 15 ton generator units to be moved on skates from the assembly area in the existing building to the testing area in the addition. Raising the floor of the building addition by 1.26 feet (15.12 inches) to meet FEMA and NJSEA regulations would not be practical as ramps would be required and it would be very difficult to maneuver the massive assembled product, the largest of which is 15 tons, over ramp spanning the height differential between the new addition and the existing building.

The applicant has proposed extensive floodproofing measures that are intended to protect the existing building and proposed addition from the effects of flooding. With the floodproofing measures in place, the entire building should be sufficiently protected from flooding up to one foot above the base flood elevation. Proposing a small increase of the elevation of the addition, such as a three inch increase to meet the base flood elevation, would not provide any

more protection than the floodproofing measures, as long as the Flood Emergency Plan is followed and maintained.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The granting of the variance to permit a 4,500-square-foot light industrial building addition with a minimum lowest elevation of 7.74 feet NAVD 88, whereas the required minimum lowest floor elevation is 9 feet NAVD 88, will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good. The industrial building addition is permitted in the Light Industrial A zone, and, except for the minimum lowest floor elevation, all other zoning requirements are met.

The applicant has provided testimony stating that floodproofing measures will be implemented to ensure that there will be no detrimental impacts to the building or its contents. A Flood Emergency Plan will require ENER-G Rudox personnel to be assigned to monitor and be on call 24/7 to deploy flood protection measures in the event of a flood, including flood panels that will be installed at all personnel and loading door openings. The building will be floodproofed to elevation 9.0 NAVD 88, the NJSEA's required minimum lowest floor elevation.

The intent and purpose of the NJSEA's required minimum lowest floor elevation is to protect the public and provide for their safety and welfare in the event of a flooding event. The construction of

the new addition at the same elevation as the existing structure, which is 1.24 feet below the minimum lowest elevation, will not have an impact on public safety or welfare. Through proposed dry floodproofing along with a Flood Emergency Plan, the property owner will ensure that the building and its occupants will be protected in the event of a flood. In addition, the applicant testified that any subsequent lease agreement for space within the subject premises will require the lessee to be responsible for the installation and maintenance of the dry floodproofing measures. In addition, a deed restriction will be placed on the property to require future property owners to comply with the implementation, maintenance, and inspection of the dry floodproofing in accordance with the Flood Emergency Plan. The lease agreement provisions and the deed restriction will be conditions of the granting of this variance.

In addition, the Hackensack Meadowlands District's Floodplain Management Regulations at N.J.A.C. 19:4-9.14(a) state in part that, *in passing upon requests for variances, the NJSEA shall consider all technical evaluations; all relevant factors and standards specified in other sections of this chapter; and the following:*

1. *The danger that materials may be swept onto other lands, to the injury of others;*

High magnitude flooding along Berry's Creek in this area is generally due to a coincidence of high tides with heavy rains, resulting in more of a rising tide/pooling effect than a sweeping water effect. Thus, there is minimal potential for equipment or property being damaged by the velocity of rushing floodwaters on the site. As per CZC-14-641, exterior structures and tanks on site

will be elevated at or above the required minimum lowest elevation of 9 feet NAVD88.

2. *The danger to life and property due to flooding or erosion damage;*

There is no danger to life and property due to the flooding or erosion damage associated with the construction of the building addition with a minimum lowest floor elevation of 7.74 feet NAVD 88. The immense size of the floodplain area in which the building addition is located precludes the possibility of an increase in the intensity of flooding due to the 4,500 square-foot building addition. Erosion damage is unlikely due to the nature of the developed industrial area in which the subject property is located. Also, both the new addition and the existing building will be modified to include dry floodproofing measures to elevation 9.0 NAVD 88, which is the required minimum lowest elevation. In addition, there will be a Flood Emergency Plan in place to ensure the implementation of the floodproofing measures in the event of a storm.

3. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner;*

Through proposed dry floodproofing measures and a corresponding Flood Emergency Plan, the property owner will take special precautions to ensure that the building, including its occupants and equipment, will be protected in the event of a flood. Due to the nature of their business as a provider of generators during power outages, the applicant has staff on call 24/7 for

monitoring and receiving notifications of impending storm and flooding events from the National Oceanic and Atmospheric Administration (NOAA). As such, the property owner should be forewarned of impending weather conditions that may require the implementation of the requirements in the Flood Emergency Plan, which will safeguard the building contents from flood damage. The dry floodproofing measures will be implemented to elevation 9.0 NAVD 88, which is the NJSEA's required minimum lowest floor elevation. In addition, the property owner has indicated that special precautions will be taken to place vulnerable equipment above elevation 9.0 NAVD 88 within the building in the event that the dry floodproofing measures are breached.

4. The importance of services provided by the proposed facility to the community;

ENER-G Rudox manufactures, services, sells and rents generators to the public. The granting of the variance to permit an addition with a floor elevation below the minimum required elevation will ensure that ENER-G Rudox will continue to manufacture generators at this location, which are provided to the local business community during power outages. This service benefits and enhances the public good by ensuring business continuity through the supply of emergency power after single or wide-spread outages.

5. The necessity to the facility of a waterfront location, where applicable;

ENER G Rudox, Inc. manufactures, services, rents and sells generators to the business community. The need for the facility to be located near the waterfront is not applicable in this instance.

6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

There are no alternate locations for the placement of the building addition on the subject site that are outside of the 100-year flood zone. In moving from its prior outdated manufacturing facility in Carlstadt, the applicant conducted an exhaustive search of available buildings. They were seeking a new facility with proximity to its New York City clients and local highways. The company also wanted to remain in the general vicinity to retain their 30 existing employees. They looked at many building, however, the subject building met their required criteria.

7. The compatibility of the proposed use with existing and anticipated development;

The subject and surrounding properties are located within the Light Industrial A zone, where development is generally light industrial in nature. ENER-G Rudox's building addition is compatible with the existing land uses in the neighborhood and meets all bulk requirements of the District regulations, with the exception of the required minimum lowest floor elevation of the addition. Future development in the area will be required to comply with the Light Industrial A zone requirements.

8. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

ENER-G Rudox's generator manufacturing and service facility is a permitted use in the Light Industrial A zone. In accordance with N.J.A.C. 19:4-9.2, the purposes of floodplain management regulations include the following: to promote the public health, safety and welfare, and to minimize losses due to flood conditions in specific areas by provisions designed: to protect human life and health; to minimize the need for public rescue and relief efforts associated with flooding; to minimize prolonged business interruptions; to minimize damage to new and existing construction; and to ensure that those who own or occupy the areas of special flood hazard assume responsibility for their actions.

With the exception of the subject variance request for an addition with a floor elevation lower than the minimum required lowest floor elevation, the project will comply with the District Zoning Regulations, inclusive of the Floodplain Management Regulations. Constructing the building addition with a lowest elevation of 7.74 feet NAVD 88 will not have any effect on the level of flooding experienced in the area. In addition, the applicant testified that they will dry floodproof both the addition and existing building to elevation 9.0 NAVD 88, the NJSEA's minimum required lowest floor elevation, and will implement a Flood Emergency Plan. The dry floodproofing is intended to provide protections to the new addition and the existing building that will meet the purposes of the floodplain management regulations, including safeguarding human life and health, and minimizing losses due to flood

conditions, the need for public rescue and relief efforts associated with flooding, prolonged business interruptions, and damage to new and existing construction.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

The safety of access to the subject property during flooding conditions will not be jeopardized due to the new building addition. The existing driveway along East Union Avenue appears to provide adequate access for emergency vehicles to and from the site. Flooding in this area does not occur at a rapid rate, but is a result of a coincidence of high tides with heavy rains that tends to raise water levels gradually. The applicant has testified that the addition and existing building will be protected by dry floodproofed to elevation 9.0 NAVD 88, and a Flood Emergency Plan will be implemented to provide for flood monitoring and flood panel deployment, which should minimize the need for emergency personnel and their vehicles. As this area is not prone to flash flooding, there should be ample time for workers to evacuate if a flooding situation were to be anticipated.

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

The proposed building addition is located in a vast 100-year floodplain, and as such, the lower floor elevation of the building addition will not be the cause of flooding at the subject site or adjacent properties and will not increase the expected height,

velocity or duration of any flooding experienced at the site. Wave action is not applicable to the proposed situation, as the adjacent water body is a tidal creek and not subject to wave action. Flooding in this area does not typically occur at a rapid rate, but is a result of a coincidence of high tides with heavy rains that tends to raise water levels gradually with low velocity over an extended period of tide coinciding with the tides. With the gradual rise in the water elevation, sediment transport associated with moving floodwaters is not generally a matter of concern, unlike other locales in which wave action or rapid water rise transport significant quantities of sediment into an area. In addition, the deviation in floor elevation, between 7.74 feet NAVD 88 provided and 9 feet NAVD 88 required, will not cause any difference in the characteristics of flooding in this area.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;

There will be no impact or increase in the cost of governmental services required during and after flood conditions as a result of the minimum lowest floor elevation of the new building addition. The applicant has testified that the addition and existing building will be protected by dry floodproofing to the required minimum lowest floor elevation of 9.0 NAVD 88, and a Flood Emergency Plan will be implemented to provide for flood monitoring and flood panel deployment, which should minimize flood damage within the building and the need for emergency personnel and their vehicles.

The proposed addition is located to the rear of the property, with the existing building located between the addition and the public street. In such a vast floodplain, the placement of the addition will not cause damage to the public street system or the utilities located within the right-of-way. In addition, the applicant provided testimony that the facility's utilities have been floodproofed and/or elevated at or above elevation 9.0 NAVD 88.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.2(a)3, which requires that the minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one-foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, or at an elevation of 9 feet NAVD 88 in this instance. A 4,500-square-foot light industrial building addition has been constructed with a minimum lowest floor elevation of 7.74 feet NAVD 88.

Based on the record in this matter, the bulk variance application to permit a 4,500-square-foot light industrial building addition on the subject premises with a minimum lowest floor elevation of 7.74 feet NAVD 88 is hereby recommended for APPROVAL CONDITIONED UPON THE FOLLOWING:

1. The property owner shall ensure that both the new addition and existing building are dry floodproofed to the NJSEA's minimum required lowest floor elevation (9.0 NAVD 88), and a Flood Emergency Plan is implemented to address operations, maintenance and inspection of floodproofing measures, in accordance with NFIP requirements. A Floodproofing Certificate, signed and sealed by a NJ-licensed professional, shall be provided in accordance with NFIP requirements, prior to the issuance of any temporary or final Certificate of Completion and/or Occupancy Certification by this Office.
2. The property owner shall be required to file a deed restriction with the Bergen County Registrar's Office, prior to the issuance of any temporary or final Certificate of Completion and/or Occupancy Certification by this Office, assuring that any future property owner

shall be responsible for the installation, maintenance and inspection of the dry floodproofing in accordance with the Flood Emergency Plan.

3. The property owner shall be required to specify in any future lease agreement(s) for any space within the subject premises, that the future lessee(s) shall be the party(ies) responsible for the installation, maintenance and inspection of the dry floodproofing in accordance with the Flood Emergency Plan.

CONDITIONAL APPROVAL 7/8/19

Recommendation on
Variance Request

Date

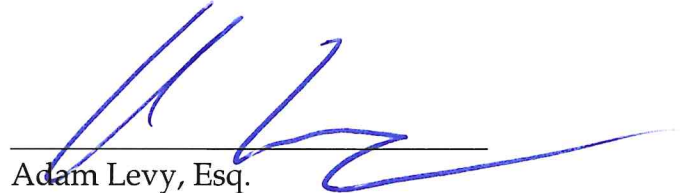


Sara J. Sundell, P.E., P.P.
Director of Land Use Management

Conditional Approval 7/8/19

Recommendation on
Variance Request

Date



Adam Levy, Esq.
Vice President
Legal & Regulatory Affairs