

**BOROUGH OF HILLSDALE
ORDINANCE NO. 22-18
(Adoption)**

**AN ORDINANCE TO AMEND CHAPTER 154: FLOOD
HAZARD AREAS, OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HILLSDALE TO
PROVIDE THAT THE BOROUGH ENGINEER IS THE
ADMINISTRATOR UNDER SAID ORDINANCE 154**

WHEREAS, the General Code of the Borough of Hillsdale, Chapter 154, provides guidelines and restrictions for Land Use in Flood Hazard areas within the Borough of Hillsdale; and

WHEREAS, Chapter 154 requires the Construction Office to undertake various duties; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale desire to revise the Ordinance so that the duties are undertaken by the Borough Engineer and/or the Planning Board Engineer.

THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

Chapter 154 of the Borough Code is hereby amended and supplemented as follows:

Article II. DEFINITIONS

§ 154-5. Terms Defined

APPEAL

A request for a review of the Borough Engineer's and/or Planning Board Engineer's interpretation of any provision of this chapter of a request for a variance.

Article IV. ADMINISTRATION

§ 154-12. Establishment of development permit.

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 154-7. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;

- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 154-17B; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 154-13. Designation of the local administrator.

The Borough Engineer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

- 1. The Construction Official is hereby appointed to enforce the provisions of this Article.

§ 154-14. Duties and responsibilities of the administrator.

Duties of the Borough Engineer shall include, but not be limited to:

- A. Permit Review.
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 154-18A are met.
- B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with section § 154-7, Basis for establishing the areas of a special flood hazard, the Borough Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 154-17A, Specific standards, residential construction, and B, Specific standards, nonresidential construction.
- C. Information to be obtained and maintained.
 - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structures contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level);and

(b) Maintain the floodproofing certifications required in § 154-12C.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alterations of watercourse.

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alternation or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished.

E. Substantial damage review.

(1) After an event resulting in building damages, assess the damage to structures due to flood and nonflood causes.

(2) Record and maintain the flood and nonflood damage of substantial damage structures and provide a letter of substantial damage determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.

(3) Ensure substantial improvements meet the requirements of § 154-17A, Specific standards, residential construction, B, Specific standards, nonresidential construction and C, Specific standards, manufactured homes.

F. Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 154-15.

§ 154-15. Variance procedure.

A. Appeal Board.

(1) The Planning Board as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The Planning Board shall hear and decide appeals when it is alleged there is an

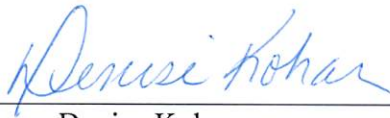
error in any requirement, decision, or determination made by the Planning Board Engineer in the enforcement or administration of this chapter.

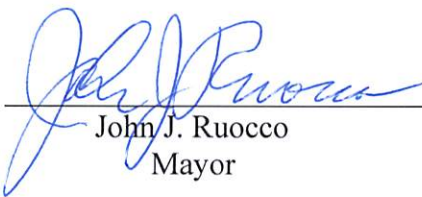
- (3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court, Law Division, as provided in N.J.S.A. 40:55D-1 et seq.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. 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.
- (5) Upon consideration of the factors of § 154-15A(4) and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

The Planning Board Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance

| Council member | Motion | Second | Yes | No | Absent | Abstain | Recuse |
|---------------------|--------|--------|-----|----|--------|---------|--------|
| DeRosa, Anthony | | | X | | | | |
| Escobar, John | | | X | | | | |
| Horvath, Zoltan | | | X | | | | |
| Lundy, Abby | | X | X | | | | |
| Pizzella, Frank | | | | | X | | |
| Trochimiuk, Janetta | X | | X | | | | |
| Ruocco, John | | | | | | | |

Adopted: November 10, 2022

Attest: 
 Denise Kohan
 Municipal Clerk


 John J. Ruocco
 Mayor