

Comments by
C.P. Statile, Esq.
12/11/24

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 24-17
(Re -Introduction)**

**AN ORDINANCE AMENDING CHAPTER 310, TO CREATE PART 9
"PROTECTION OF CRITICAL SLOPE AREAS" OF THE BOROUGH
CODE**

titled

WHEREAS, it is desirous of the Borough of Hillsdale (hereinafter the "Borough") and the Planning Board of the Borough (hereinafter the "Board") to Chapter 310 of the Borough Code ~~titled~~ "Land Use" to include a new Part about the Protection of Critical Slope Areas within the Borough; and

WHEREAS, the purpose of this new article is to preserve the critical slope areas within the Borough in order to provide the necessary regulations to minimize the adverse impacts commonly associated with disturbances of steeply sloped areas; and

WHEREAS, the Governing Body of the Borough of Hillsdale believes that it is in the best interest of the Borough to revise these provisions in the Ordinance to include this new article as such regulation promotes the public health, safety, and welfare of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

Chapter 310, Land Use, Part 9 "Protection of Critical Slope Areas" of the Borough Code shall hereby read as follows in its entirety:

Article XXXV Protection of Critical Slope Areas

§ 310-173. Purpose.

The purpose of this article is to preserve the critical slope areas in the Borough of Hillsdale. These regulations are necessary to minimize the adverse impacts commonly associated with disturbance of steeply sloped areas, which are defined for the purposes of this chapter as a slope of 15% or greater. Development on grades of 15% or greater generally requires additional safeguards against erosion, and other conditions such as siltation, surface water runoff and pollution of potable water supplies. The most appropriate method of alleviating such conditions is through the regulation of disturbance to soil and vegetation in critical slope areas. Such regulation promotes the public health, safety and welfare of Hillsdale.

§310-174. Definitions.

The following definitions are applicable to this article:

CRITICAL SLOPE AREA

Land where the grade is 15% or greater.

DISTURBANCE

Any alteration or change to the natural terrain (including soil and vegetation). This term includes any activity involving grading or filling of a site, but does not include restoration or stabilization of an existing condition.

EMBANKMENT

An elevated deposit of soil, rock or other materials either constructed or natural.

GRADE

The percent of rise or descent of a sloping surface. For example, a grade of 15% corresponds to a fifteen-foot vertical change in elevation for every 100 feet of horizontal distance. (Refer to accompanying slope diagram for further clarification.)

GROUND COVER

Grasses or other vegetation used in the stabilization of soils.

RETAINING WALL

A structure constructed and erected between the lands of different elevations to protect structures and/or to prevent erosion, and which is minimally four feet in height.

SLOPE

The deviation of a surface from the horizontal, usually expressed in percent.

§310-175. Steep Slope Identification and Review Criteria.

All applications for Minor and Major Subdivision or Site Plan Approval, or for a Permit for Construction, grading or clearing of any lot, except as otherwise provided in the definition of "disturbance" herein or exempted in this chapter, shall be evaluated for the presence of critical slope areas.

- A. Slope categories. The applicant shall prepare and submit a slope analysis for the entire site (including proposed roadways and common areas), and each proposed or existing lot. The property shall be evaluated to determine the presence of Critical Slope Areas.
- B. Slope analysis. The Critical Slope Areas shall be identified on a plan drawn at a scale as required by the Borough's Site Plan or Subdivision Submission requirements. It shall show the existing and proposed topographic contours at two-foot intervals clearly and delineate Critical Slope Areas. Existing contours shall be shown for a minimum distance of 25 feet beyond the property boundaries.
- C. Additional information required. The analysis provided by the applicant shall contain the following additional information:
 - a. It shall delineate and quantify those areas proposed for disturbance. The applicant shall provide a table showing the calculation of disturbed area in square feet and as a percent of the lot area for each proposed lot.
 - b. It shall identify soil types present on the property, with specific reference to highly erodible soils as identified by the United States Department of Agriculture Soil Conservation Service.
 - c. Details on how the proposed construction will minimize adverse impacts upon the existing natural features of the lot shall be provided.

← WHERE IS IT?

← exposed

← for the

CANNOT GO ONTO ADJACENT PRIVATE PROPERTY

← and after re-grading

Soil

- d. Plans and specifications for any retaining walls, steps fences or other protective structures shall be provided. *on all applications set forth in this chapter.*

§ 310-176. Regulations for Development in Steep Slope Areas.

- A. Maximum disturbed area.
 - a. No buildings, improvements or structures, including roads, driveways or parking areas shall be constructed, nor shall any displacement of soil or removal of vegetation occur within Critical Slope Areas.
 - b. For a subdivision proposal, calculation of the disturbed area is based on each individual lot, not the entire tract as a whole. Common areas are also subject to the maximum disturbed area. Roadways are exempt from the above limits of disturbed area, but are subject to the maximum permitted grade provisions of the Residential Site Improvement Standards. *and public right-of-ways*

B. Variance required. Disturbance of Critical Slope Areas shall require a variance. *bulk*

C. Exceptions. Irrespective of the above regulations, an applicant may regrade a steep sloped area, provided that in no event shall the applicant disturb or regrade more than 500 square feet of the Property to be developed. The Planning Board ~~or Zoning Board of Adjustment~~ may permit the disturbance and development of small isolated pockets of steep slopes, provided that the disturbance does not exceed 500 square feet.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

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

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

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
Colletti, Robert			X				
Escobar, John		X	X				
Fox, Justin					X		
Osso, Clemente	X		X				
Ruocco, John			X				
Trochimiuk, Janetta			X				
Sheinfield, Michael							

Introduction: December 3, 2024

Attest:

Denise Kohan
Denise Kohan
Municipal Clerk

Michael Sheinfield
Michael Sheinfield
Mayor