



MEMORANDUM

To: Borough of Hillsdale Planning Board
From: Tom Behrens, PP, AICP
Subject: Ordinance No. 24-17 Regulating Steep Slopes
Master Plan Consistency Review
Date: December 5, 2024
BA#: 4145.05

On December 3, 2024, the Hillsdale Mayor and Council reintroduced Ordinance No. 24-17 to amend Chapter 310, Land Use, of the Borough Code to establish new requirements for the protection of critical slope areas within the Borough. These regulations are designed to minimize adverse impacts associated with disturbances of steep slope conditions, which are generally slopes 15% and greater.

In accordance with N.J.S.A. 40:55D-26 of the Municipal Land Use Law ("MLUL"), the Council has requested the Planning Board to conduct a master plan consistency review of the pending steep slope ordinance. The MLUL stipulates that *"prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and other matters as the Board deems appropriate."* The Governing Body, when considering the Planning Board's recommendations, may accept or disapprove of the Board's recommendations in whole or in part. Any finding of inconsistency with the Borough's Master Plan requires the Governing Body to adopt the respective ordinance by a super majority vote.

To reiterate, the Planning Board is tasked with identifying any provisions of the proposed ordinance which are inconsistent with the Borough Master Plan and may offer any recommendations to the Mayor and Council for consideration.

Ordinance Summary

The following is a summary of the notable aspects of the new ordinance:

1. Stated purpose which is to generally mitigate the impacts of the disturbance of slopes of 15% or more.
2. New definitions specific to the slope regulations.
3. Regulations for maximum disturbance of slopes 15% or greater.

4. Requires 'c' variance relief for any disturbance of more than 500 square feet for slopes 15% or more.
5. Exempts disturbance up to 500 square feet.

Master Plan Consistency Review

Based on a review of the Borough's various adopted Master Plan documents, including its 2003 Master Plan, 2022 Periodic Reexamination Report of the Master Plan and Development Regulations and Master Plan Amendment and 2023 Environmental Resource Inventory (ERI), several relevant provisions were identified for the Board's consideration as indicated below.

Hillsdale's 2003 Master Plan includes the following relevant goal: *to protect environmentally sensitive areas and the Borough's natural resources*. In addition, the Conservation Element of the Master Plan includes a general description of steep slope areas in the Borough with an accompanying map depicting the location of steep slope areas 20% and greater.

The 2022 Master Plan Amendment includes the following relevant goal: *To ensure that any new development minimizes impacts to surrounding uses and the community at large including consideration of traffic and safety, school-aged children, the environment and natural resources, demands on public services and infrastructure, nuisances such as noise and glare, and visual compatibility*.

The 2023 Environmental Resource Inventory highlights the importance of preserving steep slopes. It also reiterates the description of steep slope areas contained in the 2003 Master Plan.

Planning Conclusion

Based on a review of the Borough's various master plan documents, we did not identify any master plan provisions which might be deemed inconsistent with the Borough's pending steep slope ordinance. The ordinance seems to support several of Hillsdale's existing master plan goals and themes pertaining to the conservation of environmentally sensitive areas and desire to minimize impacts to existing development.

The Planning Board may identify any provisions of the Master Plan it deems inconsistent with the implementation of this ordinance as well as offer any recommendations for the Council's consideration. The Master Plan consistency review should consider on balance all of the Borough's relevant goals, objectives and policies in rendering its conclusions. Following the Planning Board's master plan consistency review, it is anticipated that the Borough Council will have the opportunity to adopt the ordinance at a subsequent public hearing.