BOROUGH OF PALISADES PARK
COUNTY OF BERGEN
STATE OF NEW JERSEY

ORDINANCE NO. 2026-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167, "LAND USE AND DEVELOPMENT," ARTICLE XIX, "STORMWATER CONTROL," OF THE CODE OF THE BOROUGH OF PALISADES PARK TO ESTABLISH STORMWATER MANAGEMENT REQUIREMENTS FOR CERTAIN SINGLE-FAMILY AND MULTIFAMILY RESIDENTIAL DEVELOPMENT THAT DOES NOT CONSTITUTE MAJOR DEVELOPMENT

WHEREAS, the Borough of Palisades Park (the "Borough") is authorized to adopt ordinances necessary and proper for the protection of persons and property and the preservation of the public health, safety and welfare pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Municipal Land Use Law, including N.J.S.A. 40:55D-65 and N.J.S.A. 40:55D-93 through -99, and the Stormwater Management Rules, N.J.A.C. 7:8, authorize and require municipal stormwater-management planning and implementing controls; and

WHEREAS, Chapter 167, Article XIX of the Borough Code presently establishes stormwater management requirements principally for major development; and

WHEREAS, the Mayor and Council find that increases in impervious surface associated with residential development below the major-development threshold may, individually and cumulatively, increase stormwater runoff, localized flooding and burdens upon the Borough's drainage infrastructure; and

WHEREAS, the Mayor and Council therefore determine that requiring reasonable on-site stormwater storage and infiltration for specified residential improvements will advance the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Palisades Park, County of Bergen, State of New Jersey, as follows:

SECTION 1. Amendment to § 167-119, Scope and purpose.

Section 167-119B of Chapter 167, Article XIX is amended and supplemented to read as follows:

§ 167-119. Scope and purpose.

B. Purpose. It is the purpose of this article to establish minimum stormwater management requirements and controls for major developments as defined in § 167-120 and for certain single-family and multifamily residential development that does not constitute major development, as provided in § 167-122.1.

Section 167-119C is amended and supplemented by adding a new Subsection C(3) as follows:

C.(3) Notwithstanding Subsection C(1), this article shall also apply, but only to the extent provided in § 167-122.1, to single-family and multifamily residential development that does not meet the definition of major development in § 167-120.

SECTION 2. New § 167-122.1, Stormwater requirements for certain non-major residential development.

Chapter 167, Article XIX is amended and supplemented by adding a new § 167-122.1 as follows:

§ 167-122.1. Stormwater requirements for certain non-major residential development.

A. Applicability and cumulative threshold.

(1) This section applies to any single-family or multifamily residential development that does not meet the definition of major development in § 167-120 and that requires a building permit, zoning permit, land-use approval or other municipal approval. For purposes of this section, residential development includes the construction, reconstruction, alteration, expansion or installation of a building, structure, driveway, patio, walkway or other improvement that creates impervious surface.

(2) An applicant shall design and construct stormwater management improvements in accordance with this section whenever the proposed residential development will cause the net aggregate increase in impervious surface on the lot to exceed 400 square feet.

(3) The threshold is cumulative. All increases in impervious surface constructed or approved on the same lot on or after the effective date of this ordinance shall be aggregated, whether undertaken under one or multiple applications, permits or approvals. When the aggregate increase first exceeds 400 square feet, the stormwater management improvements shall be designed for the entire aggregate increase in impervious surface occurring on or after that effective date. No project may be segmented or phased for the purpose of avoiding this section.

(4) The applicant shall submit an impervious-surface calculation identifying the lawful impervious surface existing on the effective date of this ordinance, each subsequent increase or removal, and the proposed net aggregate increase. The Borough may rely upon permit records, approved plans, tax records, surveys, aerial imagery and other reasonably reliable information in determining the applicable baseline and cumulative increase.

B. Storage and infiltration standard.

(1) The required stormwater management improvements shall be designed and constructed to store and infiltrate on site the stormwater runoff volume generated by three inches of rainfall over the net aggregate increase in impervious surface regulated by Subsection A. The minimum required storage volume, before adjustment for void space or other design factors, shall equal 0.25 cubic foot for each square foot of regulated impervious-surface increase.

(2) The requirement may be satisfied through seepage pits, perforated pipe systems, or other means and methods reasonably acceptable to the Borough Engineer. The system shall be located, designed and constructed so as not to create adverse drainage, groundwater, structural, soil-stability, public-health or safety impacts on the subject property, adjoining property or the public right-of-way.

(3) Plans, calculations, construction details and supporting information sufficient to demonstrate compliance shall be submitted to the Building Department and reviewed and approved by the Borough Engineer before issuance of the applicable permit or approval. Such materials shall be prepared, signed and sealed by a New Jersey licensed professional when required by law or by the Borough Engineer based upon the nature or complexity of the proposed system.

C. Soil testing.

(1) Soil testing is required for every stormwater storage and infiltration improvement regulated by this section. At a minimum, the testing shall determine the soil percolation rate and the depth to the seasonal high-water table at representative locations and elevations within the proposed infiltration area.

(2) The location, number, method, timing and documentation of tests shall be reasonably acceptable to the Borough Engineer. The Borough Engineer may require additional testing or design information reasonably necessary to determine whether the proposed system will function as designed and avoid adverse impacts.

D. Waiver or modification.

(1) Upon written request supported by competent site-specific evidence, the Borough Engineer may grant a full or partial waiver or approve a modification of the requirements of this section if the applicant demonstrates that installation of the otherwise required stormwater improvements is impractical because of site conditions or would impose an undue hardship.

(2) Any waiver or modification shall be set forth in a written determination stating the factual and engineering basis for the decision. The Borough Engineer may require feasible alternative or reduced stormwater mitigation measures as a condition of approval. No waiver or modification may authorize a condition contrary to applicable federal or State law or regulation, or any controlling county approval.

E. Engineering-review and inspection escrow.

(1) Before review of the stormwater submission begins, the permittee shall deposit with the Building Department an initial escrow of $1,500 to reimburse the Borough for reasonable and necessary professional costs incurred for review of plans and documents and for inspections associated with the drainage and stormwater improvements required by this section.

(2) The escrow shall be administered, charged, accounted for and refunded in accordance with applicable law, including N.J.S.A. 40:55D-53.1 and 40:55D-53.2 when applicable. Charges shall be limited to actual, reasonable and necessary professional services and authorized expenses. Any unused balance shall be returned to the permittee following completion and closeout, subject to payment of all properly chargeable amounts.

(3) If the escrow balance is or is reasonably anticipated to become insufficient because the project extends beyond the anticipated construction schedule or requires additional review or inspection services related to the drainage improvements, the Borough Engineer may require a reasonable additional deposit. The permittee shall replenish the escrow within the time stated in written notice from the Borough.

(4) No certificate of occupancy, certificate of approval or other final municipal approval shall be issued until the required stormwater improvements have been completed and approved and all required escrow deposits, professional charges, fees and other outstanding amounts owed to the Borough in connection with those improvements have been paid in full.

F. Installation, inspection and maintenance.

(1) The required stormwater improvements shall be installed in accordance with the plans approved by the Borough Engineer and shall remain accessible for inspection. The permittee shall provide reasonable notice before covering any component for which inspection is required.

(2) The property owner and the owner's successors shall maintain the stormwater improvements in a safe and functional condition and shall not remove, obstruct, alter or render them ineffective without prior written approval from the Borough Engineer and any other approval required by law.

G. Relationship to other requirements.

(1) This section supplements, and does not replace, the requirements applicable to major development or any other permit, approval, code, ordinance, rule or regulation. The more restrictive requirement shall govern where two requirements apply to the same project.

(2) A project regulated solely because of this section shall not, by that fact alone, be deemed a major development or be required to satisfy provisions of this article expressly limited to major development, except where the Borough Engineer determines that a particular submission, design, safety, inspection or maintenance requirement is reasonably necessary to administer or enforce this section.

SECTION 3. Enforcement and penalties.

The requirements of this ordinance shall be enforced as part of Chapter 167, Article XIX. Any violation shall be subject to § 167-129 and all other remedies available to the Borough at law or in equity.

SECTION 4. Repealer.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed solely to the extent of such inconsistency.

SECTION 5. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

SECTION 6. Codification.

This ordinance shall be a part of the Code of the Borough of Palisades Park. The Borough Clerk and the codifier are authorized to make nonsubstantive editorial revisions, renumbering and cross-reference corrections necessary for codification, provided that no substantive provision is altered.

SECTION 7. Effective date.

This ordinance shall take effect after final passage, approval and publication as required by law and following any review or approval required by applicable State or county law.

Introduction: September 29, 2026

Adoption: October 27, 2026

Approved:

Laura Borchers Interim Clerk

Chong Paul Kim, Mayor