

Ordinance No.: 1,458  
Adopted: 2/22/11  
Effective: 3/14/11

ORDINANCE NO. 1-11

AN ORDINANCE AMENDING CHAPTER 17, PLANNING,  
ARTICLE XA, STORMWATER MANAGEMENT, SECTION 13,  
SPECIFIC FLOOD PLAIN REQUIREMENTS, SUBSECTION C,  
FILL REQUIREMENTS, OF THE  
ORDINANCES OF THE BOROUGH OF LINCOLN PARK

**WHEREAS**, the Borough of Lincoln Park ("Borough") desires to amend Chapter 17, Planning, Article XA, Stormwater Management, Section 13, Specific Flood Plain Requirements, Subsection C, Fill Requirements, of the Ordinances of the Borough of Lincoln Park to modify the net fill requirements for Flood Plain Development to a zero net fill requirement so as to be consistent with the New Jersey Department of Environmental Protection regulations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, as follows:

**SECTION ONE.** Chapter 17, Planning, Article XA, Stormwater Management, Section 13, Specific Flood Plain Requirements, Subsection C, Fill Requirements, paragraph 2b, of the Ordinances of the Borough of Lincoln Park is hereby amended to read as follows:

- (b) In fulfilling the 0% net fill balance on site, it is recognized that fill is usually placed at higher flood elevations with the compensating cut at lower elevations. This means that the "replacement storage" is not as effective in controlling flood peaks as the fill it is replacing. In order to correct for this deficiency it is further required that the flood fringe storage volume under proposed conditions equal or exceed the flood fringe storage volume under existing conditions for each foot of elevation from the existing ground service to the FHADF elevation or the 100 year flood elevation as appropriate. In those situations where the above requirement cannot be met, the applicant may satisfy this Section of the Ordinance by providing 1 cubic foot of compensating storage for each cubic foot of fill placed on the site.

**SECTION TWO.** All Ordinances of the Borough of Lincoln Park which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION THREE.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

**SECTION FOUR.** This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST:

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Annette Maida-Smith, RMC, Borough Clerk

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Louis J. Pepe, Council President

INTRODUCED: January 18, 2011  
SENT TO MC PLANNING BOARD January 19, 2011 (Certified Return Receipt)  
SENT TO BOROUGH PLANNING BOARD January 19, 2011  
PUBLISHED IN SUBURBAN TRENDS: January 23, 2011  
PUBLIC HEARING AND ADOPTION: February 22, 2011  
SENT TO MC PLANNING BOARD: February 23, 2011 (Certified Return Receipt)  
PUBLISHED IN SUBURBAN TRENDS: February 27, 2011  
EFFECTIVE DATE: March 14, 2011