

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY**

**ORDINANCE NO. 2026-17**

**TITLE:       AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 30 OF  
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
ENGLEWOOD CLIFFS, ENTITLED “ZONING,” TO ESTABLISH  
RESIDENTIAL REDEVELOPMENT AND DRAINAGE MITIGATION  
REQUIREMENTS**

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**WHEREAS**, the Borough of Englewood Cliffs has experienced and may continue to experience localized flooding, drainage, and stormwater runoff concerns affecting residential properties, public rights-of-way, municipal drainage infrastructure, and adjoining properties; and

**WHEREAS**, substantial reconstruction, demolition and rebuilding, additions, expansion of building footprints, increases in impervious surface, installation of swimming pools and patios, and changes in site grading may alter the volume, rate, direction, timing, and concentration of stormwater runoff; and

**WHEREAS**, individual residential projects may not constitute “major development” as defined by applicable State stormwater management regulations, but may nevertheless create increased localized stormwater runoff or drainage impacts; and

**WHEREAS**, the Mayor and Council find that it is in the public interest to require reasonable stormwater and drainage mitigation measures for substantial residential redevelopment and other significant residential site improvements in order to protect adjoining properties, public rights-of-way, municipal drainage systems, and the health, safety, and welfare of the residents of the Borough; and

**WHEREAS**, the Borough desires to supplement its existing stormwater management regulations applicable to major development with additional requirements applicable to certain residential development and redevelopment projects that do not otherwise constitute major development;

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

**SECTION 1. Chapter 30** of the Revised General Ordinances of the Borough of Englewood Cliffs, entitled “**Zoning**,” is hereby amended and supplemented by adding a new **Section 30-23.14**, entitled “Residential Redevelopment and Drainage Mitigation,” to read as follows:

## **§30-23.14 RESIDENTIAL REDEVELOPMENT AND DRAINAGE MITIGATION.**

### **A. PURPOSE AND INTENT.**

1. The purpose of this section is to establish reasonable stormwater drainage and runoff mitigation requirements for substantial residential reconstruction, redevelopment, expansion, and site improvement projects that may increase stormwater runoff or adversely alter existing drainage patterns but do not otherwise constitute a major development subject to the requirements of this Chapter or applicable State stormwater management regulations.
2. The requirements of this section are intended to:
  - a. Minimize increases in stormwater runoff resulting from residential development and redevelopment;
  - b. Prevent or reduce adverse drainage impacts to adjoining properties;
  - c. Protect public streets, rights-of-way, sidewalks, municipal drainage facilities, and other public infrastructure;
  - d. Reduce localized flooding, erosion, ponding, and nuisance drainage conditions;
  - e. Encourage the use of on-site stormwater infiltration, detention, retention, green infrastructure, and other appropriate stormwater management practices;
  - f. Maintain, to the greatest extent practicable, existing natural drainage patterns and hydrologic conditions;
  - g. Ensure that substantial residential redevelopment does not create or contribute to adverse off-site drainage conditions; and
  - h. Protect the public health, safety, and general welfare.
3. This section shall supplement, and shall not replace, any applicable Federal, State, county, or municipal stormwater management requirement.
4. Where a project constitutes a “major development” subject to the requirements of this Chapter or N.J.A.C. 7:8, the requirements applicable to major development shall govern. The Borough may also require compliance with additional provisions of this section to the extent permitted by law and where such provisions are not inconsistent with applicable State law or regulation.

### **B. DEFINITIONS.**

For purposes of this section, the following words and terms shall have the meanings set forth below. Any term not specifically defined herein shall have the meaning assigned elsewhere in this Chapter or under applicable State law or regulation.

**“ADVERSE DRAINAGE IMPACT”** shall mean an increase or change in the rate, volume, timing, direction, concentration, or point of discharge of stormwater runoff that causes or contributes to flooding, ponding, erosion, sedimentation, structural damage, nuisance conditions, or increased burden upon an adjoining property, public right-of-way, or public or private drainage system.

**“BOROUGH ENGINEER”** shall mean the duly appointed Engineer of the Borough of Englewood Cliffs or his or her authorized designee.

**“DRAINAGE PLAN”** shall mean a plan, report, calculation package, or other technical submission demonstrating existing and proposed drainage conditions and compliance with the requirements of this section.

**“IMPERVIOUS SURFACE”** shall mean any surface that substantially prevents or impedes the infiltration of stormwater into the underlying soil, including, but not limited to, roofs, buildings, paved driveways, asphalt, concrete, patios, pool decks, parking areas, and other surfaces determined by the Borough Engineer to impede infiltration.

**“NET INCREASE IN IMPERVIOUS SURFACE”** shall mean the difference between the total area of impervious surface existing on a property immediately prior to the commencement of a proposed project and the total area of impervious surface proposed upon completion of the project.

**“RESIDENTIAL REDEVELOPMENT”** shall mean the construction, reconstruction, enlargement, replacement, or substantial alteration of a principal residential structure or associated site improvements on an existing residential lot.

**“STORMWATER MANAGEMENT MEASURE”** shall mean a structural or nonstructural measure designed to control, detain, retain, infiltrate, convey, reuse, or otherwise manage stormwater runoff, including, but not limited to, dry wells, infiltration systems, detention systems, retention systems, bioretention facilities, rain gardens, vegetated swales, cisterns, pervious pavement, green infrastructure, or other measures approved by the Borough Engineer.

**“SUBSTANTIAL RECONSTRUCTION”** shall mean the demolition and replacement of a principal residential structure or the reconstruction or replacement of fifty percent (50%) or more of the gross floor area or structural components of an existing principal residential structure, as determined by the Construction Official or Borough Engineer. A project involving demolition of the principal structure followed by construction of a new principal structure shall constitute substantial reconstruction regardless of the percentage of the structure demolished.

**“SUBSTANTIAL SITE ALTERATION”** shall mean grading, excavation, filling, construction of retaining walls, or other alteration of the land that materially changes existing drainage patterns or has the potential to increase or redirect stormwater runoff toward an adjoining property, public right-of-way, or drainage facility.

### **C. APPLICABILITY.**

1. Except as otherwise exempted herein, the requirements of this section shall apply to any residential property where a proposed project includes one or more of the following:
  - a. Demolition of an existing principal residential structure and construction of a new principal residential structure;
  - b. Substantial reconstruction of a principal residential structure;
  - c. A net increase of three hundred (300) square feet or more of impervious surface;
  - d. Construction of a swimming pool, pool deck, patio, terrace, driveway, parking area, or other site improvement that results in a cumulative net increase of three hundred (300) square feet or more of impervious surface;
  - e. A substantial site alteration;
  - f. Construction or reconstruction of retaining walls, grading, or other improvements that alter the direction or concentration of stormwater runoff; or
  - g. Any other residential project for which the Borough Engineer determines, based upon the nature, location, topography, existing drainage conditions, or proposed site improvements, that a drainage plan is reasonably necessary to determine whether the project may result in an adverse drainage impact.
2. Cumulative Improvements.

The cumulative net increase in impervious surface shall include all improvements constructed or proposed within the preceding five (5) years for which permits or approvals were issued, unless the applicant demonstrates to the satisfaction of the Borough Engineer that such prior improvements were already designed and approved as part of a comprehensive drainage mitigation plan.
3. No permit or approval shall be divided into separate phases, applications, or improvements for the purpose of avoiding the applicability of this section.

### **D. EXEMPTIONS.**

The following activities shall generally be exempt from the full drainage plan and mitigation requirements of this section, unless the Borough Engineer determines that the activity may result in an adverse drainage impact:

1. Ordinary maintenance and repair that does not increase impervious surface or alter existing drainage patterns;
2. Replacement of an existing impervious surface with a substantially equivalent impervious surface area and drainage configuration;
3. Interior building alterations that do not alter the exterior footprint or site drainage;
4. Minor landscaping and gardening that does not materially alter drainage patterns;
5. Emergency repairs necessary to protect public health and safety, provided that permanent improvements shall comply with this section where applicable; and

6. Projects involving less than three hundred (300) square feet of cumulative net increase in impervious surface, unless otherwise determined applicable by the Borough Engineer pursuant to subsection C(1)(h).

#### **E. DRAINAGE PLAN REQUIREMENTS.**

1. Prior to the issuance of a construction permit for a project subject to this section, the applicant shall submit a drainage plan for review and approval by the Borough Engineer.
2. The Borough Engineer may establish different submission requirements based upon the scope and complexity of the proposed project.
3. For projects involving substantial reconstruction, demolition and rebuilding, or a net increase of one thousand five hundred (1,500) square feet or more of impervious surface, the drainage plan shall be prepared and sealed by a Professional Engineer licensed in the State of New Jersey.
4. The drainage plan shall include, as applicable:
  - a. Property boundaries and adjacent streets;
  - b. Existing and proposed topography, including sufficient spot elevations and contours to identify existing and proposed drainage patterns;
  - c. Existing and proposed buildings, structures, driveways, patios, decks, pools, retaining walls, and other improvements;
  - d. Existing and proposed impervious surface areas;
  - e. Existing and proposed drainage flow patterns;
  - f. Existing and proposed roof drainage systems;
  - g. Existing and proposed points of stormwater discharge;
  - h. Location and design of all proposed stormwater management measures;
  - i. Existing drainage facilities and known drainage features on adjoining properties where reasonably available and relevant to the proposed project;
  - j. Hydrologic and hydraulic calculations, where required by the Borough Engineer;
  - k. Construction details for all stormwater management measures; and
  - l. Such additional information as the Borough Engineer reasonably determines necessary to evaluate compliance with this section.

#### **F. DRAINAGE PERFORMANCE STANDARD.**

1. No Adverse Impact.

All projects subject to this section shall be designed and constructed so that the project does not cause or contribute to an adverse drainage impact.
2. Increase in Runoff.

Where a proposed project results in an increase in impervious surface or an increase in stormwater runoff, the additional runoff shall be managed on site through appropriate

stormwater management measures, to the extent technically feasible and reasonably necessary to prevent adverse drainage impacts.

3. Post-Construction Runoff.

For projects involving substantial reconstruction or demolition and rebuilding of a principal residential structure, the applicant shall demonstrate, through calculations and analysis acceptable to the Borough Engineer, that post-construction runoff conditions will not result in an adverse drainage impact to adjoining properties, public rights-of-way, or municipal drainage facilities.

4. Engineering Standard.

Where hydrologic calculations are required, the Borough Engineer may require the applicant to demonstrate that post-construction peak runoff rates do not exceed pre-construction peak runoff rates for the applicable design storm events.

5. Volume Control.

Where site conditions indicate that increased runoff volume may adversely affect adjoining properties or municipal infrastructure, the Borough Engineer may require on-site detention, retention, infiltration, or other stormwater volume control measures.

6. Design Standard.

Stormwater management measures shall be designed in accordance with:

- a. Applicable provisions of N.J.A.C. 7:8;
- b. Applicable provisions of the New Jersey Stormwater Best Management Practices Manual;
- c. Applicable provisions of the Residential Site Improvement Standards, where relevant;
- d. Applicable Borough ordinances and engineering standards; and
- e. Such reasonable supplemental technical requirements as may be established by the Borough Engineer.

**G. PRE-CONSTRUCTION CONDITIONS.**

1. The existing drainage and runoff condition of the property shall generally be based upon the actual physical condition of the property immediately prior to commencement of the proposed project.
2. For purposes of evaluating substantial reconstruction or demolition and rebuilding, the Borough Engineer may require additional analysis of:
  - a. Existing drainage deficiencies;
  - b. Existing impervious surface conditions;
  - c. Historic or recurring drainage impacts associated with the property;
  - d. Known flooding or drainage conditions affecting adjoining properties or public infrastructure; and
  - e. The extent to which existing site conditions may contribute to adverse off-site drainage impacts.

3. Nothing in this section shall be construed to require the Borough to accept an existing drainage condition as a permanent baseline where the Borough Engineer determines that the proposed redevelopment provides a reasonable opportunity to correct or substantially reduce an existing adverse drainage condition.

#### **H. REQUIRED MITIGATION MEASURES.**

1. Where mitigation is required, the applicant shall utilize stormwater management measures appropriate to the site conditions.
2. Such measures may include, but shall not be limited to:
  - a. Dry wells;
  - b. Roof leader infiltration systems;
  - c. Subsurface infiltration systems;
  - d. Detention systems;
  - e. Retention systems;
  - f. Bioretention facilities;
  - g. Rain gardens;
  - h. Vegetated swales;
  - i. Pervious pavement;
  - j. Cisterns or rainwater harvesting systems;
  - k. Green infrastructure;
  - l. Vegetated or landscaped areas designed to promote infiltration; and
  - m. Other stormwater management measures approved by the Borough Engineer.
3. The Borough Engineer may require a combination of measures where necessary to adequately mitigate runoff.
4. Infiltration measures shall not be required where soil conditions, groundwater conditions, contamination concerns, slope conditions, utilities, structural considerations, or other site constraints make infiltration technically infeasible or inappropriate.
5. Where infiltration is not feasible, the applicant shall provide detention, retention, controlled discharge, or other appropriate stormwater management measures approved by the Borough Engineer.

#### **I. PROHIBITED DISCHARGES AND DRAINAGE PRACTICES.**

1. No person shall discharge, direct, concentrate, or otherwise cause stormwater runoff from a roof, driveway, patio, pool area, or other improvement to be discharged in a manner that causes an adverse drainage impact.
2. Roof leaders and other concentrated stormwater discharges shall not be directed toward an adjoining property unless such discharge represents a lawful preexisting condition and the Borough Engineer determines that no adverse impact will result.

3. Stormwater runoff shall not be directed onto a public sidewalk, roadway, or right-of-way in a manner that creates a safety hazard, icing condition, erosion condition, or other adverse impact.
4. No person shall alter existing grading or drainage patterns in a manner that concentrates stormwater runoff onto an adjoining property.
5. The Borough Engineer may require corrective drainage measures where a proposed improvement would create or worsen a prohibited drainage condition.

#### **J. CONSTRUCTION AND INSPECTION.**

1. Stormwater management measures required by this section shall be installed in accordance with the approved drainage plan.
2. The applicant shall provide notice to the Borough Engineer or designated Borough representative at reasonable stages of construction as may be required for inspection.
3. No required stormwater management measure shall be covered or concealed prior to inspection where inspection is required by the Borough.
4. The Borough may require photographs, construction certifications, material certifications, testing results, or other documentation demonstrating proper installation.
5. The Borough Engineer may require reasonable modifications during construction where unforeseen site conditions are encountered, provided that such modifications are consistent with the purpose and requirements of this section.

#### **K. AS-BUILT CERTIFICATION.**

1. Prior to issuance of a final certificate of occupancy for a project subject to this section, the applicant shall provide certification, in a form acceptable to the Borough Engineer, that required stormwater management measures have been installed substantially in accordance with the approved drainage plan.
2. For projects designed by a Professional Engineer, the Borough Engineer may require an as-built plan and certification prepared and sealed by the design Professional Engineer.
3. The Borough may withhold final approval or certificate of occupancy until required drainage improvements have been completed and appropriate certifications have been submitted.

#### **L. MAINTENANCE.**

1. All stormwater management measures installed pursuant to this section shall be maintained by the property owner in proper operating condition.
2. The property owner shall be responsible for maintaining all facilities, including removal of accumulated sediment and debris and repair or replacement of damaged components.
3. The maintenance obligation shall run with the land and shall be binding upon subsequent owners.



4. The Borough Engineer may require a recorded maintenance agreement or other legally enforceable maintenance mechanism for stormwater management measures of substantial size or complexity.
5. Upon reasonable notice and in accordance with applicable law, the Borough may inspect stormwater management measures to determine whether they are being properly maintained.

#### **M. REVIEW FEES AND ESCROWS.**

1. Applicants shall pay all applicable application fees and professional review fees established by the Borough.
2. Where review by the Borough Engineer is required, the Borough may require the establishment of an engineering review escrow account in accordance with applicable Borough procedures and State law.

#### **N. WAIVERS AND RELIEF.**

1. The Borough Engineer may grant reasonable administrative relief from a particular design or submission requirement where strict compliance is demonstrated to be impracticable due to unusual site conditions.
2. No administrative relief shall be granted from the fundamental requirement that a project shall not create or contribute to an adverse drainage impact.
3. Any relief granted shall be in writing and shall identify the basis for the determination and any alternative mitigation measures required.
4. Relief granted pursuant to this subsection shall not constitute a variance from any zoning requirement or other approval required by law.

#### **O. ENFORCEMENT.**

1. The Construction Official, Zoning Officer, Borough Engineer, or other authorized Borough official may enforce the provisions of this section within the scope of their respective authority.
2. Where work is being performed in violation of this section or an approved drainage plan, the Borough may issue a notice of violation, stop-work order, or other enforcement action authorized by law.
3. A person violating any provision of this section shall be subject to the penalties provided in Chapter 30 or, where applicable, the general penalty provisions of the Borough Code.
4. Each day that a violation continues following written notice may constitute a separate offense, to the extent permitted by law.
5. The Borough may pursue any legal or equitable remedy available to enforce the requirements of this section and to correct or abate an unlawful drainage condition.

**P. SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this section is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

**Q. CONFLICTING ORDINANCES REPEALED.**

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

**R. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of this Ordinance.

**S. EFFECTIVE DATE.**

This Ordinance shall take effect upon final adoption and publication according to law.

**Introduction and First Reading:  
September 9, 2026**

| COUNCIL MEMBER | Motion   | Second   | Ayes     | Nays | Abstain | Recuse | Absent |
|----------------|----------|----------|----------|------|---------|--------|--------|
| Biegacz        |          | <b>X</b> | <b>X</b> |      |         |        |        |
| Liang          |          | <b>X</b> | <b>X</b> |      |         |        |        |
| Patel          | <b>X</b> |          | <b>X</b> |      |         |        |        |
| Kapsaskis      |          |          | <b>X</b> |      |         |        |        |
| Lee            |          |          | <b>X</b> |      |         |        |        |
| Koutroubas     |          |          | <b>X</b> |      |         |        |        |
| Mayor Park     |          |          |          |      |         |        |        |

**Second and Final Reading of Ordinance Adoption:  
October 14, 2026**

| COUNCIL MEMBER | Motion | Second | Ayes | Nays | Abstain | Recuse | Absent |
|----------------|--------|--------|------|------|---------|--------|--------|
| Biegacz        |        |        |      |      |         |        |        |
| Liang          |        |        |      |      |         |        |        |
| Patel          |        |        |      |      |         |        |        |
| Kapsaskis      |        |        |      |      |         |        |        |
| Lee            |        |        |      |      |         |        |        |
| Koutroubas     |        |        |      |      |         |        |        |
| Mayor Park     |        |        |      |      |         |        |        |

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**Mark Park, Mayor**

**This Ordinance was duly passed on second and final reading  
by the Council of the Borough of Englewood Cliffs  
at a meeting held October 14, 2026.**

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**Intashan Chowdhury, MPA  
Temporary Deputy Municipal Clerk**