

GRADING PLAN DESIGN ITEMS – CHECKLIST **(SUBMIT WITH YOUR APPLICATION)**

Chapter 17 of the Revised General Ordinances of the Township of Millburn defines the requirements for a grading permit and plans. Below are common oversights that will impact the timeliness to process your application. **Check that these items are included in the plans that you are submitting for review.**

	<i>Survey is to scale and extends 25-feet beyond the property line to include neighboring properties and nearby features, including trees on property line.</i>
	<i>Project items for construction are clearly shown to scale in black ink and labeled.</i>
	<i>Existing conditions and items for demolition are shown in light grey and labeled.</i>
	<i>Limit of disturbance is marked and labeled.</i>
	<i>Soil Erosion Control Measures (such as silt fence, hay bales, filter fabric, construction access tracking pad, etc.) are marked and labeled. DO NOT TRENCH NEAR PROTECTED TREES.</i>
	<i>Construction details for soil erosion control measures are shown and include dimensions. ADD NOTES HOW TO INSTALL SILT FENCE NEAR AND AROUND PROTECTED TREES.</i>
	<i>Roof drains and the underground pipes that carry roof water runoff are shown with material type, pipe size and invert elevation labeled for each pipe.</i>
	<i>Drywell location labeled with dimensions as well as invert elevations of drain pipes connected to the drywell.</i>
	<i>Construction details for the drywell including dimensions and materials to be used (such as concrete tank, cast iron manhole cover, schedule 80 PVC pipes, 2" gravel, etc.).</i>
	<i>Drywell capacity calculations. Call Engineering if you are unsure of the amount of water required to be captured. <u>PROJECTS WITH UNDERSIZED DRYWELLS WILL BE REJECTED.</u></i>
	<i>Contour lines showing the existing topography of the property in light grey and any changes to those contour lines, shown in black ink.</i>
	<i>Sump pump drain pipe location and discharge point.</i>
	<i>Footing drain location and discharge point.</i>
	<i>Drywell overflow, as well as cleanout and inspection ports for underground drain pipes are marked and labeled.</i>
	<i>All trees larger than 10-inches in diameter, measured at 4-feet above ground level are shown and labeled with diameter and species. <u>PROJECTS THAT DO NOT SHOW TREES WILL BE REJECTED.</u></i>
	<i>Tree protection fencing is marked and labeled for all trees to remain on site.</i>
	<i>Trees to be removed are marked and labeled. TREE REMOVAL PERMIT IS REQUIRED.</i>

INSTRUCTIONS TO OBTAIN A GRADING, DRAINAGE, AND SOIL EROSION SEDIMENT CONTROL PERMIT AND/OR A STEEP SLOPE PERMIT

To obtain a grading permit, please submit:

1. Grading Permit application fully completed (do not leave any spaces blank)
2. Three (3) sets of site plans (drawings)
3. Application fee:
 - \$ 150 for minor permit
 - \$ 400 for major permit
 - \$ 75 revision fee (fee is waived for first revision)
 - \$ 200 for steep slope disturbance

*******APPLICATION FEES ARE NON-REFUNDABLE*******

Payment is required to be submitted with permit application by cash or check made payable to **Township of Millburn.**
The Township cannot accept credit cards or debit cards.

A **Minor Grading Permit** is required when:

- A building permit is required and proposed horizontal impervious area, roofed area or land disturbance is between 200 and 500 square feet.

OR

- A building permit is not required and land disturbance is between 500 and 1,000 square feet.

A **Major Grading Permit** is required when the square footage exceeds the limits of a Minor Permit.

A Steep Slope permit is required when:

- Proposed land disturbance of a slope with a grade of 20% or greater which extends for a horizontal distance of 10 feet or more.
- If proposed steep slope disturbance **exceeds 1,000 square feet**, a variance is required from the Zoning Board of Adjustment.

Inspections are performed by the Township Engineer. To schedule a drywell inspection, please call (973) 564-7050 at least one day in advance of the excavation. **NOTE: A certificate of Occupancy (C.O.) or Certificate of Approval (C.A.) will not be issued by the Building Department until a final inspection for site stabilization/restoration is performed by the Engineering Department.**

Other permits that may be required:

- Curb, Sidewalk or Driveway Apron – Township Engineering Dept. (973-564-7050)
- Tree Removal Permit – Township Forester (973-564-7034)
- Road Opening Permit – Dept. of Public Works (973-564-7060)
- County Road Opening Permit – Essex County Engineer, 900 Bloomfield Ave., Verona (973-226-8500)
- Storm Sewer Connection Permit – Dept. of Public Works (973-564-7060)
- Sanitary Sewer Connection Permit – Dept. of Public Works (973-564-7060)
- Hudson-Essex-Passaic Soil Conservation District Permit – for land disturbance of 5,000 square feet or greater (<https://hepsoilnj.org/> or 862-333-4505)

TOWNSHIP OF MILLBURN, ENGINEERING DEPARTMENT
 GRADING PERMIT – CHECKLIST OF REQUIRED INFORMATION

Please ensure that the following information is provided in the documents being submitted with your Grading Permit Application. Omission of any of these items may delay the processing of your permit or be cause for rejection by either the Township Engineer or Township Forester.

1.	Completed Application form:
	Fill-in all contact information for Owner, Contractor and Engineer/Architect, including contact information for person in responsible charge of site work and who will pick-up the Permit.
	Accurately describe the work to be performed on the site (i.e. new pool, regrade yard, retaining wall, walkway, patio, new structure, expand driveway, etc.).
	Accurately state the square footage of the land that will be disturbed by construction activities, including construction vehicle access, new footings, or other excavated/filled areas.
	Accurately state the square footage of new impervious surfaces such as paved areas, roof, and hardscape patio and walkway areas.
	Check appropriate permit type based on the accurate description of the work to be performed: → <u>Minor Permit</u> – land disturbance/impervious surface between 200-500 square feet → <u>Major Permit</u> – land disturbance/impervious surface greater than 500 square feet → <u>Steep Slope</u> – If land disturbance impacts steep slopes an additional fee is required → <u>Sanitary Sewer Connection</u> – All new lateral connections require an additional fee → <u>Revision</u> – Any changes to the grading plans must be submitted for review. One revision review is included in the initial permit fee. Subsequent plan revisions are subject to a \$75 fee for each revision submitted.
2.	Three (3) signed and sealed copies of grading plan:
	Plans shall be prepared and duly signed and sealed by a Professional Engineer, Architect or Landscape Architect registered and licensed in the State of NJ.
	Plans must accurately show existing natural and manmade features on the site as well as within 25 feet of all property lines, including location of any easements.
	Plans must accurately show existing and proposed topography through contour lines on the site as well as within 25 feet of all property lines.
	Plans must accurately show the location of trees greater than 10 inches in diameter, measured at 4 feet above ground level, on the site as well as within 25 feet of all property lines.
	Plans must accurately show the location of trees greater than 10 inches in diameter, measured at 4 feet above ground level, on the site as well as within 25 feet of all property lines, as well as all trees planned for removal. A separate landscaping/tree planting plan may be required by the Township Forester.
	Plans must clearly identify all wetlands, riparian lands, steep slopes, flood plains and any associated buffers or transition areas. If NJDEP permits are required, a copy of the approval by NJDEP should be sent when available to Engineering for inclusion in the Grading Permit file.
	Plans must clearly show soil erosion and sediment control measures such as filter fence, construction vehicle tracking pads, storm sewer inlet protection, tree protection details, etc., including construction details for all proposed measures.
	Proposed improvements or work to be completed shall be highlighted, easily identifiable and accurately shown to scale. Plan scale shall not be less than 1 inch = 30 feet.
	Drainage provisions for stormwater runoff from impervious surfaces shall comply with the provisions stated in Chapter 17-4, Design Standards, of the Revised General Ordinances and shown on the plans. Construction details for drainage structures must include dimensions that are legible. Calculations shall be included on the plan.

§ 3-8. CONSTRUCTION ACTIVITY MITIGATION. [Amended in entirety by Ord. No. 2518-18. Prior history includes Ord. Nos. 2144-98, 2189-01]

§ 3-8.1. Purpose. [Ord. No. 2518-18]

The purpose of this Section 3-8 is to regulate the hours of construction, the use of power equipment and heavy equipment, imposing requirements for dust and silt control, requiring fencing, requiring toilet facilities, limiting the location of dumpsters, and requiring compliance with the current Tree Preservation Ordinance (Chapter 11) in order to protect and promote the health, welfare and safety of the public in the Township. This Section 3-8 is applicable to all land use activities.

§ 3-8.2. Definitions. [Ord. No. 2518-18]

The following definitions apply to this Section 3-8:

CONSTRUCTION ACTIVITY — Shall mean construction, repair, alteration or demolition of any building or structure, or the laying of any pavement, and including, but not limited to, the making of an excavation, movement of earth, clearing of land, and loading or unloading of construction material, equipment or supplies, where a permit is required to perform the work.

HEAVY EQUIPMENT — Shall mean heavy-duty vehicles, designed for executing construction tasks, including, but not limited to, a bulldozer, backhoe or excavator.

LEGAL HOLIDAYS — Shall mean the following days are observed as federal Legal Holidays, in accordance with 5 U.S.C.A. § 6103(a): New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday also referred to as Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

PERSON — Shall mean any individual, entity, contractor, sub-contractor, or group of persons engaging in Construction Activity.

POWER EQUIPMENT — Shall mean any tools powered by electricity or fuel, including, but not limited to, a power saw, hammer, sander, drill, grinder, lawn mower, leaf blower, thatcher, generator, air compressor, or like power equipment.

§ 3-8.3. Activities Restricted. [Ord. No. 2518-18]

- a. Construction Activity shall be unlawful except as carried out as specified in this Section 3-8.

- b. Operating any Power Equipment shall be unlawful except as carried out as specified in this Section 3-8.
- c. Operating any Heavy Equipment, for the purposes of performing Construction Activity, shall be unlawful except as carried out as specified in this Section 3-8.

§ 3-8.4. Permitted Hours of Restricted Activities. [Ord. No. 2518-18]

- a. The activities restricted by this Section 3-8 shall be permitted only during the following hours:
 Weekdays: 8:00 a.m. to 7:00 p.m.
 Saturdays: 9:00 a.m. to 5:00 p.m.
- b. On Sundays and Legal Holidays, the activities restricted by this Section 3-8.3(a) and (b) shall be permitted from 9:00 a.m. to 5:00 p.m. by:
 - 1. Persons who both own and reside on the premises;
 - 2. Occupants of the premises; or
 - 3. Relatives of 1 or 2.

The operation of Heavy Equipment, as restricted by Section 3-8.3(c), is not permitted on Sundays and Legal Holidays by any Person.

§ 3-8.5. Exceptions. [Ord. No. 2518-18]

The restrictions of this Section 3-8 shall not apply to the following:

- a. Activities confined within a wholly enclosed building or structure.
- b. Activities conducted pursuant to and within the terms of a permit issued by the Township Administrator, or his designee, where he finds that the public health and safety will be enhanced by the work or will be harmed by failure to perform the work at the time indicated therein.
- c. Activities necessary to prevent injury to persons or property, including snow removal.
- d. Activities conducted by or for any government unit or agency, or for work by public utilities.

- e. Grass cutting on golf courses which may commence at 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays, Sundays and Legal Holidays.

§ 3-8.6. Requirements. [Ord. No. 2518-18]

Any Person, including owners and occupants of the premises, engaging in Construction Activity shall comply with all of the following requirements:

- a. Shall maintain the construction site in an orderly manner during the duration of any Construction Activity, including by being maintained in such a manner as to comply with the requirements of Chapter 10, entitled Property Maintenance, including, but not limited to, the removal of brush, weeds, obnoxious growth, garbage and debris. Within ten (10) days of the conclusion of Construction Activity, all equipment and unused construction material shall be removed from the premises, or stored in an appropriate manner.
- b. Shall provide toilet facilities for all persons engaged in construction activity at the construction site, in compliance with Occupational Safety and Health Administration regulations.
- c. For all Construction Activity requiring a Hudson-Essex-Passaic Soil Conservation District permit, shall install chain-link temporary fencing with solid colored screening, which shall not have signage or symbols, around the perimeter of the construction site, adequate to block the sight of ground level Construction Activity from neighboring properties, and to mitigate the effects of dust and debris leaving the premises. Temporary fencing installed for the purpose of complying with this Section 3-8:
 - 1. Must not exceed six (6) feet in height, in compliance with Development Regulations and Zoning Ordinance subsection 609.6;
 - 2. Is permitted in the front yard as a permissible exception to Development Regulations and Zoning Ordinance subsection 609.6(a) as to prohibiting fences in front yards;
 - 3. Must be removed within ten (10) days of the conclusion of Construction Activity; and
 - 4. Does not alleviate the requirement for temporary fencing, pursuant to Development Regulations and Zoning Ordinance subsection 608.5 (steep slope areas), where required.

- d. Shall keep dumpsters used during Construction Activity on the same property where the Construction Activity is occurring, or receive and comply with a permit from the Police Department for placement on the roadway, and such dumpsters shall be properly maintained, including, but not limited to, removal when full.
- e. Shall take reasonable precautions to mitigate dust, silt and debris resulting from Construction Activity from leaving the premises, which includes:
 - 1. Wetting down the structure daily during demolition activity to prevent dust from leaving the perimeter of the property;
 - 2. Use of tracking mats, in such locations approved by the Township Engineer, as to minimize the tracking of mud and dirt outside of the perimeter of the property;
 - 3. Installation of inlet filter bags in any Township inlet directly in the front of the property and the first downstream inlet on the street from the property to trap waterborne sediment from entering the storm sewer, and:
 - (a) Inlet filter bags shall be maintained throughout construction, and replaced as necessary; and
 - (b) Removed within ten (10) days of the conclusion of Construction Activity; and
 - 4. Washing of trucks and equipment by spraying with a hose before leaving the construction site; and
 - 5. Keeping the roadway and adjacent sidewalk free and clear of materials being tracked off site during construction.
- f. Shall comply with all of the requirements of Chapter 11, entitled Tree Preservation, including, but not limited to, obtaining a Tree Removal Permit and submitting a Millburn Tree Restoration Plan, where applicable.
- g. Prior to commencing any new construction, in addition to the requirements of this section concerning protective measures at construction sites, the Construction Code Official shall be authorized to require an applicant for a permit related to Construction Activity to submit how he/she intends to comply with the Standard Division Specifications of the Construction Specifications Institute.
- h. The Township Construction Code Official, Health Officer, Code Enforcement Officer, Township Forester, Township Engineer,

Police Department, Township Administrator, or his designee, shall have authority to discern compliance with this section and the authority to secure compliance with this section with regard to certain actions taken by Persons engaged in Construction Activity to ensure that neighbors are not unreasonably subjected to noise, dust, unsanitary or unsightly conditions, or other violations of the provisions of this section. Enforcement by the Police Department is limited to enforcement of Section 3-8.4 (Enforcement of permissible hours and days of construction activity) and Section 3-8.6(d) (Location of dumpsters).

§ 3-8.7. Violations. [Ord. No. 2518-18]

If any of the requirements of this Section 3-8 are not complied with:

- a. The Township Construction Code Official may issue a stop work order, pursuant to his/her authority under N.J.A.C. 5:23-2.31, which shall remain in full force and effect until the violation is remedied to the satisfaction of the Township Official; and/or
- b. The Township may initiate prosecution for a violation pursuant to Chapter 1, Section 1-5 General Penalty, as applicable; and/or
- c. Such other actions may be initiated as permitted by law; and/or
- d. The Township shall also have the right to commence litigation in a court of competent jurisdiction.

CHAPTER XVII GRADING, DRAINAGE, SOIL EROSION AND SEDIMENT CONTROL

Editor's Note: Prior ordinance history: 1967 Code §§ 20-1-2—20-1-9, Ordinance Nos. 2153-99, 2209-02.

17-1 LAND DISTURBANCE PROHIBITED EXCEPT IN COMPLIANCE WITH THIS CHAPTER.

17-1.1 Land Development Applications to the Planning Board and Zoning Board of Adjustment.

All subdivisions, site plans and other land development applications which are subject to the jurisdiction of the Millburn Township Planning Board and Zoning Board of Adjustment shall comply with the requirements of Sections 507, 524, and 525 of the Millburn Development Regulations Ordinance. The provisions of this Chapter shall not apply to any such land development application where a plan meeting the requirements of the above cited sections is approved as part of an application reviewed by a Board. (Ord. No. 2439-15)

17-1.2 Activities Regulated by this Chapter.

- a. No person or entity shall clear, grade, transport, fill, excavate, remove or otherwise disturb any land area within the Township unless:
 1. There has been a valid grading permit issued in accordance with Section 17-2 and this Chapter by the Township Engineer; or
 2. The disturbance activity is exempt under subsection 17-1.3; or
 3. The Planning Board or Board of Adjustment has approved a plan to provide for grading, drainage, soil erosion and sediment control for such land.
- b. Without limiting the effect of the preceding paragraph a., no preliminary site plan or preliminary subdivision application shall be granted approval by the applicable Township Board unless a grading, drainage and soil erosion and sediment control plan has also been approved. No certificate of occupancy of any building or certificate of approval of any structure shall be granted unless all necessary soil erosion control measures have been completed in accordance with the provisions of this Chapter. The applicant and owner shall bear the final responsibility for the installation and construction of all required soil erosion and sediment control measures in accordance with provisions of this Chapter. The applicant and owner shall indemnify and hold the Township harmless from and against any and all claims, demands and damages arising out of such installation and construction work.

(Ord. No. 2439-15)

17-1.3 Exempt Activities.

The following activities shall be exempt from the regulations set forth in this Chapter.

- a. Construction or alteration of any structure where a building permit is required and where the proposed new impervious area is less than two hundred (200) square feet; or
- b. Land disturbance where a building permit is not required and where the proposed land disturbance is less than five hundred (500) square feet; or
- c. The proposed land disturbance is in connection with an application to the Township Planning Board or Zoning Board of Adjustment where approval by that Board includes approval of a plan meeting the requirements of subsection 17-1.1.

(Ord. No. 2439-15)

17-2 GRADING PERMIT.

Except as provided in subsection 17-1.1 with respect to subdivision, site plans and other applications to the Planning Board or Zoning Board of Adjustment, and except as provided in subsection 17-1.3 with respect to exemptions, in the event that land is proposed to be cleared, graded, transported, filled, excavated, removed or otherwise disturbed, a grading permit shall be required. The grading permit shall be issued upon the approval of a grading, drainage, soil erosion and sediment control plan. A separate application shall be required for each grading permit. All grading permit applications shall be distributed to the Township Forester for review and approval prior to issuance by the Township Engineer. Plans, specifications, a written description of the scope of work, and time schedules shall be submitted with each application for a grading permit, together with the application fee. The plans shall be prepared and duly signed and sealed by a professional engineer, architect or landscape architect registered and licensed in the State of New Jersey. (Ord. No. 2439-15)

17-2.1 Minor Grading Permit.

A minor grading permit shall be required where a building permit is required and the proposed new impervious area computed on a horizontal basis or the land to be disturbed is between two hundred (200) square feet and five hundred (500) square feet, or where a building permit is not required and the land to be disturbed is between five hundred (500) square feet and one thousand (1000) square feet. Minor grading permits shall be issued by the Township Engineer who may consult with the Construction Code Official before issuing the permit. The application fee for a minor grading permit shall be one hundred fifty dollars (\$150.00). A fee of seventy-five dollars (\$75.00) shall be required for each revision review. The fee is waived for the first revision. (Ord. No. 2439-15)

17-2.2 Major Grading Permit.

Except for land disturbance which is exempt under subsection 17-1.3 or which qualifies for a minor grading permit under subsection 17-2.1, all other disturbance shall require a major grading permit to be issued before work may commence. Major grading permits shall be issued by the Township Engineer who shall consult with the Township Forester before issuing the permit. The application fee for a major grading permit shall be four hundred dollars (\$400.00). A fee of seventy-five dollars (\$75.00) shall be required for each revision review. The fee is waived for the first revision. (Ord. No. 2439-15)

17-3 PLAN REQUIREMENTS.

17-3.1 Contents, Submission Requirements.

The applicant shall submit a grading, drainage, soil erosion and sediment control plan for the entire site, which shall be accompanied by payment of the application fee. The plan shall include:

- a. A date, north arrow, scale (not less than 1" = 30'), and block and lot.
- b. Measures for soil erosion and sediment control, which must meet or exceed the specifications and standards for soil erosion and sediment control in New Jersey promulgated by the State Soil Conservation Committee established pursuant to N.J.S.A. 4:24-1. et seq.
- c. A schedule indicating the anticipated starting and completion dates and the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, and the time of exposure of each area prior to the completion of such measures.
- d. The location and description of existing natural and manmade features on and within twenty-five (25') feet of the site, including existing and proposed topography with two (2') foot contours, location of trees greater than four (4") inches in diameter measured at four (4') feet above the ground, utilities, and soil characteristics and a copy of the soil survey where available.
- e. The location and description of proposed changes to the site, including proposed tree removals, and a sketch of the proposed development, which shall include proposed landscaping plans.
- f. Soil permeability test results, as required in the discretion of the Township Engineer, supporting the design of any dry wells or other stormwater detention facilities.
- g. Wetlands, riparian lands, steep slopes, flood plains, and any associated buffers or transition areas.
- h. Easements.

(Ord. No. 2439-15)

17-3.2 Submission of Revisions.

All proposed revisions of required data shall be submitted for approval. An additional fee shall be collected for each revision submitted for review. The fee for the first revision is waived. (Ord. No. 2439-15)

17-4 DESIGN STANDARDS.

In the preparation and implementation of a grading, drainage, soil erosion and sediment control plan, the following principles of design shall be adhered to:

- a. Control measures shall apply to all aspects of the proposed disturbance as it affects the specific lot and offsite installations, for example, roads, street trees, and utilities.

- b. Measure shall be instituted to prevent or control soil erosion and sedimentation, and such measures shall be in operation during all stages of development.
- c. The smallest practicable area of land shall be exposed at any one (1) time during development, and stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion and the duration of the disturbance.
- d. Work shall be performed in stages where necessary.
- e. The construction and installation of improvements such as diversions, sediment basins and similar structures required to prevent soil erosion and sedimentation shall be required prior to the start of construction or on-site grading or disturbance.
- f. Permanent improvements, such as roads, catch basins, curb and the like shall be installed or constructed and completed as soon as possible.
- g. Temporary diversions and outlets shall be constructed or installed to accommodate the increased runoff caused by the changed soil and surface conditions during development.
- h. Sediment basins, debris basins, desilting basins or silt traps shall be installed to remove sediment from runoff waters and be cleaned of trapped sediment after each rainfall event.
- i. Sediment shall be retained on the site to the maximum extent feasible.
- j. Stormwater runoff shall be minimized and retained on the site wherever practicable by the construction of the following:
 - 1. Detention basins designed in accordance with the following requirements:
 - (a) Hydrologic and hydraulic studies and designs shall be in accordance with applicable United States Soil Conservation Service methods.
 - (b) The rate of runoff resulting from all storms recurring more frequently than once in fifty (50) years shall be controlled so that the rate will not exceed that which would be computed in accordance with Soil Conservation Service methodology based on the following hydrologic complex curve numbers:

<i>Hydrologic Soft Group</i>	<i>Hydrologic Curve Number</i>
A	30
B	45
C	65
D	75

- (c) The design of all detention facilities shall be as approved by the Township Engineer.
 - 2. Drywells for roadway, driveway, and impervious construction, designed in accordance with requirements established by the Township Engineer.
 - 3. Roof drain drywells for any structure, designed to retain a minimum of two hundred fifty (250) cubic feet of storage volume for every one thousand (1,000)

square feet of impervious area. For impervious areas not evenly divisible by one thousand (1,000) square feet, the required storage volume shall be apportioned accordingly. Details and location of the drywell facility shall be shown on the grading plan. Impervious areas with less than two hundred (200) square feet computed on a horizontal basis will be exempt from this requirement.

- k. Drainage provisions shall accommodate increased runoff and minimize adverse impact on adjoining properties resulting from proposed modified soil and surface conditions, during and after development or any land disturbance.
- l. Whenever feasible, natural vegetation shall be retained and protected. All required vegetative or tree protection fencing shall be installed prior to land disturbance.
- m. Permanent final plant cover or lawn or ground cover shall be installed on any site prior to the issuance of a certificate of occupancy. In the event that such permanent final plant cover cannot be installed because of conditions of weather, the installation thereof shall be enforced by appropriate provisions in a performance guarantee or other security and improvement agreements. If permanent protection and cover has not been and cannot be installed, temporary measures in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee must be installed until such time as permanent measures can be installed.
- n. Either temporary seeding, mulching, plant cover or other suitable stabilization measures shall be used to protect exposed critical erosion areas during construction or other land disturbance.
- o. Any work in the Township's right-of-way shall require a Township road opening permit (obtained from the Department of Public Works) to have been issued before the work commences.
- p. Storm drainage running offsite shall, where possible, be controlled and connected to the Township's underground storm sewer system.
- q. Land disturbance work shall be conducted in a manner as to prevent the deposit of dirt upon any public street in the Township, and in the event of such deposit the applicant and the applicant's contractors shall be obligated to remove the dirt and clean the street where the dirt was deposited.

(Ord. No. 2439-15)

17-5 INSPECTIONS.

The Township Engineer and Township Forester shall make inspections and issue their final reports to the Construction Official upon application for a certificate of occupancy. All improvements on the approved plan shall be required to be inspected by the Engineering Department and/or Forester. The applicant shall schedule all required inspections. (Ord. No. 2439-15)

17-6 WAIVERS.

The Township Engineer, or for minor grading permits, the Construction Code Official, may waive the plan or design requirements of this Chapter, in whole or in part, if sufficient evidence is submitted to support a conclusion that a certain requirement need not be met. In passing upon requests for waivers, the Township Engineer or Construction Code Official shall consider all technical evaluations, relevant factors and standards specified in this Chapter. (Ord. No. 2439-15)

17-7 MAINTENANCE.

All necessary soil erosion, sediment control measures and storm detention systems installed under this Chapter shall be adequately maintained by the applicant and all subsequent owners of the property on which such measures have been installed, until the possibility of soil erosion and sediment pollution no longer exists. (Ord. No. 2439-15)

17-8 PENALTY FOR NONCOMPLIANCE.

The requirements of the Code shall be enforced by the Code Enforcement Officer at the direction of the Township Administrator (or his designee) or the Township Engineer (or his designee) or the Township Forester. For the violation of the provisions of this Chapter, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one or more of the following: a fine not exceeding two thousand dollars (\$2,000.00); imprisonment in the County Jail for a period not exceeding ninety (90) days; or to a period of community service not exceeding ninety (90) days, at the discretion of the Municipal Court Judge. (Ord. No. 2439-15)

§ DRZ-608. Protection of steep slope areas.

§ DRZ-608.1. Statement of Purpose. [Ord. No. 2351-10 ; Ord. No. 2434-14]

It is the purpose of this section to provide development controls for lands located within the Township that have present within their boundaries topographical conditions hereinafter described as "steep slopes."

These controls are provided to minimize the potentially adverse impacts associated with disturbance of steeply sloped areas. Such regulation promotes the public health, safety and welfare of the Township by limiting disturbance to soil and vegetation and controlling erosion in steeply sloped areas.

The requirements, guidelines and controls promulgated under this Section shall be applicable to all properties within all zone districts situated in the Township in their existing physical state or condition as of the date of the passage of this Section.

§ DRZ-608.2. Background. [Ord. No. 2351-10 ; Ord. No. 2434-14]

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of water bodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of the landscapes.

§ DRZ-608.3. Definitions. [Ord. No. 2351-10 ; Ord. No. 2434-14]

The following definitions are applicable to this Section.

DISTURBANCE/DISTURB — The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing cutting or removal of vegetation over an aggregate area of more than 1,000 square feet.

GRADE — The percent of rise or descent of a sloping surface. For example, a grade of 20% corresponds to a two-foot vertical change in elevation for every 10 feet of horizontal distance.

IMPERVIOUS SURFACE — Any structure, surface or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces or improvements.

REDEVELOPMENT — The construction of structures or improvements on areas which previously contained structures or other improvements.

RETAINING WALL — A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

STEEP SLOPE AREA — A slope with a grade of 20% or more, which extends for a horizontal distance of 10 feet or more.

§ DRZ-608.4. Designation of Areas.

Steep slope areas shall be established by measurement of change in elevation along a line which is perpendicular to the topographical contour lines of the slope. Topographic information shall be plotted at two-foot contour intervals and may only be supplied by a licensed land surveyor registered in the State of New Jersey.

§ DRZ-608.5. Regulations for Development in Steep Slope Areas. [Ord. No. 2351-10 ; Ord. No. 2434-14]

- a. Prohibition on Disturbance. There shall be no disturbance of steep slope areas, except for redevelopment.
- b. Limit of Disturbance. The limit of disturbance shall be established to preserve existing vegetation on each lot and shall be marked by a temporary fence to be maintained throughout construction.

§ DRZ-608.6. Steep slope identification. [Ord. No. 2351-10 ; Ord. No. 2434-14]

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 to determine the presence of steep slope areas.

- a. Slope Analysis. Steep slope areas shall be identified on the site plan drawn at a scale as required by the Township's site plan or subdivision submission requirements. The site plan shall show the existing and proposed topographic contours as required herein and shall provide the following additional information:
 1. Delineation and quantification of those steep slope areas proposed for disturbance. The applicant shall provide a table showing the calculation of disturbed steep slope area in square feet and as a percent of the lot area, for each lot.
 2. If the site plan includes steep slope areas, identification of 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.
 3. Details on how the proposed construction will minimize adverse impacts upon the existing natural features of the lot shall be provided.
 4. Plans and specifications for any retaining walls, steps, fences or other protective structures shall be provided.

§ DRZ-608.7. Lot Grading/Driveway/Drainage Plans. [Ord. No. 2434-14]

For all lots with proposed disturbance of a steep slope area, a lot grading/driveway/drainage plan shall be approved by the Township Engineer prior to the issuance of a building permit or demolition permit. Said plans shall include, but not be limited to, existing and proposed topographical contours as required herein, limits of disturbance, construction details, soil erosion, sedimentation control measures and drainage calculations and, where required by the Township

Engineer, stormwater control measures. Prior to the issuance of a certificate of occupancy, for any lot where a steep slope area has been disturbed, an as-built survey prepared by a licensed land surveyor registered in the State of New Jersey shall be filed with the Township Engineer who shall review same to assure compliance with the approved lot grading/driveway/drainage plan. In addition to such other fees as may be required by the Township, a separate fee of \$200 shall be payable to the Township for review of the lot grading/driveway/drainage plan in connection with a proposed disturbance of steep slope areas. In addition to the requirements of Chapter 17 of the Millburn Township Ordinance Code, the design standards for lot grading/driveway/drainage plans for lots with a proposed disturbance of steep slope areas shall include at minimum the following:

- a. No soil shall be excavated, removed, deposited or disturbed except as a result of and in accordance with a lot grading plan approved under the terms of this chapter.
- b. Proposed disturbance of the soil shall be executed in a manner that will not cause erosion or other unstable conditions.
- c. Provision shall be made for the proper disposition of surface water runoff so that it will not increase unstable conditions. Appropriate storm drainage facilities shall be provided for downstream properties.
- d. Provision shall be made for any structure or protection measures that may be required for the protection of the public safety, including but not limited to retaining walls, guide rails, headwalls, drainage systems and fences.
- e. Provision shall be made for a safe water supply and for the disposal of sanitary sewage as approved by the Board of Health.
- f. Any proposed building or structure or attendant protective measures shall not impede the flow of surface water through any watercourse. Only a nominal increase in water surface elevation and velocities will be allowed due to construction.
- g. Any proposed vehicular facilities including roads, drives or parking areas, shall be so designed that any land disturbances shall not cause excessive erosion. Both the vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
- h. Final grades of the proposed driveway shall be in conformance with the Millburn Township ordinance related to streets and sidewalks.
- i. Any fill placed on the lots shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Township Engineer.
- j. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are found necessary by the Township Engineer in order to prevent erosion.
- k. There shall be no alteration of site elevations in excess of one foot within five feet of an adjoining property.
- l. No retaining wall on a residential site shall exceed six feet in height, and there shall be a

minimum distance between stepped retaining walls equal to the height of the highest wall. All retaining walls greater than four feet in height shall be designed by a professional engineer, and it shall be certified by a professional engineer that the wall was constructed in accordance with approved plans.

TOWNSHIP OF MILLBURN
Department of Engineering
Grading, Drainage, Soil Erosion & Sediment Control
Permit Application ORD. No. 2439-15

PERMIT NO: _____

Date received: _____

Total Fee Paid: _____

Work Site Address: _____ Block: _____ Lot: _____

Owner Name: _____ Phone: _____

Owner's Address: _____

Owner's Email: _____

Contractor's Name: _____ Phone: _____

Contractor's Address: _____

Contractor's Email: _____

Engineer/Architect/ Designer Name: _____ Phone: _____

Address: _____

E-mail Address: _____

Project Manager at work site in Responsible Charge:

Name: _____ Cell Phone: _____

E-MAIL: _____

Description of Proposed Work: _____

Land Disturbance: _____ sq.ft. Proposed Impervious Surface: _____ sq.ft.

Check Appropriate Permit Type (Minor or Major) and Fee: PERMIT FEES ARE NON-REFUNDABLE

☐ MINOR \$150.00 ☐ STEEP SLOPE DISTURBANCE FEE \$200.00 ☐ REVISION TO PLAN FEE \$75.00

☐ MAJOR \$400.00 ☐ SANITARY SEWER CONNECTION FEE (IF REQUIRED) \$2,100.00

☐ DEVELOPMENT WITHIN THE FLOOD HAZARD AREA (*ADDITIONAL FORM REQUIRED WITH THIS APPLICATION*)

Fee MUST be submitted with application in CASH or CHECK made payable to : TOWNSHIP OF MILLBURN

FOR OFFICE USE ONLY	Required and Provided	Required and Not Provided	Not Required
Soil Erosion & Sediment Plan	_____	_____	_____
Road Opening Permit	_____	_____	_____
Storm Sewer Connection Permit	_____	_____	_____
Soil Permeability (Perc) Test Results	_____	_____	_____
Tree Removal Permit	_____	_____	_____
<i>(Plan shall include location of trees greater than 10" in diameter)</i>			
	Approved	Approved with Notes	Rejected
Township Forester	_____	_____	_____
Township Engineer	_____	_____	_____

PLEASE READ ATTACHED TOWNSHIP ORDINANCE FOR MORE INFORMATION

TOWNSHIP OF MILLBURN**Department of Engineering****Permit Application for Development within a Flood Hazard Area**

Date received: _____

All development within a Flood Hazard Area shall conform to the requirements set forth in the Township of Millburn, Development Regulations and Zoning Ordinance (DRZ), Article 7 – Flood Plain Management Regulations, as well as applicable Federal and State regulations.

Work Site Address: _____ Block: _____ Lot: _____

PROPERTY OWNER INFORMATION

Name:		Phone Number:	
Address:		Email:	
City:	State:	Zip Code:	

BUILDER INFORMATION

Name:		Phone Number:	
Address:		Email:	
City:	State:	Zip Code:	

ENGINEER INFORMATION

Name:		Phone Number:	
Address:		Email:	
City:	State:	Zip Code:	

PROJECT OVERVIEW

Project Description:

DOCUMENTS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION

Three signed and sealed site plans conforming to the requirements listed in DRZ-703.3.1(a).
NJDEP Flood Hazard Verification Letter with a Flood Hazard Area Design Flood Elevation.
NJDEP approved permit, letter of applicability determination or other approval document.

I hereby acknowledgement that **all statements herein and in attachments to the application are true and accurate to the best of my knowledge**. I further acknowledge that no work of any kind may start in the NJ Flood Hazard Area or FEMA SFHA until all permits, including, but not limited to a floodplain development permit, are issued and that this permit may be revoked if any false statements are made herein.

Name of Applicant_____
Signature of Applicant_____
Date