

G. ATTORNEY: Fax No. _____
Name _____
Address _____

Telephone No. _____
Fax No. _____

SECTION 2.

TYPE OF APPLICATION (Check)

SOIL REMOVAL () IMPORTATION () QUARRYING ()

SECTION 3.

INFORMATION REGARDING THE PROPERTY

- A. Address of Property: _____
- B. Location of property is approximately _____ feet from the intersection of
_____ and _____
- C. Block(s) _____ Lot(s) _____
- D. Use of property:
Existing _____
Proposed _____
- E. Zone: _____
- F. Acreage of entire tract: _____
Acreage of area where removal will occur: _____

G. Acreage of area proposed for filling: _____

H. Is the subject property located on a:

Township Road	Yes ()	No ()
County Road	Yes ()	No ()
State Road	Yes ()	No ()
With 200 feet of a municipal boundary	Yes ()	No ()

I. Was the property subject to a prior application? Yes () No ()

J. Approval from N.J.D.E.P. for stream encroachment if required (see M below)

Yes () No ()

K. Are there any existing or proposed deed restrictions, easements, right-of-ways or other dedication? Yes () No ()

If yes, attach a copy.

L. Improvements: List all proposed on-site and off-tract improvements.

M. Plat submission: List by title and date, maps and other exhibits accompanying this application:

SECTION 4.

INFORMATION REGARDING APPLICATION

SOIL OR ROCK REMOVAL/IMPORTATION: (Check all that apply)

Earth () Sand () Clay () Loam () Gravel ()
Humus () Rock () Topsoil () Dirt of Any Kind ()

Cubic yards to be removed: _____ Imported _____

Roads to be used for travel to and from the site: _____

Hours of Operation: _____

Destination point for the soil/rock removal (or in the case of importation, state
source/origin of soil/rock): _____

REASON FOR REMOVAL/IMPORTATION _____

Warren County Soil Conservation District

Date Approved: _____

Date Denied _____

Not Applicable _____

SECTION 5.

AUTHORIZATION AND VERIFICATION

Certification of contractor that he will comply with Reclamation Plan, Soil Removal/Filling Plan or Quarrying Plan.

SIGNATURE

DATE

DATE OF PLAN & REVISIONS

I, _____, certify the statements contained in this application
(applicant name or agent)
are true.

APPLICANT'S SIGNATURE

DATE

Owner authorization for soil movement/quarrying in accordance with submitted plans.

SIGNATURE

DATE

CHAPTER XI

SOIL REMOVAL AND IMPORTATION*

11-1 DEFINITIONS.

As used in this Chapter:

Property shall mean all contiguous lands owned by the same person or entity.

Soil shall mean and include all forms of earth, whether organic or inorganic, including by way of example, but not by way of limitation, surface or subsurface dirt, stone, rock, gravel, sand, humus, clay, loam, minerals, topsoil, and any mixtures thereof.

(Ord. #93-19, § 11.1)

11-2 QUARRYING AND MINING PROHIBITED.

All quarrying or mining of soil is prohibited in the Township of Hope. This section is subject to the power of the Zoning Board of Adjustment of the Township of Hope to grant a variance permitting quarrying and/or mining pursuant to N.J.S.A. 40:55D-70(d). (Ord. 93-19, § 11.2)

11-3 REMOVAL OF SOIL—PERMIT REQUIRED.

The removal of more than fifty (50) cubic yards of soil in any one (1) year period from any property situate within the Township of Hope is prohibited unless a soil removal permit has been obtained from the Hope Township Committee. (Ord. #93-19, § 11.3)

***Editor's Note:** Prior ordinances codified herein include portions of Ordinance No. 4/4/85 and prior 1978 Code §§ 8-301—8-306. Ordinance No. 02-04 amended the title of Chapter XI to add the words "AND IMPORTATION."

11-4 APPLICATION—PROCEDURE FOR FILING.

Applications for soil removal permits, on forms available from the Township Clerk, shall be filed with the Township Clerk together with the supporting documentation as set forth on Schedule A, which said Schedule is specifically incorporated as part of this Chapter by reference.*

The Committee may, at the request of applicant, and for good cause shown waive any of the requirements as set forth in Schedule A.* (Ord. #93-19, § 11.4)

11-5 PUBLIC HEARING.

11-5.1 Time for Hearing. Applications for soil removal permits shall be heard and considered by the Township Committee at the first regular monthly meeting of said Committee held not less than fifteen (15) days after filing of the application. (Ord. #93-19, § 11.5)

11-5.2 Testimony. The testimony of all witnesses relating to an application for a permit shall be taken under oath by the presiding officer or such person as he may designate and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses. (Ord. #93-19, § 11.5)

11-5.3 Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Hope Township Committee may exclude irrelevant material or unduly repetitious evidence. (Ord. #93-19, § 11.5)

11-5.4 Notice Requirements for Hearing. Applicant shall provide a minimum of seven (7) days written notice to the owners of all real property, as shown on the current tax

*Editor's Note: Schedule A, referred to herein, may be found on file in the office of the Township Clerk.

duplicates, located within two hundred (200') feet in all directions of the property which is the subject of the hearing stating: the date, time and place of the hearing; the nature of the matters to be considered; the identity of the property proposed for soil removal by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicates; and a statement that the application, together with all documents submitted with it, is available for inspection at the Township Clerk's office. Notice shall be deemed complete upon mailing by certified mail evidenced by an Affidavit of Proof of Service. (Ord. #93-19, § 11.5)

11-5.5 List of Property Owners Furnished. The tax assessor of the Township shall, within seven (7) days after receipt of a request from an applicant and upon receipt of a fee of ten (\$10.00) dollars make and certify a list from the current tax duplicate of names and addresses of owners to whom applicant is required to give notice pursuant to subsection 11-5.4 above. (Ord. #93-19, § 11.5)

11-6 ISSUANCE OF PERMIT.

A soil removal permit shall be issued by the Township Clerk after public hearing and approval of an application by the Hope Township Committee. The permit shall indicate the total yards of soil authorized to be excavated and/or removed. The permit shall be valid for a term of six (6) months from the date of its issuance and the permit shall automatically expire six (6) months from its date of issue. In determining whether to approve an application for a soil removal permit, the Hope Township Committee shall consider all facts presented by the applicant and interested residents of the Township of Hope, with particular consideration being given to the following factors:

- a. Whether the proposed excavation and removal of soil is necessary and incidental to the development of the property for its intended use;
- b. Existing zoning ordinances applicable to the property;
- c. Impact upon surrounding property owners;

- d. Impact upon the general public health, safety and welfare of the citizens of the Township of Hope;
- e. Soil erosion;
- f. Soil fertility;
- g. Impact upon existing contours and topographic character of the property by the proposed excavation and removal of soil; and
- h. Effect of excavation and soil removal upon surface water drainage and existing streams and wetlands.
(Ord. #93-19, § 11.6)

11-7 RENEWAL OR MODIFICATION OF PERMIT.

Prior to or upon expiration of a permit, an applicant may submit an application for renewal or modification of the permit following the application procedures set forth in Section 11-4 except that applicant need not resubmit documentation previously supplied in conformance with Schedule A of this Chapter. * The applicant shall also comply with the notice provisions of Section 11-5. (Ord. #93-19, § 11.7)

11-8 ENFORCEMENT.

The removal of soil undertaken pursuant to a soil removal permit shall be performed in strict compliance with the terms and conditions of said permit. To ensure compliance, the Hope Township Committee may instruct the Township Engineer to conduct periodic field checks. In the event the Township Engineer determines that soil excavation and removal is not proceeding in compliance with the soil removal permit, the Township Engineer shall provide written notice of noncompliance specifying the necessary remedial action and providing the holder of the permit ten (10) days within which to

*Editor's Note: Schedule A, referred to herein, may be found on file in the office of the Township Clerk.

comply with the notice. If compliance is not forthcoming within ten (10) days of the date of the notice of noncompliance, the Township Engineer may request the Hope Township Committee to suspend or revoke the soil removal permit and the Hope Township Committee may, after affording the holder of the permit reasonable notice and an opportunity to be heard, undertake to revoke or suspend the permit for any violation of the terms and conditions of the soil removal permit. (Ord. #93-19, § 11-8)

11-9 FEES, BONDS.

11-9.1 Fees.

- a. A nonrefundable application fee in the amount of one thousand (\$1,000.00) dollars shall be submitted with each initial application for a permit.
- b. Each application for renewal or modification shall be submitted with a nonrefundable fee in the amount of five hundred (\$500.00) dollars.
- c. Upon approval of an initial application or approval of an application for renewal of an existing permit, applicant shall pay an additional nonrefundable fee of two hundred fifty (\$250.00) dollars to cover the cost of periodic field inspections by the Township Engineer.
(Ord. #93-19, § 11.9)

11-9.2 Bond. The Hope Township Committee shall require, upon approval of an application, the posting of a performance bond in a form and with surety approved by the Township Attorney in the amount of three thousand (\$3,000.00) dollars per acre of disturbed soil to ensure the removal of soil pursuant to the terms and conditions of the permit. The Hope Township Committee shall accept or reject an applicant's performance based upon the written recommendation of the Township Engineer within sixty (60) days of receipt of written notice from the applicant that the soil removal has been completed and property restored in accordance with the restoration plan approved as a condition of the permit. The bond shall be

discharged upon completion and acceptance of applicant's work. In the event that the soil removal is not completed in conformance with the terms and conditions of the maps and plans approved in conjunction with the permit, the Township of Hope shall have the authority to draw down on the performance bond in order to complete same. (Ord. #93-19, § 11.9)

11-10 SOIL IMPORTATION.

11-10.1 Permit Requirements; Fees; Review.

a. No person shall import soil to a site within the Township of Hope in quantities of one hundred (100) cubic yards or more without first having procured a permit therefor by the filing of an application for such soil importation with the Township Clerk. The application shall be accompanied by a minimum fee of one hundred (\$100.00) dollars plus ten (\$10.00) dollars per thousand cubic yards in excess of one hundred (100) cubic yards. Where there is an approved site plan and said site plan approval includes the importation of soil, no permit or fee will be required.

b. The application shall disclose the address and location from which the soil is to be obtained, the owner or representative of the owner of the premises from which the soil is to be obtained and the kind and quality of soil to be imported.

c. The Township Engineer shall review all such applications and if in the opinion of the Township Engineer, professional review of the application, including physical examination or testing of soil is required, the Engineer shall forward all pertinent materials to a soil consultant or environmental consultant for review and for a certified testing soil laboratory report which shall be delivered to the Township Committee within thirty (30) days from the date of a completed application. The report of the consultant shall be accompanied by an invoice for the service performed. The applicant shall establish an escrow fund in the Township Clerk's office to satisfy the

cost of testing and professional review upon an estimate of the cost involved by the Township Engineer.

d. If, during the course of soil importation, the Township Engineer shall determine that a physical examination of the material involved is required for the protection of public health and safety, the Township may retain a soil consultant to examine the fill material at the sole expense of the applicant who shall establish an escrow account to cover the cost as approved. If the results of such examination indicate the presence of material, which is harmful, dangerous, toxic or hazardous to the public, all soil importation activities shall cease, and the soil in question shall be removed in accordance with the direction of the Township Engineer.
(Ord. #02-04)