

BOROUGH OF OLD TAPPAN

ORDINANCE 1221-22

AN ORDINANCE TO REPEAL AND REPLACE §205-4 and §205-5 of Chapter 205 of the Code of the Borough of Old Tappan titled "Soil Removal".

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan as follows:

SECTION 1: The Code of the Borough of Old Tappan is hereby amended by repealing §205-4 titled "**Application Information.**" and §205-5 titled "**Consideration of Application**" and replacing them with the following:

§ 205-4 Application information.

Applications shall be made on a form to be obtained from the Building Department and said application shall require the following:

- A. The name and address of the owner of the land.
- B. Lot and block numbers of the lands as shown on the current Tax Map of the Borough.
- C. A plot plan prepared by a professional engineer licensed to practice in the State of New Jersey showing the following:
 - 1) Present contour lines and the proposed future contour lines resulting from the intended disturbance, excavation or redistribution of soil or fill.
 - 2) The grades resulting from the intended disturbance, excavation or redistribution of soil or fill in relation to the topography of the premises.
 - 3) The existing elevations on adjoining properties measured at a point 25 feet from the property lines of the property that is the subject of the application or as otherwise directed by the Borough Engineer.
 - 4) Present and proposed cross sections in a form acceptable to the Borough Engineer to verify the quantities of soil to be moved.
 - 5) Within the area of proposed disturbance, every living deciduous or coniferous tree which has attained a height of at least 25 feet, or a diameter measured at a point on the tree four feet above the ground of at least eight inches.
 - 6) The location of any existing and proposed structures and swimming pools, if any.
 - 7) The location of any existing and proposed basements of structures and dry wells, if any.
 - 8) Soil erosion and sediment control details in accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey."
 - 9) The proposed location for soil or fill to be stored on the property during construction, if any. When a soil moving permit is required in accordance with Subsection A of § 205-3 of this chapter, the Borough Engineer may waive one or more of the plot plan requirements set forth in Subsection C of this § 205-4, provided that the soil moving permit is for less than 250 cubic yards, and provided further that the Borough Engineer deems that such requirements

to be waived are not necessary for the protection of the public health, safety and general welfare based on the considerations set forth in Subsection A of § **205-5**.

- D. The proposed dates of the commencement and completion of the work.
- E. If the property was the subject of a development application before the Borough Planning Board, a copy of the approved site plan.
- F. Reason for removing or adding the soil or fill.
- G. Type and quantity of soil or fill to be removed or added.
- I. A detailed statement explaining soil stabilization techniques to be provided such as stabilization with haybales, swales, berms, walls and/or revegetation.
- J. Present and proposed surface water drainage and the means of control of same.
- K. Daily starting and finishing time during which machines are to be operated consistent § **170-2A(8)** of Chapter **170**, Noise, of the Code of the Borough of Old Tappan.
- L. Fee, escrow deposits and bond requirements as set forth in §§ **205-7** and **205-8** of this chapter.
- M. A list of all prior soil movement activities, if any, including dates of applications, detailed description of soil movement activity, and disposition of applications.
- N. Proof of service of notice on adjoining properties as required by § **205-3** hereinabove.
- O. Such other pertinent data as the Borough Engineer may deem necessary.

§ 205-5 Consideration of application.

- A. The written application made to the Building Department shall be sent to the Borough Engineer for review and recommendation within 15 days. In considering and reviewing the application, the Borough Engineer shall be guided by, and take into consideration, the public health, safety and general welfare, and particular consideration shall be given to the following:
 - 1) Soil erosion by water and wind.
 - 2) Drainage including the construction of drainage structures, i.e., catch basins, pipes, seepage pits, etc., to mitigate adverse impacts upon neighboring property owners.
 - 3) Soil fertility.
 - 4) Lateral support slopes and grades of abutting streets and lands.
 - 5) Land values and uses.
 - 6) Impact on floodplain areas, if any.
 - 7) Preservation of trees.
 - 8) Consistency with an approved site plan for the property, if any.
 - 9) Any other factors relevant to the coordinated, adjusted, and harmonious development of the Borough.
- B. If after considering the above factors the Borough Engineer determines that the proposed disturbance, removal or redistribution of soil or fill will not create conditions inimical to the public health, welfare and safety, and will not result in the creation of any sharp declivities, pits

of depressions, soil erosion or fertility problems, depressed land values, nor create any drainage, sewerage problems or other conditions of danger, he shall recommend the approval of the application. The Building Department shall thereafter act on such application within 30 days of receipt of the written report of the Borough Engineer. In accordance with the standards above, no soil disturbance application will be approved unless the disturbance of the soil is to be done as a part of a plan to properly develop the lands of the application.

- C. Upon approval of the application by the Construction Official, payment of the fees and filing of the bond required by this chapter, the Building Department shall issue a soil disturbance permit. Notice of the grant or denial of the application shall be given to the applicant within 45 days after the application is filed.
- D. In those instances where the Borough Engineer feels it is appropriate, he may refer any application for soil movement to the Planning Board for review and approval.

Section 2:

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 3:

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