

**APPLICATION TO PLACE SOIL, FILL LAND, OR REMOVE SOIL
PROCEDURE FOR FILING APPLICATION FOR PERMIT
OR TO OBTAIN AN EXEMPTION**

Pursuant to the Township of South Brunswick Municipal Code, Chapter 224-Soil Placement, Removal, Soil Erosion, and Sediment Control and Undeveloped Property Restoration, a zoning permit application with a completed checklist and plans must be submitted. This application must be completed even if you are requesting an exemption.

Section I General Information

Date of Application _____

Please check one:

Contractor for DEP doing site remediation _____
Please indicate the Case Manager and Case Number _____

Contractor for DEP doing soil sampling _____
Please indicate the Case Manager and Case Number _____

Developer _____

Private landowner/ homeowner _____

Removal of Underground Storage Tank _____

Other (Please specify) _____

Application for:

Subdivision _____

Site Plan _____

Conditional Use _____

Zoning Variance _____

Planned Unit Development _____

Construction Permit _____

Other (Please specify) _____

If the application is for a Major Subdivision or the proposed work requires Site Plan approval by the Planning Board or Zoning Board, provide a survey map prepared by a New Jersey licensed land surveyor showing the location of all property corners, with permanent markers set at each corner point and a metes and bounds description of the property, including the total land area.

Fill Placement _____ Fill Removal _____

Number of cubic yards of soil to be delivered _____

Origin of the fill material _____

Number of cubic yards of soil to be removed _____

Final destination of removed material _____

Please indicate the time frame for project, including the dates of commencement and completion. _____

Section II Applicant Information

NAME OF APPLICANT:

Address _____ City _____

State _____ ZIP _____ Phone _____

NAME OF PROPERTY OWNER: (if different from applicant)

Address _____ City _____

State _____ ZIP _____ Phone _____

NAME OF CONTRACTOR: (person who will actually be doing the work)

Address _____ City _____

State _____ ZIP _____ Phone _____

Section III Site Information

Block(s): _____ Lot(s): _____

Street Address of Property _____

Present Zoning _____ Area of Property _____

Current Use _____

Proposed Use of the site following completion of work _____

Please indicate the time frame for project, including the dates of commencement and completion. _____

List the sequence of the installation of planned erosion and sediment control measures.

Please provide a statement below indicating why it is essential to the development of the premises to place, fill or remove the specified amount of material.

Are there any existing easements on the property? _____

Describe the stabilized construction entrance.

List the type and number of earth moving machines and/or equipment to be used in the operation.

List the daily start and finish time during which the machines and/or equipment will be operated. _____

List the means of protection to prevent unauthorized access to the site. _____

Section IV Exemption Application

If you are applying for an Exemption, indicate which basis for an exemption you are relying upon:

1. _____ The activity involves the use of land for gardening primarily for home consumption.
2. _____ The activity involves the agricultural use of lands that are operated in accordance with a farm conservation plan approved by the local soil conservation district or which will not cause excessive erosion and sedimentation runoff.
3. _____ The activity is for the construction of a swimming pool, patio or deck at a single-family dwelling.
4. _____ The activity involves the landscaping of a single-family dwelling.
5. _____ The activity involves the movement of 15 cubic yards or less of material.
6. _____ The activity is part of a DEP remediation project.

South Brunswick Health Officer approval _____
(Health Officer signature)

7. _____ The activity is part of a septic system repair/replacement /removal project

South Brunswick Health Officer approval _____
(Health Officer signature)

Section V Application Checklist and Plans (Not required if applying for an exemption)

The applicant must file the required three (3) sets of plans with the application and all other material or data in the timeframe required by the Land Use and Land Subdivision and Site Plan ordinances. The application shall consist of the following:

1. Proof of Approval from Freehold Soil Erosion Conservation District.
2. A Survey/ Plot Plan of the entire property that shows all existing structures, property lines, easements, and lot restrictions. The survey must be to scale.
3. Provide an attached schedule of sequence of the installation of planned erosion and sediment control measures
4. Plans that include topographic maps of the site showing where the proposed fill, placement or soil removal operation is to be conducted.
5. Engineering plans showing surrounding lands within two hundred (200) feet of the perimeter of the site. Engineering plans must be prepared and certified by a New Jersey licensed professional civil engineer or land surveyor. Plans must be drawn on a scale of not less than one inch equals one hundred feet (1"=100'), and as referred to in the United States Coast and Geodetic Survey Data.
6. Proof that no contaminants exist in the soil, including but not limited to, results of tests for permissible effluent contaminant levels, permissible soil/sediment contaminant levels and priority pollutant plus 40 (PP+40) scans.
7. Indicate the present and proposed grades on a fifty (50) foot grid layout with contour lines at two (2) foot intervals for the property up to and including five (5) acres; or more than five (5) acres, one hundred (100) foot grids with contour lines at five (5) foot intervals. If topographic maps are obtained by aerial topography, the required grid layout may be superimposed on it. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from available State of New Jersey maps or data or from United States Coast and Geodetic Survey Map of the particular areas.
8. Show the grades of all abutting streets and lands within two (200) hundred feet of the property.
9. Indicate the existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural and artificial, as well as all proposed elevations of the areas to be modified.
10. Indicate all existing structures, land features, showing all existing surface and subsurface water drainage conditions and provisions, both on site and off site. Include all existing and proposed elevations of these drainage systems including the profiles of

any new construction. If the work is on a watercourse, then provide cross sections at fifty (50) foot intervals in addition to the proposed profile.

11. Indicate all wooded areas in the property under construction, locating all trees with a diameter of six (6") inches or larger. All trees and shrubs to be retained shall be protected at the drop line with the erection of protective snow fencing. Include protection erection details.
12. Show the proposed slopes and lateral supports at the limits of the area upon completion of the proposed work. Define how the area filled or the material removed will not impact the adjacent areas, create a hazard or adversely effect the slope, swale, or drainage of all abutting property.
13. Show where all materials (good and bad) shall be stockpiled on site.
14. Specify the location and provide a description of one (1) benchmark elevation for each twenty (20) areas of land.
15. Indicate conformance with Chapter 240 of the Township of South Brunswick, Code of Laws relating to trees.

Section VI Fee Schedule

Payment of fees must be made at the time of application.

Quantity of soil to be moved:	Applicable Fee
Up to 100 cubic yards	\$500.00
Up to 500 cubic yards	\$1,500.00
More than 500 cubic yards	\$5,000.00

Proper Soil Erosion and Sediment Control Inspected by (name) _____,
signature) _____, (title) _____, of South
Brunswick Township on (date) _____.

ORDINANCE NO. 21-01

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF SOUTH BRUNSWICK BY ADDING NEW CHAPTER 224, SOIL PLACEMENT, REMOVAL, SOIL EROSION AND SEDIMENT CONTROL AND UNDEVELOPED PROPERTY RESTORATION

BE IT ORDAINED by the Township Council of the Township of South Brunswick that the Code of the Township of South Brunswick is hereby amended and supplemented to add new Chapter 224, entitled, Soil Placement, Removal, Soil Erosion and Sediment Control and Undeveloped Property Restoration, to read as follows:

**CHAPTER 224
SOIL PLACEMENT, REMOVAL, SOIL EROSION AND SEDIMENT CONTROL AND UNDEVELOPED PROPERTY RESTORATION**

- § 224-1. Purpose.
- § 224-2. Word Usage Definitions.
- § 224-3. Permission To Place Soil, Fill Land Or Remove Soil In The Township.
- § 224-4. Permits.
- § 224-5. Contents Application and Plan.
- § 224-6. Review and Approval; Decisions; Notification of Applicants; Review Procedure and Time Limit.
- § 224-7. General Design and Performance Principles.
- § 224-8. Grading and Filling.
- § 224-9. Maintenance of Control Measures, Duration.
- § 224-10. Performance Bond Required.
- § 224-11. Fees.
- § 224-12. Violations and Penalties.
- § 224-13. Issuance of Certificate of Occupancy.
- § 224-14. Stop Work Order.
- § 224-15. Exempted Activities.
- § 224-16. Inspection and Enforcement.
- § 224-17. Undeveloped Property Restoration and Maintenance.

**224-1
Purpose.**

The purpose of this chapter is to control the placement and removal of soil as well as any soil erosion and sediment damages and related environmental damage by requiring adequate planning provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community. The adoption and enforcement of this ordinance is by no means a substitute for the approval of the Freehold Soil Erosion Conservation District, but is meant to supplement District requirements in the Township of South Brunswick. The purpose of this section is also to provide for the restoration of disturbed soil and vegetation in the event a party has commenced the installation of site improvements and abandons the project prior to the posting of performance guarantees as required by Article IV Undeveloped Property in Chapter 208 of the Property Maintenance Code.

224-2

Word Usage Definitions.

1. Word usage. For the purpose of this chapter, certain rules or word usage apply to the text as follows:
 - a) Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
 - b) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - c) The words or terms not interpreted or defined by this Article shall be used with common or standard utilization.

2. The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise specifically stated:
 - a) **Aquifer**--Shall mean any aquifer designated as such pursuant to N.J.A.C. 7:9-6. These aquifers represent ground waters with the designated use of potable water and conversion to potable water.
 - b) **Applicant**--An individual person, developer, a partnership, corporation, other entity or public or quasi-public agency requesting permission to engage in land disturbance activity.
 - c) **Application for Development**--A proposed subdivision of land, site plan, conditional use, zoning variance, planned unit development or construction permit.
 - d) **Certification**--A written endorsement of a plan for soil erosion and sediment control by the local Soil Erosion District which indicates that the plan meets the standards promulgated by the State Soil Conservation Committee pursuant to this act, (2) that the time allotted in N.J.S.A. 4:24-45 has expired without action by the district or (3) a written endorsement of a plan filed by the State Department of Transportation with the district.
 - e) **Committee**--The State Soil Conservation Committee in the Department of Agriculture, established pursuant to N.J.S.A. 4:24-3.
 - f) **Contaminant**--Shall mean any hazardous substance, hazardous constituent, hazardous waste or pollutant.

- g) **Contaminated Site**--Shall mean any property, including, but not limited to, structures, sediment, soil and water, that contains a contaminant which is present at such levels of concentration as to require action pursuant to any Federal or State statutes or regulations.
- h) **Contractor**--Shall mean any person engaged in the moving, delivery or placement of fill from, in or upon any land in the Township.
- i) **Critical Area**--A sediment-producing, highly erodible soil or severely eroded area.
- j) **Developer**--Shall mean the legal or beneficial owner or owners of a lot or any parcel of land included in a proposed development, including the holder of an option or contract to purchase, or any other applicant or person having an enforceable proprietary interest in such land.
- k) **Disturbance**--Shall mean any activity involving the clearing, grading, transporting, storing or filling of land or any other activity which causes soil to be exposed to the danger of erosion.
- l) **Dredged Material**--Shall mean any material removed from the bottom of a body of water.
- m) **Enforcement Officer**--Shall be the Township Zoning Officer or person(s) designated by the Township Manager in the absence of the Zoning Officer.
- n) **Erosion**--The detachment and movement of soil or rock fragments by water, wind, ice and gravity.
- o) **Excavation or Cut**--Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.
- p) **Farm**--Any area which is used for the sole purpose of farming which provides for the use of land, within its capabilities and treatment, within practical limits to grow and harvest produce or other crop, the raising of animals for slaughter or the production of milk. The raising of animals as a hobby or as a pet is exempt from the requirements of this ordinance.
- q) **Fill or Fill Material**--Shall mean any sand, gravel, earth, soil, dredged material, or other material of any composition whatsoever, the placement of which upon a site results in a change of topography of the site.
- r) **Flood Hazard Area**--Shall mean the floodway and additional portions of the flood plain that are subject to flood flow at lesser depths and lower velocities than the floodway and that are inundated by the flood hazard area designed flood.
- s) **Hazardous Substance**--Shall mean any hazardous substance as defined pursuant to section 3 of P.L. 1976, c141(C.58:10-23.11b), hazardous waste, as defined pursuant to section 1 of P.L. 1976, c99(C.13:1E-38), or pollutant as defined pursuant to section 3 of P.L. 1977,c.74(C.58:10A-3).
- t) **Land**--Shall mean any ground, soil or earth, including marshes, swamps, drainage-ways and areas not permanently covered by water within the Township.
- u) **Land Disturbance**--Shall mean any activity involving the clearing, grading, transporting, storing or filling of land and in addition, any activity which causes land to be exposed to the danger of erosion.
- v) **Lot**--Shall mean any parcel of land separated from other parcels or portions as by a lawful subdivision or deed of record, survey map or by a metes and bounds description.

- w) **Move**--Shall mean to dig, excavate, deposit, place, fill, grade, re-grade, level or otherwise alter or change the location or contour of any site, or to transport and to supply fill material or soil from one parcel or premises to another.
- x) **Mulching**--Shall mean the application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover.
- y) **Permit**--Shall mean a certificate or other document issued to perform work or other activity under this ordinance.
- z) **Plan**--A scheme or design, which indicates land treatment measures, including a schedule of the timing for their installation to minimize soil erosion and sedimentation.
- aa) **Permittable effluent contaminant levels**--Shall mean the dissolved priority pollutant +40 contaminant levels within the effluent which are below the Groundwater Quality Criteria for Class IIA Groundwater as set forth in N.J.A.C. 7:9-6.
- bb) **Permittable soil/sediment containment levels**--Shall mean priority pollutant +40 contaminant levels, which are below the most stringent Soil Cleanup Criteria, as set forth by the NJDEP.
- cc) **Priority Pollutant Plus 40 or PP+40**--Shall mean the priority pollutant list of one hundred twenty-six (126) compounds and elements developed by the EPA pursuant to Section 307(a)(1) of the Clean Water Act and forty (40) non-targeted organic compounds detected by gas chromatography/mass spectroscopy (GC/MS) analysis. For the purpose of this Chapter, a PP-40 scan means the analysis of a sample for all priority pollutants except those as analyzed using GC/MS analytical methods. Non-targeted compound criteria shall be used pursuant to the version of the EPA "Contract Laboratory Program Statement of Work for Organic Analysis, Multi-media, Multi-concentration" in effect as of the date which the laboratory is performing the analysis.
- dd) **Project**--Shall mean any disturbance of more than 5,000 square feet of surface area of land (1) for the construction for which the State Uniform Construction Code would require a construction permit, except the construction of a single-family dwelling unit shall not be deemed a "project" under N.J.S.A. 4:24-1 et.seq. unless such unit is part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such single-family dwelling units, (2) for the demolition of one or more structures, (3) for the construction of a parking lot, (4) for the construction of a public facility, (5) for the operation of a mining or quarrying activity, or (6) for the clearing or grading of any land for other than agricultural or horticultural purposes.
- ee) **Remedial Action**--Shall mean those actions taken at a site when hazardous materials have been found, including the removal, treatment, containment, transportation, the securing of or other engineering treatment measures, including related operations and maintenance activities, whether of a permanent nature or otherwise, designed to ensure that any discharge or placement at the site is remediated in compliance with the applicable remediation standards, including the

sealing of or closure of wells and groundwater supplies contaminated by the placement of hazardous materials.

- ff) Remediation**-- Shall mean all necessary actions to investigate and cleanup any known, suspected, or threatened discharge or placement of hazardous substances, including, as necessary, identifying areas of concern and determining the presence of hazardous substances and the collection and evaluation of data adequate to determine whether or not discharged or placed hazardous materials exist. In addition, remediation includes the determination of the nature and extent of any discharged or placed hazardous substance, identifying and evaluating any problems presented by the discharge or placement and the performance of a remedial action.
- gg) Sediment**-- Shall mean all solid material, mineral or organic, that is in suspension, is being transported, or has been removed from its site of origin by air, water or gravity as a product of erosion.
- hh) Sedimentation basin**-- Shall mean the area behind a barrier or dam intentionally constructed across a waterway or other suitable location to intercept and retain sediment and debris such as rock, sand, gravel, silt or any other organic material.
- ii) Site**-- Shall mean any plot, parcel or parcels of land.
- jj) Soil**-- Shall mean all unconsolidated mineral and organic material of any origin.
- kk) Soil Conservation District or Committee**-- Shall mean the Freehold Soil Conservation District or the State agency committee established or organized by the State of New Jersey, Department of Agriculture, under the provisions of Chapter 24, Title 4 of the New Jersey Revised Statutes.
- ll) Standards**-- Shall mean the standards promulgated by the Committee pursuant to this act.
- mm) Stream**-- Shall mean any natural or artificial watercourse, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in which water flows in a definite direction or course either continuously or intermittently, and which has a definite channel and shall include an area adjacent thereto subject to inundation by reason of overflow of floodwater.
- nn) Stripping**-- Shall mean any activity, which significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

224-3

Permission To Place Soil, Fill Land Or Remove Soil In The Township.

1. No owner, applicant, developer, corporation, contractor, subdivider, or other person shall move, deliver, fill, place, remove soil, or otherwise disturb, cause, allow, or permit material to be moved or placed on or removed from any property in the Township of South Brunswick without first obtaining approval from the Freehold Soil Erosion Conservation District and the Township Zoning Officer.
2. The owner or applicant, who claims that it cannot develop its property without the removal, re-grade or placement of fill in excess of what is available on-site, shall make application to the Township Zoning Officer for a fill placement or removal permit, together with an

application for site plan or subdivision approval if the project is a non-residential use or minor or major subdivision.

3. The applicant shall submit a map or plat with the application as provided for in the Land Use and Subdivision and Site Plan Ordinances and shall delineate the place or places on which the fill is to be placed, moved or removed. The application shall also specify the number of cubic yards of fill to be delivered; the origin of the fill material; the number of cubic yards to be removed; the destination of this removed material; the length of time necessary to do so, and a statement indicating why it is essential to the development of the premises to place, fill or remove the specified amount of material. If the application requires review by the Planning Board or Zoning Board of Adjustment (“the Board”), the Board shall schedule and conduct a public hearing on the full application for development in accordance with applicable provisions of the Municipal Land Use Law, as amended. Following the public hearing, the Board shall make the findings and conclusions, based on the evidence submitted to it as to whether the placement of or movement of the fill or the removal of the material is essential to the development of the premises for the permitted use, taking into account the grades of abutting streets and lands, adjacent land values and uses, drainage, and all other factors as may be borne upon or relate to the coordinated and harmonious physical development of the Township.
4. The conclusions and findings of the Board shall be incorporated in its resolution of approval or denial.
5. Compliance with the requirements of the Soil Erosion & Sediment Control Act.
 - a) All soil erosion and sediment control is to be installed and maintained in conformance with the current standards of the local Soil Conservation District. This is to include the stabilized construction entrance and the silt fencing around the perimeter of the work area and access roadway. Therefore, all removal and placement activity must not be commenced until the appropriate soil erosion and sediment control has been put in place and inspected by the Township.
 - b) If the stabilized construction entrance is not maintained and the vehicles used for the hauling of this fill or removed material is deposited or spilled onto the roadway, the permit will be revoked and fee forfeited.

224-4

Permits.

1. No land area shall be disturbed by any person, developer, partnership, corporation, other entity, Municipal Corporation or other public agency within the Township of South Brunswick unless the applicant has received the following:
 - a) A permit following the submission of a plan to the Township Zoning Officer for his/her review.
 - b) The required and approved plan from the Freehold Soil Conservation District.

- c) By way of amplification and not by way of limitation, certification and approval of a soil removal or soil placement plan is required for the following application categories: subdivision, site plan, conditional use, zoning variance, planned unit development and a construction permit.
 - d) The applicant must submit a separate soil removal or soil placement plan for each site or lot. The applicant may consult the Freehold District for the selection of appropriate erosion and sediment control measures during the development of the plan.
 - e) Approval of the New Jersey Department of Environmental Protection.
2. If a permit is required and has been issued by the Freehold Soil Conservation District and the Township Zoning Officer, then only notification of the commencement of the permitted work is required to be given to the Township Engineer. Said soil removal and soil placement plan shall be prepared in accordance with standard engineering practices, showing the requirements stated herein, and shall be approved before any disturbance shall commence unless exempted as herein allowed. Work undertaken by Township personnel shall be exempt from the notification requirements. An applicant must provide three signed and sealed sets of plans drawn by a New Jersey Licensed Design Professional.

224-5

Contents Application and Plan.

1. The applicant shall file the required three (3) sets of plans with the application and all other material or data in the timeframe required by the Land Use and Land Subdivision and Site Plan ordinances. The plan and application shall show, include or contain the following:
- a) The Block, Lot and Street address of the property.
 - b) Proof of Freehold Soil approval.
 - c) The Title Block with original signature and embossed seal of the design professional who prepared the plan.
 - d) The identity and address of the owner and applicant.
 - e) The name of the individual who represents the applicant and who is responsible for conformance with this chapter including the proper mailing address and telephone number or numbers where the individual may be reached.
 - f) The name, address and telephone number of the contractor who will be doing the actual work on the property.
 - g) During the course of the construction, any modification or alteration of the approved plans requires approval by the authority having jurisdiction, before the work is started.
 - h) A description of the proposed use of the site following completion of work.
 - i) If the application is for a Major Subdivision or the proposed work requires Site Plan approval by the Planning Board or Zoning Board of Adjustment, provide a survey map prepared by a New Jersey licensed land surveyor showing the

- location of all property corners, with permanent markers set at each corner point and a metes and bounds description of the property, including the total land area.
- j)** An estimate, in cubic yards, of the quantity of fill to be brought to the site with a description of the origin of the soil or an estimate of the quantity, in cubic yards, of the material to be removed from the site, with the destination of the soil included.
 - k)** The proposed dates of commencement and completion of the work including the schedule of the sequence of the installation of planned erosion and sediment control measures.
 - l)** An estimate of the type and number of earth moving machines to be used in the operation; the daily starting and finishing time during which machines will be operated; and the means of protection to prevent unauthorized access.
 - m)** With the application there shall be filed the required number of topographic maps of the site showing where the proposed fill, placement or soil removal operation is to be conducted. Include an engineering plan showing surrounding lands within two hundred (200') feet of the perimeter of the site, prepared and certified by a licensed Professional civil engineer or land surveyor of the State of New Jersey, on a scale of not less than one inch equals one hundred feet (1"-100'), and as referred to in the United States Coast and Geodetic Survey Data.
 - n)** Proof that no contaminants exist in the soil, including, but not limited to, results of tests for permittable effluent contaminant levels, permittable soil/sediment contaminant levels and priority pollutant plus 40 (or PP+40) scans.
 - o)** The present and proposed grades on a fifty (50') foot grid layout with contour lines at two (2') foot intervals for the property up to and including five (5) acres; or for more than five (5) acres, one hundred (100') foot grids with contour lines at five (5) foot intervals. If topographic maps are obtained by aerial topography, the required grid layout may be superimposed on it. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from available State of New Jersey maps or data or from United States Coast and Geodetic Survey Map of the particular area.
 - p)** The grades of all abutting streets and lands within two (200') hundred feet of the property.
 - q)** The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural and artificial, as well as all proposed elevations of the areas to be modified.
 - r)** All existing structures, land features, showing all existing surface and subsurface water drainage conditions and provisions, both on site and off site. Include all existing and proposed elevations of these drainage systems including the profiles of any new construction. If the work is on a watercourse, then provide cross sections at fifty (50') foot intervals in addition to the proposed profile.
 - s)** Show all wooded areas in the property under construction, locating all trees with a diameter of six (6") inches or larger. All trees and shrubs to be retained shall be protected at the drop line with the erection of protective snow fencing. Include protection erection details.
 - t)** Show the proposed slopes and lateral supports at the limits of the area upon completion of the proposed work. Define how the area filled or the material

removed will not impact the adjacent areas, create a hazard or adversely effect the slope, swale or drainage of all abutting property.

- u) Show where all materials (good and bad) shall be stockpiled on site.
- v) Show the location and provide a description of one (1) benchmark elevation for each twenty (20) areas of land.
- w) Show conformance with Chapter 240 of the Township of South Brunswick, Code of Laws relating to Trees.

224-6

Review And Approval; Decisions; Notification Of Applicants; Review Procedure And Time Limit.

1. Review and approval or denial shall be made within thirty (30) days for all applications not requiring Board approval.
2. The Township Zoning Officer shall make all decisions and notification requirements under this chapter in writing.

224-7

General Design and Performance Principles.

1. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity.
2. Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.
3. Whenever feasible, natural vegetation shall be retained and protected.
4. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits.
5. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
6. Drainage provisions shall accommodate increased runoff, resulting from modified soil and surface conditions, during and after development or disturbance. Such provisions shall be in addition to all existing requirements
7. Water runoff shall be minimized and retained on the site whenever possible, to facilitate groundwater recharge.
8. Sediment shall be retained on the site to the maximum extent feasible.
9. Diversions, sediment basins and similar required structures shall be installed before any on-site grading or disturbance.
10. Construction activities which create obnoxious and unnecessary dust, fumes, odors, smoke, vibrations, or glare noticeable in adjacent occupied buildings or on public streets, will not be tolerated. Applicant must define, perform and maintain proper procedures to eliminate this occurrence or nuisance.
11. Any damage to public or private property shall be repaired in place or removed and replaced at the applicant's expense and inspected by the Township Engineer before any performance or cash bonds are returned.
12. Unsightly construction debris, including scrap materials, cartons, boxes and wrapping, must be removed daily. The burial of any debris on site is strictly forbidden.

13. Whenever construction activities take place within or adjacent to a traveled way or interfere with existing traffic patterns in any manner, the applicant, developer or permit holder shall conform to the requirements of Chapters 248 and 225.
14. All trench excavations shall conform to all applicable Federal, State and local regulations. No trench shall be left uncovered during non-construction hours. Any trenches in a right-of-way or easement shall be covered with a steel plate and secured to avoid bouncing and movement or shall be filled in pursuant to the requirements of Chapter 225.
15. All areas of excavation in areas other than public streets or right-of-ways shall be protected by the installation of a temporary fence enclosure prior to the commencement of any work, which shall be maintained throughout the excavation process to prohibit unauthorized access.
16. The routes for trucks coming to and leaving the site shall be subject to the approval of the Township Engineer or his authorized representative.
17. No trucks shall arrive at or leave the site with material prior to 8:00 a.m. or after 4:00 p.m.
18. No trucks shall operate on legal holidays or Sundays.
19. The applicant shall truck the material to sites within the Township whose owners will accept the material, and only if said sites and the fill therein are approved by the Township Zoning Officer and Township Engineer.
20. Videotaping of the condition of the Township-owned paved cartways along the route may be filed with the Township prior to the hauling of fill material on Township roads.
21. Any "dirt" dropped on all roads within South Brunswick Township shall be cleaned up immediately upon notice from the Engineering Department. Failure to follow this condition will result in the requirement of pre-washing all excess soils from the tires and/or truck undercarriage prior to the entrance onto and use of Township roads.
22. Certain major subdivisions may be limited regarding import/export of soil by Planning/Zoning Board resolution and/or Governing Body resolution and/or developers agreement.

224-8.

Grading and Filling.

All lots where fill material is deposited shall have clean fill and/or topsoil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or existing natural drainage courses. No regrading of a lot shall be permitted which would create or aggravate stagnation or a drainage problem on site or on adjacent properties or which will violate this chapter. Grading shall be limited to areas shown on a plan approved pursuant to this chapter or an approved site plan or subdivision. Any topsoil disturbed during approved excavation and grading operations shall be redistributed throughout the site. The requirements of this subsection shall be enforced by the Township Zoning Officer, in consultation with the Township Engineer, and shall be in addition to the requirements for soil erosion and sediment control prescribed by the Soil Conservation District. In any project or site where the requirements of this section are in conflict with the District requirements or the Standards promulgated by the Soil Conservation District or Committee, the latter requirements shall apply.

224-9.

Maintenance Of Control Measures, Duration.

1. All necessary soil removal and soil placement control measures installed under this chapter shall be adequately maintained during construction and for a minimum of one (1) year after completion of the subject project or until such measures are permanently stabilized, as determined by the Township Zoning Officer in consultation with the Township Engineer; however, such period shall not exceed two (2) years. The Township Zoning Officer, acting as Township agent, shall give the applicant a certificate upon request indicating the date on which the measures called for in the approved plans were completed. All trees and shrubs to be retained shall be protected at the drop line with the erection of protective snow fencing. Nothing herein shall affect the right of the Township to enforce maintenance requirements of structures that are to be perpetually maintained by the developer or owner of the property or structure.

224-10

Performance Bond Required.

1. No permits will be issued until the applicant has posted with the Township a performance guarantee or cash bond in a form approved by the Township Attorney. Said bond shall be in an amount equal to one hundred twenty percent (120%) of the cost of temporary and/or permanent site restoration, and shall be deposited with the Township Clerk to guarantee complete site restoration and cover.
2. Permission to postpone work shall not exceed six (6) months. Upon failure to complete the work, the Township may use the money deposited with the Township to finish the unfinished portion of the work in accordance with the land disturbance permit. Any unused portion of the moneys deposited shall be returned to the applicant, less an amount of money to be retained by the Township for expenses incurred in the administration of such funds.
3. In addition to the performance bond requirement in 224- 10.1 above, the applicant shall be obliged to reimburse the Township for the cost of all documented extraordinary costs or expenses necessitated as a result of unforeseen difficulties or exigencies or necessitated by or resulting from any violation of any provision of this Chapter. This shall include specifically all engineering fees, attorney's fees and costs incurred by the Township in prosecuting any complaint in the municipal or other court for a violation of the provisions of this chapter. Also included are all costs or fees incurred by the Township in conducting a hearing or hearings for revocation or suspension of any permit or obtaining injunctive or other relief in any Court.

224-11

Fees.

1. The applicant shall pay to the Township the fee set forth below on the fee schedule to cover the costs of reviews and inspections required by this chapter in conformance with 224-6 above. All fees shall be submitted at the time of application.

2. Along with the application for the permit under this chapter, there shall be payment of the fee based on the following schedule:
 - a) Up to 100 cubic yards - \$500.00.
 - b) Up to 500 cubic yards - \$1,500.00.
 - c) More than 500 cubic yards - \$5,000.00

224-12

Violations And Penalties.

1. If any person violates any of the provisions of this chapter or any standard promulgated pursuant to the provisions of any statute or regulation or fails to comply with the provisions of a certified plan, the Township of South Brunswick may institute a civil action in Superior Court for injunctive relief to prohibit and prevent such violations, and said court may proceed in a summary manner.
2. Any person who violates any of the provisions of this chapter or any standard promulgated pursuant to this chapter or who fails to comply with the provisions of a certified plan shall also be subject to a penalty of not less than Twenty-five dollars (\$25.) nor more than three thousand dollars (\$3,000.) to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.) The Superior Court and Municipal Court shall have jurisdiction to enforce said Penalty Enforcement Law.
3. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.
4. The Construction Official shall, upon receiving notice from the Township Zoning Officer that the developer or contractor is in violation of this section, suspend the further issuance of Construction Permits or Certificates of Occupancy as a violation of his "Prior Approval."

224-13

Issuance of Certificate of Occupancy.

1. No certificate of occupancy for a building on the lot shall be issued unless there has been compliance with the provisions of the approved plan. The Township Engineer must file a formal report of such compliance with the Construction Official so that a Certificate of Occupancy may be issued.

224-14

Stop Work Order.

1. The Township Zoning Officer acting on behalf of the Township of South Brunswick may issue a Stop Work Order if a project is not being executed in accordance with the certified plan, or if there is any violation of this chapter.

224-15

Exempted Activities.

1. The following activities are specifically exempt from this chapter:
 - a) The use of land for gardening primarily for home consumption.
 - b) The agricultural use of lands when operated in accordance with a farm conservation plan approved by the local soil conservation district or when the Township Zoning Officer in consultation with the Township Engineer determines that such use will not cause excessive erosion and sedimentation runoff.
 - c) The construction of a swimming pool, patio or deck at a single-family dwelling.
 - d) Landscaping of a single-family dwelling.

224-16

Inspection and Enforcement.

1. Enforcement provisions:
 - a) The Township Zoning Officer or designee, in cooperation with the Township Engineer, shall inspect or require adequate inspection of the work and shall enforce the requirements of this chapter.
 - b) If the Township Zoning Officer finds existing conditions are not as stated in the applicant's erosion and sediment control plan, he may refuse to approve further work and may require necessary erosion and sediment control measures to be promptly installed and may seek other penalties as provided elsewhere in this chapter.
 - c) The applicant shall have the certified plan on the site during all phases of Construction.
 - d) Should the applicant fail in its obligation to maintain the site in a safe and orderly condition, the Township may, on five (5) days written notice or immediately in the case of a hazard to life, health or property, undertake whatever work may be necessary to return the site to a safe and orderly condition and deduct the cost thereof from the performance guarantee. Upon notice of such deduction, the developer shall, within ten (10) business days, reimburse the Township in the amount of the deduction or its performance guaranty will be held to be void, and the Township may take action against the applicant.

224-17

Undeveloped Property Restoration and Maintenance

1. Site restoration required.

When it is determined that Site Work or Soil Disturbance has commenced without the posting of a Performance Guarantee as required by this chapter, the Township Engineer shall require the owner to restore the site. This restoration shall be based on **Section 224-8 General design principles** and **Section 224-9 Maintenance of control measures, duration**, of this chapter.

2. Project in default.

A. A project is deemed to be abandoned and in default for purposes of this chapter when there is no major construction activity, such as excavation, installation or filling, for a period of not less than six (6) months, with the exception of the period normally considered winter as governed by the construction industry operating within the Township.

B. In the event of an apparent default, the Township Manager, upon the recommendation of the Township Engineer, shall serve the applicant, by certified mail, returned receipt requested, with a notice of default, with a copy thereof to the Township Clerk and governing body.

C. The applicant shall have (10) business days to:

1. Resume major construction activity on the site; or
2. Initiate site restoration in a manner satisfactory to the Township Engineer; or
3. Provide a Site restoration guarantee as required by Article IV Undeveloped Property in Chapter 208 of the Property Maintenance Code.

This ordinance shall become effective twenty (20) days after its final passage.

If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on March 20, 2001, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 8:00 p.m. on April 17, 2001, at which time and place any person having an interest therein will be given an opportunity to be heard.

Township Clerk

ORDINANCE NO. 33-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 224, SOIL PLACEMENT, REMOVAL, ETC.

WHEREAS, the Township Council adopted Ordinance No. 21-01 on April 17, 2001, implementing Chapter 224, entitled Soil Placement, Removal, Soil Erosion and Sediment Control and Undeveloped Property Restoration; and

WHEREAS, in examining the Exempted Activities contained in Chapter 224-15, the Council believes that an additional exemption should be added for movement of 15 cubic yards of material or less;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. Chapter 224-15 shall be and is hereby amended and supplemented, with deletions in bracket and additions in underline:

§224-15 Exempted Activities.

1. The following activities are specifically exempt from this Chapter:

- (a) The use of land for gardening primarily for home consumption.
- (b) The agricultural use of lands when operated in accordance with a farm conservation plan approved by the local Soil Conservation District or when the Township Zoning Officer in consultation with the Township Engineer determines that such will not cause excessive erosion and sedimentation run-off.
- (c) The construction of a swimming pool, patio or deck at a single-family dwelling.
- (d) Landscaping of a single-family dwelling.
- (e) Any movement of 15 cubic yards or less of material.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on May 1, 2001, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 8:00 p.m. on June 5, 2001, at which time and place any person having an interest therein will be given an opportunity to be heard.

Township Clerk

ORDINANCE NO. 89-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 224, SOIL PLACEMENT, REMOVAL, ETC.

WHEREAS, the Township adopted Ordinance No. 21-01 on April 17, 2001, implementing Chapter 224, entitled Soil Placement, Removal, Soil Erosion and Sediment Control and Undeveloped Property Restoration, which was amended further by Ordinance No. 33-01, adopted on June 5, 2001; and

WHEREAS, in applying the requirements of Chapter 224, Township staff has come to the conclusion that additional activities should be included as exempt activities from this ordinance;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. Chapter 224-15 shall be and is hereby amended and supplemented, with deletions in brackets and additions in underline:

§ 224-15 Exempted Activities

1. The following activities are specifically exempt from this Chapter:
- (a) The use of land for gardening primarily for home consumption.
 - (b) The agricultural use of lands when operated with a farm conservation plan approved by the local soil conservation district or when the Township Zoning Officer in consultation with the Township Engineer determines that such will not cause excessive erosion and sedimentation runoff.
 - (c) The construction of a swimming pool, patio or deck at a single-family dwelling.
 - (d) Landscaping of a single-family dwelling.
 - (e) Any movement of fifteen (15) cubic yards or less of material.
 - (f) Activity that is part of a New Jersey Department of Environmental Protection (DEP) remediation project, as certified to by the South Brunswick Health Officer.
 - (g) Any activity that is part of a septic system repair, replacement and/or removal project, as certified to by the South Brunswick Health Officer.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on November 20, 2001, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 8:00 p.m. on December 11, 2001, at which time and place any person having an interest therein will be given an opportunity to be heard.

Township Clerk