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BOROUGH OF ALLENDALE

**Office of the Property Maintenance Officer
500 West Crescent Avenue
Allendale, NJ 07401
(201) 818-4400**

SOIL MOVEMENT PERMIT APPLICATION

Application No.: _____ Date Application Received: _____

Concurrence by Property Maintenance Officer of Borough Engineer's determination

Allendale Property Maintenance Officer

Date

A.1. Applicant Name: _____

Address: _____

Tel. # _____

Fax# _____

Cell # _____

E-Mail _____

A.2. Location: Block _____ Lot _____

A.3. Property Owner Name: _____

Address: _____

Tel. # _____

Fax # _____

Cell # _____

E-Mail _____

A.4. Contractor or person(s) moving soil:

Company Name: _____

Contact Name: _____

BOROUGH OF ALLENDALE / SOIL MOVEMENT PERMIT APPLICATION

All soil movement-related fees, escrow amounts and bonds are to be paid at the Borough Tax Collector's Office.

The undersigned has read and understands Chapter 225 of the Borough of Allendale Code regarding soil movement activities, and agrees to abide by those provisions, and is responsible for the action and work of contractors or those employed to undertake soil movement activities.

Property Owner's Signature & Date

Applicant's Signature & Date

(Borough use only)

Filing Fee: _____

Rec'd. Check No. _____

Engineering Escrow: _____

Rec'd. Check No. _____

Performance Bond: _____

Rec'd. Check No. _____

(if applicable)

9/15/08

include plowing, spading, cultivating, harrowing or discing of soil, or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes.

SOIL — Any earth, sand, clay, loam, gravel, humus, rock, dirt, mulch, wood chips, grass clippings, tree stumps or any mixture thereof without regard to the presence or absence therein of organic matter.

TOPSOIL — Soil that, in its natural state, constitutes the top layer of earth, and is composed of 2% or more, by weight, of organic matter and has the ability to support vegetation.

§ 225-2. Permit required.

- A. No person shall move, or cause, allow, permit or suffer to be moved, any soil on, to or from any lot within the boundaries of the Borough in an amount greater than 50 cubic yards, unless and until a soil removal permit therefor shall have first been issued, as hereinafter provided.
- B. Persons engaged in soil movement activities working directly for the Borough of Allendale are exempt from the provisions of this chapter.
- C. Any person who, within a period of 12 consecutive months, moves 50 or more cubic yards of soil shall be subject to these regulations.

§ 225-3. Filing of application for permit.

All applications for soil removal permits shall be filed with the Property Maintenance Officer who shall refer same to the Borough Engineer. The Property Maintenance Officer shall administer the applications and permits and act as liaison between applicants and the Borough Engineer. The Borough Engineer may confer with Applicant's professionals during the course of the permit process.

§ 225-4. Review of application; determination; appeals; conditions.

- A. Within 30 days after receipt of a complete application, the Borough Engineer shall review and consider the application and render a report to the Property Maintenance Officer which shall state the Engineer's approval, conditional approval or denial of the application. The Property Maintenance Officer shall review the report and determination of the Borough Engineer and concur or disagree with the Engineer's ruling. Should the Property Maintenance Officer concur with the Engineer's determination, the Engineer's determination shall stand. Should the Property Maintenance Officer disagree with the Engineer's determination, the matter will be referred to the Mayor and Council for a determination. The determination shall be made within 45 days after receipt of a complete application.
- B. Appeal. In the event of a disagreement with the determination, the applicant may, not later than 30 days after such determination, appeal to the Borough Council in writing. The Borough Council may sustain or overrule the determination.

- (5) The quantity, in cubic yards, of soil involved in the work, as computed from cross sections which shall be shown on the map.
- (6) The grades of all abutting streets and lots.
- (7) Present and proposed surface water drainage and any existing or proposed appurtenances therefor.
- (8) Proposed slope grades, lateral supports and retaining walls.
- (9) The location of all trees having a diameter of four inches, or more, at 4 1/2 inches above the ground.
- (10) Such other pertinent data as the Borough Engineer may require.
- (11) Soil erosion and sediment control measures in accordance with the most current Standards for Soil Erosion and Sediment Control in New Jersey, pursuant to the Soil Erosion and Sediment Control Act of 1975.
- (12) The location of filter equipment and pool backwash disposal for all applications associated with swimming pool construction.
- (13) The location of existing and proposed structures with dimensions.
- (14) The location of delineated floodways, floodplains, regulated wetlands and wetland buffers.
- (15) The location of existing easements and their purpose.

C. Permit fee and deposits for costs.

- (1) The application shall be submitted to the Property Maintenance Officer with a fee and escrow deposit for costs in an amount computed as provided herein.
- (2) Deposits for costs shall be used for the costs associated with the review of the application and for field monitoring inspections and reports to the Mayor and Council or Property Maintenance Officer during soil movement activities. Unused portions of the engineering escrow deposit shall be refunded to the applicant upon approval of completion of activities by the Borough Engineer.
- (3) If, prior to completion of the permit requirements, the engineering escrow account should be depleted, the applicant shall deposit additional funds in the escrow account as estimated by the Borough Engineer to bring the project to completion.
- (4) The Borough may require the applicant to submit an escrow deposit for street cleaning for applications which require extended periods of soil movement. The escrow deposit will be determined by the Borough Engineer on a case-by-case basis. If, during the course of construction, the applicant fails to clean streets following proper notice by the Borough Engineer or Property Maintenance Officer, the Borough may use funds from the street cleaning escrow account to accomplish same.

D. Drainage calculations and observations.

- H. Preservation of trees and shrubbery;
- I. Prevention of sharp declivities, pits and depressions;
- J. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough;
- K. Consistency with the Bergen County Soil Conservation District standards;
- L. The route that soil-moving vehicles will use, and the adequacy of the public streets to accommodate the same;
- M. Proximity to wetlands, riparian and flood hazard areas; and
- N. Retention of topsoil.

§ 225-7. Topsoil restrictions.

- A. Whenever any person moves topsoil in or upon any lot, provision shall be made for the storage of said topsoil within the boundary lines of said lot.
- B. Except as hereinafter provided, all of the topsoil so stored shall be uniformly replaced over the entire area or surface of the lot on or before the completion date set forth in the soil removal permit, so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map.
- C. No person shall remove beyond the boundary lines of any lot any topsoil unless and until topsoil not inferior in quality to that to be removed shall first have been replaced as shown on the topographical map. In no event shall any person remove from any lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

§ 225-8. Prohibited deposits; vehicle spillage.

- A. No person shall deposit, cause to be deposited or create any condition which causes soil to be deposited on any street, sidewalk or other public place of the Borough. The prohibition in this subsection shall not apply to the Borough or its authorized agents, employees or representatives.
- B. No person shall drive a vehicle carrying soil unless such truck or other vehicle is so constructed or loaded as to prevent any soil from being deposited on any street, sidewalk or other public place or upon private property.

§ 225-9. Performance guaranty.

- A. When greater than 100 cubic yards of soil are to be moved, no permit shall be issued unless the applicant posts with the Borough a performance guaranty in form and with the surety acceptable to the Borough, in such amount of guaranty determined at the rate of \$8 per cubic yard of the amount of soil to be moved, conditioned upon full and faithful

- B. Any person, firm or corporation who has been found to violate any provisions of this chapter shall, in addition to the payment of penalties, comply with all regulations herein.
- C. The Property Maintenance Officer shall enforce this chapter.

§ 225-14. Severability.

If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable.

§ 225-15. Repealer.

All other ordinances of the Borough, or parts thereof, which are in conflict with this chapter are hereby repealed to the extent of such conflict.

§ 225-16. When effective.

This chapter shall take effect upon passage and publication as required by law.