

**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**

Address: \_\_\_\_\_  
\_\_\_\_\_

24 hour Tel./cell # \_\_\_\_\_ Fax # \_\_\_\_\_

A. 5. Purpose of soil movement: \_\_\_\_\_  
\_\_\_\_\_

A.6. Amount of soil to be moved in cubic yards: \_\_\_\_\_

A.7. In the case of soil removal, the place to where it is to be moved and the quantity:

\_\_\_\_\_  
\_\_\_\_\_

A.8 In the case of soil importation, the owner, address and location from which soil is to be obtained and a brief history of the site which is the source of the soil:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A.9 In the case of soil importation, attach certification from the soil supplier that the soil is clean fill as defined by Section 225-1 of the Borough Code (attached)

A.10. Approximate duration of soil disturbance activities: \_\_\_\_\_

A.11. Truck route for importing or exporting soil in excess of 200 cubic yards:

\_\_\_\_\_  
\_\_\_\_\_

A.12 Other Information: \_\_\_\_\_  
\_\_\_\_\_

The Applicant shall follow the provisions outlined in Chapter 225: Soil Movement (copy attached).

**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: \_\_\_\_\_

Engineering Escrow: \_\_\_\_\_

Performance Bond: \_\_\_\_\_

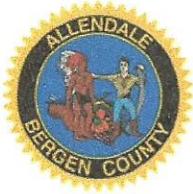
(if applicable)

Rec'd. Check No. \_\_\_\_\_

Rec'd. Check No. \_\_\_\_\_

Rec'd. Check No. \_\_\_\_\_

9/15/08



**BOROUGH OF ALLENDALE**  
500 W. Crescent Ave  
Allendale, NJ 07401  
201-818-4410 x201  
FAX: 201-818-5062

## Chapter 225. SOIL MOVEMENT

[HISTORY: Adopted by the Governing Body of the Borough of Allendale 12-28-1967 as CH. 59 of the 1967 Code; amended in its entirety 8-28-2008. Subsequent amendments noted where applicable.]

*Building construction — See Ch. 100.*  
*Floodplain management — See Ch. 132.*  
*Stormwater control — See Ch. 231.*

### **GENERAL REFERENCES**

*Licenses and permits — See Ch. 155.*  
*Land subdivision and site plan review — See Ch. 147.*

## Chapter 225. SOIL MOVEMENT

### § 225-1. Definitions.

*NOTE: The grant of general police powers to municipalities under N.J.S.A. 40:48-2 authorizes the adoption of ordinances to license and regulate the removal of soil. See Fred v. Mayor and Council, Old Tappan Borough, 10 N.J. 515, 92A. 2d 473 (1952).*

As used in this chapter, the following terms shall have the meanings indicated:

- APPLICANT** A legal or beneficial owner or owners of land or their prescribed agents who propose to move, are moving or have moved soil under the provisions of this chapter.
- CLEAN FILL** An uncontaminated, non-water-soluble, nondecomposable, inert solid, such as rock, soil or gravel. Clean fill shall not mean mixed construction and demolition debris, including but not limited to wallboard, plastic, wood or metal. The non-water-soluble, nondecomposable inert products generated from an approved State of New Jersey Class B recycling facility are considered clean fill.
- MOVE** To dig, excavate, remove, deposit, place, fill, grade, regrade, level or otherwise alter or change the location or contour; transport or supply. This term shall not be construed to 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.

C. Permit form and conditions. The soil removal permit shall contain any special conditions set forth by the Borough Engineer.

**§ 225-5. Application procedure.**

The procedure for applying for and issuance of a soil removal permit shall be as follows:

A. Form of application. On forms prescribed and supplied by the Borough, the applicant shall set forth, in duplicate:

- (1) The name, address and telephone contact information of the applicant.
- (2) The block and lot number(s) of lands in question.
- (3) The name, address and telephone contact information of the owner of the lands; if the owner is a person other than the applicant, the owner shall signify his or her consent to the application by signing it along with the applicant.
- (4) The name, address and telephone contact information of the contractor moving the soil.
- (5) The purpose or reason for moving the soil.
- (6) The quantity in cubic yards of soil to be moved.
- (7) In the case of removal, the place to where the soil is to be removed, and the quantity of soil to be removed.
- (8) In the case of importation of soil, the owner, address and location from which soil is to be obtained and a brief history of the site which is the source of the soil.
- (9) In the case of importation of soil, a certification from the soil supplier that the soil being imported is clean fill as defined in this chapter.
- (10) The anticipated duration of the work being done pursuant to this chapter.
- (11) Truck route for importing or exporting soil in excess of 200 cubic yards.
- (12) Such other pertinent data as the Borough Engineer may require.

B. Topographical map. Accompanying the application shall be a topographical map, prepared by a licensed civil engineer, landscape architect or land surveyor, in duplicate, showing:

- (1) Title block, North arrow, scale, and date of map.
- (2) The dimensions of the lot and the lot and block number of the lot and each abutting lot.
- (3) The present grades, through contour lines and published spot grades.
- (4) The proposed grades, through contour lines and published spot grades.
- (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.

- (1) Drainage calculations, signed and sealed by a licensed professional civil engineer, shall be submitted for applications which, in the opinion of the Borough Engineer, may alter the preexisting stormwater discharge pattern which exits from the site in question. The stormwater discharge rate and total volume to neighboring properties must be maintained or reduced during or following soil movement. The drainage calculations shall demonstrate compliance with this section of the Code and be prepared using the criteria set forth in the latest edition of the New Jersey Residential Site Improvement Standards (NJRSIS) Section 5:21, Subchapter 7 or Chapter 231 of the Borough Code as applicable.
- (2) Applications which propose the use of groundwater infiltration shall be accompanied by a soil log with the site's seasonal high groundwater elevation, certified by a licensed professional civil engineer. In lieu of a soil log, the applicant's engineer may perform a percolation test.
- (3) Percolation tests and the installation of the groundwater infiltration system must be witnessed by the Borough Engineer or his representative. The applicant's engineer shall contact the Borough Engineer a minimum of 48 hours prior to the test and construction of the infiltration system to schedule an inspection.

E. Soil testing. Prior to or during the course of soil importation, the Borough Engineer shall determine if testing of the soil is required to protect public health and safety. If testing is required, the applicant shall provide soil testing results from a certified soil testing laboratory that the material is classified as clean fill. The sole expense of soil testing shall be borne by the applicant. If the results of the testing 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 direction by the Borough Engineer or Property Maintenance Officer.

F. Soil erosion control. The applicant is required to comply with the State of New Jersey's Soil Erosion and Sediment Control Act and is required to obtain certification from the Bergen County Soil Conservation District for those applications required to do so.

**§ 225-6. Factors to be considered in reviewing application.**

In considering and reviewing the application, the Borough Engineer shall be guided by the general purpose of municipal planning and shall take into consideration the following factors:

- A. Prior development approvals;
- B. Soil erosion by water and wind;
- C. Surface and subsurface water drainage;
- D. Soil fertility;
- E. Lateral support of abutting streets and lands;
- F. Public health and safety;
- G. Land values and uses;
- 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 performance by the principal, within the time specified in the application, of all the proposed work in accordance with the provisions of this chapter and of the soil removal permit issued pursuant hereto. No soil movement permit shall be issued unless and until the applicant shall have posted an acceptable performance bond. A cash equivalent sum may be deposited in lieu of a performance bond.

B. When other performance guaranties are posted for development applications which include soil movement, no separate performance guaranty is required.

**§ 225-10. Approved farm plan exemption.**

Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the soil conservation program of the Northeastern Jersey Soil Conservation District of the United States Department of Agriculture Natural Resources Conservation Service, and for which lands an approved farm plan has been established by said agency, provided that all soil-moving operations in and upon such lands are performed in accordance with said approved farm plan.

**§ 225-11. Authorized inspections.**

For the purpose of administering and enforcing this chapter, any duly authorized officer, agent or employee of the Borough, including the Borough Engineer, shall have the right to enter into and upon any lands in or upon which soil-moving operations are being conducted, to examine and inspect such lands.

**§ 225-12. Filing fees and engineering escrows.**

The following fee schedule shall be applicable to soil movement:

<b>Volume of Soil to be Moved (cubic yards)</b>	<b>Filing Fee</b>	<b>Engineering Escrow</b>
50 to 200	\$50	\$600
Over 200	\$75	\$750
Over 500	\$100	\$1000
Over 1,000	\$125	\$1250
Over 5,000	\$150	\$1750
Over 10,000	\$150	\$2,500

**§ 225-13. Violations and penalties.**

A. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished as provided in § 1-18, General penalty, of the Code of the Borough of Allendale. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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.

