

ARTICLE 8 - GRADING, SOIL EROSION AND SEDIMENT CONTROL

35-8.1 APPROVALS

All site plans and major subdivisions shall be approved conditioned upon soil erosion and sedimentation controls and a plan thereof being approved by the Somerset-Union Soil Conservation District, where required. (Ord. No. 03-2580 Art. 8 § 8.1)

35-8.2 LOT GRADING

All property development shall be designed to provide proper grading and erosion control, including the prevention of sedimentation and/or damage to on-site and off-site property, as established herein.

- A. Lot grading standards and requirements are necessary to help control drainage on a site or to channel that drainage to either naturally occurring or constructed storm drainage systems in an approved manner.
- B. No land area shall be disturbed by any person or entity such that:
 - 1. The rate of storm water runoff occurring at the area is increased over what occurs prior to the disturbance.
 - 2. The drainage of adjacent areas is adversely affected.
 - 3. Soil erosion during and after development is increased over what naturally occurs.
 - 4. Soil absorption and ground water recharge capacity of the area is decreased below what occurs there under existing conditions.
 - 5. The natural drainage pattern of the area is altered in a significantly adverse manner.
 - 6. The grades and/or elevation of the site are altered contrary to subsection 35-402.5.
- C. The following standards and requirements shall be read in conjunction with the overall standards and requirements found in subsection 35-5.2-3, Drainage, and ARTICLE 9, REGULATIONS FOR DEVELOPMENT WITHIN STEEP SLOPE AREAS.
(Ord. No. 03-2580 Art. 8 § 8.2)

35-8.3 GRADING PERMIT REQUIRED

- A. A grading permit is required prior to land disturbance or construction. This permit shall be considered a “prior approval” under the Uniform Construction Code, and no construction permit application shall be issued unless the applicant has obtained the required grading permit.
- B. *Exemptions from Requirement.*
 - 1. Any development which has received site plan or subdivision approval from the Planning Board or Zoning Board of Adjustment, provided, however, that individual lots for one or two-family dwellings included within any approved subdivision shall not be exempt.
 - 2. Land disturbance of less than six hundred (600) square feet, and land disturbance for the purpose of constructing an addition less than six hundred (600) square feet to an existing single-family dwelling, provided that there are no environmentally sensitive areas such as but not limited to steep slopes, wetlands, streams or bodies of water located in the area to be graded or disturbed.
- C. The City Engineer may waive the requirement for a permit and/or a grading plan based on the specific land disturbance and site conditions.
- D. All properties exempt from a grading permit, or for which the City Engineer grants a waiver, are subject to Section 35-8.2.
(Ord. No. 03-2580 Art. 8 § 8.3)

35-8.4 GRADING PLAN PREPARATION AND CONTENTS

- A. The lot grading and soil erosion control plan shall be prepared by a land surveyor or professional engineer or landscape architect licensed by the State of New Jersey.
- B. The plan must detail how all requirements of Section 35-8.2B will be met. If the site currently has a drainage problem as the result of previous development, the plan must also propose a method to address these existing conditions.
- C. Two (2) copies of the plan shall be submitted to the City Engineer together with two (2) copies of an application for a lot grading permit (which application form shall be available through the Office of the City Engineer) and the required fee. A copy of the application and plan will be returned to the applicant after review.
- D. The lot grading and soil erosion and sediment control plan shall contain the following information:
 - 1. Date.
 - 2. North arrow; scale; block and lot number of the subject property (or properties); name and address of record owner; name, address, license number and seal of the person preparing the plan.
 - 3. Complete lot boundary line information based on a current survey prepared by a New Jersey licensed land surveyor.
 - 4. Building setback lines, lines of existing streets, easements affecting the property and any areas dedicated to public use.
 - 5. Location of existing and proposed buildings and structures, if any, including walls, fences, culverts and bridges. Spot elevations as to all such structures shall be provided. Structures to be removed shall be indicated by dashed lines.
 - 6. Location of all existing and proposed storm drainage structures. The information shall include proposed methods of controlling foundation drains, sump pump discharges, and on-site storm water, and may include grading, use of underground leaders to storm water systems or dry wells, and other similar or related methods.
 - 7. Spot elevations for slopes of zero (0%) percent to five (5%) percent, and existing contours at one -foot intervals where slopes are greater than five

(5%) percent and less than ten (10%) percent, and five-foot intervals where slopes are ten (10%) percent or greater. Existing contours shall be shown by dashed lines.

8. Proposed contours with similar intervals. Proposed contours shall be shown by solid lines. All changes in grade proposed on site or adjacent to the building must be delineated on the grading plan.
 9. Location of existing rock outcroppings, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant natural features.
 10. Driveways, roads, curbs, sidewalks and other paved areas, along with the proposed use of land, buildings and other structures.
 11. Existing and proposed utility locations.
 12. Landscaping plans showing existing vegetation to remain and all areas to be seeded or planted. Size and type of proposed trees and shrubs shall be indicated. All trees eight (8) inches DBH (diameter at four and five-tenths (4.5) feet from ground) or greater shall be shown.
 13. Silt fencing, hay bales, and such other soil conservation methods as may be required shall be provided downstream of all areas of disturbance. Soil conservation and sediment control measures shall conform to The Standards and Specifications for Soil Erosion and Sediment Control of the New Jersey State Soil Conservation Committee.
 14. Such other information as may be required by the City Engineer in order to determine that the requirements of this section have been met.
 15. Narrative describing the existing conditions and any proposed improvements as a result of the change in grade.
- (Ord. No. 03-2580 Art. 8 § 8.4)

35-8.5 TIME FOR ACTION

The City Engineer shall review and approve, conditionally approve or deny the lot grading permit application within thirty (30) days of the date on which a complete application is submitted. Otherwise, the application for a grading permit shall be deemed to be approved. (Ord. No. 03-2580 Art. 8 § 8.5)

35-8.6 GRADING PERMIT FEE

Each applicant for a grading permit under this section shall submit a review fee payable to the City of Summit in the amount of three hundred (\$300.00) dollars. For every revised plan submitted an additional fee of fifty (\$50.00) dollars will be charged. The fee for the first revision is waived. For applications that have had the plan requirement waived by the City Engineer, the grading permit fee shall be one hundred (\$100.00) dollars. (Ord. No. 03-2580 Art. 8 § 8.6; Ord. No. 10-2911 § 1)

35-8.7 CONSTRUCTION REQUIREMENTS

The applicant shall construct or install soil erosion and sediment control protective measures as required by the City Engineer or by the Somerset-Union Soil Conservation District prior to any site development work at the start of construction.

- A. The applicant shall notify the City Engineer prior to commencing construction, and at such other times as may be required in the grading permit approval.
 - B. The applicant shall grade the property and install any required control measures as may be shown on the approved grading plan or as specified in the grading permit, or both, and shall obtain final grading approval from the City Engineer.
 - C. All soil erosion and sediment control protective measures shall be maintained operational throughout the project or until such time as the City Engineer authorizes removal.
- (Ord. No. 03-2580 Art. 8 § 8.7)

35-8.8 ENFORCEMENT OFFICER

- The requirements of this Article shall be enforced by the City Engineer who shall inspect or require inspection of the work.
- A. The City Engineer may order correction or modification of any conditions found that were not as stated in any application, or any work that does not conform to the approved grading plan or permit, or both, and may refuse to approve further work unless and until satisfactory corrections or modifications are in place.
 - B. The City Engineer shall notify the property owner in writing of any such orders or refusals, with copies also provided to the Zoning Officer and the Construction Official.
 - C. The City Engineer may seek such other penalties as provided in Article 11.
- (Ord. No. 03-2580 Art. 8 § 8.8)