

SOIL REMOVAL APPLICATION

DATE _____

NAME OF APPLICANT _____

ADDRESS OF APPLICANT _____

LOCATION SOIL IS TO BE REMOVED FROM: LOT _____ BLOCK _____

NEAREST STREET _____

OWNER OF PROPERTY _____

ADDRESS OF OWNER _____

TYPE SOIL TO BE REMOVED _____

APPROXIMATE VOLUME TO BE REMOVED - CUBIC YARDS _____

IF TOPSOIL ESTIMATED AMOUNT TO BE REMOVED _____

PROPOSED DATES OF STARTING AND COMPLETING SOIL REMOVAL OPERATIONS:

FROM _____ TO _____

PERSON TO BE IN CHARGE OF OPERATION _____

TYPE AND NUMBER OF MACHINES TO BE USED _____

PROPOSED DAILY STARTING AND FINISHING TIMES:

START _____ FINISH _____

LOCATION EQUIPMENT TO BE STORED WHEN NOT IN USE _____

PROPOSED ROUTES WITHIN TOWNSHIP _____

ENCLOSED APPLICATION FEE \$ _____

PERFORMANCE BOND \$ _____

ATTACH MAPS AS DESCRIBED IN ORDINANCE

(Sets of 12)

SIGNATURE OF APPLICANT

SIGNATURE OF OWNER OF PROPERTY

APPLICANT DO NOT WRITE BELOW THIS LINE

DATE RECEIVED BY TOWNSHIP CLERK _____

DATE REFERRED BOARDS AND OFFICIALS _____

ACTION OF PLANNING BOARD _____ DATE _____

ACTION OF TOWNSHIP COMMITTEE _____ DATE _____

PERMIT # _____ DATE OF ISSUE _____

SOIL REMOVAL

Chapter 281

SOIL REMOVAL

- § 281-1. Requirements; permit required.
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- § 281-13. Duration of permit; revocation of permit.
- § 281-14. Violations and penalties; enforcement.

[HISTORY: Adopted by the Township Committee of the Township of Hazlet 3-16-1982 by Ord. No. 555-82 as Ch. XVI of the 1982 Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 183.
Property maintenance — See Ch. 253.
Streets and sidewalks — See Ch. 287.
Trees — See Ch. 299.

§ 281-1. Requirements; permit required.

No person may excavate or otherwise remove any natural mineral deposit or soil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises, and then the soil or natural mineral may only be removed from the area wherein the building is contained. No other soil or natural mineral deposit may be removed from the premises from which the same is taken until approval has been given and a soil removal permit has been issued by the township.

§ 281-2. Application for permit.

- A. Applicants seeking a soil removal permit shall obtain an application form from the Township Clerk.
- B. Filing copies. The owner of the premises shall file with the Township Clerk twelve (12) copies of the application form, together with twelve (12) copies of the map and a fee as contained in § 281-4.
- C. Application information.
 - (1) The application shall contain the following information:
 - (a) The identity and address of the applicant and his or her interest in the subject premises.
 - (b) A general description of the premises in question and a legal metes and bounds description.
 - (c) The identity and address of the owner of the land, if other than the applicant.
 - (d) An estimate of the quantity of soil, in cubic yards, to be moved, indicating both the amount of topsoil and other soil included.
 - (e) In the case of the removal of topsoil, the amount to be removed from the township shall be estimated and stated on the application.

- (f) The proposed dates for commencement and completion of the soil removal; the completion date in no event to exceed one (1) year from the date of the approval of the application.
 - (g) The name and address of the person who will be supervising or in direct charge of the removal operation.
 - (h) An estimate of the type and number of machines and other equipment to be used in the operation, the daily starting and finishing times during which machines are to be operated and what protection will be provided to keep children and others having no business on the premises from gaining access thereto.
 - (i) Proposed routes within the township of the trucks transporting the soil from the site.
 - (j) A topographical map of the land upon which the proposed soil operations are to be conducted.
 - (k) A reasonable topographical survey of all surrounding lands within two hundred (200) feet of the perimeter of the land which is the subject matter of the application, prepared and certified by a licensed professional civil engineer and land surveyor of the State of New Jersey, on a scale of not less than one (1) inch to one hundred (100) feet and referred to the United States Coast and Geodetic Survey Data.
 - (l) The dimensions and the lot and block number of the land and each lot surrounding the land within two hundred (200) feet thereon as shown on the latest Tax Assessment Map of the township.
- (2) The map above referred to in Subsection C(1)(j), (k) and (l) shall contain the following information:
- (a) Present grading on a fifty-foot grid layout with contour lines at one-foot intervals up to a grade of five percent (5%) and over five-percent grade contour lines shown at five-foot intervals. When access to

adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from the available State of New Jersey or United States Coast and Geodetic Survey Map of the particular area.

- (b) The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural or artificial.
 - (c) All existing surface and subsurface water drainage conditions and provisions therefor.
 - (d) Proposed landscaping plans and details.
 - (e) Any adjacent individual sewage disposal systems and the location of their disposal beds or disposal fields.
 - (f) All wooded areas on the tract or land.
 - (g) The proposed grades at points corresponding to the fifty-foot grid required above when the work has been completed, with the same requirements as contained herein.
 - (h) The quantity, in cubic yards, of the soil involved in the work.
 - (i) The average depth of topsoil, as determined by taking borings on approximate center of a one-hundred-foot grid.
 - (j) The grades of all abutting streets and lands.
 - (k) The proposed slopes and lateral supports at the limits of the area upon completion of the proposed work.
 - (l) The proposed details of any entry and egress for surface water drainage and of any streams, bodies of water and watercourses, natural or artificial.
- (3) In addition to the above, the applicant shall furnish such other pertinent data as the Township Engineer may require from time to time after he or she has had an opportunity to examine the proposed project, including

the extent of topsoil to be removed and whether such topsoil is to be replaced on the site in question or moved to some other place, and if so, whether inside or outside the township.

§ 281-3. Review of application; approval.

- A. Review of application. Upon receipt of the applications as above stated, together with the proper fee, the Township Clerk shall forward a copy of the application, together with copies of all maps submitted, to the Township Engineer, Township Attorney, Superintendent of Public Works, Zoning Board and Planning Board. The Township Engineer shall review the application and all maps and respond to the Planning Board in writing as to whether or not the proposal conforms to the requirements of this chapter and whether or not the proposal gives due consideration to the health, safety and general welfare of the community.
- B. Specifications. In determining the above, the Township Engineer shall give particular consideration to the following:
 - (1) Erosion by water and wind.
 - (2) Drainage.
 - (3) Soil fertility.
 - (4) Grades and elevations of adjoining streets and land.
 - (5) Amount, location and quality of trees and vegetation to be removed or affected.
 - (6) On-site and off-site traffic considerations.
 - (7) All safety features to be provided during excavation and restoration.
 - (8) Adequacy of proposed buffers.
 - (9) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical adjustment of the township and the future use of the areas as contemplated by the Township Master Plan and any other planning considerations.

- C. Truck route. The Superintendent of Public Works shall report to the Planning Board, in writing, with regard to the proposed route for the trucks removing soil from the premises.
- D. Zoning Board of Adjustment. The Zoning Board of Adjustment shall respond, in writing, to the Planning Board as to whether or not the use proposed conforms to Chapter 145, Construction Codes, Uniform, or whether or not a variance will be necessary as a condition precedent to the issuance of the soil removal permit.
- E. Permit approval. The Planning Board shall consider the reports of the Engineer, the Superintendent of Public Works and the Zoning Board of Adjustment and, in giving consideration to the application, shall be governed by those factors set forth above. If, after examining the application and the maps provided for above and all other information presented to the Planning Board, the Planning Board reaches the determination that the proposed removal will not result in any problems in the above-enumerated areas and that the granting of the permit will not be detrimental to the health, safety or general welfare of the community, it shall recommend approval of the permit to the Township Committee, in writing, and shall refer copies of all reports to the Township Committee. In the event that the Planning Board is of the opinion that, based upon the above criteria, the proposed removal will be detrimental to the health, safety or general welfare of the community, it shall deny the application and notify the applicant of its action in writing.
- F. Township Committee. The Township Committee, upon review of the above data and considering the criteria enumerated above, shall either grant or deny the application and advise the applicant of its determination. In the event that a permit is refused, all expenses of the township shall be deducted from the fees paid and any balance remaining returned to the applicant.

§ 281-4. Application fee.

The applicant shall submit with his or her application an application fee based upon the following schedule:

- A. One hundred fifty dollars (\$150.) for the first ten thousand (10,000) cubic yards of soil to be removed, or part thereof.
- B. Seventy-five dollars (\$75.) for each additional ten thousand (10,000) cubic yards or part thereof.

§ 281-5. Engineering inspection fees.

In the event that the permit is granted, engineering fees shall be paid pursuant to the following schedule to ensure an orderly soil removal operation in full compliance with the provisions of this chapter. These fees shall be paid to the township in monthly installments based upon the actual volume of soil removal in each month, multiplied by the amount stated and paid on or before the fifth day of the month in which the soil is removed. Inspection shall be made by the Township Engineer, and the fees for the inspection shall be calculated as follows:

- A. Five cents (\$0.05) per cubic yard for the first five thousand (5,000) cubic yards.
- B. Three cents (\$0.03) per cubic yard for all excavation over five thousand (5,000) cubic yards.

§ 281-6. Sectioning of area to be excavated.

The applicant shall section the area to be excavated in such a fashion that no area shall contain more than five (5) acres. The work shall be scheduled so that the work is completed in one section and that section is at final grade, topsoil and seeded before work is commenced in any other section of the premises.

§ 281-7. Completed grades.

- A. Minimum grading. The minimum grading of any land that will be left should be two percent (2%) so as to ensure proper drainage.
- (1) In the event that the soil removal operation involves the cutting down of a bank and thus leaving a bank, the frontal slopes of all sides of the bank should conform to the minimum standards as follows:
- (a) Wet clay, clay and sand: one (1) vertical to three (3) horizontal.
 - (b) Gravel, loam boulders and earth: one (1) vertical to one and one-half (1½) horizontal.
 - (c) Large rock slabs into an earth hill: one (1) vertical to one (1) horizontal.
 - (d) Disintegrated rock faces: one (1) vertical to one (1) horizontal.
 - (e) Solid rock: one (1) vertical to one-half (½) horizontal.
- (2) Under no conditions shall any slope be left which is in excess of one (1) vertical to one-fourth (¼) horizontal.
- B. Several types. If slopes are composed of several types of the above, the minimum standard shall apply to each section in progressively decreasing slopes. Definitions of soil shall be in conformity with the Bureau of Public Roads standards.
- C. Lowering or altering grade. Where earth is moved in order to lower a grade or to alter an existing slope, the upper crown or top of the bank shall not be closer to any property line than five (5) feet. This distance shall be increased at the rate of one (1) foot for each one (1) foot of vertical height of the slope, up to a maximum required distance of twenty-five (25) feet from any property line. If for any reason the final grade shall be higher than the level of the surrounding lands, the same formula shall be used in determining the distance of the bottom of the slope from the nearest property line.

§ 281-8. Restoration of street.

All topsoil shall be stored within the boundary lines of the property. When topsoil is replaced, final grades of the replaced soil shall conform to the proposed final grades of the topographical map submitted with the application. The replacement of topsoil in a finished condition shall not be less than six (6) inches of compacted topsoil, uniformly replaced over the entire surface, graded and seeded with perennial rye grass not later than June 15- or September 15, whichever date is sooner. The applicant need not replace topsoil in areas that will be covered by subsequent building structures or a street, provided that building permits have been issued for the structures.

§ 281-9. Removal of debris; fencing.

- A. All boulders, trees, stumps and other debris shall be removed on a monthly basis from the property, except that boulders may be buried.
- B. In order to ensure control of windblown objects, including litter and debris, snow fences or acceptable wire mesh fencing shall be erected at the discretion and direction of the Township Engineer to minimize nuisance. Acceptable fencing shall also be erected to screen any holes that have been created from trespassing personnel.

§ 281-10. Hours of operation; conduct of operation.

- A. Hours. The excavation shall be limited on a time basis as follows:
 - (1) Daylight hours between the hours of 7:00 a.m. and 5:00 p.m.
 - (2) On the weekdays of Monday through Saturday.
- B. Conduct of operation. Excavation shall be conducted in such a manner that the noise from trucks or equipment so engaged, which is audible, will not be a source of annoyance or discomfort to any of the residents of the township. Every truckload shall be wetted down prior to driving on a public

street to such a degree that sand, dirt and dust does not blow or fall from the truck. The load shall also be covered.

§ 281-11. Debris caused by transportation vehicles.

In the event that soil or material is transported over the public streets, it shall be within the authority of the Township Engineer to direct that the operator daily sweep, pick up and remove or cause to be removed all dust, dirt and mud from such streets and apply, if necessary, dust preventive materials where required by the Township Engineer.

§ 281-12. Performance bond.

- A. The applicant shall submit, as a condition precedent to obtaining his or her permit, a performance bond conditioned upon the full and faithful performance by the applicant within the time specified in the application of all the proposed work, together with the submission of a topographical survey of each and all sections showing conformity of the finished site to the proposed elevations submitted in the application. The topographical survey must be made by a licensed professional engineer and land surveyor of the State of New Jersey and all costs for this survey work is to be borne by the applicant. Release of all or part of the performance bond shall be conditioned upon compliance with the proposals of the application data and upon indication of the Superintendent that any and all damage to streets by the soil removal operation has been properly repaired and that all fees have been paid to the township in accordance with the actual amount of soil removed.
- B. The amount of the performance bonds shall be determined by the Township Engineer, taking into account the nature and extent of the work to be done, the type or character of the soil, the extent of the area over which the operations are to be conducted, the extent and depth of the various cuts and fills, the extent to which the area of operation is wooded, the proximity of the proposed operation to streets, buildings, structures or natural or artificial streams or watercourses, the

general drainage conditions, the potential damage to township streets by truck movements and such other factors as may bear on the operation. The township shall require a bond in the amount of two thousand dollars (\$2,000.) per ten thousand (10,000) cubic yards or part thereof to be removed, but in no case a bond amount of less than five thousand dollars (\$5,000.).

§ 281-13. Duration of permit; revocation of permit.

No permit shall be issued for a term longer than one (1) year. In the event that any of the terms of this chapter are violated, a permit may be revoked by the Township Committee. In the event that a permit is revoked, it shall not be reinstated unless the applicant makes a new application and complies with all of the requirements of the chapter.

§ 281-14. Violations and penalties; enforcement. [Added 3-19-1985 by Ord. No. 614-85]

- A. Any violation of the provisions of this chapter shall, upon conviction, be punishable by the maximum penalties set forth in Chapter 1, General Provisions, Article II. For purposes of enforcement, each separate day that a violation of this chapter continues shall be considered a separate offense.¹
- B. The provisions of this chapter shall be enforced by the Hazlet Township Police Department and/or the Construction Code Official of the Township of Hazlet.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.