

TOWNSHIP OF LONG HILL
ORDINANCE # 357 -15
AN ORDINANCE ADOPTING AMENDMENTS TO THE TOWNSHIP LAND USE
ORDINANCE AS RECOMMENDED BY THE PLANNING BOARD

STATEMENT OF PURPOSE: *To clarify the Township Land Use Ordinance, make the Land Use Ordinance more consistent, remove outdated passages and add items left out of prior ordinance revisions.*

WHEREAS, the Planning Board has recommended certain changes to the Township Land Use Ordinance as outlined in an April 7, 2015 memorandum from Planning Board Planner, Kevin O'Brien, which will clarify the Township Land Use Ordinance, make the Land Use Ordinance more consistent, remove outdated passages and add items left out of prior ordinance revisions;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey that various sections of the Township Land Use Ordinance are hereby supplemented and amended and a new Chapter XIV entitled "Lot Grading" is hereby added to the Township Code as follows¹:

Section 1. The definition of "Lot Coverage" in Section 111 entitled "General Terms" in Section 110 entitled "Definitions" is amended to read as follows:

Lot, coverage — that percentage of the lot area which is devoted to improvements such as, but not limited to, buildings, structures, paved or gravel parking areas, loading areas, paved or gravel driveways and walks, pools or ponds and patios and all other paved or impervious surface areas. Gravel areas not subject to compaction (such as decorative stone used in planting beds) shall not be considered as lot coverage.

Section 2. Section 146 entitled "Stormwater Management" is amended in its entirety to read as follows:

146 STORMWATER MANAGEMENT

146.1 Applicability

A. Stormwater management review shall be required as follows:

- (1) To disturb more than more than five percent (5%) of the lot area, or 1,000 square feet, whichever is lesser.**
- (2) To create a net increase of more than 400 square feet of impervious cover.**
- (3) No permit will be required for disturbances under 400 square feet**

B. The following actions are exempt from this Chapter:

- (1) Any activity protected from municipal regulation by the Right-to-Farm Act, provided that the activity is being performed in accordance with a "Farm Conservation**

¹Additions in text indicated by underline; deletions by strikeouts.

Plan".

- (2) The planting and harvesting of crops, plants, flowers or shrubs in areas devoted to single family use on the subject property.
- (3) The removal and replacement of an existing impervious driveway where no change in grade or footprint occurs.
- (4) Rehabilitation of existing vegetated areas where there is no material change in grade, surface type, or storm water runoff patterns.
- (5) Maintenance work performed by the Township through the Department of Public Works or through a municipal contract with an outside entity.
- (6) Projects exempted by State law from the requirements of this ordinance.

146.2 Design Standards.

Whenever the NJDEP Stormwater Regulations set forth in NJAC 7:8-1.1 et seq., are stricter than the regulations set forth in this Section, the NJDEP regulations shall control.

The design of stormwater management facilities shall, to the greatest extent possible, be designed in accordance with the NJ Stormwater Best Management Practices Manual, unless otherwise noted herein.

Specific design criteria are as follows:

A. All "Major Developments" as that term is defined in NJAC 7:8-1.2 shall meet the stormwater management design and construction criteria set forth in the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) for major Developments. These standards shall apply to all projects, residential and nonresidential.

B. Developments not meeting the definition of Major Development shall be designed to include the following stormwater management measures where applicable:

- (1) Seepage pits or other infiltration measures shall be provided with a capacity of four (4") inches of runoff for each square foot of new impervious area.
- (2) When the approving agency finds that the existing conditions are not conducive to infiltration, the applicant may provide other stormwater management facilities as to result in a Zero Net Runoff as calculated by the Modified Rational Method.
- (3) When the ground surface is changed in character such that an increase in runoff results, but the new surface is not impervious, seepage pits or other stormwater management facilities shall be provided to result in a Zero Net Runoff Rate as calculated by the Modified Rational Method.

C Drywell Design: Stone used in the infiltration devices shall be two and one-half (2 ½") inches clean stone and design void ratio of thirty-three (33%) percent shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be

permitted where the existing roof is not already directed to infiltration devices. The infiltration of water during the rainfall event shall not be counted as a "credit" toward the storage requirement.

D Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

E. For the purposes of this chapter, gravel areas that are subject to compaction (such as driveways, parking areas and walking paths) shall be considered impervious. Gravel areas not subject to compaction (such as decorative stone used in planting beds) shall be considered pervious.

F. All roof gutters shall be protected from the accumulation of leaves and litter by the installation of a gutter cap leaf separation device within the project area. Gutter screens or louvers are not acceptable

146.4 Waivers and Exceptions.

A. Standards for Relief. Relief from this section shall be as set forth in N.J.S.A. 40:55D-70c.

B. Approving Authority. All applications subject to the review of a Land Use Board shall be reviewed by the Board concurrently with subdivision, site plan, or variance review. Where an application is reviewed by a Land Use Board, a separate review by the Engineering Department is not required

C. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a. Appeals to the determination of a Land Use Board shall be in accordance with Chapter 174 of this Ordinance.

Section 3. Section 182 entitled "Schedule of Fee and Escrow Deposits" (as previously amended by Ordinance 330-14 is supplemented and amended by adding the following category:

					Fee	Escrow
<u>34</u>	<u>Unimproved Road</u>	<u>%</u>	<u>%</u>	<u>Unimproved Road Application</u>	<u>\$500</u>	<u>\$750</u>

Section 4. Section 167 entitled "Land Use Application Checklist" is supplemented and amended by adding the following signature lines to the end of the checklist which is attached to Section 167 as Exhibit "A".

(a). To be signed before submission:

I CONSENT TO THE FILING OF THIS SITE PLAN/SUBDIVISION WITH THE PLANNING BOARD/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LONG HILL:

Owner: _____ Date: _____

Address: _____

(b) To be completed before submission:

SITE PLAN/SUBDIVISION OF:

Lot: _____ Block: _____ Tax Map Number: _____

Date _____ Scale: _____

Applicant: _____

Address: _____

(c) To be signed before submission:

I HEREBY CERTIFY THAT I HAVE PREPARED THIS SITE PLAN / SUBDIVISION AND THAT ALL DIMENSIONS AND INFORMATION ARE CORRECT.

Name: _____

Title _____

(d) To be signed before issuance of a building permit:

APPROVED BY THE PLANNING BOARD/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LONG HILL:

Date: _____ Secretary: _____

Date: _____ Board Chair: _____

I HAVE REVIEWED THIS SITE PLAN/SUBDIVISION AND CERTIFY THAT IT MEETS ALL CODES AND ORDINANCES UNDER MY JURISDICTION:

Date: _____ Township Engineer: _____

(e) To be signed before the issuance of a building permit (where applicable):

ON THE RECOMMENDATION OF THE TOWNSHIP ENGINEER, I HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR THAT A PERFORMANCE GUARANTY HAS BEEN POSTED IN ACCCORDANCE WITH APPLICABLE CODES AND ORDINANCES:

Date: _____ Township Clerk: _____

Section 5. There is hereby created a new Chapter XIV in the Township Code entitled "Lot Grading" which reads as follows:

CHAPTER XIV - LOT GRADING

14-1 Permit Required.

14-1.1 A Grading Permit shall be required as follows:

A. To disturb more than five percent (5%) of the lot area, or 1,000 square feet, whichever is lesser.

B. To create a net increase of more than 400 square feet of impervious cover.

C. No permit will be required for disturbances under 400 square feet.

14-1.2 The following actions are exempt from this Chapter:

A. Any activity protected from municipal regulation by the Right-to-Farm Act, provided that the activity is being performed in accordance with a "Farm Conservation Plan".

B. The planting and harvesting of crops, plants, flowers or shrubs in areas devoted to single family use on the subject property.

C. The removal and replacement of an existing impervious driveway where no change in grade or footprint occurs.

D. Rehabilitation of existing vegetated areas where there is no material change in grade, surface type, or storm water runoff patterns.

E. Maintenance work performed by the Township through the Department of Public Works or through a municipal contract with an outside entity.

F. Projects exempted by State law from the requirements of this ordinance.

G. Projects that are subject to review by the Planning Board or Zoning Board of Adjustment, with the exception that individual lots within subdivisions approved by the Boards shall be subject to these standards at the time of a building permit is issued for each lot.

14-2 Applications.

A Applicants are encouraged to request a pre-application review with the Engineering Department prior to the submission.

B Applications for a Grading Permit shall be made to the Township Construction Official, in triplicate, and on forms available in the Construction Department.

C Application for a Lot Grading Permit shall include the following, unless waived by the approving authority:

- (1) Lot, block and street address of subject property
- (2) Name and address of property owner.
- (3) Name and address of applicant.
- (4) Name and address of the person(s) who is to perform the work.
- (5) Dates when the work is to be commenced and completed.
- (6) Scaled drawing of property showing extent of proposed work
- (7) Such other information as the approving authority may consider pertinent.

14-3 Design Standards

A. Grading Permit applications shall meet the design standards of the following chapters of the Land Use Ordinance:

- (1) Chapter 141: Conservation Easements
- (2) Chapter 142: Critical Area Requirements
- (3) Chapter 143: Flood Damage Protection
- (4) Chapter 146: Stormwater Management

B. The following additional design standards shall apply:

- (1) Final vegetated slopes shall be no more than 1 vertical on 3 horizontal unless specifically permitted by the approving authority.
- (2) The area of disturbance shall be delineated by silt fencing installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey unless specifically waived by the approving authority.
- (3) Tree protection and a tracking pad shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey unless specifically waived by the approving authority.
- (4) Any other appropriate measures as may be determined by the approving authority._____

14-4 Fee.

The fee for a Grading permit shall be as set forth in Section 183.9 of this Ordinance.

14-5 Life of Permit.

Any permit issued pursuant to the provisions of this section shall be valid for a period not exceeding one hundred twenty (120) days and all work contemplated shall be completed within that time except on approval from the Township Engineer for an extension.

14-6 Violations and Penalties.

A person who shall violate any provision of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. Each day of violation shall be considered as a separate offense.

Section 6. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 7. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 8. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, May 27, 2015, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, June 24, 2015 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR,
Township Clerk

1st Reading and Introduction: **May 27, 2015**

1st Publication: **June 4, 2015**

Referral to Planning Board: **May 28, 2015**

Notice to County Planning Board Prior to Adoption: **May 28, 2015**

2nd Reading and Adoption: **June 24, 2015**

2nd Publication: **July 2, 2015**

Filing with County Planning Board: **June 26, 2015**