

ORDINANCE 2023-10

**ORDINANCE REPEALING CHAPTER 236 THE CODE OF THE BOROUGH OF NEWFIELD,
ENTITLED “SOIL REMOVAL”, AND REPLACING IT WITH CHAPTER 236, ENTITLED
“LOT GRADING AND DRAINAGE”**

WHEREAS, the Borough of Newfield is a municipal entity organized and existing under the laws of the State of New Jersey and located in Gloucester County; and

WHEREAS, the Borough of Newfield seeks to protect the health, safety and welfare of persons and property within the Borough of Newfield by requiring the licensing which seeks to ensure the proper operation, procedures, future development and safeguards involving all soil and fill importation and placement activities within the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Newfield, County of Gloucester, State of New Jersey, that Chapter 236 entitled “Soil Removal” shall be repealed and replaced with Chapter 236, entitled “Lot Grading and Drainage”:

Section 1: Chapter §236 is repealed and replaced with the following:

LOT GRADING AND DRAINAGE

§236-1. Applicability.

- A.** The requirements set forth herein shall apply to development of all lots within the Borough of Newfield for residential purposes. For developments where an overall grading plan has already been reviewed and approved by the Borough of Newfield Planning/Zoning Board, the review and approval of an individual lot grading plan prior to the issuance of a building permit is required to ensure general compliance with the overall grading plan.
- B.** This section applies to any construction, reconstruction or relocation of any residential structure; the enlargement of a residential structure; the construction or placement of an accessory structure on a residential lot resulting in a land disturbance in excess of 500 square feet on a one-third-acre parcel or in excess of 800 square feet on a lot over 1/3 acre.

§236-2. Approval by the Planning/Zoning Board. Nothing contained herein shall prohibit the Borough Engineer from requiring a new, overall grading plan for review and approval. If, in the opinion of the Borough

Engineer, the revised grading plan substantially deviates from the prior approval, the applicant shall be required to seek approval from the Borough of Newfield Planning/Zoning Board.

§236-3. Final survey (as-built plan).

- A. Prior to the issuance of a certificate of occupancy, the permittee shall submit two (2) copies of an accurate final survey (as-built plan) to the Borough Construction Official and the Borough Engineer for approval. The final survey (as-built plan) shall be prepared by a New Jersey-licensed professional land surveyor. The purpose of the final survey (as-built plan) is to ensure that the lot grading is in substantial compliance to the approved plan and that the lot will adequately drain, provide stormwater recharge facilities, if required, and have no adverse impact on adjoining properties. The final survey (as-built plan) shall be reviewed by the Borough Engineer and the Construction Official to determine compliance with the afore-stated standards.
- B. The final survey (as-built plan) must be on file with the Construction Official's office no later than 14 days prior to the applicant seeking a certificate of occupancy. Any applications submitted after this time frame are not guaranteed an approval or issuance of a certificate of occupancy prior to closing.

§236-4. Performance standards.

- A. All grading and stormwater storage or recharge facilities shall be done in a manner that will result in no adverse impact to adjacent properties. Adjacent properties with natural swales and/or wetlands must be evaluated to ensure that adequate capacity is available to accept the runoff from the site being developed and graded. Whenever possible, the land should be graded in one of the following methods.
 - 1. The rear yard shall drain over land to the street through side yard swales on either side of the house, located on common property lines with adjoining lots, and the front yard shall drain directly to the street;
 - 2. The rear yard shall drain and be collected in a system of interior yard inlets and piping designed in accordance with accepted standards, connected to the development's overall stormwater drainage system, and the front yard shall drain directly to the street; or

3. The rear yard shall drain overland onto adjoining properties as permitted by right, i.e. no net increase in rate of runoff or manner of flow or via an acceptable easement, and the front yard shall drain directly to the street; or
 4. The grading plans at all times shall be consistent with the current stormwater standards. On-site collection, storage and recharge facilities shall be constructed to assist in the infiltration of stormwater runoff with the individual lot.
- B. No more than three lots in a row shall be allowed to drain through a swale unless protected by an acceptable easement.
 - C. The minimum slope for swales, lawns, and disturbed areas shall be 2% and for smooth, hard surfaces, i.e., driveways, 0.5%. If slopes of 2% cannot be maintained for swales, a grade of 1.5% may be acceptable, if in the opinion of the Borough Engineer the proposed grading plans provide adequate provisions for on-site stormwater recharge and no adverse impacts to adjacent parcels will result from the proposed improvements and grading of the subject property.
 - D. The maximum grade for driveways shall be 10% unless waived by the Borough Engineer under special circumstances.
 - E. The top of block elevation shall be a minimum of eight inches above the highest adjacent grade and shall be provided on all grading plans. The notation of the finished floor alone is not acceptable.
 - F. Grading within eight feet of the dwelling shall be in accordance with the local building codes.
 - G. Retaining walls over three feet in height must be designed by a licensed professional and then reviewed and approved by both the Borough Engineer and Construction Official.
 - H. Topsoil moved during the course of construction shall be redistributed so as to provide at least five (5) inches of spread cover to all seeded and planted areas of the development and shall be stabilized in accordance with Soil Conservation District (SDC) standards to prevent the potential for erosion. Topsoil shall be reasonably free of stone and contain no stones larger than two (2) inches in any dimension. In the event that the quantity of topsoil at the site is insufficient to provide five inches of cover for seeded and planted areas, the permittee shall provide and distribute a sufficient quantity of topsoil to provide such cover. The composition of any borrowed topsoil shall be in accordance with

the New Jersey Department of Transportation (NJDOT) and Soil Conservation District (SDC) standards and suitable for use in a residential setting.

- I. The permittee may request a waiver of a particular performance standard upon presentation of supporting documentation provided by the applicant's engineering professional that satisfactorily addresses grading and stormwater recharge concerns. The Borough Engineer shall have the authority to review the request and grant such waiver request, provided that it is not inconsistent with the intent of the section.

§236-5. Performance bond and inspection escrow. In those instances where a permittee elects not to proceed with the fixed fee schedule, a separate line item for lot grading and stabilization shall be included in the performance bond estimate and inspection escrow deposit, which shall be calculated pursuant to the Municipal Land Use Law (Chapter 291, Laws of N.J., N.J.S.A. 40:55D-1 et seq.). If the applicant seeks a certificate of occupancy prior to stabilizing the property in accordance with SCD standards, the bond amount for grading, stabilization and yard drainage for nonmunicipal property shall be \$2,000 per acre actually disturbed. Separate items are to be listed for municipal private residential property. The item of grading and stabilization for private residential property shall not convert over to any subsequent maintenance bond. Dollar amounts set aside for grading and stabilization purposes shall be updated as the need arises.

- A. All conditions and requirements herein shall be consistent with the Pinelands Stormwater Management Standards as set forth in the Pinelands Comprehensive Management Plan and any standard adopted thereto.
- B. All of the requirements for the control of grading and drainage of residential lots shall be required to adhere to a checklist and application which shall be prepared by the Borough Construction Official after review and approval by the Planning/Zoning Board.

§236-6. Fees.

- A. Borough application fee: \$50.
- B. Grading plan review; as-built review and inspection: \$1,250.
- C. Foundation location and elevation review: \$150.
- D. Review revised grading plan (as needed) \$150.

E. Reinspection of as-built conditions (as needed) \$150.

Section 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4: This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mayor Charles Grova

ATTEST:

Toni Van Camp, RMC, Borough Clerk

Certification

I, TONI L. VAN CAMP, Clerk of the Borough of Newfield, do hereby certify that the foregoing Ordinance was passed on first reading at Regular Meeting of the Mayor and Council of the Borough of Newfield held on August 10, 2023, and will be considered for a final adoption and public hearing at the next regular meeting of Mayor and Council to be held on September 14, 2023

Toni Van Camp, RMC, Borough Clerk