

ORDINANCE NO. 14-2013

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING ORDINANCE
NO. 44-2012 AND CHAPTER 225 ENTITLED "ZONING" OF THE CODE OF THE
TOWNSHIP OF HARRISON**

WHEREAS, on December 3, 2012, Mayor and Committee, Township of Harrison, adopted Ordinance No. 44-2012 amending portions of Chapter 225 entitled "Zoning"; and

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that additional amendments to Ordinance No. 44-2012 and Chapter 225 entitled "Zoning" are necessary; and

WHEREAS, in all other respects Chapter 225 entitled "Zoning" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

§225-153 entitled "**Zoning permit**" shall be amended to read as follows:

- A. A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof.
- B. Application for permits shall be made in writing to the Zoning Officer and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this chapter.
- C. Such permits shall be granted or refused within 10 working days from date of application. Failure to grant or refuse a permit within the time period shall constitute approval by the Township.
- D. No zoning permit shall be issued except in conformity with the regulations of this chapter, except after written order from the Combined Planning Board or the courts.
- E. Application for a zoning permit shall be accompanied by plans in triplicate (3) drawn to scale and showing the following:
 - (1) Actual dimensions and shape of the lot to be built upon;
 - (2) Exact size and locations on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alterations;
 - (3) Existing and proposed uses, showing number of families the building is designated to accommodate;
 - (4) A grading plan, if applicable, in accordance with Section 225-155;
 - (5) A completed "Grading Plan Checklist", if applicable, as required by Section 255-155.C;
 - (6) A Compensatory Tree Planting Plan, if applicable, as required by Section 225-138.G; and

- (7) Any other lawful information that may be required by Township ordinances.
- F. No zoning permit shall be issued except upon receipt of proof of compliance with all state and county water and sewage rules and regulations.
- G. A zoning permit shall not be valid or effective two (2) years after the date of issuance thereof, and shall thereafter be null and void unless use, change or use, extension of non-conforming use, erection, construction, repair remodeling, conversion, removal, destruction or moving, alteration, or relocation of a building or structure authorized by such permit shall have been substantially commenced within two (2) years from the date of issuance and proceeded with due diligence.

Section 2.

§225-154 entitled “**Certificate of occupancy**” shall be amended to read as follows:

- A. A certificate of occupancy shall be required prior to the occupation for use or change of use of land, building or structure or any part thereof. Reference is made to N.J.A.C. 5:23-2.23, et seq., “Certificate requirements” for all applicable requirements.
- B. Application for a certificate of occupancy shall be made in writing to the Construction Code Official on forms provided by the municipality.
 - (1) When the use of a premise involves a new building or structure, or alterations to an existing building or structure requiring the issuance of a Certificate of Occupancy, such application shall be made when the permitted work has been completed and the building or structure is ready for occupancy.
 - (2) When no construction or alteration is involved, an application for continued certificate of occupancy may be made at any time. It shall be the responsibility of the Construction Code Official to determine whether the proposed occupancy shall conform to the provisions of this section. The application for a continued certificate of occupancy shall be deemed incomplete until the Construction Code Official has certified that all of the requirements have been satisfied.
- C. Certificates of occupancy shall be granted or refused by the Construction Code Official within 10 business days after the receipt of a written application therefor. Failure to grant or deny such a certificate shall constitute an approval and granting of the certificate.
- D. No certificate of occupancy shall be issued unless it is in conformity with the provisions of this chapter or so ordered by a court of competent jurisdiction.
- E. Occupancy permits may be issued after final plan approval of a minor or major subdivision plan; or a minor or major site plan, but prior to completion of required public improvements and protective measures if a performance and maintenance guarantee has been accepted by the Township, and the following conditions are met:
 - (1) All streets upon which occupancy is to take place shall have been constructed and paved to a level of completion that will provide an all-weather, hard surface for drainage, safe movement of vehicles, and be free of dust, debris, and ice and snow. Said streets shall also connect to a street circulation system of at least similar physical character.
 - (2) All occupied lots shall be protected from drainage from surrounding lots, and the occupied lot shall have a completed lot drainage system.

- (3) All occupied lots shall be free from any encroachment resulting from anticipated future construction activities.
- (4) All occupied lots and buildings shall be served by a complete utility servicing system including water, sanitary sewer, electricity, source of heating energy and private telephone capability. Any of these said systems not completed according to subdivision or site plan design requirements and for which temporary provision is to be made prior to notice of completion of improvements to the Township shall be sufficiently operable as to provide safe, sanitary, and uninterrupted service.
- (5) Occupied lots shall be landscaped, weather permitting, with ground cover sufficient to prohibit erosion of soils by water or wind.
- (6) Submission of an as-built plan showing all structures on the lot, setback dimensions from property lines, utility locations and grading. ~~in accordance with Section 225-154.G and 225-155.~~
- (7) A report from the Township Engineer that the lot is suitably graded and stabilized and that acceptable vehicle and pedestrian access is provided.
- (8). The Gloucester County Soil Conservation District has issued a report of compliance.

F. Occupancy permits for individual lots which are not included within an approved ~~not part of an uncompleted~~ subdivision or site plan shall be issued after:

- (1) Confirmation by the Construction Code Official that ~~all occupied~~ the subject lots and buildings are served by a complete utility servicing system.
- (2) Submission of an as-built plan showing all structures on the lot, setback dimensions from property lines, utility locations and grading. ~~in accordance with Section 225-154.G and 225-155.~~
- (3) A report from the Township Engineer that the lot is suitably graded and stabilized and that acceptable vehicle and pedestrian access is provided if a performance guarantee has not been posted for the subject lot.
- (4) The Gloucester County Soil Conservation District has issued a report of compliance.
- (5) ~~Reference is made to Section 225-138.G "Tree Protection/Compensatory Plantings".~~

~~G. As-built regulations. A certificate of occupancy shall not be issued until an as-built plan has been reviewed and approved by the Township Engineer and/or Construction Code Official in accordance with the provisions of this section.~~

- (1) ~~Prior to the acceptance of any improvements by the Township, three (3) sets of record prints are required to show as-built conditions, signed and sealed by a professional engineer or land surveyor licensed in the State of New Jersey. The plans are to show in plan view the roadway and location of all underground utilities within the public right-of-way or in public easements, the inverts of all sanitary and storm drain pipelines at structures, and the final grades and elevations of all stormwater basins and associated structures regardless of said basins being in public or private areas. Also, the plan must include all stormwater management measures required pursuant to Sections 187 and 188.~~

- ~~(2) As-built plans shall be submitted for every development project undertaken within the Township of Harrison that required site plan or major subdivision approval from the Combined Planning Board.~~
- ~~(3) As-built plans shall include the same information, in particular grading and utility installation, required at the time of final approval of plans by the Planning Board, Zoning Board, Construction Code Official, or other regulating or approving authority and shall be so certified by seal of a licensed land surveyor or professional engineer, as the case may be.~~
- ~~(4) Within a major approved subdivision, no individual dwelling shall be issued a certificate of occupancy unless an as-built plan has been submitted and approved for the utilities to which the dwelling is to be connected.~~
- ~~(5) No performance guarantee shall be released, in addition to any other requirements for the release of such security, unless an as-built plan has been submitted and approved by the Township Engineer.~~
- ~~(6) For individual lots which are not located within an incomplete subdivision, or subject to an existing site plan, the approved grading plan shall be modified to show as-built conditions.~~

HG. A Temporary Certificate of Occupancy may be issued, pursuant to the requirements of N.J.A.C. 5:23-2.23, et seq., ~~for a period not to exceed ninety (90) days~~ at the discretion of the Construction Code Official, ~~only if:~~

- ~~(1) There are no safety related issues on the site; and~~
- ~~(2) Sufficient performance guarantee is in place to cover all outstanding required work.~~

Section 3.

§225-155 entitled “**Grading plan checklist requirement and approvals**” shall be amended to read as follows:

- A. Applicability. The requirements set forth herein shall apply to development proposed on any lot in Harrison Township involving land disturbance in excess of 1,000 square feet and for which a building permit is required; however, it shall not apply to construction of farm and accessory buildings having front yards of 85 feet or more and having side and rear yards of 100 feet or more (hereafter “applicable development”).
- B. Grading compliance as part of zoning permit.
 - (1) A grading compliance review shall be included as part of the requirements for obtaining a zoning permit. No zoning permit shall be issued for applicable development until:
 - (a) The Township Engineer has reviewed and approved a completed grading plan checklist and individual or multiple lot grading plan containing all the information required in the grading plan checklist for the proposed applicable development and meeting all requirements of this chapter;
 - (b) The Zoning Officer or Zoning Clerk has approved, as part of the zoning permit application review, a written certification prepared by a New Jersey licensed professional engineer or land surveyor, that the proposed applicable development will substantially conform to an earlier approved individual or multiple lot grading plan and checklist, and that all conditions at the property, and

relevant conditions at adjacent properties, are the same as they were when the earlier individual or multiple lot grading plan and checklist were approved; or

(c) The Zoning Officer or Zoning Clerk has approved, as part of the zoning permit application review, a written certification prepared by a New Jersey licensed professional engineer or land surveyor that the proposed applicable development will conform to all grading specifications approved as part of a site plan, subdivision, or other Combined Planning Board or Township Committee approval, and that all conditions at the property and relevant conditions at adjacent properties are the same as they were when such earlier approval was granted.

(2) The Township Engineer shall not review or inspect for compliance applicable to the Soil Erosion and Sediment Control Act. *Editor's Note: See N.J.S.A. 4:24-39 et seq.*

C. Grading plan checklist. Except as otherwise provided in this chapter, the following grading plan checklist must be completed and filed with the information it requires as part of any application for site plan, major subdivision, any application to the Combined Planning Board or Township Committee that involves an applicable development as defined in Subsection A above, or any request for a zoning permit for applicable development. The required plan information may be included in individual or multiple lot grading plan, or it may be incorporated into a development applicant's major subdivision or site plan, provided that all of the required grading plan information is included on the same plan sheet. Any requested waivers from the checklist must be provided in writing, along with the reason(s) for said request.

GRADING PLAN CHECKLIST

- [] 1. Title block indicating the address of the site, lot and block numbers, name and address of the applicant. Individual lot grading plans must be entitled "Individual Lot Grading Plan." Multiple lot grading plans must be entitled "Multiple Lot Grading Plan." If grading information is incorporated into one of the sheets of a major subdivision or site plan, such sheet title must include the words "Grading Plan." For purposes of this checklist, "grading plan" shall refer to whichever of the aforesaid types of plans is submitted by an applicant for grading approval.
- [] 2. The grading plan must be signed and sealed (embossed) by a New Jersey licensed professional engineer. The plan must include the printed name, contact information, and address of the person who prepared the plan.
- [] 3. The grading plan must be drawn legibly at a scale of one inch equals 30 feet for developments of less than one acres or a scale of one inch equals 50 feet for developments of one acre or more, indicate a North arrow, and refer to the vertical datum on which the plan is based.
- [] 4. The grading plan must indicate all property lines, easements, and required setback lines for the lot to be developed. Copies of all existing or proposed drainage easements must be filed with this checklist unless already available to the Township as part of a pending development application file. All property lines must indicate bearing and dimensions, and the width of all easements must be shown on the plan.
- [] 5. The grading plan must indicate the distances between all existing and proposed structures on the lot to be developed and adjoining property lines.
- [] 6. The grading plan must indicate the right-of-way and cartway widths of all adjoining streets as well as the location of all existing and proposed curbs,

sidewalks and driveway aprons along the entire frontage of the lot to be developed.

- [] 7. The grading plan must indicate existing and proposed contours at one-foot intervals over the lot to be developed. Spot elevations and inverts must be provided at all inlets, catch basins, outfalls, culverts and other hydraulic structures within the aforesaid areas.
- [] 8. The grading plan must indicate existing and proposed spot elevations at all property corners of the lot to be developed.
- [] 9. The grading plan must indicate existing topography 50 feet beyond all property lines of the lot to be developed and, to the extent reasonably and legally ascertainable, spot elevations for all adjacent building corners.
- [] 10. The grading plan must indicate the location and dimensions of all existing and proposed structures and site improvements on the lot to be developed, including but not limited to buildings, sheds, decks, swimming pools, fences, fence location, fence type, drainage facilities.
- [] 11. The grading plan must indicate all stream encroachments, wetlands and wetland buffer lines and floodplains on the lot to be developed, or a signed certification from the applicant's engineer that none of these conditions exist. Delineation of wetlands shall be required where hydric soils are identified as being present on the property by the National Wetlands Inventory Maps or where currently delineated N.J.D.E.P. wetlands extend from adjacent properties to the subject property. ~~The required wetlands delineation shall be satisfied by submission with the plan of one or more of the following, together with wetland buffers shown on the plan as may be required from various N.J.D.E.P. documents as may be appropriate:~~
- [] 12. The grading plan must indicate all trees over five inches' caliper within the construction area of the lot to be developed, including type, condition, and limit of clearing (excluding orchards and trees relating thereto).
- [] 13. The grading plan must indicate the foundation top of block elevations and finish floor elevations for all proposed structures and the floor elevation at the face of any garage, on the lot to be developed. Spot elevations for all building corners must be indicated.
- [] 14. If a basement is proposed, soil borings must be obtained and analyzed to determine the soil types and the depth of seasonal high-water table at the lot to be developed in order to reduce the risk of flood damage by confirming that the floor of the proposed basement will be higher than the seasonal high-water table. The results of analysis must be included in or filed with this completed checklist. Soil boring tests taken to satisfy requirements for septic permits shall be satisfactory to meet this requirement.

ED. Grading standards. The grading plan must conform to the following standards:

- (1) Purpose. The grading plan requirements are for the purpose of confirming that proposed applicable developments will not result in flooding, pooling or other drainage-related problems at the lot on which the development is proposed or on adjacent properties. Each grading plan must therefore confirm, to the Township Engineer's satisfaction, that the proposed applicable development on each lot will cause water to drain properly from the lot on which such development is proposed, and that such development will not

increase the amount of water which drains onto adjoining lots (except as otherwise permitted as part of a final site plan, subdivision, or other Planning Board, Zoning Board or Township Committee approval) or adversely change the manner in which it drains. All lots where applicable development is proposed must be graded to direct surface water runoff away from structures and toward the frontage road or other defined drainage paths that meet the Township Engineer's approval. Where a drainage problem already exists, the drainage plan must confirm, to the Township Engineer's satisfaction, that the proposed development will reduce the impact on adjoining tracts to the greatest extent reasonably possible by causing the surface water to drain into nearby streets, approved drainage facilities or other Township-approved devices.

- (2) Lawn areas. The grading plan must confirm that lawn areas will be sloped away from the building and structures at a minimum of 4.0% ~~six inches (6")~~ for the first ~~six (6)~~ ten (10) feet from foundation walls. A minimum slope of 2.0% is to be provided in all other lawn areas. The intent of these lawn area slope requirements is to confirm that water will flow away from foundation walls at an acceptable rate, and also to increase the probability that any standing water in lawn areas will dissipate within 24 hours following a storm event. Reference is made to the International Residential Code 2009, New Jersey Edition, Section R401.3, as subsequently amended.
- (3) Swales. The grading plan must confirm a minimum slope of 2.0% for all swales to provide a good flow of water within them. The Township Engineer is authorized to approve flatter slopes in instances where the Township Engineer is satisfied that special circumstances apply. Unless otherwise approved by the Township Engineer, swales must be indicated along side lot lines so that water will flow from the rear portions of adjoining lots to the curb. If permitted by easement, the grading plan may also depict water as being directed from or over neighboring lots to the curb or other approved discharge point. The intent of this swale area slope requirement is to increase the probability that all standing water will be dissipated from swale areas within 48 hours following a storm event.
- (4) Slopes. The grading plan must confirm that all slopes are no greater than three to one (3:1).
- (5) Driveways. The grading plan must confirm that driveway grades do not exceed 12% and show the thickness and the material that the driveway will be composed of.
- (6) Off-lot grading and drainage. The grading plan must confirm that no grading will occur within five feet of a property line unless necessary to direct drainage off or onto the site and then into acceptable drainage facilities in accordance with these standards. If a grading plan indicates an intention to grade or direct drainage over an adjoining property to provide proper drainage, an existing or proposed easement for this purpose must be filed with the grading plan for review and approval by the Township Engineer and Township Solicitor (or the solicitor for the development board that has jurisdiction over the site plan, subdivision or other application with which the grading plan is submitted). If the grading plan is approved based on a proposed easement, the zoning permit will not be issued unless and until the developer has:
 - (a) Properly conveyed and recorded the approved proposed easement in the Gloucester County Clerk's Office;
 - (b) Provided a copy of the recorded easement to the Township Engineer, the development board that has jurisdiction over the site plan, subdivision or other application with which the grading plan is submitted, and the Township Solicitor

(or the solicitor for the development board that has jurisdiction over the site plan, subdivision or other application with which the grading plan is submitted); and

(c) Confirmed, to the Township or applicable development board solicitor's satisfaction, that the approved easement has been properly conveyed and recorded, and that it is not subject or subordinate to any other interest that could extinguish it or otherwise diminish its effectiveness.

(7) Location of slope excavation. The top of any excavation of slope shall be no closer than five feet to an adjoining property, and shall not provide for water runoff to the adjoining property unless an agreement shall have been provided and recorded as required by Subsection E(6) above.

(8) Retaining walls. If a retaining wall is proposed, construction details must be provided. In cases where a retaining wall is higher than 48 inches, calculations must be prepared by a licensed professional engineer who certifies as to the stability of the structure.

FE. Tree protection. The grading plan must show compliance with the Township's Tree Protection Ordinance/Compensatory Planting, Section 225-138.G.

GF. Deadline for completion of grading. The zoning permit confirming compliance with the above grading ordinance requirements and related building permit shall be issued simultaneously. All grading work shall be completed, and the materials required for approval submitted as specified in Subsection H, below, prior to the expiration of the original or extended related building permit, or by such other reasonable further extended deadline approved as part of a site plan, subdivision, or other Combined Planning Board or Township Committee approval.

HG. Approval of completed grading.

(1) Each person to whom this section applies must obtain approval of completed lot grading by submitting a final as-built survey by a New Jersey licensed surveyor, to be reviewed by the Township Engineer to confirm substantial compliance with the approved grading plan. The Township Engineer will review and decide upon as-built plans within five business days following receipt of a written request for same. Faxed requests will be allowed as beginning the five-day review process, provided that the faxed as-built plans are signed by a New Jersey licensed professional surveyor, and also provided that embossed copies of the faxed as-built plans are hereafter delivered to the Township Engineer within the five-day period. The Township Engineer will conduct the inspections and render opinions thereon within five business days following receipt of a written request for same.

(2) ~~The issuance of a Certificate of Occupancy (C.O.) or~~ release of a performance guarantee shall not occur until either:

(a) A New Jersey licensed professional land surveyor or the Township Engineer has confirmed in writing that:

1) The finished grading at the lot for which the ~~C.O.~~ or performance guarantee release is being requested substantially conforms to the developer's approved major subdivision plan, site plan, or individual or multiple lot grading plan(s); and

2) The foundation top-of-block elevations of the structure for which the ~~C.O.~~ or performance guarantee release is requested are neither more than one (1) foot higher nor more than 0.2 of a foot lower than the proposed

foundation top-of-block shown on the developer's approved major subdivision plan, site plan, or individual or multiple lot grading plan(s); or

- (b) An as-built revised grading plan prepared by a New Jersey licensed land surveyor is approved by the Township Engineer as substantially conforming to the grading proposed in the developer's approved major subdivision plan, site plan, or individual or multiple lot grading plan(s).

H. Permit and review fees. The following fees shall apply to applications for approval of grading in connection with zoning permit applications. The fees shall be paid at the time of application for a permit. Plan review fees are not refundable. With respect to subdivisions, "lot" means each lot that results or will result from the subdivision. Fees and costs of the Township Engineer's review and inspection can, at such applicant's option, be paid for on a time-and-materials basis as set forth in Subsection I(3), below, instead of a flat-fee basis as provided in this Subsection I(1).

(1) ~~Permit, review and inspection fees. Any person who seeks approvals as provided in this section must pay the following fees for each grading approval requested in connection with a zoning permit application and/or site inspection and, if seeking approval of an individual or multiple lot grading plan, the following per lot fees for review of such initial, revised or as-built individual or multiple lot grading plan.~~

- (a) Grading approval application fee (per lot, in addition to zoning permit fee): \$50.
- (b) Engineer's review fee upon initial individual or multiple lot grading plan submission (per lot): \$250.
- (c) Engineer's review fee upon submission of each revised or as-built individual or multiple lot plan (per lot): \$100.
- (d) Initial site inspection fee (upon request for initial site inspection): \$375 per lot.
- (e) Site reinspection fee (upon each request for site reinspection): \$200 per lot.

(2) Exceptions. Applicants shall not be required to pay a review fee in connection with a zoning permit application when the individual lot is related to a multiple lot grading plan approved by the Harrison Township Joint Land Use Board in connection with a major subdivision approval. At the time of application for a zoning permit, the applicant shall submit a Certification from a New Jersey licensed Engineer confirming that the individual lot conforms to the approved multiple lot grading plan.

(3) Option to pay review and inspection costs based on time and materials; payment from application escrows. Applicants for development who have posted review/inspection escrows with the Township in connection with any application for site plan, subdivision, or other Joint Land Use Board or Township Committee approval may elect in writing to have the Township Engineer paid for any grading-related review and/or inspection pursuant to this section based on time expended and materials used rather than at the flat fee rates set forth in Subsection I(1) (b) through (e) above. Additionally, any such applicant may elect, in writing, that any Township Engineer grading-related review/inspection fees (whether based on flat fee or time and materials) be paid from such applicant's review/inspection escrow(s), in which instance such applicant's grading plan(s) and/or lot(s), as elected, will be reviewed/inspected by the Township Engineer as part of such site plan, subdivision, or other Joint Land Use Board or Township Committee application, whereupon all of the Township Engineer's fees and costs for grading-related review/inspection will be reimbursed from such applicant's review/inspection escrow(s) along with all other review and inspection costs and fees relating to such application.

Section 4.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 5.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 6.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on May 6, 2013. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on May 20, 2013, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY
Municipal Clerk