

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
MARCH 11, 2010**

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2010; and notice was filed with the Township Clerk on January 8, 2010.

Mayor Hagner led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Committeeman Brower, Deputy Mayor Tubbs and Mayor Hagner.

Approval of Agenda

Mayor Hagner removed the Regional Vegetation Management Plan from the Agenda and said that it would be discussed at a future meeting. She also added the Road Improvement Assessment as a discussion item.

Committeeman O'Connor moved to approve the Agenda as amended. Deputy Mayor Tubbs seconded the motion, and it carried unanimously.

Special Recognition/Proclamation

Proclamation – American Red Cross

Mayor Hagner read aloud the attached proclamation, proclaiming March 2010 as American Red Cross Month. Christy Hodde from the Colonial Crossroads Chapter was present to receive the proclamation. Mrs. Hodde thanked the Township Committee, and provided some information about the Colonial Crossroads Chapter. She also recognized the members of the Red Cross who were present at the meeting.

Life Saving Merit Award

Mrs. Hodde presented Life Saving Merit Awards to Kristin Scaglione and Cathleen Lavelle. Having been trained in lifeguarding by the Colonial Crossroads Chapter, they helped save the life of a two-year-old child who was drowning. Ms. Scaglione and Ms. Lavelle were presented with award certificates and pins. Mayor Hagner thanked Ms. Scaglione and Ms. Lavelle for their efforts.

Reports by Subcommittees

Zoning Board of Adjustment

Mr. Larry Dalziel, chairman of the Zoning Board of Adjustment, presented the annual report of the Zoning Board of Adjustment. He said that the Board of Adjustment works with applicants to help them achieve their goals while minimizing the impact on the community. Mr. Dalziel also addressed several common issues that have been brought before the Board of Adjustment this year. Several applications have been made regarding front porches, and Mr. Dalziel made suggestions as to how the zoning regulations could be changed to decrease the number of such applications. Mr. Dalziel also indicated that steep slopes have also often been a component of variance applications, and there was a discussion pertaining to minimum disturbance regulations. Another suggestion was to clarify how driveway length is measured. Mr. Dalziel also addressed the fact that there has been an increase in the number of cases where applicants are seeking

approval for work that has already been done, rather than obtaining proper approval prior to construction. He also discussed landscaping issues on the PSE&G right-of-way. Approvals for cellular towers along the right-of-way have included landscaping requirements, yet PSE&G often clear-cuts the area, and Mr. Dalziel would like to see the approval conditions enforced. Attorney Woodward said that the Department of Homeland Security has requirements regarding maintenance of high-tension utility easements. Administrator Ciccarone said that he would review the approvals and see what can be done. Deputy Mayor Tubbs asked about the volume of applications before the Board of Adjustment. Mr. Dalziel said that the Board is busy with a reasonable number of applications.

Reports

Committeeman Gallop reported that the Joint Recreation Committee met, and the sports programs are running smoothly. The Recreation Committee discussed the issue of surplus balances in trust accounts, and they will be looking into how those balances could best be utilized. Committeeman Brower suggested that a determination should be made as to how the sports share the collective wealth. He also asked if it had been made known to parents that aid is available if they cannot afford to pay registration fees. Committeeman Gallop said that accommodations would be made for families in such situations. Mayor Hagner said that the opening for the Joint Recreation Director has been advertised. Committeeman Gallop reported that he attended the School District's budget hearing, and the Board of Education will need to make some tough choices this year. Furthermore, Committeeman Gallop said that the Community Emergency Response Team was having a meeting, and he said that anyone looking to join this group could contact himself or the Police Department. Committeeman O'Connor reported that the Environmental Commission met, and the Green Team is looking at further steps in the Sustainable Jersey process. The Environmental Commission also is holding the annual River Cleanup in April, and they also discussed the Energy Audit. Deputy Mayor Tubbs reported that the Board of Health is considering updates to the Noise Ordinance. Committeeman Brower reported that deer management efforts have resulted in an 80% reduction in deer related automobile accidents, and deer harvesting rates have remained consistent. Mayor Hagner reported that she reached out to the Art League about possibly creating a mural in the front entranceway. She plans to have them make a concept presentation. Mayor Hagner also reported that the Morris County Director for Human Services will be making a presentation at the next Township Committee meeting as to what services the County could provide. Committeeman Brower questioned whether the County would be able to provide the same level of service that Linda Durney provided. Mayor Hagner further reported that a sewer issue on Falmouth was addressed by the Department of Public Works. Deputy Mayor Tubbs thanked the Police Department and Department of Public Works for keeping the roads safe during this winter's snowstorms. Administrator Ciccarone reported that the County has expanded their 911 operations. They are not currently able to handle the Township's dispatching services, but could handle answering services and transfer the calls to the Township Police Department's dispatch desk. Administrator Ciccarone also reported that with the upcoming retirement of the Township Court Administrator, he has been in touch with the Borough of Madison to see if the Township could become a part of a proposed joint municipal court with Madison, Harding and Florham Park. If the Township does not join a shared service, it would be necessary to hire a new court administrator. Engineer Ruschke reported that the signed contracts for the Shunpike Field improvements have been received, and they need to be reviewed by Attorney Woodward. Committeeman O'Connor asked if there are safeguards that the contractor can complete the work. Engineer Ruschke said that there is a Performance Bond, and the work will be monitored. Furthermore, the next two lowest bidders submitted comparable bids, and the winning bidder has a track record with recreational fields. Engineer Ruschke and Administrator Ciccarone also indicated that public notice would be sent to the neighbors of Shunpike Field when construction is about to begin. In regard to the Southern Boulevard Firehouse, Engineer Ruschke reported that work has been progressing slowly, and he has requested from the contractor an updated work schedule. The contractor has indicated that he expects the work to be complete within a month. The contractor for the pump station is also behind, and Engineer Ruschke addressed the reason for the delays. Committeeman O'Connor asked if workforce size is ever considered as part of the bidding process. Administrator Ciccarone added that as long as a contractor is not blacklisted by the State, it is difficult to not award a lowest bidder a contract provided that they meet the legal requirements. Committeeman Brower asked about the creation of a gravel path near Shunpike Road near Falmouth Road, and Administrator Ciccarone said that the path already exists.

Public Hearing/Final Adoption of Ordinances

**ORDINANCE 2010-2
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, REGULATING PARKING ON LENAPE TRAIL IN THE TOWNSHIP**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter VII, Sections 7-10, Stopping or Standing Prohibited During Certain Hours on Certain Streets, 7-11, Parking time Limited on Certain Streets, and 7-14, Parking Prohibited During Certain Hours on Certain Streets, as respects Lenape Trail as follows:

1. Section 7-10 is hereby amended to modify the stopping or standing restrictions on the Lenape Trail as follows:

<i>Name of Street</i>	<i>Side of Street</i>	<i>Location</i>
Lenape Trail	South	From the westerly curblin e of Lafayette Avenue to a point 140 feet west thereof from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., prevailing time, when school is in session.

2. Section 7-11.1 is hereby amended to modify the parking restrictions on Lenape Trail as follows:

<u>Name of Street</u>	<u>Side</u>	<u>TimeLimit</u>	<u>Hours</u>	<u>Location</u>
Lenape Trail	Both	2 Hours	8:00 a.m. to 4:00 p.m. (school days)	From the southerly curblin e of Shunpike Road to a point 1060 feet south thereof.

3. Section 7-14 is hereby amended to modify the parking restrictions on Lenape Trail as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Location</i>
Lenape Trail	North	7:00a.m. to 10:00 a.m. (school days)	From the westerly curblin e of Lafayette Avenue to a point 915 feet west thereof.
Lenape Trail	South	8:00 a.m. to 4:00 p.m. (school days)	From the westerly curblin e of Lafayette Avenue to a point 915 feet west thereof.

4. All other provisions of Sections 7-10, 7-11 and 7-14 shall remain unchanged.
5. This ordinance shall take effect as provided by law.

Mayor Hagner opened the Public Hearing on Ordinance 2010-02. Seeing none, Mayor Hagner closed the Public Hearing.

Mayor Hagner commented that this ordinance met the approval of the affected residents. Committeeman Brower asked if the Police Department has the appropriate signs to be installed. Chief Paton said that the signs have been ordered, and he also indicated that there would be a police presence in the neighborhood for a time.

Committeeman Brower moved to adopt Ordinance 2010-2. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Introduction of Ordinances

**ORDINANCE 20010-3
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY
AMENDING CHAPTER XXI OF THE TOWNSHIP CODE AS RESPECTS SOIL EROSION AND
SEDIMENT CONTROL**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey as follows:

1. Chapter XXI, Sections 21-1 through 21-12 of the Township Code are hereby amended to delete said sections and replace them with the following:

CHAPTER XXI SOIL AND SOIL REMOVAL

Article I Soil Erosion

21-1 CONTROL OF SOIL EROSION AND SEDIMENTATION.

21-1.1 Statutory Authorization.

This chapter is adopted pursuant to the provisions of the Soil Erosion and Sediment Control Act, Chapter 251 of the New Jersey Public Laws of 1975, N.J.S. 4:24-39 and following, and the regulations adopted thereunder. (Ord. No. 7-77 Art. 1)

21-1.2 Title.

This chapter shall be known and may be cited as the "Soil Erosion, Sediment Control and Flood Prevention Ordinance of the Township of Chatham." (Ord. No. 7-77 Art. 1)

21-2 PURPOSE.

To promote the public health, safety, convenience and general welfare of the Township through the protection of environmental resources by preventing floods and controlling soil erosion, sedimentation and related environmental damage resulting from, but not necessarily limited to, the disturbance of land or earth by construction activities such as those for housing, commercial, utility, highway, public works and other similar developments.

The specific purposes of this chapter are to require adequate provisions for:

- a. The protection of the water quality of streams.
- b. The prevention of danger to life and property from flooding resulting from excessive runoff and sedimentation of waterways and drainage facilities.
- c. The detention of surface waters, including both temporary and permanent measures.
- d. Maintaining the useful life of brooks, streams, ponds and lakes by preventing sedimentation.
- e. Preserving the recreational use of water bodies for swimming and fishing.
- f. Reducing public expenditures for repair and maintenance of public facilities resulting from flooding, soil erosion and sedimentation.
- g. Conserving the taxable value of property by preserving the environmental character of the Township.

(Ord. No. 7-77 Art. 2)

21-3 DEFINITIONS.

As used in this chapter:

Appeal shall mean a request for a review of a Township function.

Applicant shall mean a person requesting the issuance of a land disturbance permit.

Application shall mean a submission meeting the requirements of a *complete application*, as hereinafter defined.

Application for development shall mean a proposed subdivision of land, site plan, conditional use zoning variance, planned unit development or construction permit.

Approved plan shall mean a *Plan*, as hereinafter defined, which has been reviewed and approved by the proper Township authority.

Certification shall mean a written and signed statement by the Township Engineer that specific construction and/or land treatment measures required by a *Plan*, as hereinafter defined, have been performed in accordance with all of the terms and conditions therefore and in accordance with *State standards*, as hereinafter defined, and the provisions of this chapter.

Committee shall mean the State Soil Conservation Committee is the Department of Agriculture established pursuant to N.J.S.A. 4:24-39 et seq.

Complete application shall mean the submission to the Township Clerk of the following: a. an application form completed and executed by the applicant; b. a *Plan*, as hereinafter defined; c. all required accompanying documents, and d. the appropriate filing fee.

Conditional use shall mean a land use permitted under the Land Development Ordinance of the Township of Chatham but only upon the issuance of an authorization therefore by the Township Planning Board or Zoning Board of Adjustment.

Construction permit shall mean a permit issued for a building or structure in accordance with the State Uniform Construction Code Act and Regulations promulgated thereunder.

Critical area shall mean an area which has a high potential for erosion, sedimentation or related environmental damage, or an area which has experienced such damage.

Cut shall mean a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.

Detention pond or basin shall mean a pond, basin or other structure or measure that provides for temporary storage of storm water and which includes a spillway or other facility to release the water at a controlled rate of flow.

Disturbance shall mean any activity involving the clearing, excavation, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

Diversion shall mean a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

Embankment shall mean a man-made deposit of soil, rock or other materials.

Erosion shall mean the detachment, wearing away or movement of soil or rock fragments by the action of water, wind, ice or gravity.

Excavation shall mean any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing grade shall mean the vertical location of the existing ground surface prior to cutting or filling.

Farm conservation plan shall mean a plan developed in accordance with the Morris County Soil Conservation District which provides for use of land, within its capabilities and treatment, within practical limits, according to chosen use to prevent further deterioration of soil and water resources.

Fill shall mean a man-made deposit of soil, rock or other materials.

Finished grade shall mean the final grade or elevation of the ground surface conforming to a proposed design.

Flood plain shall mean the land bordering or adjacent to a river, stream, brook, lake, pond, swamp or other waterway which is subject to flooding as evidenced by a. observed or recorded flood events; b. alluvial soil as shown on soil maps; or c. as determined by other soil or hydraulic studies.

Government agency shall mean any department, commission, independent agency or instrumentality of the United States or of the State of New Jersey, and any County or other governmental unit.

Grading shall mean any stripping, cutting, filling or stockpiling, or any combination thereof, this term including the land in its cut or filled condition.

Hearing body shall mean the State Soil Conservation Committee.

Land shall mean any ground, soil or earth including marshes, swamps, drainage ways and areas not permanently covered by water.

Land disturbance shall mean any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion.

Morris County Soil Conservation District shall mean a governmental subdivision of this State, which encompasses the Township, organized in accordance with the provisions of N.J.S. 4:24-1 and following.

Mulching shall mean the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

Natural ground surface shall mean the existing surface of land prior to any land disturbance.

Permit. See *Soil erosion and sediment control permit.*

Person shall mean any individual, partnership, corporation or other legal entity, including a government agency.

Plan. See *Soil Erosion, Sediment Control and Flood Prevention Plan.*

Planned development shall mean any planned development that may be permitted under the provisions of the Land Development Ordinance of the Township.

Professional engineer shall mean an engineer duly registered or licensed by the State of New Jersey to practice in the field of civil engineering.

Project shall mean any disturbance of more than 5,000 square feet of the surface area of land (1) for the accommodation of construction for which the State Uniform Construction Code would require a construction permit, except that the construction of a single-family dwelling unit shall not be deemed a "project" under this act unless such unit is part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such single-family dwelling units, (2) for the demolition of one or more structures, (3) for the construction of a parking lot, (4) for the construction of a public facility, (5) for the operation of any mining or quarrying activity, or (6) for the clearing or grading of any land for other than agricultural or horticultural purposes.

Public facility shall mean any building; pipeline; highway; electricity, telephone, or other transmission line; or any other structure to be constructed by a public utility, municipality, county of the State or any agency or instrumentality thereof.

Sediment shall mean solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by erosion.

Sediment basin shall mean a pond, basin or other structure or measure that provides for the detention of water and the deposit of sediment.

Site shall mean a lot, tract or parcel of land or a combination of contiguous lots, tracts or parcels of land.

Site plan shall mean a plan for the development of one (1) or more lots required to be reviewed and approved in accordance with the provisions of the Site Plan Review and Approval Ordinance of the Township.

Slope shall mean the degree of deviation of a surface from the horizontal usually expressed in percent or degree.

Soil shall mean all unconsolidated mineral and organic material of whatever origin which overlies bedrock and which can be readily excavated.

Soil erosion and sediment control permit shall mean a permit issued pursuant to the provisions of this chapter authorizing land disturbance subject to the terms and conditions of the permit.

Soil Erosion, Sediment Control and Flood Prevention Plan shall mean a plan (referred to in this chapter by the term "Plan") which indicates construction and/or land treatment measures, including a schedule of the timing for their performance, to effectively prevent floods and minimize soil erosion and sedimentation. Every Plan shall meet or exceed *State standards* as hereinafter defined.

Soils engineer shall mean a professional engineer who is qualified by education, training and experience to practice applied soil mechanics and foundation engineering.

Standards shall mean *State standards*.

State standards shall mean standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee.

Stripping shall mean any activity which removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels in accordance with provisions of the Land Subdivision Ordinance of the Township.

Temporary protection shall mean stabilization of erosion or sediment-producing areas of land.

Vegetative protection shall mean stabilization of erosive or sediment-producing areas of land by covering the soil with one (1) or more of the following: a. permanent seeding or permanent plantings producing long-term vegetative cover; b. short-term seeding or short-term plantings producing temporary vegetative cover; and c. sodding, producing areas covered with a turf or perennial sod-forming grass.

Watercourse shall mean a natural or artificial river, stream, brook, ditch, channel, conduit, gully, drain, culvert, ravine, wash or other waterway in which water flows in a definite direction or course, either continuously or intermittently, within a definite channel, and including any area adjacent thereto subject to inundation by reason of overflow of flood water.

Zoning variance shall mean any land use which may be permitted as a departure from the provisions of the Land Development Ordinance of the Township.

For the purposes of this chapter the word "shall" indicates a mandatory requirement, and the word "may" indicates a permissive action.

Any word or term not defined by this section is to be given its usual or common meaning.

(Ord. No. 7-77 Art. 3; Ord. No. 2001-017 § 1)

21-4 SOIL EROSION AND SEDIMENT CONTROL PERMIT REQUIRED

No person shall within the Township undertake or commence any project within the meaning of that term as defined in Section 21-3, except a project which is exempt under the provisions of Section 21-5, without first having obtained a soil erosion and sediment control permit. (Ord. No. 7-77 Art. 4; Ord. No. 2001-017 § 1)

21-4A STANDARDS

(a) The Township adopts and hereby incorporates into these rules by reference as standards for soil erosion and sediment control those standards published in the "Standards for Soil Erosion and Sediment Control in New Jersey," and identified as adopted or revised on April 12, 1999 as the technical basis for local soil conservation district certification of soil erosion and sediment control plans. Specifically, these standards include the following:

1. Vegetative Standards

- Acid Soil Management, Adopted April 12, 1999
- Dune Stabilization, Revised April 12, 1999
- Maintaining Vegetation, Revised April 12, 1999
- Permanent Vegetative Cover for Soil Stabilization, Revised April 12, 1999
- Stabilization with Mulch Only, Revised April 12, 1999
- Stabilization with Sod, Revised April 12, 1999
- Temporary Vegetative Cover for Soil Stabilization, Revised April 12, 1999
- Topsoiling, Revised April 12, 1999
- Tree Protection during Construction, Revised April 12, 1999
- Trees, Shrubs and Vines, Revised April 12, 1999

2. Engineering Standards

- Channel Stabilization, Revised April 12, 1999
- Conduit Outlet Protection, Revised April 12, 1999
- Detention Basin, Revised April 12, 1999
- Dewatering, Adopted April 12, 1999
- Diversions, Adopted April 12, 1999
- Dust Control, Revised April 12, 1999
- Grade Stabilization Structure, Revised April 12, 1999
- Grassed Waterway, Revised April 12, 1999
- Land Grading, Revised April 12, 1999
- Lined Waterway, Revised April 12, 1999
- Offsite Stability Analysis, Revised April 12, 1999
- Parking Lot Storage, Revised April 12, 1999
- Riprap, Revised April 12, 1999
- Rooftop Storage, Revised April 12, 1999
- Sediment Barrier, Revised April 12, 1999
- Sediment Basin, Revised April 12, 1999
- Slope Protection Structures, Revised April 12, 1999
- Soil Bioengineering, Adopted April 12, 1999
- Stabilized Construction Access, Revised April 12, 1999
- Storm Sewer Inlet Protection, Revised April 12, 1999
- Stream Crossing, Revised April 12, 1999
- Subsurface Drainage, Adopted April 12, 1999
- Traffic Control, Revised April 12, 1999
- Turbidity Barrier, Revised April 12, 1999
- Underground Detention Storage, Revised April 12, 1999

3. Copies of the standards may be obtained by contacting the Township Clerk or the State Soil Conservation Committee of any of the soil conservation districts as follows:

- i. Bergen County Conservation District
- ii. Burlington County Soil Conservation District
- iii. Camden County Soil Conservation District
- iv. Cape-Atlantic Soil Conservation (Cape May and Atlantic Counties)
- v. Cumberland County Soil Conservation District
- vi. Freehold Soil Conservation District (Middlesex and Monmouth Counties)
- vii. Gloucester County Soil Conservation District

- viii. Hudson, Essex and Passaic Soil Conservation District (Hudson, Essex and Passaic Counties)
- ix. Hunterdon County Soil Conservation District
- x. Mercer County Soil Conservation District
- xi. Morris County Soil Conservation District
- xii. Ocean County Soil Conservation District
- xiii. Salem County Soil Conservation District
- xiv. Somerset-Union Soil Conservation District (Somerset and Union Counties)
- xv. Sussex County Soil Conservation District
- xvi. Warren County Soil Conservation District

(b) Where it can be satisfactorily demonstrated by the applicant that unique or innovative control measures or procedures not specified in this chapter may be applicable to specific sites, such measures may be proposed for consideration and utilized subject to approval by the Township and the State Soil Conservation Committee. To secure such approval, a written request shall be sent to the Township and State Soil Conservation Committee describing the unique or innovative control measure or procedure and its proposed function or use on the project. Such approval may be granted only where it is determined that strict application of the standards as herein specified will not result in the most practical and effective control of soil erosion, sedimentation and stormwater damages.

21-5 ACTIVITIES EXEMPT FROM PERMIT

The following projects are exempt from the provisions of this chapter:

- a. The construction of a single-family dwelling unit where such unit is not part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two (2) or more such single-family dwelling units.
- b. Land disturbance in accordance with a farm conservation plan.
- c. The planting and harvesting of crops, plants, flowers or shrubs in fields or areas devoted to such use prior to the adoption of this chapter.
- d. Road and road shoulder maintenance work performed by the Township Department of Public Works.
- e. Projects exempt from the requirements of State law.

(Ord. No. 7-77 Art. 5; Ord. No. 15-91 § 1; Ord. No. 99-027 § 1)

21-6 APPLICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL PERMITS.

21-6.1 Jurisdiction Over Applications.

- a. If the project subject of the application involves a conditional use, planned development, site plan, subdivision, subdivision or zoning variance, the application for soil erosion and sediment control permit shall be reviewed and acted upon by the Township Planning Board.
- b. All other applications for soil erosion and sediment control permits shall be reviewed and acted upon by the Township Engineer.
- c. In addition to the foregoing, all public facility projects shall be submitted to the Morris Soil Conservation District for review, certification and enforcement.
- c. Notwithstanding the provisions of the preceding paragraph of this subsection 21-6.1, whenever the Zoning Board of Adjustment is reviewing an application for approval of a use variance pursuant to the provisions of N.J.S. 40:55D-70(d), such Board shall review and act upon any application for a soil erosion and sediment control permit, and accordingly in such cases whenever the words "Planning Board" appear in this chapter they shall be read as "Zoning Board of Adjustment."

(Ord. No. 7-77 Art. 6 § 6.01; Ord. No. 2001-017 § 1)

21-6.2 Application Forms.

An applicant shall obtain application forms from the Township Clerk. The form shall require among other information the name of the applicant, the site location by street address and block and lot number, the proposed use of the site, any related applications for land use development approval and sufficient information for calculation of the filing fee required by subsection 21-6.4. The form shall also provide adequate space for approval or disapproval as well as the insertion for special provisions as terms and conditions of approval and the amount of any performance guarantee required. (Ord. No. 7-77 Art. 6 § 6.02)

21-6.3 Plan to Accompany Application.

Every application for a soil erosion and sediment control permit shall be accompanied by a Plan meeting the requirements set forth in this subsection 21-6.3.

- a. *The Plan.* The Plan shall comprise a map and written report (together with whatever other instruments, writings, drawings, plans or specifications are necessary or appropriate under the circumstances) which fully and

adequately describe both temporary and permanent measures to be employed to control, minimize and protect against soil erosion, sedimentation and flooding from a proposed land disturbance, taking into account the particular nature and characteristics of the land, the surrounding area, the watercourses, the land disturbance and the development involved. The Plan shall cover all stages and aspects of the proposed land disturbance and planned development from grading, stripping, excavation and other site preparation through and including both finished grade and the installation of permanent improvements. It shall accordingly include a timing schedule or schedules indicating both: 1. the anticipated starting and completion dates of each step in the land disturbance and development sequence and the time of exposure of each land area prior to the completion of effective erosion and sediment control measures, and 2. the sequence of installation of planned erosion and sediment control measures as related to the disturbance and development sequence referred to in paragraph 1. above, including anticipated starting and completion dates of such installations.

The Plan shall include a soil map prepared by the Natural Resources Conservation Service upon which the proposed development shall be superimposed. The soil boundaries shall also be shown on the Plan.

b. *General Conditions.*

1. It shall be the responsibility of the applicant to design his project so as to maintain as nearly as possible in its present state and condition any stream, watercourse, swale, floodplain, wetland, swamp, pond or lake.
2. The maintenance or repair of any of the above or of drainage facilities damaged or otherwise adversely affected by reason of the applicant's project shall be the responsibility of the applicant. Such maintenance or repair work shall be promptly performed.
3. It shall be the responsibility of the applicant to promptly remove sediment from any stream or watercourse, pond, lake, or drainage facility resulting from the applicant's project.
4. No person shall block, impede the flow of, alter or construct any structure or deposit any material or thing or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained a soil erosion and sediment control permit and, where required, prior approval from the Morris County Soil Conservation District or other State agency.
5. All drainage or stormwater facilities proposed by the applicant or to be utilized by the applicant, including the discharge area, shall have the capacity to transport runoff from the drainage area as if such area were fully developed in accordance with the Master Plan and Land Development Ordinance of the Township.
6. An objective of the Plan shall be to maximize groundwater recharge and to minimize runoff, as well as the retention of sediment to the maximum extent feasible.

c. *Soil Erosion and Sediment Control Measures.* Soil erosion and sediment control measures shall as a minimum utilize and meet standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee.

In addition, to the extent applicable in particular situations, the following measures or considerations shall be incorporated in the Plan:

1. The smallest practicable area of land shall be disturbed at any one time during development and the duration of such disturbance shall be kept to a practical minimum.
2. Whenever feasible, natural vegetation and the natural ground surface shall be retained and protected.
3. Temporary vegetative protection, plant cover or mulching, or a combination thereof, shall be used to protect erosion areas during development.
4. Diversions and outlets, both temporary and permanent, shall be constructed or installed to accommodate the runoff caused by the changed soil and surface conditions during and after development.
5. Disturbed soil shall be stabilized as quickly as practicable.
6. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped and removed by the use of debris basins, sediment basins, desilting basins, silt traps or other acceptable methods.
7. Whenever feasible, development shall preserve natural features and existing grades, thereby keeping grading, stripping and excavation to a minimum.
8. Adequate provisions shall be made to minimize surface water from damaging slopes and embankments. Diversions may be utilized for this purpose.
9. Fill shall be placed and stabilized so as to minimize erosion and shall not encroach on watercourses closer than one hundred (100) feet unless specifically approved.
10. During grading operations, approved methods for dust control shall be exercised.
11. During grading, excavation and other construction activities, slopes and embankments shall be stabilized by mulching with straw sprayed with an asphalt mixture, or jute matting staked in position, or a seeding with vegetative types consistent with the current Standard for Temporary Vegetative Cover for Soil Stabilization, 7-1, or a combination of the foregoing, or other acceptable method.
12. Permanent (final) vegetative protection, plant cover, lawn or ground cover, and mechanical erosion control devices and measures shall be installed or constructed and completed as soon as practicable.
13. Permanent improvements, such as pavement, catch basins, curbs and the like, shall be installed or constructed and completed as soon as practicable.
14. Permanent detention ponds shall be constructed whenever feasible to temporarily retain the increased runoff resulting from modifications to the land. Such detention facilities shall conform with the New Jersey Soil Erosion and Sediment Control, except where adverse site conditions prevent the practical construction of such facilities and such requirement is waived by the Township Engineer. The

Township Engineer shall approve all plans for detention facilities and such plans shall also be approved by the County of Morris and agencies of the State of New Jersey when required.

d. *Qualifications of Preparer of Plan.* The Plan shall be prepared by a professional engineer or soil engineer and shall be signed and sealed by the person who prepared it.

(Ord. No. 7-77 Art. 6 § 6.03; Ord. No. 2001-017 § 1)

21-6.4 Fee to Accompany Application.

Every application for a soil erosion and sediment control permit, or substantively revised application as determined by the Township Engineer, shall be accompanied by a fee payable to the Township in the amount of one hundred fifty (\$150.00) dollars, provided, however, that if the application is made in connection with an application for the development of land pursuant to the Land Development Ordinance of the Township of Chatham then no separate application fee shall be required for the soil erosion and sediment control permit as the application will be processed as a part of the application for the development of land and will be subject to the technical review fees provided by subsection 30-17.1b of the Land Development Ordinance of the Township of Chatham. (Ord. No. 7-77 Art. 6 § 6.04; Ord. No. 15-91 § 2; Ord. No. 97-039 § 1; Ord. No. 2001-017 § 1)

21-6.5 Application Procedure.

The Township shall carry out the provisions of N.J.S.A. 4:24-43, -44, -45.

(a) No project shall be undertaken by any person, partnership, or corporation, or other private agency unless the applicant has submitted to the Township with local jurisdiction a plan for soil erosion and sediment control for such project, and the plan has been certified by the Township as conforming to the standards promulgated by the State Soil Conservation Committee. The plan shall provide for the control of soil erosion and sedimentation and utilize the standards for soil erosion and sediment control adopted by the Committee.

(b) A complete application for a soil erosion and sediment control permit shall be filed with the Township Clerk.

1. If the application is within the jurisdiction of the Township Planning Board, the applicant shall file seven (7) copies of the application form accompanied by thirteen (13) copies of the Plan and any other required documents.

2. If the application is within the jurisdiction of the Township Engineer, the applicant shall file six (6) copies of the application form accompanied by six (6) copies of the Plan and any other required documents.

3. All applications within the jurisdiction of the Planning Board shall be filed at least twenty-one (21) days before a monthly meeting of the Board at which formal action is taken, provided that no applications shall be accepted by the Township Clerk more than twenty-eight (28) days prior to the date of the meeting selected to meet such twenty-one (21) day requirement.

4. Upon receiving an application within the jurisdiction of the Planning Board, the Township Clerk shall note the date of submission on all copies of the application form, shall retain one (1) copy of the application form together with one (1) copy of the Plan and any other accompanying documents, shall forward one (1) copy of the application form together with one (1) copy of the Plan and any other accompanying documents to the Township Engineer, and shall deliver four (4) copies of the application form together with ten (10) copies of the Plan and any other accompanying documents to the Secretary of the Planning Board. The Township Clerk shall also forward one (1) copy of the application form together with one (1) copy of the Plan and any other accompanying documents to the Township Environmental Commission.

5. Upon receiving an application within the jurisdiction of the Township Engineer, the Township Clerk shall note the date of submission on all copies of the application form, shall retain one (1) copy of the application form together with one (1) copy of the Plan and any other accompanying documents, shall forward one (1) copy of the application form together with one (1) copy of the Plan and any other accompanying documents to the Planning Board for informational purposes, and shall deliver four (4) copies of the application form together with four (4) copies of the Plan and any other accompanying documents to the Township Engineer.

(c) No project shall be undertaken by any person, partnership, or corporation, or other private agency unless the applicant has submitted to the Township a plan for soil erosion and sediment control for such project, and the plan has been certified by the Township as conforming to the standards promulgated by the State Soil Conservation Committee. The plan shall provide for the control of soil erosion and sedimentation and utilize the standards for soil erosion and sediment control adopted by the Committee.

(d) Approval by a municipal officer or agency for an application for development for any project shall be conditioned upon certification by the Township for a plan for soil erosion and sediment control.

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(e) The Township shall review all soil erosion and sediment control plans submitted with a complete application and provide the applicant with a written notice indicating that:

1. The plan was certified.

2. The plan was certified subject to the attached conditions, or
3. The plan was denied certification with the reasons for the denial stated.

(f) The Township shall include in the notice of certification on the certified plan the following clause: "This certification is limited to the controls specified in this plan. It is not authorized to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.

(g) The Township shall furnish the municipal planning board a copy of the certification or denial including all conditions and statements.

(h) The Township shall grant or deny certification within 30 days from submission of a complete application. The Township may be granted an additional 30-day review period through mutual written agreement with the applicant. Failure of the Township to grant or deny certification within such period of such extension thereof shall constitute certification.

(j) The Township shall require a new submission of the plan and application when a major revision is made.(Ord. No. 7-77 Art. 6 § 6.05; Ord. No. 2001-017 § 1)

21-6.6 Incomplete Applications.

a. Whenever it appears subsequent to submission to the Township Clerk that an application is incomplete, the Secretary of the Planning Board or the Township Engineer, as the case may be, shall promptly notify the applicant of the deficiencies, but if such notice is not given to the applicant within twenty-eight (28) days after submission the application shall be deemed to be complete.

b. Whenever an incomplete application is supplemented so as to make it complete, the period of the time limitation set forth in subsection 21-7.3 shall commence to run from the date when the application becomes complete.

(Ord. No. 7-77 Art. 6 § 6.06)

21-6.7 Time of Submission of Application.

Whenever an applicant is seeking one (1) or more related approvals for a project from the Township Planning Board, Zoning Board of Adjustment or Township Engineer, the application for a soil erosion and sediment control permit shall be submitted as directed by the Planning Board or Township Engineer at the time when the status of the related approval or approvals will permit the application for a soil erosion and sediment control permit to be properly evaluated. Premature submission of an application for a soil erosion and sediment control permit constitutes grounds for denial of the application accompanied by a direction for resubmission at an appropriate time. (Ord. No. 7-77 Art. 6 § 6.07; Ord. No. 2001-017 § 1)

21-7 ACTION ON APPLICATIONS.

21-7.1 Review of Applications.

a. Applications for soil erosion and sediment control permits within the jurisdiction of the Planning Board shall be reviewed by the Planning Board and the Township Engineer. The Township Engineer shall furnish comments on the application to the Planning Board within fourteen (14) days after the submission of the application unless the Planning Board advises the Township Engineer of a longer period of time for his review. The Planning Board may refer an application to the Morris County Soil Conservation District, the Township Environmental Commission or any other qualified governmental agency or agencies or consultants for review and comments within a period of time indicated by the Planning Board.

b. Applications within the jurisdiction of the Township Engineer shall be reviewed by the Township Engineer. An application may be referred by the Township Engineer to the Morris County Soil Conservation District or any other qualified governmental agency or agencies or consultants for review and comments within a period of time indicated by the Township Engineer.

c. The purpose of every review shall be to determine whether or not the application, Plan and any other accompanying documents meet the standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee and any higher standards established by this chapter.

(Ord. No. 7-77 Art. 7 § 7.01; Ord. No. 2001-017 § 1)

21-7.2 Approval of Applications.

- a. An application within the jurisdiction of the Planning Board shall be approved by the Planning Board if upon review the Board determines that the application meets the standards referred to in subsection 21-7.1. An application within the jurisdiction of the Township Engineer shall be approved by the Township Engineer if upon review he determines that the application meets such standards.
- b. In the event that an application does not meet the standards referred to in subsection 21-7.1, the Planning Board or the Township Engineer, as the case may be, may approve the application subject to

- the imposition of terms and conditions which will provide for compliance with such standards. Any such terms and conditions shall be endorsed upon or attached to the application before approval is granted.
- c. Other special terms and conditions may be imposed upon an application by the approving authority in order to assure proper implementation of the Plan in accordance with the intent and purposes of this chapter and may include fixing the time schedule for exposure of land areas and for the construction and installation of improvements or the taking of other measures to prevent soil erosion sedimentation and flooding and may require that such work be completed prior to any site development work.
 - d. All terms and conditions imposed by the Planning Board or Township Engineer, as the case may be, shall become a part of the approved Plan for all purposes of the provisions of this chapter.
 - e. As to every application which is approved, the approving authority shall endorse thereon the amount of the performance guarantee required pursuant to the provisions of subsection 21-8.1 of this chapter.
 - f. If an application is disapproved, the reason for disapproval shall be endorsed upon or attached to the application.
 - g. As soon as any application has been reviewed and acted upon, three (3) copies of the application with endorsements or attachments shall be forwarded to the Township Clerk. The Township Clerk shall promptly notify the applicant in writing of the action taken by the Planning Board or Township Engineer, as the case may be, indicating whether the application was approved as submitted, approved subject to attached conditions, or denied for reasons stated. In cases of approval, the Township Clerk shall also notify the applicant of the amount of the performance guarantee required to be furnished to the Township.
 - h. The Township Clerk shall also notify the Township Environmental Commission of action taken by the Planning Board on applications within its jurisdiction.

(Ord. No. 7-77 Art. 7 § 7.02)

21-7.3 Time Limitations.

- a. The Township Planning Board or Township Engineer, as the case may be, shall approve or disapprove the application for a soil erosion and sediment control permit within a period of thirty (30) days after the submission of a complete application to the Township Clerk, unless by mutual agreement in writing between the applicant and the reviewing authority the period of thirty (30) days is extended for an additional period of thirty (30) days.
- b. Failure to approve or disapprove a complete application within such period or such extension thereof shall constitute approval of the application, and the applicant shall be entitled to the issuance of a soil erosion and sediment control permit by the Township Clerk as though the application had been approved pursuant to the provisions of subsection 21-7.2 in the form in which the application was submitted.
- c. For purposes of this subsection, a major revision by the applicant of the Plan accompanying the application shall constitute a new submission of an application by the applicant.
- d. The provisions of this subsection shall not relieve an applicant of the obligation to furnish a performance guarantee as required by subsection 21-8.1, nor shall the provisions of this subsection relieve an applicant of any other obligation imposed by this chapter upon a person to whom a soil erosion and sediment control permit is issued.

(Ord. No. 7-77 Art. 7 § 7.03; Ord. No. 2001-017 § 1)

21-7.4 Notification of Morris County Soil Conservation District.

Immediately following action by the Township Planning Board or Township Engineer, as the case may be, pursuant to subsection 21-7.2, whether such action constitutes approval or disapproval, the Township Clerk shall forward one (1) of the three (3) complete applications received from the Planning Board or Township Engineer to the Morris County Soil Conservation District, together with such other information as the District may require.

In the event that an applicant obtains approval by inaction under the provisions of subsection 21-7.3, the Township Clerk shall obtain from the Planning Board or Township Engineer, as the case may be, two (2) complete applications, and the Township Clerk shall forward one (1) complete application to the Morris County Soil Conservation District, together with a statement of approval by inaction and such other information as the District may require. (Ord. No. 7-77 Art. 7 § 7.04)

21-7 ISSUANCE OF PERMITS

21-8.1 Requirement for Performance Guarantee.

- a. Following approval of an application for a soil erosion and sediment control permit and prior to the issuance of the permit, the applicant shall furnish the Township with a performance guarantee in an amount specified by the Township Planning Board or Township Engineer on the approved application or as fixed by the Township Engineer in the event of approval by inaction as provided in subsection 21-7.3.
- b. A performance guarantee shall not be required to exceed one hundred twenty (120%) percent of the total cost of the improvements and measures called for by the approved Plan, as the total cost thereof shall be estimated by the Township Engineer.
- c. The performance guarantee shall set forth the date or dates on or before which the improvements are to be constructed or installed or on or before which specified measures are to be taken.
- d. The performance guarantee shall provide that if the Township shall obtain injunctive relief pursuant to the provisions of Section 21-12 of this chapter against the person to whom the soil erosion and

sediment control permit issued, funds necessary to effect compliance with such relief shall be immediately available to the Township.

- e. The performance guarantee shall also assure the payment of all inspection fees for the project as required by subsection 21-9.5.
- f. The performance guarantee may be in the form of a surety bond issued by a surety company authorized to do business in New Jersey, or the applicant may elect to deposit funds with the Township by certified check, such funds to be held in a separate interest-bearing account pursuant to a cash deposit agreement between the Township and the applicant. All performance guarantees shall be subject to approval by Township Attorney as to form, sufficiency and execution. Performance guarantees shall be released as provided in subsection 21-10.3.

(Ord. No. 7-77 Art. 8 § 8.01; Ord. No. 2001-017 § 1)

21-8.2 Issuance of Permit.

Upon receipt of an approved application, or upon approval by reason of inaction as provided in subsection 21-7.3 and the receipt of a performance guarantee meeting the requirements of subsection 21-8.1, the Township Clerk shall issue a soil erosion and sediment control permit to the applicant. The Township Clerk shall attach to the permit a copy of the complete application as approved, including the Plan and all accompanying documents. (Ord. No. 7-77 Art. 8 § 8.02; Ord. No. 2001-017 § 1)

21-9 PERFORMANCE OF WORK.

21-9.1 General.

A person to whom a soil erosion and sediment control permit has been issued shall be responsible for the performance of all work in strict conformity with the approved Plan and all terms and conditions thereof, including the time schedule for exposure of land areas and for the construction and installation of improvements or the taking of other measures to prevent soil erosion, sedimentation and flooding. (Ord. No. 7-77 Art. 9 § 9.01; Ord. No. 2001-017 § 1)

21-9.2 Inspections by Township Engineer.

- a. The Township Engineer shall inspect every project for which a soil erosion and sediment control permit has been issued. The Township Engineer shall be responsible for enforcing compliance with the permit and the provisions and requirements of this chapter.
- b. To assist in making inspections, a copy of the soil erosion and sediment control permit to which is attached a complete copy of the application with the accompanying Plan and other documents as well as any terms and conditions imposed by the approving authority shall be kept at the site at all times during construction.
- c. Generally, inspections shall be conducted at the following times:
 - 1. Prior to any construction or measures, in order to check details of location and field conditions.
 - 2. Intermittently during construction and vegetative protection measures.
 - 3. After completion of all construction and establishment of vegetation.
 - 4. At least three (3) times during the maintenance period.
 - 5. At other times as may be necessary because of unsatisfactory conditions.
- d. The Township Engineer shall bring to the attention of the person to whom a soil erosion and sediment control permit has been issued, or to his agent in charge of work at the site, any deviations from the approved Plan and any other violations of this chapter in order that such deviations and violations may be immediately corrected.

(Ord. No. 7-77 Art. 9 § 9.02; Ord. No. 2001-017 § 1)

21-9.3 Stop Work Orders.

When in his judgment the circumstances warrant such action, the Township Engineer may issue a stop work order to a person to whom a soil erosion and sediment control permit has been issued or to his agent in charge of work at the site. Thereupon, until all deviations from the approved Plan and any other violations of this chapter have been corrected, no work shall be carried on at the site except such work as is necessary to effect such correction. If such deviations and violations are not promptly corrected, the Township Engineer shall bring the matter to the attention of the Township Administrator for appropriate action by the Township. (Ord. No. 7-77 Art. 9 § 9.03; Ord. No. 2001-017 § 1)

21-9.4 Minor Modifications.

When deemed necessary or appropriate by reason of conditions arising in the field during the course of the performance of work, the Township Engineer may order or approve amendments, changes or modifications of a minor nature in an approved plan. (Ord. No. 7-77 Art. 9 § 9.04)

21-9.5 Inspection Fees.

In the event that the soil erosion and sediment control permit was issued in connection with the approval of an application for the development of land pursuant to the Land Development Ordinance of the Township of

Chatham, no separate fee shall be required for the inspection of work performed pursuant to the permit by reason of the inspection fee provisions of subsection 30-17.6 of the Land Development Ordinance of the Township of Chatham.

In the event that the soil erosion and sediment control permit was not issued in connection with the approval of an application for the development of land pursuant to the Land Use Ordinance of the Township of Chatham, then there shall be no inspection fee for the initial inspection of work performed pursuant to the permit. If more than one (1) inspection of a property is required to be made by the Township Engineer by reason of a failure to comply with the terms and conditions of the permit, then the owner of the property shall pay to the Township an inspection fee for each additional inspection, which fee shall be in accordance with the schedule of inspection fees established and from time to time amended by the Township Committee pursuant to the provisions of subsection 30-17.6 of the Land Development Ordinance of the Township of Chatham. All fees for any additional inspections shall be paid to the Township prior to the issuance of a certification of completion of work in accordance with subsection 21-9.6 of this chapter. (Ord. No. 7-77 Art. 9 § 9.05; Ord. No. 15-91 § 3; Ord. No. 2001-017 § 1)

21-9.6 Certificate of Completion.

- a. When the Township Engineer finds that all construction or installation work and all measures required under an approved Plan have been fully performed in accordance with all the terms and conditions thereof, the Township Engineer shall issue a certification to that effect.
- b. The Township Engineer shall deliver five (5) copies of every such certification to the Township Clerk, who shall retain one (1) copy and forward one (1) copy to each of the following: the person to whom the soil erosion and sediment control permit was issued, the Township Construction Official, the Secretary of the Township Planning Board, and the Morris County Soil Conservation District.
- c. No Certificate of Occupancy shall be issued for any building or structure which is part of a project for which a soil erosion and sediment control permit has been issued until the aforementioned certification has been received by the Township Construction Official.

(Ord. No. 7-77 Art. 9 § 9.06; Ord. No. 2001-017 § 1)

21-10 MAINTENANCE OBLIGATION AND MAINTENANCE GUARANTEE.

21-10.1 Maintenance Obligation.

The person to whom a soil erosion and sediment control permit has been issued and the subsequent owners of the property subject of the permit shall be responsible for and shall maintain all construction and installation work and measures performed pursuant to the permit in good order for a period of two (2) years following the issuance of the certification by the Township Engineer as provided in subsection 21-9.6. (Ord. No. 7-77 Art. 10 § 10.01; Ord. No. 2001-017 § 1)

21-10.2 Maintenance Guarantee.

Following the issuance of the certification under subsection 21-9.6, the person to whom the soil erosion and sediment control permit was issued, or if such person is no longer the owner of the land comprising the project then the current owner or owners, shall furnish the Township with a maintenance guarantee in an amount of fifteen (15%) percent of the total cost of the improvements and measures called for by the approved Plan, as the total cost thereof shall be estimated upon completion by the Township Engineer. The maintenance guarantee shall meet the other requirements established by subsection 21-8.1 for performance guarantees, and it shall guarantee the payment of inspection fees in accordance with subsection 21-9.5 during the maintenance period. The maintenance guarantee shall be released by the Township at the end of the two (2) year period provided that the maintenance obligation set forth in subsection 21-10.1 has been fulfilled. (Ord. No. 7-77 Art. 10 § 10.02; Ord. No. 2001-017 § 1)

21-10.3 Release of Performance Guarantee.

Upon the acceptance of a maintenance guarantee in accordance with the provisions of this section, the Township shall release the performance guarantee furnished in accordance with the provisions of Section 21-8. (Ord. No. 7-77 Art. 10 § 10.03)

21-11 APPEALS.

- (a) Any person who claims to be aggrieved by any decision or action of the Township Planning Board or Township Engineer in the administration of the provisions of this chapter may appeal to the Township Committee. The procedure followed with respect to such appeal shall be as set forth in Section 8 of the Municipal Land Use Law, N.J.S.A. 40:55-17.
- (b) The State Soil Conservation Committee may, on its own motion or at the request of any person aggrieved of any action by the District, review the decision of the District and make whatever determinations it deems appropriate in the matter. Any person aggrieved of any decision of the District shall have ten days to appeal to the State Soil Conservation Committee or the District Board of Supervisors, which shall schedule a hearing and make a determination within 45 days of the petition for review. Any person against whom a stop-construction order is issued by the District shall also have the right to appeal to the State Soil Conservation Committee or to the District Board of Supervisors. Requests for appeal shall be addressed to:

Secretary, State Soil Conservation Committee

PO Box 330
Trenton, NJ 08625

District Board of Supervisors
Morris County Soil Conservation District
Courthouse
P.O Box 900
Morristown, NJ 07960

- (c) The committee shall appoint and utilize the hearing office procedures of the Department of Agriculture for fact-finding and recommendations to the committee.
- (d) The committee shall send a written notice to the appellant of hearing, stating:
 - 1) The application number
 - 2) Details of how decisions aggrieves appellant
 - 3) Date, time and place of hearing

21-12 PENALTIES AND INJUNCTIVE RELIEF.

a. If any person violates any of the provisions of this chapter, any of the standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee, or any standard established by this chapter, or if any person fails to comply with the provisions of an approved Plan, or any terms or conditions imposed by the municipal authority approving such Plan, the Township may institute a civil action in the Superior Court of New Jersey for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in a summary manner.

b. Any person who violates any of the provisions of this chapter, any of the standards for soil and sediment control in New Jersey as promulgated by the State Soil Conservation Committee, or any standard established by this chapter, and any person who fails to comply with the provisions of an approved Plan, or any terms or conditions imposed by the municipal authority approving such Plan shall be liable to a penalty of not less than twenty-five (\$25.00) dollars nor more than three thousand (\$3,000.00) dollars to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 and following). The Superior Court, County Court, County District Court and Municipal Court shall have jurisdiction to enforce the Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.

(Ord. No. 7-77 Art. 12)

2. Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

3. Effective Date.

This ordinance shall take effect in accordance with law.

Attorney Woodward gave some background on this ordinance. He also said that this version contains all the changes requested by the State. Engineer Ruschke said that this ordinance is related to a State law that is administered through local soil conservation districts. In order for the Township to remain an exempt municipality and not be incorporated into the Morris County Soil Conservation District, the proposed ordinance would need to be adopted. And if the Township decided not to be an exempt municipality, the only major change would be that the Morris County Soil Conservation District would be enforcing the standards. Deputy Mayor Tubbs asked if there were any particular benefits to remaining an exempt municipality. Administrator Ciccarone said that he did not have a strong opinion one way or the other, and the Township Committee could reach out to the former Committee members who first enacted such an ordinance to find out why the Township initially became an exempt municipality. Engineer Ruschke also indicated that there are presently only three sites in the Township where this ordinance would be applicable. Administrator Ciccarone asked what conditions would cause the regulations to be enforced. Engineer Ruschke said that there would have to be a disturbance of more than 5000 ft², and subdivisions and commercial properties also fall under these regulations. Engineer Ruschke advocated having the County take over the enforcement of these regulations, as there would be a second set of eyes enforcing stormwater regulations, and he said that very few municipalities have maintained the exempt status.

Committeeman O'Connor moved to introduce Ordinance 2010-3. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Public Hearing on Ordinance 2010-03 will be scheduled for March 25, 2010.

Consent Agenda

**RESOLUTION 2010-056
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM VARIOUS BOARDS AND
COMMITTEES**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector – January, Annual Report 2009
- Municipal Court – January
- Construction Official – January
- Fire Official – Annual Report 2009 (revised)
- Public Works – January

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

- Board of Health – November 2009, December 2009, January 2010
- Open Space – September 2009, November 2009, January 2010

**RESOLUTION 2010-057
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING
MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on February 11, 2010.

**RESOLUTION 2010-058
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING
EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on February 11, 2010.

**RESOLUTION 2010-059
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING
RAFFLES FOR CORPUS CHRISTI CHURCH**

BE IT RESOLVED by the Township Committee of the Township of Chatham that off-premise raffles to be conducted by Corpus Christi Church on June 12, 2010, on-premise hourly raffles to be conducted on June 10, June 11, and June 12, 2010, and non-draw raffles (wheels of chance) to be conducted on June 10, June 11, and June 12, 2010 are hereby approved.

**RESOLUTION 2010-060
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR
PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Timothy Pellegrin 40 Rose Terrace Chatham, NJ 07928 Re: PLBD 08-95-7	77600011239	\$150.00

**RESOLUTION 2010-061
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR
LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Green Village Fire Department	May 1, 2010	Green Village Firehouse 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2010-062
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
The Presbyterian Church of Chatham Township	April 10, 2010	Green Village Firehouse 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2010-063
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$525,752.72 and the prior month's payroll of \$447,763.19 Current Fund, \$42,976.38 Sewer No. 1, \$7,319.93 Sewer No. 2, and \$5,919.69 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2010, in the amount of \$2,330,138.84 be paid.

RESOLUTION 2010-064
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT APPLICATION FOR 2009

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987. c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Chatham to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township of Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **EILEEN HLADKY** to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2010-065
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
53	6	Brier, Herbert & Albanese, Roseanne c/o Andriuzzi, Leonard J Newman & Andriuzzi 1200 Route 46 West, 1 st Floor PO Box 2547 Clifton, New Jersey 07013 Re: 7 Long Hill Lane	\$1,756.50
48	65.01	Bucksar, Terry A & Deborah A 186 Riveredge Drive Chatham, New Jersey 07928 Re: 34 Maple Road	\$2,551.00
69	25.03	McCaghey, Charles & Brooke 10 Cobblestone Court Chatham, New Jersey 07928 Re: Sewer Utility #1	\$164.90

**RESOLUTION 2010-066
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE
COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING TAX LIEN**

WHEREAS, due to payment by property owner of the lien amount, an overpayment of property taxes now exists; and

WHEREAS, the Tax Collector has recommended the refund of such tax lien

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
17	81.02	Royal Tax Lien Services, LLC 179 Washington Lane Jenkintown, PA 19046 Re: 620 Fairmount Avenue Certificate # 009-01	\$8,714.58 Tax Sale \$14,000.00 Premium

**RESOLUTION 2010-067
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR
PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Baker Firestone LP 485 Washington Ave. Pleasantville, NY 10570 Re: Chatham Glen Development	7200038962	\$3,830.98

Committeeman O'Connor asked about a July 2009 bill for legal services, and if bill were still outstanding for the legal services for the remainder of the year. Administrator Ciccarone said that the bill in question had for some reason not yet been paid, but the rest of the legal bills for 2009 had been paid. Committeeman Brower asked if the Township could take over the fire hydrants, rather than pay New Jersey American Water. Administrator Ciccarone said that the Township does not have its own water utility, and the fee paid to NJ American Water is for the privilege of having the hydrants connected to a water supply, and having an unlimited supply of water during a fire. Committeeman O'Connor inquired about the refunding of a tax lien, and about the premium. Administrator Ciccarone explained that the premiums serve as a tiebreaker during a tax sale.

Committeeman O'Connor moved to approve the Consent Agenda. Deputy Mayor Tubbs seconded the motion.

Roll call: Committeeman Gallop, Aye (Abstain on Resolution 2010-059); Committeeman O'Connor, Aye (Abstain on Resolution 2010-059); Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Discussion

Energy Audit

Engineer Ruschke said that he prepared a summary table based on the recommendations made by Concord Engineering group. One major suggestion in the Energy Audit is that the Township should negotiate with the current utility suppliers to reduce the current rates. The recommendation with the shortest payback is that of lighting upgrades and controls, and the Township could start seeing a payback in as soon as 18 months. Mayor Hagner asked if the installation costs would be matched. Administrator Ciccarone explained that the State picked up 75% of the costs of performing the Energy Audit, and the remaining 25% could be reimbursed if the Township implements the recommendations. There are also rebates available for some of the equipment that would be installed. Deputy Mayor Tubbs asked why the payback for the DPW facility would take 10 years. DPW Director Joe Barilla pointed out that they are only open five days a week from 7:30 AM to 3:30 PM, and Administrator Ciccarone pointed out that there are meetings at the Municipal Building most nights. Committeeman Brower asked if the State has mandated that municipalities perform the proposed types of projects. Administrator Ciccarone said that the State has set goals for reduction of energy consumption. Committeeman Brower asked if HAZMAT teams would be necessary to cleanup broken fluorescent bulbs. Engineer Ruschke said he did not think that such measures would be necessary. Mayor Hagner recognized the efforts of Green Team member Steve Carroll for spearheading the Energy Audit effort.

Road Improvements

Engineer Ruschke reported that all the roads in the Township were inspected and evaluated based on guidelines from the American Asphalt Institute, and a proposed road maintenance program was developed. He suggested that micro-paving be used for road maintenance, and he described how micro-paving works. This process is more expensive than oil and chipping, but cheaper than milling and paving. Depending on road conditions, the paving should last for 8 to 10 years. Milling and paving would still need to be used on roads in more dire need of repair. Engineer Ruschke estimated that the cost to micro-pave the majority of the Township over the next 4 to 5 years would be about \$1.35 million. Administrator Ciccarone added that some sidewalk repairs would also be included as part of this project. Engineer Ruschke said that tree roots have damaged some sidewalk areas, and he intends to review the sites with the arborist to make sure that root removal will not cause tree damage.

2010 Budget

Administrator Ciccarone provided the Township Committee with a spreadsheet of projected budget figures. Although state aid figures have not yet been released, Administrator Ciccarone has anticipated a reduction when preparing the 2010 Budget, and he also explained how the levy-cap functions. For appropriations, the increase within the cap is projected to be 2.1%. The amount of money budgeted for salaries will reduce by \$59,800, and the current budget figures do not include an anticipated 1.5% base salary contribution by employees toward health benefit costs. The contribution to the Library of the Chathams will increase substantially due to a State statute that dictates that 1/3 of a mill be contributed to a joint library. This year's contribution will be 15% higher than last year. The projected increase in the tax rate will be 1.6 cents per \$100 assessed value. Mayor Hagner added the Township Committee could consider reducing the Open Space Tax again this year, as was done last year.

Hearing of Citizens/Petitions

Mayor Hagner opened the Hearing of Citizens.
Seeing none, Mayor Hagner closed the Hearing of Citizens.

Executive Session

RESOLUTION 2010-P-02

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING
CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

BE IT RESOLVED by the Township Committee of the Township of Chatham that it adjourn to an executive session to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-2b

Personnel Matters
Property Acquisition

The matters discussed will be made known to the public at such time as appropriate action is taken on said matters, and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Chatham; provided such disclosure will not violate Federal, State or Local Statutes and does not fall within the attorney/client privilege.

Mayor Hagner announced that the Township Committee would be taking formal action after the Executive Session.

Committeeman Brower moved to pass Resolution 2010-P-02 to go into Executive Session at 10:48 PM. Mayor Hagner seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

The Committee returned from Executive Session at 11:21 PM.

Deputy Mayor Tubbs moved to authorize Public Works Director Joe Barilla to make a conditional offer of employment to a candidate. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Committeeman Brower moved to adjourn at 11:23 PM. Deputy Mayor Tubbs seconded the motion, and it carried unanimously.

Gregory J. LaConte
Deputy Municipal Clerk