

ORDINANCE #11-2012

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF TEWKSBURY BY
REVISING CHAPTER 13.12, ENTITLED "GRADING AND SURFACE WATER
MANAGEMENT"**

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey that the Code of the Township of Tewksbury is hereby amended by deleting Chapter 13.12, entitled "Grading and Surface Water Management" in its entirety and replacing with the following:

13.12.010 Title

This Chapter shall be known as the "Tewksbury Township Grading and Surface Water Management Ordinance."

13.12.020 General Intent

The general intent of this Chapter is to manage the increased rate and velocity of surface water runoff created by alterations in the groundcover and natural runoff patterns through proper grading and stormwater management techniques.

13.12.030 Purposes

To protect the public health, safety and welfare **and protect the property** of the citizens of Tewksbury Township and the surrounding communities, this Chapter is deemed necessary and essential in order to:

- A. Maintain the adequacy of natural stream channels and prevent accelerated bank erosion by controlling the rate and velocity of runoff discharge to these watercourses so as to avoid increasing the frequency of the bankful stage;
- B. Prevent degradation of the stream biota caused by excessive flushing and sedimentation;
- C. Prevent degradation of stream water quality due to impairment of the stream's biological function;
- D. Enhance the quality of nonpoint runoff by water retention measures;
- E. Preserve present adequacy of culverts and bridges by reducing artificially induced flood peaks;
- F. Reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks;
- G. Prevent damages to life and property from flooding resulting from excessive rates and velocities of runoff;
- H. Prevent the degradation of property by enhancing the environmental character of the streams of the Township;
- I. Deter potential pollution of potable water supplies;

- J. Provide means for groundwater recharge by utilizing NJDEP best management practices (BMP);
- K. Prevent erosion from improper channeling or discharge of stormwater runoff;
- L. Ensure that the ground adjacent to new structures is graded in a manner that will not result in adverse effects to new or existing structures from stormwater runoff;
- M. Establish minimum stormwater management requirements and controls for land disturbance projects.

13.12.040 Policy

The declared policy of the Township is to accomplish the above purposes, and to administer the provisions of this Chapter, in such manner as to cause the least possible expense to applicants in complying therewith, and the requirements imposed on applicants by this Chapter shall be liberally construed so as to effect such policy, consistent with law and the purposes and provisions set forth herein.

13.12.050 Definitions

"Applicant" means any person submitting a grading and surface water management plan.

"Approved plan" means a plan that depicts proposed grading and measures to control surface water runoff, approved as provided in this Chapter.

"Building" shall have the meaning ascribed to such word by the Municipal Land Use Law.

"Channel" means a watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.

"Development" shall have the meaning ascribed to such word by the Municipal Land Use Law – *the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*

In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Development Board (CADB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

"Disturbance" for the purpose of this Chapter is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Drainageway" means any watercourse, trench, ditch, depression or other hollow space in the ground, natural or artificial, which collects or disperses surface water from land.

"Dwelling" shall have the meaning ascribed to such word by the Zoning Ordinance of the Township.

"Grading and surface water management plan" (GSWMP) means a plan consistent with the purposes and policies of this Chapter which fully indicates necessary land treatment

measures and techniques including a schedule of implementation and all material, data and fees required as part of such plan by this Chapter.

"Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water). For the purpose of this Chapter, retaining walls shall be considered impervious surfaces. (Refer to the Township of Tewksbury DRO §706 F. for "existing undersized lots" maximum lot coverage.)

"Infiltration" means the process by which water seeps into the soil from precipitation.

"Land disturbance" means any activity by which or in which land is cleared, graded, transported or filled, or by which or in which the topography or vegetative cover of land is altered. This definition is not intended to encompass alteration of topography or vegetative cover generated by natural phenomena without specific human or other nonnatural intervention.

"Lot" means a lot on the official tax map of the Township, or a lot not yet placed on said tax map but which has received final major or minor subdivision approval pursuant to the ordinance of the Township, however named, requiring subdivision approvals.

"Map" means a map constituting a part of the Tewksbury Township natural resources inventory series, referenced by number which is filed at and available for reference at the Township municipal building.

"Major Development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Natural drainage pattern" means the topographical pattern or system of drainage of surface water runoff from a particular site including the various drainageways and watercourses which carry surface water only during periods of heavy rains, storms or floods.

"Nonpoint runoff" means surface water entering a channel from no definable discharge source.

"Person" means any person, partnership, joint venture, or corporation.

"Recharge" means the amount of surface water that infiltrates into the ground.

"Seasonal high groundwater table" means as depicted on the Tewksbury Township Environmental Resources Inventory (ERI).

"Structure" shall have the meaning ascribed to such word by the Municipal Land Use Law.

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Subdivision ordinance" means the ordinance of the Township, however named, containing provision requiring subdivision and/or site plan approval.

"Subwatershed" means an area of surface water runoff within and forming part of a watershed and related to a point of concentration.

"Surface water" means all water produced by rain, flood, drainage, springs and seeps flowing over the land or contained within a natural or artificial watercourse.

"Township" means the Township of Tewksbury, in the County of Hunterdon, New Jersey.

"Existing Undersized Lot" – please refer to the Township of Tewksbury DRO §706 F. for "existing undersized lots" maximum lot coverage.

"Watercourse" means a river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, which is contained within, flows through or borders on, the Township or any portion thereof.

"Watershed" means an area of surface water runoff related to a point of concentration as shown on map watersheds overlay map No. 6 of the Tewksbury Township natural resource inventory series.

"Zoning Officer" means the Zoning Officer of the Township.

"Zoning ordinance" means the ordinance of the Township, however named, containing zoning provisions.

13.12.060 Applicability

A Grading and Surface Water Management Plan (GSWMP) shall be required to be submitted to and approved by the Township Engineer prior to construction of any of the following:

A. The creation of any new impervious surfaces that exceed 1000 square feet in area, including but not limited to a new dwelling on a vacant lot, an addition to an existing dwelling, an accessory building, swimming pools, patios, driveway alterations and driveway additions. Unless constructed a minimum of 3 years apart, all new impervious surfaces shall be considered cumulatively towards the 1000 square foot threshold.

B. Any land disturbance greater than 5,000 S.F. in area, with no creation of additional impervious. Unless land disturbance occurs a minimum of 3 years apart, all new land disturbance shall be considered cumulatively towards the 5,000 square foot threshold.

Note: Land disturbances that are greater than 5,000 S.F. in area require certification from the Hunterdon County Soil Conservation District. Also, land disturbances in the Highlands Preservation Area may require compliance with the provisions of the Highlands Water Protection and Planning Act and an application to the N.J. Department of Environmental Protection under such Act. In these instances the Township requests that a copy of the application under such Act submitted to the N.J. Department of Environmental Protection be forwarded to the Zoning Officer for the record.

13.12.070 Administration

A. When required as under Section 13.12.060 above, a GSWMP shall be submitted and approved as provided in this Chapter prior to issuance of any construction permit required pursuant to the New Jersey State Uniform Construction Code Act for activities in the categories

listed in 13.12.060, or, if the construction is of a character that does not require a construction permit, then submitted and approved prior to the commencement of construction.

B. An applicant shall submit three (3) copies of the GSWMP to the Township Land Use Administrator, along with the Checklist form and any waiver request from the Checklist requirements. The foregoing official to whom the plan is submitted shall promptly forward the same to the Township Engineer for review.

C. GSWMPs shall be reviewed by the Township Engineer. The Engineer's consideration of plans shall be guided by the following factors, as more fully defined in the following Sections of this Chapter:

1. The suitability of the applicant's proposed surface water management measures, devices and planning techniques, whether involving on-site or off-site measures, or some combination thereof, in respect to the total surface water runoff, velocities and rates of discharge which the applicant's proposed construction or land disturbance may generate.
2. Existing topography, present vegetation and hydrologic soil factors.
3. Proposed grading of the property.
4. Groundwater recharge and discharge areas and wet soils.
5. Seasonal high groundwater table.
6. The design storm.
7. Natural drainage pattern throughout the subwatershed(s) affected by the plan.
8. Land uses in both the immediate vicinity and surrounding drainage region.
9. Any other applicable or relevant environmental and resource protection ordinances, statutes and regulations.

D. The Township Engineer shall make a decision to approve or disapprove the GSWMP within thirty (30) days of the submission to the proper official of a complete plan. The plan shall be approved only if the Township Engineer has determined, taking into account the foregoing guidelines, that the plan will manage surface water runoff in accordance with the standards contained in this Chapter. If the GSWMP plan is declared "disapproved," three (3) copies of revised plans shall be submitted for review with a cover letter addressing all comments. A revised plan submission without a cover letter is considered incomplete and will be returned to the applicant.

E. The Township Engineer shall communicate in writing his decision on every completed grading and surface water management plan (with reasons for any disapproval) to the official to whom the plan was initially submitted. In the event of the disapproval of a GSWMP which is being considered in conjunction with a Township Land Use Board review of a subdivision or site plan application, the Township Engineer's disapproval shall be submitted to the full membership of the Land Use Board, and, in such event, the reviewing agency shall render a decision in the matter as part of its overall review of the subdivision or site plan application. The reviewing agency may, in accordance with the purposes, policy and provisions of this Chapter, affirm or reverse the Engineer's disapproval, or grant approval on such conditions as it deems appropriate.

13.12.080 Standards for Grading and Surface Water Management Plan

A. General Standards. The plan shall be prepared by a professional engineer licensed in the State of New Jersey. In the preparation and implementation of a grading and surface water management plan, the following general standards shall be adhered to:

1. The rate and velocity of runoff from the site of the disturbance following completion of the planned development shall not exceed the pre-existing conditions. The 100-year storm shall be used for calculations.
2. "Major Development" projects must comply with the requirements in Tewksbury Township Development Regulation Ordinance – Article VI – Sections 625 and 626, and with New Jersey Department of Environmental Protection Stormwater regulations, N.J.A.C. 7:8, must receive a Request For Authorization (RFA) to discharge stormwater from the Hunterdon County Soil Conservation District, and must obtain approval if required under the Highlands Water Protection and Planning Act, if the property is within the Highlands Preservation Area.
3. Maximum use shall be made of presently existing surface water runoff control devices, mechanisms or areas such as existing berms, terraces, grass waterways, favorable hydrologic soils, swamps, swales, watercourses, woodlands, floodplains, as well as any proposed retention structure.
4. Evaluation shall be made of the nature of the subwatershed(s) of which the site is a part, the receiving stream channel capacities and point of concentration structure.
5. Surface water runoff shall generally not be transferred from one watershed to another.
6. The plan shall coordinate with the soil erosion-sediment control plan and, where applicable, to other environmental protection ordinances in force.
7. To the greatest possible extent the plan shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.
8. Vegetative cover shall be re-established in accordance with "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
9. Timing for the plan shall establish permanent surface water management measures prior to construction or other land disturbance, including seeding and establishing sod in grass waterways.

B. Design and Construction Standards. The grading and surface water management plan shall be prepared and implemented in accordance with the following design standards:

1. All graded slopes shall be 3:1 preferred, 2:1 maximum where justifiably necessary.
2. All outfalls are to be designed in a manner to retard velocities at the outfall and provide stream channel protection.
3. All structures and land treatment practices shall conform to "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
4. All water-carrying structures and/or retention areas shall be completed and stabilized prior to diversion of water to them.

5. Existing natural and man-made drainage related features (such as berms, terraces, grass waterways, favorable hydrologic soils, poorly drained soils, swamps, swales, water courses, woodlands, floodplains) shall be incorporated in the plan to the greatest possible extent in accordance with their functional capability.
6. Drainageways and watercourses which normally carry or receive surface water runoff shall not be overloaded with increased runoff, sediment or other pollution resulting from disturbance of soil and vegetation or incident to development, construction or other activity.
7. Surface water runoff controls shall be designated to assure that the land in question uses no more than its proportionate watershed share of the natural stream and culvert capacity.
8. Drainage swales shall be provided uphill of all structures and sewage disposal systems to divert runoff away from these features.
9. The minimum slope of all drainage swales shall be 1.5%.
10. Drywells shall be provided for all new structures in order to allow for infiltration of roof runoff into the ground. Typically, drywells shall be sized to store 3" of rainfall for the entire roof area of the structure. If drywells are proposed to receive more than 3" of rainfall, back-up calculations indicating roof area/gutter capacity/number of roof leaders required shall be submitted for approval, to demonstrate suitability/capacity of the gutters and roof leaders to collect more than 3" of runoff.
11. Drywells shall not encroach into the seasonal high water table; the minimum depth to seasonal groundwater table or bedrock shall be 2 feet from the bottom of the drywell excavation. Where a shallow water table is present, infiltrator chambers shall be utilized. Alternately, the applicant may propose to implement one or more additional approaches detailed in the "Best Management Practices" per the NJDEP design guidelines.
12. The grading shall be designed so as to provide a 6" drop in the first 10' away from all structures.
13. Where severe slopes (15-25%) or critical slopes (>25%) exist, they shall be delineated on the plan based upon analysis of the 2-foot contours. Any disturbance proposed within critical slopes shall be delineated and a computation placed on the plan to demonstrate compliance with Section 704 of the Tewksbury Township Development Regulations Ordinance 2000, or subsequent Zoning ordinance of the Township.
14. During construction, natural vegetation shall be preserved to the greatest extent possible to reduce the potential for excess stormwater runoff.

13.12.090 Data Required

All grading and surface water management plans required under this Chapter (with the exception of requirements in Section 13.12.100) shall include the following:

- A. Key Map based on the Official Tax Map of the Township of Tewksbury.
- B. A topographic map of the subject lot and adjoining street with 2-foot contour intervals, based upon a field survey, and not USGS maps, for the area to be disturbed and 100 feet beyond.

- C. The location of any existing streams, watercourses, ponds, storm sewers, delineated wetlands, delineated wetland transition areas, stormwater management facilities, and extent of slopes greater than 15% (based upon 2-foot contour intervals) within the proposed area of disturbance and 100 feet beyond.
- D. The location of all existing and proposed new structures, including, but not limited to, buildings, swimming pools, tennis courts, garages, sheds, retaining walls, decks, patios, walkways and stairs, or any other impervious surface within the entire property boundary.
- E. The location, alignment, dimensions and construction details for any existing or proposed driveways, parking and turnaround areas. Driveways shall be designed in accordance with Chapter 12.08 of the Code of the Township of Tewksbury.
- F. A driveway profile shall be submitted for each proposed driveway.
- G. The elevation of the finished garage floor, first floor and lowest floor of the proposed structures.
- H. Measures to mitigate the increase in runoff from impervious surfaces in accordance with the New Jersey Department of Environmental Protection Best Management Practices, such as swales, natural retention areas and dry wells. When used, drywells shall be constructed of precast concrete and typically sized to store three (3) inches of rainfall over the area of the structure, shall be equipped with 6" PVC overflow piping with riprap outfall protection, and shall be backfilled on all sides and bottom with minimum 12" of 1-1/2" to 2-1/2" washed gravel, and be surrounded with filter fabric excluding the bottom of the excavation. Temporary markers shall be provided so that the location of all sub-surface facilities and piping can be included accurately on the as-built plan. All drainage piping associated with dry wells is to be no less than 6" PVC, minimum Schedule 40. Permanent markers shall be provided for all drywells.
- I. The location of all roof leader drains, dry wells, water supply wells, overhead and underground utility lines, and any individual subsurface sewage disposal systems.
- J. Proposed grading at 2-foot contour intervals.
- K. Required building setback lines showing the building envelope and required buffers from environmentally sensitive areas.
- L. All existing and proposed fences. Proposed retaining walls shall be accompanied by top and bottom of wall elevations and construction details with a note stating that the maximum exposed wall height is 4 feet. Walls with heights exceeding 4 feet shall be accompanied by stability calculations performed by a New Jersey licensed engineer.
- M. Proposed soil erosion and sediment control measures to conform to "Standards and Specifications for Soil Erosion and Sediment Control in New Jersey," adopted by the Hunterdon County Soil Conservation District, latest edition.
- N. A calculation of the existing and proposed impervious coverage, and a statement indicating whether the impervious coverage meets the requirements set forth in the Subdivision and Zoning ordinance.
- O. A table showing the actual and proposed distances of existing and proposed development from property lines, and listing the bulk zoning requirements (minimum yards, setbacks, and the like) in the Zoning ordinance which are applicable to the

involved lot, and demonstrating that there will be no violation of the Zoning ordinance by the proposed development. A footnote shall list all impervious areas (with the square footage indicated) constructed within 3 years prior to the application for the GSWMP approval.

- P. A calculation of the area of disturbance. Note that “major development” projects must comply with the requirements in Tewksbury Township Development Regulation Ordinance – Article VI – Sections 625 and 626, and with New Jersey Department of Environmental Protection Stormwater regulations, N.J.A.C. 7:8, must receive a Request For Authorization (RFA) to discharge stormwater from the Hunterdon County Soil Conservation District, and must obtain approval if required under the Highlands Water Protection and Planning Act, if the property is within the Highlands Preservation Area.)
- Q. Note that in accordance with NJDEP Stormwater Management Rule FAQ 2.1: “If construction associated with a single-family dwelling requires a planning and/or zoning approval and disturbs one or more acres, the proposed project is subject to the Residential Site Improvements Standards (RSIS) and the requirements of the Stormwater Management Rules. Please note that a zoning permit, which may be required as part of a building permit, is considered a zoning approval under the MLUL. Furthermore, if a new single-family dwelling requires a permit from the NJDEP Division of Land Use Regulation (DLUR) and triggers the Stormwater Management Rules under those permits, it is subject to stormwater review by the NJDEP regardless of the extent of municipal jurisdiction.”
- R. Concerning projects in the Highlands Preservation Area – Applicants are advised of the need for Highlands Applicability Determination (HAD) – Applicants shall provide a copy of the NJDEP’s determination of whether the project is a Major Highlands Development, and thus regulated, or qualifies for an exemption from the Highlands Act. If the project is not exempt, Highlands Preservation Area Approval (HPAA) will also be required to be furnished.

Alternatively, notes on the plan shall indicate Highlands Act applicability, and, if the design engineer can conclude that the project is not a Major Highlands Development or is exempt from the Highlands Act, notes on plan shall be provided to indicate the citation of the exemption in the Highlands Act. Proper documentation for the exemption must be provided along with a cover letter.

- S. A calculation of the Floor Area Ratio (FAR) as required by the Zoning ordinance.

Failure or inability to comply with any of the above standards or submission requirements shall be grounds for denial of the grading and surface water management plan.

13.12.100 Data Required (for Additions to Existing Structures or New Accessory Structures with a total area of disturbance less than 1,500 square feet)

If it pertains solely to additions to existing structures or new accessory structures with a total area of disturbance of less than 1,500 square feet, the grading and surface water management plan required under this Chapter shall include the following:

- A. An As-Built or an existing survey of the property showing all improvements existing on the property, all proposed improvements, the location of water supply wells, dry wells and subsurface sewerage disposal facilities, to scale, and any environmental constraints

such as but not limited to streams, wetlands, and steep slopes and flood plains. The owner may sketch the proposed improvements on an existing survey. An engineered drawing is not required initially, and any environmental details are also not necessary initially.

B. Any and all documents required for the development of the property by the Construction Official and Health Department, including but not limited to, the building plans by the architect or contractor who will construct the improvement, and septic designs when applicable.

C. Color photographs of the area within and adjacent to the proposed improvements.

Upon review of the submission as set forth in this Section, the Township Engineer, in their discretion, may issue the GSWMP Permit or may require any, or all, of the plan details or requirements set forth in Section 13.12.090.

13.12.110 Fees

A. Concurrent with the submission of a Grading and Surface Water Management Plan to the Township, the applicant shall furnish a review and inspection initial fee payable to the Township in one of the following amounts, as applicable to the specific project:

- \$500.00 for an addition to existing structures or a new accessory structure with a total area of disturbance of less than 1,500 square feet,
- \$500.00 for any land disturbance greater than 5,000 S.F. in area, with no creation of additional impervious,
- \$1,200.00 for a “major development” project,
- \$1,000.00 for all other GSWMP applications.

All initial review and inspection fees include:

- the review of the GSWMP plan originally submitted and of one plan revision if cover letter is provided,
- two inspections as described in Section 13.12.120 Implementation below.

In the event that more than one (1) plan revision and/or two (2) site visits are required by the Township Engineer or his representative, the Township shall bill the applicant directly in accordance with the Engineer’s hourly rate schedule approved by the Township. Immediately after each notification from the Township of the GSWMP plan disapproval (other than after the initial review), the applicant shall make a deposit with the resubmitted plan in the amount of \$400 to replenish the review and inspection funds.

Where additional inspections are required due to non-compliance with the approved plan, or additional inspections are requested by the applicant or his representative (contractor or engineer) for various reasons, applicant shall make deposits of \$150 for each additional inspection to replenish the review and inspection funds.

All outstanding fees shall be paid prior to issuance of a construction permit and approval of the GSWMP. Furthermore, in cases where a GSWMP is prepared as part of a site plan submitted for review and approval under the Subdivision ordinance, if said GSWMP is approved as part of the site plan approval process, no additional GSWMP is required for construction which is part of the

approved site plan. In the case of subdivisions which have been submitted for review and approval under the Subdivision ordinance, GSWMPs for individual lots shall be submitted pursuant to this Chapter unless an individual lot GSWMP has been submitted and approved as part of the subdivision approval process and is adhered to for individual lot construction.

13.12.120 Implementation

A. Timing. The construction and/or installation of grading and surface water management improvements shall be in accordance with the schedule of sequence of installation as approved.

In order to assure compliance with the terms of the GSWMP, a total of up to two (2) inspections of the site development operations shall be made by the Township Engineer or his/her representative as required during the course of the work: the stormwater management measure(s) construction/installation and the final site inspection prior to the Certificate of Occupancy issuance. In the event that additional site visits are necessary, the Township will bill the applicant for additional fees directly in accordance with the Engineer's hourly rate schedule approved by the Township.

B. Violations. The failure of an owner of property to comply with an approved GSWMP for such property, including any temporary measures to be taken during the performance of GSWMP activity or construction work, shall constitute a violation of this Chapter and the property owner and/or applicant will be subject to penalties as prescribed by this Chapter.

C. Maintenance. The property owner shall be responsible for maintenance of all stormwater control and storage devices on their property, and not the Township.

13.12.130 Certificate Of Occupancy

A final zoning approval shall not be issued by the Zoning Officer for any property that is the subject of a GSWMP until the Township Engineer has inspected the property and has certified in writing that the property conforms to the GSWMP.

An as-built drawing shall be submitted to the Zoning Officer and Township Engineer and a final inspection shall be requested one (1) week prior to the CO request. The as-built must be signed and sealed by a licensed surveyor, and shall show all improvements, including but not limited to dwellings, driveways, decks, sheds, sidewalks, and swimming pools. In addition, the as-built map shall contain an analysis of the lot coverage in accordance with the Zoning ordinance. The Township Engineer or his representative shall conduct a final inspection and issue a report within seven (7) days of applicant's request for the final inspection. Should the site inspection findings indicate aspects of the final construction that are not in conformance with the approved GSWMP, the Township Engineer may request additional work in order to demonstrate compliance with the approved plan, or the posting of such performance guarantee sufficient to cover the cost of the corrective measures (see below).

In the event that the Township Engineer determines that current weather conditions do not permit the completion of the required work to effectuate full compliance with the GSWMP, the Township Engineer may authorize the Zoning Officer to issue a final zoning approval upon the posting with the Township of a cash deposit in an amount equal to 120% of the estimated cost of the work remaining to be performed. The Township Engineer shall determine the cost of the remaining work to be performed. In the event the work is not completed in a timely fashion,

the Township shall have the right to have the work performed and the cost thereof paid from the cash deposit pursuant to the terms of the cash deposit agreement.

13.12.140 Exemptions

Notwithstanding any of the provisions of this Chapter, the requirement for obtaining a GSWMP permit shall not apply to:

- A. An existing developed lot except as otherwise required in Section 13.12.060.
- B. Non-residential lots which have already received site plan approval.
- C. Activities exempt from regulation under this Chapter by the Right to Farm Act.
- D. Property owned by the Township of Tewksbury, the Tewksbury Township Board of Education or other governmental body.

The exemptions provided by this Section shall not be construed to preclude the obligation for compliance with any other municipal, county, federal and/or state regulations as required by law.

13.12.150 Appeals

Appeals from decisions of the Township Engineer disapproving a GSWMP, provided the GSWMP is not submitted in conjunction with an application for subdivision or site plan approval, may be made by the applicant within ten (10) days of the Township Engineer's decision by notice in writing, specifying the grounds of appeal, filed with the Township Clerk within such ten (10) day period. A hearing of such appeal shall be scheduled before the Township Committee for a date within forty-five (45) days of such notice of appeal, and the applicant shall be given ten (10) days notice of the time and place of such hearing. Such appeal shall be decided by the Township Committee only upon the record before the Township Engineer. The Township Committee may affirm, reverse, or modify the Township Engineer's decision, and shall make its decision within fifteen (15) days of the hearing before it, and furnish a copy thereof to the applicant.

13.12.140 Violation – Penalty

A. Any person, firm or corporation violating any provision of this Chapter, including failure to comply with an approved GSWMP, shall be subject to the general penalty set forth in Section 1.08.010 of the Code of the Township of Tewksbury.

B. In addition to the above, the Township Engineer is empowered, after making personal inspection of the site in question, to issue written notice to any property owner on whose property a land disturbance occurs prior to submission and approval of a plan under this Chapter, or to any person causing or creating such land disturbance, ordering such owner or person immediately to cease, or cause to be ceased, such land disturbance, and further requiring such owner or person immediately to take such measures as may, in the Township Engineer's discretion, be reasonably necessary to protect the public health, safety and welfare, consistent with Section 13.12.030 of this Chapter. Compliance with any such order may be enforced under the police power of the Township, and any person, firm or corporation violating any such order shall be subject to the penalties set forth above.

Ordinance #11-2012
Introduced 08-14-12
Adopted

Dana Desiderio
Mayor

Attest:

Roberta Brassard
Municipal Clerk