

TOWNSHIP OF PEMBERTON  
CONSTRUCTION OFFICE  
ORDINANCE #1-2008

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**GRADING AND DRAINAGE REQUIRMENTS**

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**APPLICANT NAME – ADDRESS-PHONE#**

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**WORK SITE ADDRESS**

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**BLOCK:** \_\_\_\_\_ **LOT:** \_\_\_\_\_

**CONTRACTOR NAME- ADDRESS- PHONE#**

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**PROJECT:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**NOTE:** Please read and complete application per attached instructions. Five (5) copies of engineered sealed lot grading plans with application.

**PEMBERTON TOWNSHIP**

**Lot Grading Plan Waiver Guidelines**

Date: \_\_\_\_\_ Development/Section: \_\_\_\_\_

Reviewer/Inspector: \_\_\_\_\_ Block/Lot: \_\_\_\_\_

Description of Development: \_\_\_\_\_

Lot Size: \_\_\_\_\_ acres Side Yard Distance: \_\_\_\_\_ feet

1. Is there existing development on the site? \_\_\_\_ Yes \_\_\_\_ No
2. If yes, have there ever been any reported drainage problems in the past? \_\_\_\_ Yes \_\_\_\_ No  
If yes, explain. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

3. Is there existing development on the adjacent lots? \_\_\_\_ Yes \_\_\_\_ No
4. What is the proposed additional impervious area created from this development?  
\_\_\_\_\_ square feet
5. Will the proposed development alter the topography of the lot in any way? \_\_\_\_ Yes \_\_\_\_ No.  
If yes, explain. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. Is there an existing Township approved stormwater collection system within 200 feet of the property? \_\_\_\_ Yes \_\_\_\_ No

**PEMBERTON TOWNSHIP**

**Checklist for Lot Grading Plans**

Date: \_\_\_\_\_ Development/Section: \_\_\_\_\_

Reviewer/Inspector: \_\_\_\_\_ Block/Lot: \_\_\_\_\_

Date of Plan: \_\_\_\_\_ Last Revised: \_\_\_\_\_

Item	Requirement	Yes	No	Comments
1.	Title block indicating address of property, block and lot numbers and name and address of applicant			
2.	The grading plan must be signed and sealed by a New Jersey licensed professional engineer			
3.	The grading plan shall be drawn legibly at a scale of one inch equals 30 feet			
4.	North Arrow present on plan			
5.	Benchmark: datum, location and elevation			
6.	Existing and proposed contours at one foot intervals. (Minimum 25 feet beyond property line boundary)			
7.	Location of all property lines easements and required setback lines. All property lines and easements must indicate bearings and distances			
8.	Property corners: type, location and ground elevations			
9.	All existing and proposed structures and site improvements on the lot to be developed and abutting lots. The distance between proposed improvements and property lines must be provided			
10.	Existing (as built) top of curb elevation adjacent to property corners; high points and PC's			
11.	Proposed clearing limits			
12.	Building footprint			
13.	Top of block/foundation for main and step down foundations			
14.	Elevation of vehicle entrance to garage			
15.	Ground elevations to all building corners			
16.	Required minimum grade from dwelling per the Uniform Construction Code (NJAC 5:23)			
17.	Driveway center line elevations at sidewalk, curb and breakpoints			
18.	Location and elevation of swimming pools and appendages, including decks, filtering equipment and fencing			
19.	Elevation of edge of Township owned sidewalk adjacent to property corners and at center of driveway			
20.	All proposed utility services, including vents and cleanouts			
21.	Inlet gate elevations (private and Township owned)			
22.	Sump pump discharge line invert elevation, location and surrounding ground elevation			
23.	Location of septic system, including finished grade, inspection ports and septic and dosing tank manhole/lid elevations			
24.	Location of all floodplains, stream encroachment, wetlands and wetland buffer			

	lines			
25.	Location of all trees over five inches caliper within the area to be disturbed			
26.	Proposed ground elevations shown on the approved grading plan must be included on the as-built plan			
27.	Location of landscape and/or retaining walls with top and bottom elevations			
28.	Elevations at all high points on the lot			
29.	Drainage swale elevations and slopes			
30.	Lot grade to drain (flow arrows)			
31.	Additional items required by the Engineer			

Index  
Engineer  
PL/ZN  
Pinelands  
Co PL Bd.

TOWNSHIP OF PEMBERTON  
ORDINANCE NO. 1-2008

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 190-35 "GRADING, TOPSOIL AND CLEAN FILL" OF THE CODE OF THE TOWNSHIP OF PEMBERTON CREATING ADDITIONAL STANDARDS FOR LOT GRADING AND DRAINAGE

WHEREAS, the Township Council of the Township of Pemberton has determined that development of property without regard to grading and drainage can cause adverse conditions on neighboring properties including Township roads and right-of-ways due to flooding caused by water runoff; and

WHEREAS, the Township Council has conducted a review of the Township Code and the Municipal Land Use Law and recommends modifying Chapter 190-35 of the Township Code to require that all development of property must include additional standards and requirements with respect to grading and drainage issues; and

WHEREAS, the Township Council of the Township of Pemberton has determined that it is in the best interest of the Township to modify Chapter 190-35 of the Township Code of the Township of Pemberton currently entitled "Grading, Topsoil and Clean Fill."

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Pemberton that Chapter 190-35 of the Township Code currently entitled "Grading, Topsoil and Clean Fill" is hereby amended and supplemented as follows:

Section 190-35. Title. Lot grading, drainage, topsoil and clean fill.

Section 190-35.E Applicability of Lot Grading and Drainage Requirements. The requirements set forth in Sections 190-35(f) through (o) shall apply to the development of all lots within the Township of Pemberton for residential purposes. For developments where an overall grading plan has already been reviewed and approved by either the Planning Board or the Zoning Board of Adjustment, the review and approval of an individual lot grading plan prior to the issuance of a building permit is required.

Section 190-35.F Definition. For the purposes of this ordinance, the term "development" shall mean the construction, reconstruction or relocation of any residential structure; the enlargement of a residential structure resulting in a land disturbance of 500 square feet or more; the construction or placement of an accessory structure on a residential lot resulting in a land disturbance of 500 square feet or more; the construction of an in-ground swimming pool on a residential lot; and/or any subdivision of land classified as a major subdivision by the Township Planning Board.

Section 190-35.G Submission Requirements. The developer of a tract of land in the Township of Pemberton shall provide the following items for each lot proposed to be developed:

- (1) Completed lot grading application, copies of which may be obtained from the Township Construction Office;
- (2) Appropriate fee(s), as set forth in Section 190-35(n);
- (3) Completed lot grading checklist, as provided below;
- (4) Five (5) copies of a lot grading plan, signed and sealed by an engineer licensed by the State of New Jersey, and containing all information listed in the lot grading checklist;
- (5) In those instances where the lot grading application is related to a major subdivision, the applicant shall post \$2,000.00 per phase and \$200.00 per lot in that phase of the subdivision. In addition, the applicant shall deposit an inspection escrow in the amount of \$300.00 per lot for inspection of the final lot grading. Any re-inspections will require additional fees. The performance and inspection escrow fees contained within this section shall be deposited in full at the time that the performance bond is accepted by the municipality.

Section 190-35.H Administrative Review and Overall Grading Plan. The Township Engineer shall review all materials submitted pursuant to Sections 190-35(g)(j) and (k) for the purpose of determining compliance with the performance standards set forth in Section 190-35(l). Nothing contained herein shall prohibit the Engineer from requiring a new overall grading plan for review and approval. The developer shall be entitled to administrative review, if the plan meets the performance standards contained herein, provided that the proposed changes do not violate or create a conflict with the prior approvals granted by the approving authority. If in the opinion of the Engineer the revised grading plan substantially deviates from the prior approval, the applicant shall be required to seek the approval of the applicable board.

Section 190-35.I Engineer Inspection and Waiver. At the discretion of the Construction Officer, the Township Engineer may be called upon to perform a site inspection to waive the requirements with regard to the construction of a single family detached dwelling not related to a development, the enlargement of a residential structure resulting in a land disturbance of 500 square feet or more; the construction or placement of an accessory structure on a residential lot resulting in a land disturbance of 500 square feet or more, and/or the construction of an in-ground swimming pool on a residential lot. The Engineer shall have the authority to waive the within requirements provided that in his opinion, such waiver will not have an adverse effect on adjacent lots. The Construction Officer and Engineer shall use the "Grading Plan Waiver Guidelines" questionnaire as a guide for the consideration of said waivers. The Applicant requesting a waiver shall submit an application and the fee for review. If the Engineer determines a waiver is appropriate, a waiver certification shall be issued and the balance of the fee shall be returned to the Applicant.

Section 190-35.J Foundation Location Plan. The developer of a tract of land in the Township of Pemberton shall submit a foundation location plan as follows:

- (1) The State of New Jersey, through the Uniform Construction Code, requires that a foundation location survey be submitted to the Township Construction Official as soon as possible after the installation of the foundation wall. Further, the final verification of such a prior approval rests with the Construction Official. This plan shall be prepared by a land surveyor licensed by the State of New Jersey and show all building corners of the foundation. To confirm that the top of block elevation conforms to the approved plan, the permittee shall also submit a foundation location plan to the Engineer for review. The foundation location plan shall contain the top of block elevation.
- (2) Nothing in this section shall prohibit a permittee from commencing with framing prior to the submission of the foundation location plan to the Engineer but will instead be a matter to be resolved by the contractor prior to the issuance of the certificate of occupancy. However, since the permittee shall demonstrate conformance to the performance standards listed below in Section 190-35(l) prior to the issuance of the certificate of occupancy, it is recommended that the foundation location plan be submitted to the Engineer as soon after the installation of the foundation walls as possible.

Section 190-35.K Final Survey. A certificate of occupancy shall not be issued until the permittee submits an accurate final survey (as-built plan) to the Engineer for approval. The final survey (as-built plan) shall be prepared by a New Jersey licensed professional land surveyor. The purpose of the final survey (as-built plan) is to ensure that the lot grading is in substantial conformance to the approved plan and that the lot will adequately drain and have no adverse impact on adjoining properties. The final survey (as-built plan) shall be reviewed by the Engineer and determined to comply with the above standards.

Section 190-35.L Performance Standards. The following performance standards will be applicable to lot grading subject to the provisions of this section.

- (1) All grading shall be done in a manner that will result in no adverse impact to adjacent properties including Township roads and right-of-ways. Such adjacent properties with natural swales and/or wetlands must be evaluated to insure that adequate capacity is available to accept the runoff from the site

being developed and graded. Whenever possible, the land shall be graded in accordance with the NJDEP Stormwater Best Management Practices Manual. Methods to be considered by the design engineer are as follows:

- (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - (c) Maximize the protection of natural drainage features and vegetation;
  - (d) Minimize the decrease in the pre-construction "time of concentration";
  - (e) Minimize land disturbance including clearing and grading;
  - (f) Provide low maintenance landscaping that encourages retention and planting of native vegetation;
  - (g) Provide vegetated open-channel conveyance systems discharge into and through stable vegetated areas such as rain gardens;
  - (h) Provide preventative source controls.
- (2) Other methods may be considered for approval by employing one or more of the methods above, along with use of a municipally approved storm water collection system.
  - (3) No more than three lots in a row shall be allowed to drain through a swale unless protected by an acceptable easement. The permittee shall confirm to the Engineer that any approved easement has been properly conveyed and recorded and that it is not subject or subordinate to any other interest that could extinguish it or otherwise diminish its effectiveness.
  - (4) The minimum slope for swales, lawns and disturbed areas shall be 2%, 3% for rear yard swales, and for smooth, hard surfaces, i.e., driveways, 1%.
  - (5) Slopes shall not be steeper than three horizontal to one vertical.
  - (6) No grading shall occur within five feet of a property line unless necessary to direct drainage off or onto the property, and then into acceptable drainage facilities. All drainage directed off the property shall conform to the requirements listed in Subsection A(i) above.
  - (7) The maximum grade for driveways shall be 10%.
  - (8) The top of block elevation shall be a minimum of six inches above the highest adjacent grade and shall be provided on all grading plans. The notation of the finished floor alone is not acceptable.
  - (9) Grading within 10 feet of the dwelling shall be in accordance with local building codes.
  - (10) Retaining walls over three feet in height must be designed and then reviewed and approved by the Engineer.
  - (11) Topsoil moved during the course of construction shall be redistributed so as to provide at least five inches of spread cover to all seeded and planted areas of the development and shall be stabilized by seeding or planting. Topsoil shall be reasonably free of stone and contain no stones larger than two inches in any dimension. In the event that the quantity of topsoil at the site is insufficient to provide five inches of cover for all seeded and planted areas, the permittee shall provide and distribute a sufficient quantity of topsoil to provide such cover. The composition of any borrowed topsoil shall be in accordance with New Jersey Department of Transportation (NJDOT) standards and suitable for use in a residential setting.
  - (12) Grading necessary to construct an in-ground swimming pool shall not interrupt the existing and/or approved drainage patterns. Finished deck elevations shall be set above the natural grade occurring on the lot to prevent water from flowing into the swimming pool.
  - (13) The permittee may request a waiver of a particular performance standard upon presentation of a reasonable justification. The Engineer shall have the authority to review the request and issue an administrative change, provided it does not violate the intent of the ordinance.
  - (14) The Applicant is required to implement Best Management Practices as published by the New Jersey Department of Environmental Protection by reducing the quantity of runoff by recharge and improving water quality as defined under the Stormwater Management Plan of the Township.

Section 190-35.M Other Requirements. All conditions and requirements herein shall be consistent with the Pinelands Stormwater Management Standards as set forth in the Pinelands Comprehensive Management Plan and any standard adopted thereto, all applicable New Jersey Department of Environmental Protection Standards, all applicable Burlington County Soil Conservation District Standards, and all Township Stormwater Control Standards as set forth in the Pemberton Township Stormwater Control Ordinance (both Pinelands and Non-Pinelands) and any standard adopted thereto.

Section 190-35.N Fees. Fees for the Township Engineer's Review and/or Inspection, as set forth in this Chapter, shall be as follows:

- (1) Application fee: \$35.
- (2) Grading plan review: \$250.
- (3) Foundation location plan review: \$100.
- (4) Final inspection fee (other than major subdivision): \$200.
- (5) Final inspection fee (major subdivision): \$300.
- (6) Revised grading plan fee: \$100.
- (7) Reinspection fee: \$100.

Section 190-35.O Checklist. All the requirements for the control of grading and drainage of residential lots shall be required to adhere to the following checklist.

BE IT FURTHER ORDAINED, all prior ordinances or ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF PEMBERTON



**TOWNSHIP OF PEMBERTON  
NOTICE OF PUBLIC HEARING  
ORDINANCE NO. 1-2008**

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 190-35  
"GRADING, TOPSOIL AND CLEAN FILL" OF THE CODE OF THE  
TOWNSHIP OF PEMBERTON CREATING ADDITIONAL STANDARDS  
FOR LOT GRADING AND DRAINAGE

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on February 6, 2008 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on March 19, 2008, at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, New Lisbon, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

  
\_\_\_\_\_  
MARY ANN YOUNG, CMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON  
NOTICE OF FINAL PASSAGE  
ORDINANCE NO. 1-2008**

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 190-35  
"GRADING, TOPSOIL AND CLEAN FILL" OF THE CODE OF THE  
TOWNSHIP OF PEMBERTON CREATING ADDITIONAL STANDARDS  
FOR LOT GRADING AND DRAINAGE

Notice is hereby given that Ordinance No. 1-2008 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on March 19, 2008. Said Ordinance shall take effect in accordance with law.

ATTEST:

  
\_\_\_\_\_  
MARY ANN YOUNG, CMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR

  
\_\_\_\_\_  
DAVID A. PATRIARCA

DATE 3/20 2008

ATTEST:

  
\_\_\_\_\_  
MARY ANN YOUNG, CMC, TOWNSHIP CLERK