



## Building Department

### Soil Movement Permit Application

**Applicants must submit:** (pursuant to Leonia Code Chapter §290-57)

1. One complete set of sealed plans
2. Map of property showing the present and proposed contour lines, signed and sealed by a licensed Engineer or Architect.
3. Grades resulting from intended movement or redistribution of soil in relation to the topography of the property.
4. Application to be signed and sealed by a licensed Engineer or Architect verifying the total cubic yards of soil to be moved.
5. Complete W-9 to open an escrow account to pay for work performed by the town engineer.

Date: \_\_\_\_\_ Applicant's Name: \_\_\_\_\_

Property Owner's Name (if other than the applicant): \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Number of Cubic Yards To Be Removed: \_\_\_\_\_

Square Footage of Area To Be Disturbed: \_\_\_\_\_

Reason for Soil Movement: \_\_\_\_\_

Engineer/Architect Signature and Seal:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

#### Don't write below – for Borough Use Only

Application Fee \$100: \_\_\_\_\_ Escrow Fee \$1,500: \_\_\_\_\_

Borough Engineer:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Date: \_\_\_\_\_

**BOROUGH OF LEONIA**  
**ORDINANCE NO. 2021-17**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 "ZONING",  
ARTICLE XIII "GENERAL REGULATIONS", SECTION 290-57 "SOIL REMOVAL"  
OF THE CODE OF THE BOROUGH OF LEONIA**

BE IT ORDAINED that Chapter 290 "Zoning", Section 57 "Soil Removal" of the Code of the Borough of Leonia is hereby amended and supplemented as follows:

Section 1.

§236-57.      **Removal.**

- A.    No change.
- B.    No change.
- C.    No change.
- D.    No change.
- E.    No change.
- F.    No change.
- G.    No change.
- H.    No change.
- I.    No change.
- J.    No change.

K.    **Filing and engineering deposits.**

- (1)    The applicant shall pay an application fee in the amount of \$100 to the Borough Clerk.
- (2)    The applicant shall make an escrow deposit in the amount of \$1,500 to the Borough Clerk.
- (3)    Prior to the review of the soil moving permit application, the escrow deposit must be paid.
- (4)    Moving more than the estimated number of cubic yards or failure to

Borough of Leonia, NJ  
 Tuesday, August 22, 2017

## Chapter 290. Zoning

### Article XIII. General Regulations

#### § 290-57. Soil removal.

- A. Permit required. No person, firm or corporation shall do, cause or allow any of the following actions to occur on any land in the Borough, unless and until a soil permit shall first have been issued by the Borough Engineer:
- (1) The addition, removal or movement of more than 100 cubic yards of soil from or on any lot or change in its contour of greater than six inches.
  - (2) The moving of any soil on a lot where the activity results in a change in the lot contours which result in a change in the drainage characteristics of the lot to the extent that there is increased or decreased runoff to any abutting properties or private or public roads.
  - (3) The installation of retaining walls over two feet in height, swales, pools or ponds, headwalls or drainage facilities.
- B. Responsibility of landowner where other party causes removal. No owner of any land in the Borough shall permit any of the actions described in Subsection A to occur upon his property until the owner of the land has first obtained a soil moving permit.
- C. Application for permit. Any person, firm or corporation desiring to engage in any activities for which a permit is required shall, before commencing work, file a written application with the Borough Engineer on a form furnished by the Borough for a permit therefor, signed by the property owner, which application shall contain the following data:
- (1) Present contour lines and grades of the lots and lands; existing buildings, walls or other structures; trees over six inches in diameter; and existing property lines,
  - (2) Proposed contour lines and proposed contour grades resulting from the addition, removal or moving of soil on the lots and lands and in relation to the adjoining properties; proposed landscaping; proposed buildings, drainage structures, pools, utilities or other facilities.
  - (3) Grades of all abutting streets, lots and lands to the extent required by the Borough Engineer;
  - (4) Where soil is to be removed and stored on lands within the Borough, the applicant shall indicate the precise location where the soil shall be stored, the present contour lines and contour grades of the property on which this soil shall be stored, the total cubic yards intended to be stored, the length of time of storage, and any and all plans for soil erosion control when requested by the Borough Engineer;
  - (5) The Borough Engineer may waive or omit any of the requirements set forth herein or may require the submission of additional detail or data.
- D. Permitted importing or exporting of soils. No fill other than soil shall be permitted without the express authorization of the Borough Engineer. Stone, boulders, debris, stumps or similar materials are not permitted without the Borough Engineer's authorization. Where soil is being imported into the Borough, the applicant shall provide to the Borough Engineer a certification that the soil is free from any toxic waste, radioactive materials or other materials that would present health hazards or are prohibited from discharge

into the soil by the Department of Environmental Protection. If fill is required, the applicant shall further state the precise location from which the soil is being imported and, where required by the Borough Engineer, shall provide any requested analysis of the soil. If excess material is to be exported, the applicant shall provide the destination of the material and a signed acceptance by the property owner at the final point of disposal.

- E. Review by Planning Board or Board of Adjustment. In those instances where the Borough Engineer feels it is appropriate, he may refer any applications for soil movement to the Planning Board or Zoning Board of Adjustment for review and approval. In those instances where an application is pending before the Board of Adjustment pursuant to the Municipal Land Use Act, the Board of Adjustment shall have the same authority to hear and decide soil movement applications as the Planning Board pursuant to the authority granted in this section.
- F. Guiding factors in reviewing applications. In considering and reviewing the application and in issuing or denying the permit, the Borough Engineer shall be guided by the general purposes of municipal planning and shall take into consideration the following factors:
- (1) Soil erosion by water and wind;
  - (2) Surface water drainage;
  - (3) Soil fertility;
  - (4) Lateral support of abutting streets, lots and lands;
  - (5) Public health and safety;
  - (6) Land values and uses, including effect on surrounding properties, landscaping, etc.;
  - (7) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough with proper consideration of environmental and aesthetic effects;
  - (8) Water table;
  - (9) Streams, ponds, lakes and watercourses;
  - (10) Needed detention of stormwater runoff.
- G. Performance guarantee. Before any permit shall be issued the applicant shall file with the Mayor and Council of the Borough, a performance bond or its equivalent as required by the Borough Engineer with satisfactory surety, the amount to be set by the Borough Engineer. The bond shall be conditioned upon full and faithful performance by the principal within the time specified in the application of all the proposed work as set forth in the application and such additional work which may be found necessary by the Borough Engineer. In addition, the bond shall be conditioned upon the repair at the expense of the owner or applicant of any street or streets damaged by the transportation of soil in connection with the applications, if in the judgment of the Borough Engineer, such repairs are deemed to be necessary. The term "expense" as used in this section shall include the cost of supervision incurred by the Borough Engineer in connection with such repairs. The term "bond" may also include a cash deposit or approvable letter of credit.
- H. Top layer of soil not to be removed. The owner of the premises or the person in charge of the moving of soil, when permission has been duly granted, shall not take away the top layer of arable soil for a depth of six inches, but such top layer of arable soil to a depth of six inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been removed, pursuant to levels and contour lines approved by the Engineer. To the extent possible, 12 inches of arable soil shall be placed, conditioned, seeded and maintained until a suitable stand of grass is achieved.
- I. Performance of operations, prohibited time for work; records.
- (1) In the moving of soil, when permission has been duly granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such a manner that, upon completion, the area shall be properly leveled off, cleared of debris and graded and seeded to conform with the contour lines and grades as approved by the Borough Engineer.

3/22/2017

- (2) No operation for which a permit has been issued pursuant to this section shall be conducted on Sundays. On any other day of the week, pursuant to validly issued permit, work shall be conducted between the hours of 9:00 a.m. and 8:00 p.m.
- (3) When a permit for the moving of soil has been granted, the person, firm or corporation receiving such permit shall keep records as are necessary to show the quantities of soil moved, removed or added to land. The records shall be so maintained as to permit inspection and audit by the Borough Engineer.
- J. Inspections of work. The Construction Code Official, Borough Engineer, Mayor and/or any member of the Borough Council, Planning Board or Board of Adjustment shall have at all times the right to inspect any property where a permit has been issued under the provisions of this section for the purpose of insuring conformance to the permit requirements. In order to facilitate this right of inspection, the owners of the property shall cause sufficient grade and boundary stakes to be put in place while work is going on or about to commence. The Borough Engineer, Mayor, Borough Council, Planning Board and Board of Adjustment shall also have the right to inspect the property at anytime for the purpose of laying out roads, drainage or for any other purpose deemed in the best interests of the Borough.
- K. Filing and engineering deposits.
- (1) The applicant shall pay an application fee in the amount of \$100 to the Borough Clerk.
- (2) The applicant shall make an escrow deposit in the amount of ~~\$1500~~ to the Borough Clerk. In the event of a complicated application, or where legal input is required, the Borough Engineer shall prescribe the escrow deposit to be made.
- (3) Prior to the review of the soil moving permit application, the amount prescribed by the Borough Engineer must be paid.
- (4) Moving more than the estimated number of cubic yards or failure to comply with permit conditions shall be considered a violation of this section.
- (5) A separate soil moving permit is required for each site where soil is being removed from a site in the Borough and deposited on another site or sites.
- (6) Upon approval of the application, an escrow deposit will be prescribed for inspection purposes.
- (7) Any excess of escrow deposits over actual cost will be returned to the applicant.
- L. Possession of permit. At any and all times when soil is being removed or deposited upon a site in the Borough, the soil moving permit shall be in the possession of the person in charge of the operation of the site. In the event the soil moving permit is not in possession of the person and on the site, a summons may be issued and all work shall cease immediately.

