

Council President Bloom called the regular meeting of the Mine Hill Township Council to order at 7:30 pm and led those present in the Pledge of Allegiance.

OPEN PUBLIC MEETINGS NOTICE

Mr. Bloom announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Absent – None
Also Present – Mr. Morris, Mayor; Mr. Bucco, Township Attorney; Mrs. Macchia,
Municipal Clerk
Public Present – 5

PRESENTATIONS

None.

APPROVAL OF MINUTES

None.

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Morris County Freeholders re: Resurfacing Projects
- b. Mayor Morris re: Randolph Avenue Speed
- c. Health Department Report FYE 2014-12-31
- d. Health Department Report YTD 2015-03-31

Mr. Willis arrived at this time.

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to approve the bills list as presented. The roll was called, and the minutes were approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom
Nays: none
Absent: none
Abstentions: none

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

Ordinance 12-15 Adoption of Amended Streets and Sidewalks Chapter

Mr. Bloom opened the public hearing on this ordinance. Seeing no discussion, the public hearing was closed.

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to adopt the ordinance. The roll was called and the ordinance was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom
Nays: none
Absent: none
Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

Section 1. Chapter 476 (as newly codified) of the Revised General Ordinances of the Township of Mine Hill,

“Streets and Sidewalks”, shall be amended to read, in its entirety, as follows:

Chapter 476

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Township Council of the Township of Mine Hill as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Street Construction Standards

[Adopted by Ord. No. 192-76 (Ch. X, Sec. 10-2, of the 1986 Revised General Ordinances)]

§ 476-1. Requirements for street improvements.

Streets and related improvements constructed, installed and located in the Township shall be in accordance with the following requirements except in residential developments where the requirements in the Residential Site Improvement Standards, NJAC 5:21 et seq. shall govern:

- A. Right-of-way and pavement widths.
- (1) Primary or Arterial Streets (used primarily for fast or heavy traffic): right-of-way width 66 feet; pavement width 46 feet.
 - (2) Collector Streets (used to carry traffic from minor streets to arterial or primary streets): right-of-way width 60 feet; pavement width 36 feet.
 - (3) Minor Streets (used primarily for access to abutting properties): right-of-way width 50 feet; pavement width 30 feet.
 - (4) Marginal Access Streets (a street parallel or adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic): right-of-way width 50 feet; pavement width 20 feet.
 - (5) Internal roads. The right-of-way and pavement widths for internal roads in multifamily, commercial and industrial developments and zones shall be determined on an individual basis, and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking, loading, and access for fire fighting equipment, but in no case shall such widths be less than those required herein for Marginal Access Streets or the pavement and design less than "Class B" road specifications as hereinafter set forth.
- B. Pavement specifications.
- (1) All materials and methods of road construction shall be in accordance with the specifications approved and followed by the New Jersey Department of Transportation as set forth in its manual entitled "Standard Specifications for Road and Bridge Construction of the New Jersey State Highway Department," dated 2007, as amended, supplemented and revised.
 - (2) All streets shall be designed, constructed and paved in accordance with "Class A" road specifications as follows:
 - (a) Two inches (compacted) Hot Mix Asphalt 9.5M64 surface course on five inches Hot Mix Asphalt 19M64 Base Course on a subbase of three inches (minimum) of dense graded aggregate on an approved subgrade.
 - (b) Where conditions warrant, alternative pavement designs in accordance with the Asphalt Institute Manual Series No. 1 (MS-4) Revised Seventh Edition dated November 1, 2007, may be submitted for consideration and approval to the Township Planning Board.
 - (c) Where "Class A" specifications are determined by the Planning Board to be inappropriate with respect to the construction of marginal access streets, the extension of existing minor streets or marginal access streets, or the construction of internal roads in multifamily, commercial or industrial developments, taking into consideration existing conditions, the right-of-way and pavement widths of existing streets adjoining the area(s) in question, and the type of construction of such adjoining street or streets being extended, the Planning Board may approve upon request of the developer and recommendation of the Township Engineer, the construction of roads in accordance with "Class B" road specifications, as follows:
 - [1] Two inches (compacted) Hot Mix Asphalt 9.5M64 Surface Course on five inches Hot Mix Asphalt 19M64 Base Course on a subgrade approved by the Township Engineer.
- C. Grades. Grades of arterial and collector streets shall not exceed 6%. Grades of all other streets (roads) shall not exceed 12%. No street shall have a minimum grade less than 1/2 of 1% (0.5%).
- D. Curbing.
- (1) Curbing shall be constructed on both sides of all streets.
 - (2) Granite block curbing shall be constructed unless concrete curbing is required to meet requirements for State or County roads, or is deemed more appropriate by the Township Planning Board on the recommendation of the Township Engineer, based upon existing conditions.

- (3) Granite block and concrete curbing shall be constructed, installed and located in accordance with the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction", dated 2007, as amended, supplemented and revised.
- E. Sidewalks.
- (1) Sidewalks shall be concrete, with a minimum width of four feet and a minimum thickness of four inches, underlaid by a minimum of four inches of dense graded aggregate.
 - (2) Sidewalks shall be constructed on both sides of all new streets or on extensions of all existing streets, unless deemed inappropriate and waived by the Township Planning Board on the recommendation of the Township Engineer, taking into consideration existing conditions, including the location of sidewalks, if any, on adjoining and nearby streets.
 - (3) All sidewalks shall be constructed in accordance with the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction", dated 2007, as amended, supplemented and revised.
- F. Driveways. Driveway openings, aprons and width shall be constructed and located in accordance with the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction", dated 2007, as amended, supplemented and revised. Driveway openings (measured at the sidewalk line) shall be a minimum width of 14 feet and a maximum width of 22 feet.
- G. Street signs. Street signs, wood barriers and guard rails, and shade trees shall be constructed, installed (planted) and located in accordance with the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction", dated 2007, as amended, supplemented and revised.
- H. Streetlights. Streetlights shall be provided by developer at no expense to the Township and shall be spaced and located, and contain such wattage as the Township may reasonably determine, based upon the recommendations and advice of the utility company in question.
- I. Storm drainage construction.
- (1) Storm drainage construction shall be reinforced concrete culvert pipe and shall meet all the specifications and requirements of the New Jersey Department of Transportation's "Standard Specifications for Road and Bridge Construction", dated 2007, as amended, supplemented and revised.
 - (2) Design criteria for storm drainage shall be in accordance with "The Land Development Standards of the County of Morris, N.J.," adopted by the Morris County Board of Chosen Freeholders, May 26, 1971, as currently amended
- J. Water mains. All water mains shall be ductile iron pipe with a minimum diameter of eight inches, and a minimum cover of four feet. Ductile iron pipe, fittings, and appurtenances shall comply with ANSI/AWWA C110/A21.10 (fittings), C111/A 21.11 (gasket joints), C115/A21.25 (flanged joints) and C151/A21.51 (pipe). Thickness shall be designed in accordance with ANSI/AWWA C150/A21.50. It shall be cement-mortar lined in accordance with ANSI/AWWA C104/21.4. Joints shall be gasketed push on joints or mechanical joints in conformance with ANSI/AWWA C111/A21.11. The exterior of the ductible iron pipe shall be covered with an asphaltic, epoxy-type coating. In aggressive soils, ductible iron pipe wrapped in polyethylene in accordance with ANSI/AWWA C105/A21.5 shall be used.
- K. Sanitary sewers.
- (1) Sanitary sewers shall be constructed of polyvinyl chloride (PVC) sewer pipe that shall conform to ASTM D3034 with a minimum wall thickness designation of SDR35 and a minimum diameter of eight inches.
 - (2) House connections shall be a minimum diameter of four inches, shall be PVC pipe Schedule 40 or SDR 35 and shall not be connected into a manhole.
 - (3) Sanitary sewers shall meet all the requirements of the New Jersey Department of Environmental Protection, NJAC 7:14A-23, as currently amended, supplemented and revised.
- L. Erosion and sedimentation control. In constructing roads and related improvements governed by this section, erosion and sedimentation control measures shall be implemented in accordance with the standards and recommendations of the Morris County Soil Conservation District.
- M. Plans.
- (1) All plans for road construction and related improvements governed by this section shall be prepared by a licensed New Jersey professional engineer.
 - (2) The developer shall submit as-built plans for all road construction and related improvements governed by this section to the Township Engineer for review and approval prior to final acceptance of such construction and improvements by the Township.

§ 476-2. Fees.

A fee to cover the cost of inspection by the Township Engineer of all road construction and related improvements governed by this article shall be paid by the developer to the Township prior to the commencement of any such construction. Such fee shall be paid to the Township Clerk and shall equal 5% of the Township Engineer's estimate of the total cost of the road construction and improvements in question.

ARTICLE II Excavations and Openings

§ 476-3. Purpose.

The purpose of this article is to establish regulations and fees for the making of excavations and openings in public roads or streets and public places within the Township of Mine Hill and under the control of the Township of Mine Hill.

§ 476-4. Definitions.

As used in this section:

PERMITTEE — Any person, firm or corporation applying for a permit or his duly authorized representative.

ROAD FOREMAN or FOREMAN — The Foreman of the Road Department of the Township.

TOWNSHIP CLERK — The Township Clerk of the Township of Mine Hill.

TOWNSHIP ENGINEER — The Township Engineer of the Township or his duly authorized representative.

§ 476-5. Permit required.

No person shall make any excavation in, or break up or displace the surface of any public street under the control of the Township or public place within the Township or otherwise endanger or obstruct the normal flow of traffic by placing any barricade, structure or material or equipment not normally designed to be operated on a public road, without first obtaining a written permit from the Township Engineer as hereinafter provided. Such permit shall be valid for 15 calendar days from the date of its issuance, unless an extension of time is requested, in writing, and is approved by the Foreman.

§ 476-6. Application for permit.

- A. Application for a permit shall be made at the office of the Township Clerk by the applicant or his authorized representative upon forms supplied by the Township. Such application shall include a description of the contemplated work and shall be accompanied by plans prepared by a licensed New Jersey Professional Engineer setting forth all details regarding the proposed project. If, in the opinion of the Township Engineer, the proposed project is so limited in scope that its impact upon the public street or public area in question is minimal and does not involve work requiring the design expertise of a professional engineer, the Township Engineer may waive the requirement that the plans accompanying the application be prepared by licensed New Jersey Professional Engineer, provided the Township Engineer sets forth in writing the reason for waiver of such requirement. Such application shall indicate the date upon which the work is to start and the contemplated date of completion and shall be made not less than seven days prior to date work is to commence. Copies of all such applications and accompanying plans shall be forwarded immediately by the Township Clerk to the Township Engineer for his approval and issuance of permit.
- B. Street openings may be made without the necessity of a written application in emergencies, such as broken or frozen water mains or other happenings which would endanger public life, health and safety; provided notice thereof shall be immediately given verbally to the Township Engineer or Township Road Foreman and application for permit is made as soon thereafter as conveniently possible.

§ 476-7. Fees; inspection escrow. [Amended 11-14-1994 by Ord. No. 552-94; 4-17-2014 by Ord. No. 11-14]

- A. Fees for street opening permits shall be as set forth in Chapter 235, Fees.¹
- B. Fees for inspection escrow account shall be as set forth in Chapter 235, Fees.²
- C. Any balance remaining in the inspection escrow account after the final approval of the excavation and opening by the Township Engineer shall be refunded to the applicant after the Township shall have deducted therefrom any costs associated with the inspection thereof.

§ 476-8. Deposit or bond required. [Amended 11-14-1994 by Ord. No. 552-94; 4-17-2014 by Ord. No. 11-14]

- A. No person shall be granted a permit pursuant to this article until and unless there shall be deposited with the Township Clerk a performance guarantee in the form of cash, certified check, or performance bond to secure the cost of repairing, replacing and restoring the street or public place, or appurtenances thereto, to be opened, affected or disturbed by the proposed work.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. The applicant must either have on file with the Township Clerk a performance guarantee in the amount of \$10,000 covering all openings or excavations made or to be made in a calendar year or furnish a performance guarantee in the amount of \$1,000 covering the proposed opening or excavation set out in the application. If bonds are posted as the performance guarantee, they shall be approved by the Township Attorney and shall be conditioned to indemnify the Township for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such opening or excavation during the term of said bond. The Township Engineer shall then review the cost required to restore the specific excavation or opening, and if it is determined that the cost of restoration is in excess of the amounts of the bonds posted as stated above or that the aggregate cost to restore any previously issued but uncompleted permits also exceeds the above stated amounts, then the applicant shall furnish to the Township an additional amount of a performance guarantee sufficient to provide for restoration by the Township. The Township Engineer shall state to the applicant the supplemental requirements for any such performance guarantee.

§ 476-9. Protection of existing structures. [Amended 11-14-1994 by Ord. No. 552-94]

It shall be the responsibility of the permittee to give proper notice of the proposed street opening to any person whose pipe, conduits or other structures are laid in the portion of the street to be opened. This notice shall be given in writing a minimum of 72 hours before commencing the opening and the permittee shall, at his own expense, carefully support, maintain in operation and protect from injury such pipes, conduits or structures. If any damage is caused to such pipes, conduits or structures, the permittee shall restore same, at his own expense, to the condition it was prior to the commencement of work.

§ 476-10. Maintenance and protection of traffic.

- A. The permittee shall properly protect the excavation by the erection of barricades and warning devices and shall arrange the barricades and warning devices in such a manner as to cause a minimum of inconvenience and delay to vehicles and pedestrian traffic.
- B. All excavations shall be completely backfilled at the end of each working day without exception.
- C. Where the free flow of traffic is disrupted, or if the Engineer or Road Foreman decide conditions warrant their use, the permittee shall furnish, at his expense, competent persons to direct traffic.
- D. Unless specifically authorized by the Engineer or Road Foreman, vehicular traffic shall be maintained at all times. Access shall be maintained at all times for emergency vehicles. It shall be the responsibility of the permittee to provide, at his expense, sufficient backfill material to provide immediate access to emergency vehicles if conditions warrant. It shall also be the responsibility of the permittee to notify the Township Police Department, and Road Foreman and Township Engineer 24 hours prior to the start of construction. The failure to notify either the Township Engineer or Road Foreman as to the start of construction will result in the rejection and replacement of all work done without inspection.

§ 476-11. Excavation.

- A. The use of power excavating equipment is prohibited until the edge of the proposed excavation is cut with either a mechanical saw or pneumatic hammer making a cut through the entire pavement thickness.
- B. Excavated material shall be loaded on trucks and removed from the site immediately at the expense of the permittee. A soil removal permit shall be required if the excavated material is to be removed from the Township.
- C. Upon request, special permission may be granted by the Township Engineer or DPW Supervisor to tunnel under existing concrete pavement, sidewalks or curbs. In the event permission is granted, the tunnel shall be refilled with class "C" concrete, well compacted in place. [Amended 11-14-1994 by Ord. No. 552-94]

§ 476-12. Backfilling.

- A. As soon as the pipe or structures are in place and any required inspection has been made, the excavation shall be backfilled with select fill.
- B. Select fill shall be either bank run gravel, sand or an alternate material approved by the Engineer or Road Foreman and shall be placed for the full width and depth of the excavation. The select fill shall be compacted mechanically in one-foot lifts for the full depth.

§ 476-13. Nonpaved area.

All grass or wooded areas disturbed within the Township right-of-way shall be topsoiled, seeded and mulched within five days after opening of streets or roads. As a condition of application approval, the Township Engineer may require a soil erosion and sediment control plan if, because of the extent of the affected areas, grades involved, soil conditions and other similar relevant considerations, soil erosion is likely to occur in the opinion of the Township Engineer.

§ 476-14. Temporary pavement.

The permittee shall place a temporary pavement in the trench area if the trench is to be exposed to traffic overnight. The temporary pavement shall be of a bituminous concrete, shall have a minimum thickness of one inch, and shall remain in place until the permanent pavement is constructed.

§ 476-15. Permanent pavement.

- A. Permanent pavement shall be constructed over all exposed areas using the following materials:
- (1) Bituminous pavement. Two inches of Hot Mix Asphalt 9.5M64 Surface Course on five inches of Hot Mix Asphalt 19M64 Base Course.
 - (2) Concrete pavement. Two inches of Hot Mix Asphalt 9.5M64 Surface Course on five inches of Hot Mix Asphalt 19M64 Base Course .
 - (3) Stone pavement. Six inches of dense graded aggregate.
 - (4) Earthen roads. Six inches of dense graded aggregate.
 - (5) Shoulder areas. Six inches of dense graded aggregate.
- B. All thicknesses noted are compacted thicknesses and all temporary pavement must be removed prior to the placing of the permanent pavement.

§ 476-16. Reconstructed and resurfaced streets. [Amended 4-17-2014 by Ord. No. 11-14]

Whenever the Township Council enacts any ordinance or resolution providing for the reconstruction and resurfacing of any street, the Township Engineer shall promptly mail a written notice thereof to each person, firm or corporation owning any sewer, main or conduit or other utility in or under said street. Such notice shall notify such persons, firms or corporations that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five years after the date of enactment of said ordinance or resolution, except as set forth below. Such notice shall be submitted promptly so that the owners of utilities can make repairs or improvements prior to the completion of the Township's roadway improvement project.

- A. Emergency. During the five-year period, an excavation permit shall be issued to open, cut or excavate in said street if, in the judgment of the Township Engineer, an emergency exists which makes it absolutely essential that the excavation permit be issued.
- B. New construction and restoration. During the five-year period, an excavation permit shall be issued to open, cut or excavate said street for the purpose of providing utility or other service to a newly constructed residence or other newly constructed structure adjacent to a newly paved street or for the purpose of providing utility or other service to a preexisting residence or structure which is being reconstructed and for which the reconstruction encompasses 60% or more of the structure.
- C. Waiver. During the five-year period, an excavation permit may be issued to open, cut or excavate in said street for the purpose of providing utility or other service to a preexisting residence or structure, but only upon application to the Township Council and for good cause shown.

§ 476-17. Blasting; excavating; restrictions.

- A. The attention of the permittee is directed to the requirements of N.J.S.A. 2A:170-69.4 through 69.6, inclusive, governing excavating or blasting in proximity to gas pipe lines. No permit shall be issued pursuant to this section until permittee establishes to the satisfaction of the Township Engineer that there will be full compliance with such statutory requirements.
- B. No person who proposes to discharge explosives shall be issued a street opening permit or any other permit for such discharge of explosives until he presents satisfactory proof to the Township Engineer that the discharge of such explosives will not constitute a danger to the lives and property of the residents of the affected area or to members of the public at large who use the streets or public areas to be affected by the proposed work.

§ 476-18. Exceptions.

Persons who shall be exempt from the provisions of this article are as follows:

- A. The Mine Hill Township Department of Public Works.
- B. Any person who is under a special contract with the Township of Mine Hill for the performance of the work in question and who pursuant to the terms of such contract has furnished adequate performance guarantees.
- C. Any person who is performing work in accordance with a site plan or subdivision which has been approved by the Mine Hill Township Planning Board and in connection with which inspection fees and performance guarantees have been paid and/or posted under another applicable Township ordinance.

§ 476-19. Insurance. [Added 11-14-1994 by Ord. No. 552-94]

Prior to the issuance of any permit pursuant hereto, the applicant for such permit shall file a certificate of insurance certifying that there is in full force and effect liability and property damage insurance for the protection of the applicant and the Township from any and all claims for personal injury including accidental

death and property damage in minimum amounts of \$300,000 for bodily injury and \$50,000 for property damage.

§ 476-20. Use of explosives. [Added 11-14-1994 by Ord. No. 552-94]

When it shall be necessary to use or store explosives in conjunction with any street opening or right-of-way work, the permittee shall comply with all applicable provisions of the Fire Prevention Code and/or the Uniform Construction Code adopted by the Township. The provisions and requirements of the code are in addition to this article.

§ 476-21. Emergencies. [Added 11-14-1994 by Ord. No. 552-94]

Street openings or excavations may be made without obtaining a written permit as provided herein in cases of emergency which would reasonably appear to endanger public health or safety. In such emergencies, adequate precautions for the maintenance and protection of traffic shall be taken. Immediate notice thereof shall be communicated to the Township Clerk or D.P.W. Supervisor. Application for a permit shall thereafter be made within a period of 48 hours and the provisions of this article shall be met.

§ 476-22. Indemnification. [Added 11-14-1994 by Ord. No. 552-94]

Every permittee shall, as a condition of accepting any permit issued hereunder, save and hold harmless the Township and indemnify the Township from and against any loss, damage, claim, expense or demand whatsoever, including, but not limited to, reasonable attorney's fees and Court costs arising out of any matter resulting from the opening of any street and the issuance of a permit therefor.

§ 476-23. Driveways and curb openings. [Added 11-14-1994 by Ord. No. 552-94]

- A. Permit required. No person shall establish a driveway or other ingress or egress for vehicles into any public right-of-way without having first received a street opening permit, the purpose of this section being to prevent unsafe traffic conditions as well as mud and/or stormwater from entering the public right-of-way.
- B. Application. Permit applications shall be obtained at the office of the Township Clerk and must be completed and submitted to the Township two weeks before the date for which the permit is requested.
- C. Approval. The Township Engineer shall approve, condition or deny all applications in writing within two weeks of the submission of an application.

§ 476-24. Penalty. [Amended 11-14-1994 by Ord. No. 552-94; 4-17-2014 by Ord. No. 11-14]

Any person who shall violate any provision of this article shall be liable for a penalty not to exceed a fine of \$2,500.

ARTICLE III

Plant Life Near Roadways and Intersections

[Adopted by Ord. No. 238-79 (Ch. X, Sec. 10-4, of the 1986 Revised General Ordinances)]

§ 476-25. Cutting of brush, hedges and plant life.

Every owner and/or tenant of lands adjoining a roadway and lying within the Township shall keep all brush, hedges and other plant life growing thereon and within 10 feet of any roadway and within 25 feet of the intersection of two roadways, cut to a height of not more than 2 1/2 feet, where it shall be determined by the Township Chief of Police or the Township Superintendent of Public Works to be necessary and expedient for the preservation of public safety.

§ 476-26. Notice.

Notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Township Clerk upon the order of the Township Chief of Police or Township Superintendent of Public Works, by certified mail, return receipt requested, to the owner and/or tenant to the last known post office address of the owner and/or tenant, or by personally serving such notice upon the owner and/or tenant, and shall direct the removal and cutting of the objectionable growth within 10 days of receipt of such notice.

§ 476-27. Removal by Township.

In the event the owner and/or tenant fails to comply with the notice within 10 days of the receipt thereof, the Township may proceed to cause the cutting and removal of such brush, hedges and/or other plant life under the direction of the Superintendent of Public Works.

§ 476-28. Lien for costs.

In any case where the Township has caused the cutting and removal of brush, hedges and/or other plant life pursuant to the terms of this article, the Superintendent of Public Works shall thereafter certify the cost thereof to the Township Council, and if the amount so certified is by resolution of the Township Council determined to be correct and reasonable, the Township Clerk shall forthwith deliver a certified copy thereof to the Tax Collector. The amount so charged shall forthwith become a lien upon such lands from which the brush, hedges and other plant life were cut and removed, and shall be collected and enforced by the Tax

Collector in the same manner as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 476-29. Violations and penalties.

Any person who shall refuse or neglect, after receipt of written notice as above set forth, to comply with the demands therein made with respect to the cutting of the foregoing for the preservation of the public safety within the ten-day period above set forth, shall, upon conviction thereof, be liable to a penalty not to exceed \$50 fine, and each and every day in which said owner and/or tenant shall refuse or neglect so to cut said growth shall be and constitute a separate offense. (The imposition and collection of any fine or penalty prescribed by this section shall not bar the right of the Township to collect the cost of the cutting of the brush, hedges and other plant life, as hereinbefore specified.)

ARTICLE IV
Snow and Ice Removal
[Adopted 5-16-1994 by Ord. No. 528B-94]

§ 476-30. Removal from sidewalks and fire hydrants. [Amended 3-17-2011 by Ord. No. 2-11]

The owner(s), occupant(s) and tenant(s) of any premises abutting any public street or roadway within the Township shall remove all snow, hail, sleet and ice from the full width of sidewalks abutting the respective premises as well as fire hydrants within 24 hours after the termination of any snow fall or accumulation of snow, hail, sleet or ice, whichever shall have occurred. In the event that the ice may be so frozen as to make removal impracticable, the owner(s), occupant(s) and tenant(s) of the abutting premises shall cause the sidewalk to be fairly covered with sand, ashes, sawdust, cinders or ice melting product within 24 hours of the accumulation of such ice.

§ 476-31. Depositing snow on public streets and obstructing fire hydrants prohibited.

No person, firm, corporation, owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice into or upon any sidewalk or street in the Township. It is also the intent and purpose of this provision to prohibit any person from throwing, placing, plowing or depositing snow or ice which accumulates on private property so as to obstruct any fire hydrant in said Township.

§ 476-32. Removal from condominiums and garden apartment complexes.

The owners of any condominium and/or garden apartment complexes located within the Township shall remove all ice and snow from the sidewalks, fire hydrants, roadways and parking areas of such complexes within 12 hours of daylight after the same shall fall or be formed thereon.

§ 476-33. Removal from properties adjacent to Route 46. [Amended 3-19-2009 by Ord. No. 3-09]

All properties adjacent to Route 46 are subject to the same restrictions regarding the removal of snow as are all other properties located within the Township.

§ 476-34. Violations and penalties. [Amended 3-19-2009 by Ord. No. 3-09; 3-17-2011 by Ord. No. 2-11]

Any person or firm violating any of the provisions of this article shall, upon conviction thereof, be fined \$50 for the first, second and third offenses, and \$100 for the fourth and subsequent offenses. Each and every forty-eight-hour period that such violations continue shall be considered a separate and distinct offense.

§ 476-35. Removal by the Township.

Upon the failure of the owner or tenant to remove or provide for the removal of such snow and ice, the Township may remove the same, and the costs thereof shall be chargeable and assessable against the lands abutting upon the public highways in the Township or such condominium or garden apartment complex, from which the snow and ice is removed as follows:

- A. The officer or employee of the Township in charge of the removal thereof shall certify the costs thereof to the Township Council.
- B. The Township Council shall examine such certificate and if found to be correct shall cause such costs to be charged against such lands after affording the owner a reasonable opportunity to appear before the Township Council or its designated agent.
- C. The amount so charged shall thereupon become a lien or tax upon such real estate and be added and be a part of the taxes next to be levied and assessed thereon and enforced and collected with interest by the same officers and in the same manner as other taxes.

ARTICLE V
Temporary Street Closing
[Adopted 9-18-1997 by Ord. No. 618-97]

§ 476-36. Authority.

The Police Chief of the Township of Mine Hill is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day

or days whenever he finds that such closing is necessary for the preservation of the public safety, health or welfare.

§ 476-37. Signage.

Any regulations promulgated by the Police Chief under and in accordance with § 476-36 shall provide for the posting of proper warning signs of such closing in any street or portion thereof during the time the same is closed in pursuance thereof.

§ 476-38. Violations and penalties.

Any violation of this article or of any regulation promulgated thereunder shall be punished by a fine not to exceed \$50.

§ 476-39. Approval by Commissioner of the Department of Transportation.

Any regulation adopted under this article shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation if the closing is more than 48 continuous hours.

Section 2. This Ordinance may be renumbered for codification purposes.

Section 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final publication and in accordance with law.

Ordinance 13-15 Exceptions to Soil Provisions

Mr. Bloom opened the public hearing on this ordinance. Seeing no discussion, the public hearing was closed.

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adopt the ordinance. The roll was called and the ordinance was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

Section 1. Chapter 444 (new codification) of the Revised General Ordinances of the Township of Mine Hill, “Soil Erosion and Sediment Control”, Subsection 444-5 “Exempt Activities” shall be amended by the inclusion of the following additional exempt activity:

E. Projects which have received site plan approval from the Planning Board, have met the conditions of that site plan, and have had a preconstruction meeting with the Township Engineer.

Section 2. Chapter 448 (new codification) of the Revised General Ordinances of the Township of Mine Hill, “Soil Removal”, Subsection 448-3 “Exception” shall be amended to read, in its entirety, as follows:

448-3 Exception

Except in those areas of the Township where the mining, excavation, and removal of soil is allowed as a permitted, conditional, or accessory use under the Land Use Ordinance, no soil removal permit shall be issued unless such a permit is requested in connection with the construction or alteration of a building on the subject premises and excavation or grading is incidental thereto. Projects which have received site plan approval from the Planning Board, have met the conditions of that site plan, and have had a preconstruction meeting with the Township Engineer are exempt from the requirements of this Chapter.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect upon final publication and in accordance with law.

Ordinance 14-15 Driveway Ordinance

Mr. Bloom opened the public hearing on this ordinance. Seeing no discussion, the public hearing was closed.

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis to adopt the ordinance. The roll was called and the ordinance was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Township of Mine Hill shall be amended by the inclusion of new Chapter 213 (new codification) which shall be entitled “Driveways” and shall read, in its entirety, as follows:

Chapter 213
Driveways

§ 213-1. Short title.

This chapter shall be known and may be cited as the “Mine Hill Township Driveway Ordinance”

§ 213-2 Purpose; definitions; exemptions.

A. The purpose of this chapter is to assure the proper installation and alteration of all private driveways in the Township of Mine Hill, to minimize erosion and flow of soil and debris from driveways and surrounding lands onto public roadways, to preclude the creation of traffic flow problems or traffic safety problems on public roadways, to conserve the general value of property within the Township and to minimize efforts to assure the public and service vehicles the right to safe and comfortable use of public roadways and private driveways.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL DRIVEWAY

One providing access to an office, retail or institutional building or to an apartment building having more than five dwelling units. Industrial plant driveways whose principal function is to serve administrative or employee parking lots are considered “commercial driveways.”

DRIVEWAY

(1) In addition to its regularly accepted common meaning, shall also refer to any land, way, field entrance or privately owned road.

(2) A driveway is altered in the meaning of this chapter when it is paved, widened, narrowed, relocated or when its grade is changed or when it is modified in any way that alters the prior existing drainage from said driveway onto a public right-of-way. Normal maintenance, such as replacing stone or patching asphalt, shall not be considered as altering a driveway.

INDUSTRIAL DRIVEWAY

One directly serving substantial numbers of truck movements to and from loading areas of an industrial facility, warehouse or truck terminal.

RESIDENTIAL DRIVEWAY

One providing access to a single- or multifamily residence or to an apartment building containing five or fewer dwelling units.

ROADWAY

The portion of a public road right-of-way on which travel is conducted.

STANDARD SPECIFICATIONS

The “New Jersey State Department of Transportation Specifications for Road and Bridge Construction, dated 2007,” and all amendments thereto.

C. Agricultural and forestry uses directly out of field shall be exempt from the provisions of this chapter.

D. If a driveway is being constructed, modified or altered as part of a lot grading and disturbance application, the provisions in §§ 213-3, 213-4 and 213-12 shall not be applicable and the applicant shall follow the provisions of § 310-277 for obtaining approval of the driveway as part of a detailed site grading plan.

§ 213-3. Procedure.

A. No person(s), corporation(s), industry or commercial establishment shall cut, construct or alter any driveway from private property to a Township road without first having filed an application with and obtained a permit from the Mine Hill Township Code Enforcement Officer. The application shall include a driveway plan, submitted in triplicate, including the location of the proposed driveway. The driveway plan shall include the following:

- (1) The name and address of the property owner and applicant, the tax map sheet and block and lot number.
- (2) Property lines.
- (3) Setbacks and locations of structures, septic systems, existing or proposed surface water swales, diversions, and like features.
- (4) Curbs, if any.
- (5) Utility installations affecting the driveway.
- (6) Sidewalk widths, if any.
- (7) Trees and other obstructions within proposed sight triangles.
- (8) Advisory, directional, regulatory and advertising signs within sight triangles.
- (9) The location of existing driveways on the property in question and of adjoining properties within 250 feet.
- (10) The proposed driveway for its entire length.
- (11) The proposed driveway profile to scale.
- (12) The proposed driveway angle.
- (13) The curblin opening.
- (14) For other than single-family residential use, the estimated number of cars and trucks using the driveway each day.
- (15) The intersecting road, including existing shoulder, ditches and storm drainage.

(16) The type of storm drainage to be constructed at the driveway entrance to the intersecting road, i.e., dish-type gutter, pipe or culvert. The sizes of gutters, pipes and culverts, as well as grades, elevations, typical cross-sections, construction details and any other information deemed necessary to the proper analysis of the installation may also be shown by the applicant or required by the Township.

B. The Code Enforcement Officer may refer said application and supporting data to the Township Engineer for his review and recommendations in instances where, due to the severe or unusual characteristics of the particular site in question, engineering review is appropriate or necessary. The Code Enforcement Officer may require that additional information, such as a driveway plan and profile and a drainage plan, be prepared by a professional engineer licensed in the State of New Jersey in those instances where the Code Enforcement Officer or Township Engineer has determined that conditions are such that the driveway design and drainage plan will require the application of engineering expertise.

C. Upon receipt of an application, together with said drawings, the Code Enforcement Officer shall inspect and study the site of the proposed driveway, lane or other entrance, and in the event, in his opinion, there are changes or additions to be made in order to comply with the requirements of this chapter, they shall be so stated and outlined on the application and drawings and be made known to the applicant by the Code Enforcement Officer.

D. If a driveway existed at the date of the adoption of this chapter and the owner proposes to alter same, then the owner shall file an application with the Code Enforcement Officer on forms provided for existing driveway improvements. Upon the request of the Code Enforcement Officer, the Township Engineer shall inspect the premises and review the application as to the proposed improvement, and if it is his determination that the proposed improvement complies with the standards of this chapter, then, in that event, the Code Enforcement Officer shall issue a permit to said applicant. If the determination is that the proposed improvement of the driveway will cause an alteration of a modification of the driveway which does not comply with the standards of this chapter, then the applicant will receive written notice to comply with remaining provisions of the chapter.

§ 213-4. Fees.

There shall be submitted with an application for a driveway permit the following nonrefundable fees payable to the Township of Mine Hill.

- A. Residential driveway: \$35.00
- B. Commercial driveway: \$150.00
- C. Industrial driveway: \$250.00

D. An application for any residential driveway permit which, in the opinion of the Zoning Officer, requires review by the Township Engineer shall be assessed both the applicable fee set forth above and an engineering review and inspection fee of \$200.00.

§ 213-5. Location; turnarounds.

A. All entrance and exit driveways to a Township road shall be located so as to afford maximum safety to traffic on the Township road.

B. Driveways shall be not less than 75 feet from any street intersection.

C. No part of any driveway shall be located within a minimum of 10 feet of a side property line unless one driveway serves two lots.

D. Where two or more driveways connect a single site to any one Township road, a minimum clear distance of 150 feet measured along the right-of-way line shall separate the closets of any two such drives.

E. Driveways shall be so designed as to allow motor vehicles to turn around on the site in order to make it unnecessary to back any motor vehicle onto the street.

§ 213-6. Slope.

All driveways to be constructed, or existing driveways to be altered, which intersect with the right-of-way line of any existing or future public road shall be constructed or altered in accordance with the following minimum requirements:

A. All driveways to be constructed or altered so as to slope from the public road right-of-way line of any existing or future public road shall be constructed or altered in accordance with the following minimum requirements:

- (1) Within the right-of-way limits, the finished grade of the driveway shall be no greater than 6%.
- (2) In instances where the driveway to be constructed or altered intersects a roadway with a shoulder, the driveway grade shall be the grade of the shoulder.
- (3) The driveway shall slope upward from the gutter line on a straight slope at least 10 feet long for residential driveways and 40 feet long for commercial and industrial driveways, unless otherwise specified by the Code Enforcement Officer or Township Engineer.
- (4) No driveway shall be constructed to exceed a slope of 15%.

§ 213.7. Angle of roadway for commercial and industrial driveways.

A. Two-way operation. Commercial driveways constructed or altered within a public road right-of-way shall be constructed so that the angle between the driveway center line and the near edge of the roadway shall be 90°. Any curved or angular approach of the driveway for aesthetic or topographical reasons shall be accomplished outside of the public road right-of-way or a right-of-way 50 feet in total width, whichever is wider.

B. One-way operation:

- (1) Right turn only. Driveways shall not form an angle small than 45° with a street unless acceleration and deceleration lanes are provided.
- (2) Both left- and right-hand turns. Driveways shall intersect the street at an angle as near 90° as site conditions allow, and in no case less than 60°.

C. Industrial driveways. Industrial driveways shall be designed for their particular situation, using turning templates to test truck movements to and from both directions of travel. Flat angles and one-way drives should be utilized whenever feasible to facilitate the movement of trucks on and off traveled ways without impeding through traffic. Driveway exists for one-way operation shall be at an angle not less than 30°.

§ 213-8. Dimensions and sight distances.

A. Driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be traveling on the driveway. The required maximum and minimum dimensions for commercial and industrial driveways are indicated in the following table. The minimum width for a residential driveway shall be 10 feet. Driveways serving large volumes of daily traffic or industrial driveways as defined herein (traffic over 25% of which is truck traffic) shall be required to use the high to maximum dimensions in feet as shown on such table.

Driveway Dimensions

Driveway Depressed Curb Return

Type	One-Way Operation			Two-Way Operation		
	Width (feet)	Curb (feet)	Radius (feet)	Width (feet)	Curb (feet)	Radius (feet)
Commercial	10 to 15	16 to 21	15 to 40	24 to 30	30 to 36	15 to 40
Industrial	12 to 24	18 to 30	25 to 50	24 to 30	30 to 36	25 to 50

B. All driveways shall be designed in profile grading and location to permit a minimum sight distance of 10 times the posted speed limit of the roadway measured from a point on the driveway 15 feet from the edge of the roadway and measured from a height of eye at 3.50 feet on the driveway to a height of object of 3.50 feet on the roadway, provided that all driveways must have at least 250 feet of sight distance.

§ 213-9. Erosion control.

A. All driveways shall be constructed and maintained at all times in such a manner as to prevent erosion of soil and debris from them and land adjoining them. Silt and debris shall be prevented from running onto the public roadways and adjoining property and from entering road gutters, catch basins, inlets or drainpipes.

B. The owner of any existing driveway which causes problems of soil erosion or excess runoff within the public right-of-way or on adjoining property shall, upon written notice from the Code Enforcement Officer, correct the conditions causing said problems within 90 days of said notification. Failure to make such corrections shall be in violation of this chapter.

§ 213-10. Drainage.

A. All driveways constructed or altered within the public road right-of-way shall be constructed in such a manner as not to interfere with the drainage along the existing pavement or traveled way. Under no circumstance shall the driveway be allowed to extend beyond the edge of the existing ditch line of a public roadway and create a hump or uneven driving surface on the pavement or traveled way or shoulder. In certain situations, as determined by the Code Enforcement Officer, the driveway may be constructed to have a sufficient rise above shoulder level to prevent excessive runoff from the roadway onto adjacent property.

B. The construction of a properly sized dish-type gutter will be permitted, provided that existing water flow will not be blocked, altered or changed in any manner.

C. The installation of a suitably sized reinforced concrete pipe or culvert shall be required in the event that the existing flow line or ditch cannot be crossed with a shallow dish-type gutter. The size of the pipe or culvert required shall be subject to the approval of the Township Engineer. No pipe or culvert shall be less than 15 inches in diameter.

D. The installation of suitably sized cross-drains shall be required at points along the driveway as deemed necessary by the Township Engineer in order to prevent the accumulation of large quantities of runoff water and the effects of soil erosion on the public right-of-way or adjoining property.

E. The driveway on properties which are below the roadway shall have a raised lip of 1.5 inches except where a dish-type gutter is provided.

F. Each driveway shall be constructed with suitable and adequately designed drainage facilities. Wherever possible, driveway drainage shall be directed into natural drainage channels or existing ditches. Driveway drainage may be connected to existing drainage facilities within the municipal roadway, provided that such connection does not interfere with existing drainage or cause erosion or deposits of sediment in the municipal drainage system. Driveway drainage systems shall not discharge onto adjoining properties causing erosion or sediment damage or flooding and shall not discharge onto the paved or traveled portion of any public road right-of-way.

§ 213-11. Construction material.

Those portions of driveways constructed or altered within public roads or rights-of-way or within 25 feet of the center line of the public roadway, whichever is greater, shall be constructed of the following materials:

A. Residential driveways entering unpaved roads: six inches (compacted thickness) of dense graded aggregate base course.

B. Residential driveways entering paved roads:

(1) Base course: four inches (compacted thickness) of dense graded aggregate base course.

(2) Surface course: two inches (compacted thickness) of hot mix asphalt 9.5M64 surface course or approved equal.

C. Commercial driveways:

(1) Base course: four inches (compacted thickness) of dense graded aggregate base course.

(2) Base course: four inches (compacted thickness) of hot mix asphalt 19M64 base course or approved equal.

(3) Surface course: two inches (compacted thickness) of hot mix asphalt 12.5M64 surface course or approved equal.

D. Industrial driveways:

(1) Base course: six inches (compacted thickness) of dense graded aggregate base course.

(2) Base course: six inches (compacted thickness) of hot mix asphalt 19M64 base course or approved equal.

(3) Surface course: two inches (compacted thickness) of hot mix asphalt 12.5M64 surface course or approved equal.

E. Driveways entering curbed roads:

(1) Curbs crossing driveways shall be constructed or reconstructed to provide a depression with a two-inch curb height relative to the edge of the roadway pavement. The top of the depressed curb shall be sloped down toward the roadway to provide a one-and-one-half-inch curb face.

(2) The total depth of concrete shall be maintained across the depression.

(3) Transitions from the depressed curb to the full faced curb shall be over a maximum length of 18 inches.

§ 213-12. Inspection; certificate of occupancy; performance bond.

A. Upon notice to the Code Enforcement Officer of the completion of the construction of the driveway, the Code Enforcement Officer or Township Engineer shall inspect the same and shall endorse a driveway permit to evidence compliance or non-compliance with standards specified herein. The construction of the driveway shall not be deemed in accord with the provisions of this chapter unless and until said permit has been so endorsed.

B. No certificate of occupancy shall be issued unless all driveways on the lot or site have been completed in accordance with the approved plan. Inspection to assure compliance will be done by the Township Engineer, except that residential driveways shall be inspected by the Code Enforcement Officer.

C. Performance bond.

(1) When by reason of inclement weather, lack of available materials due to plant closures, or other reason acceptance to the Code Enforcement Officer, a driveway cannot be paved; a bond or other security deemed acceptable by the Township Attorney may be provided to insure completion of the work. Other driveway-related improvements such as guiderails shall be installed in all cases prior to any occupancy of the property or the erection of buildings thereon. This provision shall not apply if, in the opinion of the Code Enforcement Officer or the Township Engineer, site conditions do not warrant use of a driveway unless and until it is completely constructed according to the approved plan.

(2) The applicant shall provide a driveway construction cost estimate to be reviewed by the Code Enforcement Officer in determining the amount of the bond or other security. The amount shall be reasonable related to the costs of construction.

§ 213-13. Violations and penalties.

A. Any person or persons, firm or corporation violating any section of this chapter which results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin, inlet or culvert shall be responsible for all expenses incurred by the Township of Mine Hill for repairing said damage and removing said obstruction, in addition to the penalties herein provided.

B. Any person or persons, firm or corporation violating any section of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$500.00 or imprisonment for a period not to

exceed 90 days, or both, and each and every day that said violation continues shall constitute s separate and specific violation.

Section 2. This Ordinance may be renumbered for codification purposes.

Section 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final publication and in accordance with law.

Ordinance 15-15 Grading Amendment to Land Use Ordinance

Mr. Bloom opened the public hearing on this ordinance. Seeing no discussion, the public hearing was closed.

John asked what it’s about. Sam explained that it’s updating the law to keep people from destroying their neighbor’s drainage.

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adopt the ordinance. The roll was called and the ordinance was adopted by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

Section 1. Chapter 310 (new codification) of the Revised General Ordinances of the Township of Mine Hill, “Land Use”, shall be amended by the inclusion of new Article XXXIV “Lot Grading and Land Disturbance Standards” which shall read, in its entirety, as follows:

**Part 10
ARTICLE XXXIV
Lot Grading and Land Disturbance Standards**

- 310-277 A. General provisions.
 - 1. Grading required. The yards of every structure shall be graded to secure proper drainage away from buildings and to dispose of runoff without ponding. The minimum slope for lawns shall be 2.0%. The minimum slope for smooth hard finished surfaces shall be 0.75%.
 - 2. Grading goals. Site grading shall be designed to establish building floor elevations and ground surface grades that:
 - (a) Allow drainage of surface water away from buildings.
 - (b) Minimize earth settlement problems.
 - (c) Avoid concentrating runoff onto neighboring properties.
 - (d) Keep earthwork to a practical minimum.
 - (e) Provide usable outdoor space.
 - (f) Minimize erosion.
 - (g) Relate aesthetically with the terrain and buildings on adjacent properties.
 - (h) Address handicap accessibility where accessibility requirements must be met on a project.

- (i) Minimize land disturbance to better protect existing forested areas.
3. Earthwork and yard grading.
- (a) No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical in wooded areas or three horizontal to one vertical in non-wooded or lightly wooded areas except as approved by the Township Engineer under special conditions.
 - (b) No fill shall be placed that creates any exposed surface steeper in slope than two horizontal to one vertical in wooded areas or three horizontal to one vertical in non-wooded areas, except as approved by the Township Engineer under special conditions.
 - (c) Adequate provisions shall be made to prevent surface water from eroding the cut face of excavations or the sloping surface of fills.
 - (d) Retaining walls or cribbing shall be required where needed to prevent the surface of excavations or fills from exceeding at any point the maximum allowable slope.
 - (e) Excavations shall not be made so close to property lines as to endanger adjoining property without supporting and protecting the face of the excavation.
 - (f) No fill or excavation shall be made closer than five feet to an existing property line or proposed property line.
 - (g) The finished grade within 20 feet of the building or structure shall not exceed a ten-percent grade except as approved by the Township Engineer under special conditions.
 - (h) When the terrain is such that stormwater will be directed toward a building foundation, appropriate measures such as swales and storm sewers shall be provided to intercept and drain surface water.
 - (i) Swales must be located at least 15 feet from the front and rear faces of a building and 10 feet away from any side walls. Swales shall not cross any driveways.
 - (j) Where swales are run across property boundaries, appropriate easements shall be recorded, including provisions for repair and maintenance of the swales.
4. Driveways. Driveways to be constructed, modified or altered as part of a lot grading and land disturbance application shall conform with the provisions of Chapter 213.
- B. Land disturbance and drainage.
- 1. Deposit or removal of soil. No soil shall be excavated, removed or deposited within a steep slope area except as a result of and in accordance with a site grading plan approved by the Township Engineer.
 - 2. Reasons for soil disturbance. Proposed disturbance of soil shall be for purposes consistent with the intent of this section and shall be executed in a manner that conforms with the provisions set forth in the Soil Erosion and Sediment Control Act (.N.J.S.A. 4:24-39 et seq.), and that will not cause excessive erosion or other unstable conditions.
 - 3. Surface water runoff. Provision shall be made for the proper disposition of surface water runoff so that it will not create unstable conditions or increase the potential for off-site flooding. Appropriate storm drainage facilities shall

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be constructed as deemed necessary, and adequate protective measures shall be provided for downstream properties.

4. Public safety. Safety barriers such as fences, railings or guiderails shall be placed along the top of any wall or headwall or slope exceeding a four-to-one ratio and located adjacent to a street, driveway, sidewalk or other pedestrian route.
5. Impeding flow of surface water. No proposed building, structure or attendant protective measures shall impede the flow of surface waters through any watercourse or cause an increase in flood heights or velocities.
6. Roads and parking areas. Any proposed vehicular facilities, including roads, drives or parking areas, shall be so designed that any land disturbances shall not cause excessive erosion. Both the vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
7. Removal of trees. No trees in excess of 10 inches caliper shall be removed within the area of disturbance without the prior approval of the Planning Board.
8. Soil classifications.
 - (a) For the purpose of this section, soils will be classified based upon their natural permeability and relative suitability for the absorption of surface water runoff as follows:
 - (1) Low permeability: less than 0.63 inches per hour.
 - (2) Moderate permeability: 0.63 to 2.0 inches per hour.
 - (3) Good permeability: greater than 2.0 inches per hour.
 - (b) Soil permeabilities may be obtained from data compiled in the Soil Survey of Morris County, New Jersey, as published by the United States Department of Agriculture, or from other reference sources, unless otherwise directed by the Township Engineer.
9. Roof runoff.
 - (a) All stormwater runoff from roof areas shall be transported to drywells, seepage pits, detention basins or other on-site stormwater management facilities, as approved by the Township Engineer. The required methodology for the implementation of a roof runoff system will be as follows:
 - (1) Low permeability soils: detention basins or other on-site stormwater management facilities.
 - (2) Moderate permeability soils: drywells, seepage pits or other on-site stormwater management facilities.
 - (3) Good permeability soils: drywells and seepage pits.
 - (b) All drywells or seepage pits shall have a capacity to store not less than three inches of direct runoff from all roof areas. The drywells or seepage pits shall be constructed of precast concrete rings with perforations that shall be surrounded with gravel or broken stone not exceeding one-and-one-half-inch size. For the purpose of computing volume, the gravel or stone shall have a porosity of 40%. Each drywell, or series of drywells, shall have an overflow to grade. The conveyance system from the roof to the drywell shall conform with the requirements of the National Standard Plumbing Code. The location, construction details and specifications for such facilities shall be shown on the site grading plan.
- C. Site grading plans.
 - (1) Detailed site grading plans.

- (a) The detailed site grading plan shall be drawn and certified by a licensed professional engineer at a scale of not less than one inch equals 30 feet.
- (b) Detailed site grading plans shall show the following information:
 - (1) The Tax Map sheet, block and lot number, date, graphic scale, North arrow, the names and address of owner or owners of the tract and the applicant, if other than the owner, and the engineer who prepared the site grading plan.
 - (2) All lot dimensions.
 - (3) Front, side and rear yard setback dimensions.
 - (4) Location of all proposed buildings, dimensions thereof, and the first floor, garage and basement elevations.
 - (5) Location of all buildings on adjoining lots.
 - (6) The existing and proposed contours at a contour interval of two feet or less.
 - (7) The proposed elevations of the levels of any land at the corner of the foundation of any structure or structures and the levels of land above and below retaining walls, as well as top-of-wall elevations.
 - (8) The layout of existing and proposed public streets and public utilities.
 - (9) The location of any existing or approved potable water or sanitary sewage disposal facilities on or within 100 feet of the lot.
 - (10) The location and grades of proposed vehicular facilities, including roads, drives or parking areas.
 - (11) The location of all existing landscaping, including trees, shrubs and ground cover, with type and size of trees and shrubs.
 - (12) The disposition and extent of topsoil to be removed or backfilled.
 - (13) The disposition and extent of all other soil to be removed or backfilled.
 - (14) The plans and specifications for any proposed retaining walls, fences or other protective structures.
 - (15) The location, plans and specifications for any proposed drywells, detention basins, seepage pits or other on-site stormwater management facilities to control roof runoff.
 - (16) The limits of disturbance and clearing.
 - (17) The location of all critical impact areas, such as freshwater wetlands, wetlands transition areas, flood hazard areas, and slopes exceeding 15%.
 - (18) The location of roof leader drains.
 - (19) Depths to seasonal high groundwater at the location of proposed buildings and stormwater management facilities.
- (2) Conceptual site grading plans.

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- (a) The conceptual site grading plan shall be drawn by a licensed professional engineer or certified landscape architect at a scale of not less than one inch equals 30 feet.
- (b) Conceptual site grading plans shall show the following information:
 - (1) Location of all proposed buildings and garage, first floor and basement elevations.
 - (2) The existing and proposed contours at a contour interval of two feet or less.
 - (3) The proposed elevations of the levels of land above and below retaining walls, as well as top-of-wall elevations.
 - (4) The location and grade of proposed vehicular facilities, including roads, driveways or parking areas.
 - (5) The location of all existing wooded areas.
 - (6) The plans and specifications for any proposed retaining walls, fences or other protective structures.
 - (7) The location of any existing or proposed potable water or sanitary sewage disposal facilities, on or within 100 feet of the lot.
 - (8) A slope map showing existing slope areas, limits of grading and clearing and all calculations necessary to determine compliance with this section.
 - (9) The location of any proposed drywells, detention basins, seepage pits or other on-site stormwater management facilities to control roof runoff.
 - (10) The location of all critical impact areas, such as freshwater wetlands, wetlands transition areas, flood hazard areas, and slopes exceeding 15%.
 - (11) Depths to seasonal high groundwater at the location of the proposed building.
- (3) Subdivision and site plan requirements.
 - (a) Site grading plans shall be required for all major subdivisions, minor subdivisions and site plans where the total proposed disturbance exceeds 5,000 square feet or where slopes exceed 15%.
 - (b) The installation of drywells, seepage pits, detention basins or other on-site stormwater management facilities to control runoff from roof areas shall be required for the construction of any principal structure upon a lot for major subdivisions, minor subdivisions and site plans. This requirement shall not pertain to existing structures or any addition thereto. All stormwater management measures for a development, regardless of use, shall comply with the provisions of this chapter, as well as the provisions in Chapter 465 of this Code.
 - (c) In case of major and minor subdivisions, in lieu of submitting detailed grading plans, the applicant may submit conceptual lot grading plans for the purposes of preliminary and final subdivision approval. Notwithstanding the above, prior to the issuance of a building permit, a detailed site grading plan conforming to this section shall be submitted to the Township Engineer for review and approval. If the applicant fails to meet the requirements of this section, a building permit shall not be issued.

(4) Site grading plan procedures.

- (a) A conceptual grading plan shall be submitted to the Planning Board for its review and approval prior to preliminary subdivision or site plan approval.
- (b) All required fees shall be submitted at the time of detailed site grading plan submission.

D. Administration.

- (1) Issuance of building permit. No building permit shall be issued by the Construction Official for any proposed structure unless and until the Township Engineer shall have approved a detailed site grading plan submitted in accordance with this section. Upon approval or denial of any site grading plan required by this section, the Township Engineer shall immediately notify the Construction Official thereof.
- (2) Certificate of occupancy. No certificate of occupancy shall be issued by the Construction Official unless and until proof has been submitted to him or her that all conditions of the site grading plan approval have been complied with.

E. Applicability.

- (1) Temporary conditions. The provisions of this section shall not apply to temporary grading and disturbance, such as utility trenches, land disturbance related to the establishment of lawn areas or other similar activities that do not result in a change in the natural grade of the area.
- (2) Prior approved lots. For all lots approved or in existence prior to adoption of this subsection, a detailed site grading plan and a roof runoff plan in accordance with this section shall be provided to the Township Engineer for review and approval prior to issuance of a building permit.
- (3) Farming. Nothing herein contained, however, shall be construed to prohibit the use of land for farming activities, provided that such use is permitted in the zone in which the property is located and is consistent with all other applicable Township, county and state regulations.

Section 2. This Ordinance may be renumbered for codification purposes.

Section 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final publication and in accordance with law.

ADMINISTRATIVE AGENDA

Mr. Morris and Mr. Sterbenz met with RVRSA. Agreements were reached which will be codified soon.

Mr. Morris has been working with Fire Marshal Tom Trapasso to coordinate with the Red Cross to be prepared for emergencies. The Red Cross will also be providing the Township with smoke detectors to provide to low income residents free of charge.

Mr. Morris reported that the sidewalk work on West Randolph has started. He added that he sent information regarding a speed study to residents of Randolph Avenue.

Mr. Morris held a meeting to gauge interest in reopening the Township Library. He reported that the interest is there, and that a resident with a Master's in Library Science wants to help.

Mr. Morris advised Council that MSI and RJR are working to transition the Township offices to new computer servers.

Mr. Morris reported that the first yard waste pickup conducted by DPW went well, but areas in need of improvement have been noted.

REPORTS OF COUNCIL LIAISONS**Recreation/Community Committee**

No report.

Board of Education

Mr. Coranato reported that the Board is currently interviewing for a new Superintendent, and is going out to bid on HVAC work.

Mr. Morris added that he discussed with the Board their ability to ask the County Superintendent for permission to bring funds back from their capital budget into their general operating fund if that's what they feel is the best policy decision.

Fire & First Aid

Mr. Pepperman reported that the First Aid Squad King of the Hill Carshow will be held on May 16th.

Mr. Pepperman noted that the Fire Department budget is in good shape.

Police

Mr. Pepperman reported that the Police issued 65 tickets and made 5 arrests in the month of March. He added that April will include a Distracted Driving Campaign, and that Click It or Ticket will be back in May.

Open Space Committee

Mr. Bloom reported that the Committee is preparing to help with the Raritan Headwaters Clean Up on Saturday.

Mr. Morris advised Mr. Bloom that he received a suggestion that trail activities be held to increase public awareness of the trail network.

Planning Board

Mr. Willis reported that there are a few applications before the Board that are currently incomplete.

OPEN TO THE PUBLIC

None.

INTRODUCTION OF ORDINANCES**Ordinance 16-15 Amendment to Abandoned Properties Ordinance**

A motion was made by Ms. Kanzenbach and seconded by Mr. Lewis to introduce the ordinance. It was noted that this ordinance will be further considered at the May 7th meeting. The roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 390 of the Revised General Ordinances of the Township of Mine Hill, "Property Maintenance", shall be amended with regard to the following particulars only:

§ 390-27. Fee schedule.

The registration fee for each building that has become vacant or abandoned property shall be \$250.00.

Section 2. This Ordinance may be renumbered for codification purposes.

Section 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take as provided by law.

CONSENT RESOLUTIONS

None.

NON-CONSENT RESOLUTIONS

Resolution 060-15 Refunding Veteran Taxes

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, Thomas Mullen, 30 Fifth Avenue, Mine Hill, NJ, was certified by the Department of Veterans Affairs as 100% disabled as of December 1, 2001, in accordance with the Veterans Affairs Rating Schedule; and

WHEREAS, Thomas Mullen purchased a Home in Mine Hill on February 12, 2015 and applied for a tax exemption on his home known as Block 1624, Lot 2 pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Governing Body of a municipality, by appropriate Resolution, may return all taxes collected on property which would have been exempt had a proper claim in writing been made therefore; and

WHEREAS, Thomas Mullen has requested that the Governing Body refund taxes paid for that portion of tax year 2015 during his ownership; and

WHEREAS, the Governing Body has determined that it is fair and equitable to allow for a refund of taxes paid for the year of the exemption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Mine Hill, in the County of Morris and State of New Jersey, that the Tax Collector is hereby directed to refund an amount of \$881.98 to Thomas Mullen representing a prorated refund of taxes paid on property known as Block 1624, Lot 2, and also known as 30 Fifth Avenue, for first quarter 2015 taxes.

Resolution 061-15 Adopting Policies and Procedures for Randolph Avenue Sidewalk Improvement

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, The Township of Mine Hill (“Township”) is the recipient of a \$275,000.00 grant from the NJDOT under the 2012 Safe Routes to School Program to construct sidewalks and other improvements on the west side of Randolph Avenue between Bassett Lane and a point opposite the Fairfield Avenue intersection; and

WHEREAS, the Safe Routes to School Program utilizes federal funds; and

WHEREAS, the Township is required to address various requirements in order to be eligible for federal funds on this project; and

WHEREAS, the Township prepared a Policy and Procedures Manual for the project as part of its effort to address the eligibility requirements for this project; and

WHEREAS, the Township has prepared, completed, and submitted a Policy and Procedures Manual to the NJDOT for the project; and

WHEREAS, the NJDOT has reviewed and approved the Policy and Procedures Manual for the project; and

WHEREAS, the NJDOT is requesting, based upon April 7, 2015 correspondence received by the Township Engineer, that Mine Hill Township officially adopt the Policy and Procedures Manual that was created for the project and indicate that it will be followed for the administration of federally funded projects within the Township; and

NOW THEREFORE BE IT RESOLVED that the Township hereby adopts the Policy and Procedures Manual that was created for the Randolph Avenue Sidewalk Improvement Project and will use the Policy and Procedures Manual in the administration of federally funded projects within the Township.

NEW & OLD BUSINESS

Mr. Morris noted that he will be meeting with NJ Natural Gas tomorrow and is expecting progress toward service extension to more of the Township.

Mr. Morris reported that he has submitted paperwork to obtain free stonework for the Veterans’ Memorial. He added that his son’s Eagle Scout Project paperwork has been submitted, and that the volunteer work will begin upon approval.

OPEN TO THE PUBLIC

John Paschal of Thomastown Road asked about the funding for the sidewalk project. Mr. Morris clarified that Phase 1 was State funded and Phase 2 is Federally funded.

Sandy Seibert of Maple Avenue asked how parking across from the old Grill will work once the sidewalks are installed. Mr. Morris responded that any current parking arrangements that will block the new sidewalks will have to be modified. Some people who currently park at that location may not be able to, but they will not be allowed to make the sidewalk impassable.

CLOSED SESSION

None.

ADJOURNMENT

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Willis to adjourn the meeting at 8:20 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Amanda G. Macchia, RMC
Mine Hill Municipal Clerk

Approved on this _____ day of _____, 20____

Council President