

**ORDINANCE #18-08**

**AN ORDINANCE AMENDING CHAPTER 61 OF THE CODE  
OF THE BOROUGH OF CLAYTON  
(GRADING)**

**BE IT ORDAINED** by the Borough Council of the Borough of Clayton that Chapter 61 of the Code of the Borough of Clayton is hereby repealed in its entirety and a new Chapter 61 be adopted as follows:

**Section 1. Review and approval of grading plan required.**

A building permit shall not be issued until a grading plan has been reviewed and approved by the Borough Engineer in accordance with the provisions of this chapter.

**Section 2. Applicability.**

The requirements set forth herein shall apply for the development of all lots within the Borough of Clayton, whether for residential or commercial purposes, and when there is an application for development before a development review Board of the Borough. Expressly excluded from the requirements set forth herein is the construction of proposed additions and/or buildings, having at grade or floor level, a total of six-hundred (600) square feet or less.

**Section 3. Grading plan requirements.**

The developer of a tract of land in the Borough must provide grading plans for each lot proposed to be developed. The grading plans shall contain all the information required below in the grading plan checklist, which shall be made available to all applicants in the form that follows. The developer must submit a completed grading plan checklist with the application for development.

\* All grading plans & revised plans need to be  
dropped off to this office.

#### Section 4. Grading plan checklist.

The following shall be the grading plan checklist. The applicant must complete this checklist and supply the required information.

#### GRADING PLAN CHECKLIST - 2 plans must be submitted

- ( ) 1. Title block indicating the address of the site, lot and block numbers, name and address of the applicant and the title "grading plan."
- ( ) 2. The plan must be signed and sealed (embossed) by a professional land surveyor, and Professional Engineer licensed in the State of New Jersey. The plan must also include the address of the person preparing the plan.
- ( ) 3. The plan must be legibly drawn at a minimum scale of one-inch equals thirty (30) feet, indicate a north arrow and refer to the vertical datum on which the plan is based.
- ( ) 4. The plan must indicate all property lines, easements and required setback lines. All property lines must indicate bearing and dimensions, and the width of all easements must be shown on the plans.
- ( ) 5. The distances between all existing and proposed structures and adjoining property lines must be indicated on the plan.
- ( ) 6. The plan must indicate the right of way and cartway widths of all adjoining streets as well as the location of all existing and proposed curbs, sidewalks and driveway aprons along the entire frontage of the subject property.
- ( ) 7. The plan must indicate existing and proposed contours at one (1) foot intervals over the entire lot areas to be disturbed and fifty (50) feet beyond

the limit of grading. Spot elevations and inverts should also be provided at all inlets, catch basins, outfalls, culverts, and other hydraulic structures.

- ( ) 8. The plan must indicate existing and proposed spot elevations at all building and property corners.
- ( ) 9. The plan must also indicate existing topography fifty (50) feet beyond all property lines and spot elevations for all adjacent building corners.
- ( ) 10. The plan must also indicate the location and dimensions of all structures and site improvements including, but not limited to, the following:  
buildings, sheds, decks, swimming pools, fences, fence location, fence type, drainage facilities, and by location and information relating to any detention or retention facilities relating to this paragraph.
- ( ) 11. The plan must indicate all stream encroachment, wetlands and wetland buffer lines and floodplains.

**Additional Requirements for Grading Plans for New Structures and Additions.**

- ( ) 12. The plan must indicate the first-floor and basement elevations for all proposed structures. Spot elevations for all building corners must be indicated. If a basement is planned, soil boring(s) will be necessary to provide information relating to soil types, and the depth to seasonal high-water table, and such other information as may be necessary for construction in accordance with Article VI, Chapter 47 of the Borough's Unified Development Ordinance (UDO).
- ( ) 13. The plan must indicate the location of all proposed utility services, including vents and cleanouts.

**Section 5. Grading standards.**

The grading plan must conform to the following standards.

- A. All grading shall be done in such a way as to not result in any adverse effects to adjacent properties. The plan shall not increase the amount of water which drains onto adjoining lots. For properties where a drainage problem already exists, the drainage plan shall reduce the impact on adjoining tracts to the greatest extent possible by causing the surface water to drain to nearby streets, into approved drainage facilities or into other accepted devices. All lots shall be graded to direct surface water runoff away from structures and toward the frontage road or other defined drainage paths.
- B. Lawn areas shall be sloped away from the buildings and structures at a minimum of 5% for the first ten (10) feet from a foundation wall. A minimum slope of 1% should be maintained in all other lawn areas. A minimum slope of 2% shall be maintained for all swales. Swales are normally placed at the edge of both lots so that water will flow from the back of the house to the curb. Water also may be directed to flow on neighboring lots where easements are applicable to the curb or to the source where the water will be discharged.
- C. All slopes shall be no greater than 3:1.
- D. Driveway grades shall not exceed 10%.
- E. No grading shall occur within five (5) feet of a property line unless necessary to direct drainage off the site and into acceptable drainage facilities in accordance with these standards. When an applicant proposes to grade over an adjoining property line, written permission/agreement from the adjoining property owner must be obtained and a waiver from the minimum requirements must be obtained from the

Borough Engineer. Where an applicant proposes to grade over an adjoining property line, written permission in the form of an agreement for easement shall be recorded in the Gloucester County Clerk's Office, from the adjoining property or developer, and a copy shall be filed with the Building Office of the Borough of Clayton, and the combined Planning Zoning Board of the Borough of Clayton, where a subdivision or a variance shall have been approved. The document between the parties must be notarized in order to file and record. (The office of the County Clerk acts as a registrar of deeds and all other recorded documents, and the right to grade on an adjoining property becomes an easement or right against the adjoining property).

F. The top of any excavation of slope shall be no closer than five (5) feet to an adjoining property and shall not provide for water runoff to the adjoining property unless an agreement shall have been provided and recorded as indicated under Section 5(E).

G. If a retaining wall is proposed, construction details must be provided. In cases where a retaining wall is higher than 48 inches, calculations prepared by a licensed professional engineer must be submitted certifying the stability of the structure.

#### **Section 6. Approval procedures.**

A. The Borough's combined Planning Zoning Board is designated to receive, review and determine variances, subdivisions and site plans which may include establishing drainage and other issues relating to applications for development. Grading is a part of said applications. In the event any grading plan submitted under this chapter shall not be approved by the Borough Engineer, an application for site plan with the combined Planning Zoning Board, wherever jurisdiction shall lie, shall be submitted for

purposes of a final determination. All curb/sidewalk waiver requests must be processed with the Public Works Department Superintendent. The Superintendent will issue a letter with his findings to the Borough Council, Construction Office and the Borough Engineer. Borough Council will decide approval/denial of waiver requests.

B. The Borough Engineer shall inspect the final grade, with written notice to the applicable board and to the developer. The final grade inspection shall be fourteen (14) working days preceding the issuance of any certificate of occupancy.

C. Following completion of all grading and drainage work, the applicant must submit two copies of an as-built survey, prepared by a New Jersey licensed surveyor, with final grades, and request a final inspection. If any discrepancy exists between the grading plan and actual construction, the developer will be required to perform any necessary site work to correct the deficiency. All as-built site work must be done in conformity with the approved grading plans. Any significant deviations may be approved only by the relevant approving agency.

D. Following completion of all work and receipt of the as-built grading plan, the Borough Engineer shall conduct the final inspection and notify the Construction Official, in writing, whether the final construction is in compliance with the approved grading plan and that a certificate of occupancy may be issued. The Construction Official shall issue the certificate of occupancy only if all conditions for the approved grading plan have been satisfied.

E. All grading work shall be completed within one-hundred eighty (180) calendar days from the issuance of the building permit. The grading permit and building

permit shall be issued simultaneously. The one-hundred eighty (180) days shall be counted with the issuance of the building permit.

(1) For lots separately handled for grading permits, an individual plan shall be filed for each lot.

(2) Unless all lots are intended to be completed at one time, individual lot permits shall be issued for each individual construction permit.

**Section 7. Permit and review fees.** - 2 plans must be submitted

The person to whom this chapter applies must pay the following fees to the Borough for application, review and inspection of the site.

\* A. Application fee: \$35.  
\* B. A flat fee in the amount of \$300 shall be paid at the time of submission of a grading plan (per lot) and a sum of \$100 in the event upon submission of any revised grading plan. These fees are flat fees and constitutes by this chapter the actual fee charged to the Borough of Clayton by its Engineer.

C. Inspection fees. A flat inspection fee of \$200 per lot for subdivisions shall be submitted by the applicant to be utilized for the payment of the Borough Engineer's inspection of the site in accordance with this chapter.

D. Reinspection. A flat fee of \$100 shall be paid to the Borough of Clayton for any reinspection of a grading plan in the event the initial inspection shall reveal errors/omissions and construction not in accordance with the filed plan. Each reinspection shall be charged at the flat rate of \$100 and shall be paid at the time of the request for any reinspection.

E. Sidewalk/Curb Inspection fees. A flat fee of \$400 per individual grading

plan for parcels not included within a major subdivision shall be submitted by the applicant to be utilized for the payment of the Borough Engineer's inspection of the concrete sidewalk and/or concrete curb construction. The inspection shall cover the placement of forms, depth of forms, pouring of concrete and soil quality in accordance with the Borough Regulations and approved grading plan.

F. Reinspection. A flat fee of \$225 shall be paid to the Borough Engineer for any reinspection of the construction of the concrete sidewalk and/or curb in the event the initial inspection shall reveal errors/omissions and construction not in accordance with the filed plan and Borough Regulations. Each reinspection shall be charged at the flat rate of \$225 and shall be paid at the time of the request for any reinspection.

G. Subsurface Stormwater Disposal System, Inspection fees. A flat fee of \$475 per individual grading plan shall be submitted by the applicant to be utilized for the payment of the Borough Engineer's inspection of any Underground Stormwater Chambers Management System. The inspection shall cover construction of the Underground Stormwater System for the purpose of the protection of water resources and areas where there is no stormwater collection system to transport the runoff to other areas. The inspection will verify that the Underground Stormwater System is constructed per the approved plan. The Applicant must contact the Borough Engineer's office for inspection of the installation of the Underground Stormwater Systems, during construction of same. Forty-eight (48) hour notice is required.

H. Subsurface Stormwater Disposal System, Reinspection. A flat fee shall be paid to the Borough Engineer for any reinspection of the construction of the Underground Stormwater System in the event the initial inspection shall reveal errors/omissions and

construction not in accordance with the approved plan and Borough Regulations. Each reinspection shall be charged at the flat rate of \$300 and shall be paid at the time of the request for any reinspection.

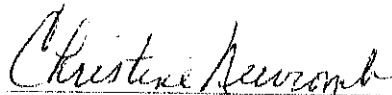
I. No certificate of occupancy shall be issued until the grading plan shall have been submitted and finally approved as built.

J. All fees paid under this chapter shall be paid to the Treasurer of Clayton Borough.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

**BOROUGH OF CLAYTON**

Attest:



Christine Newcomb,  
Municipal Clerk



Melissa Hoffman, MAYOR

**ORDINANCE 18-2019**

**AN ORDINANCE AMENDING CHAPTER 61, GRADING, SECTION 61-2,  
APPLICABILITY, OF THE CODE OF THE BOROUGH OF CLAYTON**

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey that the governing body does hereby amend Chapter 61 of the Code of the Borough of Clayton entitled General Provisions:

**Section 1.** Chapter 61, Grading, Section §61-2, hereby amended to read as follows:

**§61-2 Applicability**

The requirements set forth herein shall apply for the development of all lots within the Borough of Clayton, whether for residential or commercial purposes, including any disturbance (resulting in a change in grade, impervious surface coverage, or run off) that is 600 square feet or greater, and when there is an application for development before a development review board of the Borough. Expressly excluded from the requirements set forth herein is the construction of proposed additions and/or buildings having, at grade or floor level, a total of 600 square feet or less.

**Section 2. Repealer**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 3. Severability**

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon formal approval by the Clayton Borough Council and publication as required by law.

BOROUGH OF CLAYTON

  
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THOMAS BIANCO, Mayor

Attest:

  
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CHRISTINE NEWCOMB, Borough Clerk