

## **15-44. REGULATIONS FOR DEVELOPMENT WITHIN STEEP SLOPE AREAS**

### **15-44.1. Purpose and findings of fact.**

The purpose of this section is to provide for reasonable control of development within the steep slope areas of the Township in order to minimize the adverse impact caused by the development of such areas, including, but not limited to, erosion, siltation, flooding, surface water runoff, and pollution of potable water supplies from point and nonpoint sources.

According to the Soil Conservation Service, United States Department of Agriculture, soils with a slope 15% or greater invariably involve severe limitations to development, including, but not limited to, building and road construction and septic effluent disposal. It is hereby found that the removal of vegetation, disturbance of the soil and the construction of buildings and structures in steep slope areas of the Township may increase surface water runoff, soil erosion and siltation with the resultant pollution of streams, as well as the potential danger of flooding and water drainage, thereby having the potential of endangering public and private property and life. Randolph's location as the headwaters of several major watershed areas requires extra care when dealing with water resource issues. Additional research and analysis shows that land development on slopes in excess of 10% in environmentally sensitive areas, such as Randolph, will have the similar potential to increase surface runoff, soil erosion and siltation with the resultant pollution of streams, as well as, the potential danger of flooding and water drainage, thereby having the potential of endangering public and private property and life. The disturbance of soil and construction and development on steep slopes create an additional hazard to the lives and property of those dwelling on the slopes and below them. The most appropriate method of alleviating such conditions is through the regulation of such vegetation and soil disturbances, construction and development. Therefore, it is determined that the special and paramount public interest in these slopes justifies the regulation of property located thereon as provided below, which is the exercise of the police power by the Township for the protection of persons and the property of its inhabitants and for the preservation of the public health, safety and general welfare. It is recognized that there is a strong relationship between the integrity of the Township and the region's water resources and the development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of land resources. Therefore, the appropriate management of these resources is an important health, safety and general welfare concern.

(Ord. No. 1-94, § 3, 2-15-94)

### **15-44.2. Applicability.**

- A. Applicants for site plan or subdivision approval shall submit all information required under this section to the appropriate reviewing authority which shall not approve the application unless the approval requirements of this section are met.
- B. Applicants for construction permits including the construction of buildings, walls, driveways or other structures or the clearing of land shall submit an application with the information required in this section, to the Planning Department where development is proposed in any steep slope area to insure that the proposed development of the lot will respect the natural features of the tract and minimize adverse impacts associated with such clearing and/or construction. This information shall be referred to the Township Engineer.
- C. Applicants for subdivision or site plan review shall submit information required in this section as [soon as possible to] the approving authority can render a decision concerning the land's suitability to accommodate

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the proposed project without negatively impacting the community health or welfare. The Board shall use this information to evaluate the appropriateness of the project.

### **15-44.3. Steep slope identification and criteria for review.**

- A. All applications for subdivision or site plan approval or for permit for construction, grading or clearing of any lot shall be evaluated by the applicant for the presence of steep slopes as defined herein. Each proposed or existing lot shall be evaluated to determine the presence of steep slopes within the following categories:

10—14.99%\*

15—19.99%

20—24.99%

25% +

\*Note: Slopes of 10—14.99% shall be regulated if either of the following conditions apply:

1. Where a 10—14.99% slope is within 100 feet of a wetlands transition area or within a minimum of 100 feet from fresh water as defined by "Surface Water Quality Standards, N.J.A.C. 7:9-4.1 et seq." The entire 10—14.99% slope area associated with these findings shall be regulated. This shall not apply within the VCC, VCR and SS/VO zones.
2. If a 10—14.99% slope area is within 100 feet of a critical area as defined by these regulations, it shall be regulated as stated above.

Each category shall be separately identified on a plan showing existing and proposed topographic information at a scale required as per site plan or subdivision submission requirements or as per Section 15-44.4 where applicable.

- B. Disturbance within the allowed Maximum Disturbance limits as set forth in Section 15-44.6B may only be permitted where it can be shown to the satisfaction of the applicable board or Planning Department that:
1. Proposed excavation, removal, depositing or disturbance of soil shall be for purposes consistent with the intention of this Section and shall be executed in a manner that will not cause excessive erosion or other unstable conditions.
  2. Provision shall be made for the proper disposition of surface water runoff so that it will not create unstable conditions. Appropriate storm drainage facilities shall be constructed as deemed necessary and adequate protective measures shall be provided for downstream properties.
  3. Provision shall be made for any structures or protective measures that may be required for the protection of the public safety including but not limited to retaining walls, headwalls and fences.
  4. Proper facilities have been or will be provided for a safe water supply and for the disposal of sanitary sewage as approved by the Randolph Township Board of Health.
  5. Any proposed building or structure or attendant protective measures will not impede the flow of surface waters through any stream corridor or cause an increase in flood heights or velocities.
  6. Any proposed vehicular facilities including roads, drives or parking areas shall be so designed that any land disturbance shall not cause excessive erosion. Both vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
  7. Steep slope areas, where possible, should be avoided through the use of cluster subdivision or alternative placement of structures or vehicular facilities.
  8. Areas of disturbance shall comply with Article IV, Section 15-48 "Tree Removal and Protection."

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9. Proposed finished grades shall not exceed 3:1.

10. Water resources, including quality and quantity, shall be evaluated to avoid degradation of resources.

(Ord. No. 1-94, § 4, 2-15-94; Ord. No. 30-94, § 6, 9-20-94)

#### **15-44.4. Steep slope disturbance application contents.**

Where application for a building permit is being made in conjunction with this Chapter, the following shall be required:

- A. A legibly drawn plan, at a scale no smaller than one inch equals fifty feet (1" = 50') and no larger than one inch equals ten feet (1" = 10') shall be submitted by a New Jersey licensed engineer, land surveyor or architect which provides sufficient on-site detail to evaluate the proposed development.
- B. The Steep Slope Disturbance Plan shall contain, at a minimum, the following items:
  - 1. For the purpose of determining the area of regulated steep slopes on a property, the existing topography shall be analyzed based on a ten foot (10') contour intervals. The 10' contours shall be used to delineate all of the slope categories outlined in this ordinance. For the purpose of showing the limit of disturbance for the clearing and/or construction as described above, existing and proposed contour lines using a two foot (2') contour interval shall be shown on the steep slope analysis plan.
  - 2. Existing and proposed drainage patterns within one hundred feet (100') of the proposed lot under development.
  - 3. Location of existing and/or proposed well and septic systems.
  - 4. Details concerning architectural design and how the proposed construction will relate to, complement and minimize adverse impacts upon the existing natural features of the lot.
  - 5. Location of all trees in excess of eight inches (8") in diameter.
  - 6. Soil types contained on the lot with specific reference to highly erodible soils as defined by the United States Department of Agriculture Soil Conservation Service.
  - 7. All driveway locations, paved areas and details.

(Ord. No. 06-21, § 10, 3-4-2021)

#### **15-44.5. Steep slope disturbance application procedures.**

- A. Prior to the issuance of a construction permit for any structure or the disturbance of any soil or vegetation within any steep slope area as herein defined, an applicant for building permit shall submit a steep slope disturbance application to the Planning Department for its review and approval.
- B. Applicants for site plan or subdivision approval involving the disturbance of steep slopes shall submit information regarding steep slope conditions required as per Section 15-44.4 to the appropriate reviewing authority as part of the required submission which shall be examined within the appropriate site plan or subdivision review context. Requests for permitted disturbance of steep slopes shall not be approved unless the requirements of subsections 15-44.6 and 15-44.7 below have been met.

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**15-44.6. Permitted limit of disturbance.**

- A. To the greatest extent possible, the platting of any parcel for subdivision or the siting of any structure or grading for site plan approval or construction permit shall avoid disturbance of slopes 10% or greater or the placement of lots or structures that would necessitate or be likely to cause future disturbance of such areas.
- B. Limited disturbance of steep slope areas is permitted under conditions set down in subsection 15-44.3B but only in the following degree and under said conditions:

Steep Slope Category	Maximum Disturbance
10—14.99%*	40%
15—19.99%	15%
20—24.99%	10%
25% +	0%

\*Note: Slopes of 10—14.99% shall be regulated if either of the following conditions apply:

- 1. Where a 10—14.99% slope is within 100 feet of a wetlands transition area or within a minimum of 100 feet from fresh water as defined by "Surface Water Quality Standards, N.J.A.C. 7:9-4.1 et seq." The entire 10—14.99% slope area associated with these findings shall be regulated. This shall not apply within the VCC, VCR and SS/VO zones.
  - 2. If a 10—14.99% slope area is within 100 feet of a critical area as defined by these regulations, it shall be regulated as stated above.
- C. Where proposed lots to be platted for subdivision contain steep slopes, each lot shall be suitable for housing construction to avoid excessive erosion, vegetation clearance, and degradation of water resources while ensuring the proper placement of housing and associated uses.

(Ord. No. 1-94, §§ 5—7, 2-15-94)

**15-44.7. Variance required.**

Disturbance of steep slope areas in amounts greater than indicated in Subsection 15-44.6 "Limit of Disturbance" shall require a variance.

**15-44.8. Exemptions.**

- A. Additions to and maintenance of existing single-family homes including pools, patios, garages, sheds and gardens, located on lots in residential zones not exceeding 1.75 times the minimum lot size for the zone, are exempt from the steep slope disturbance plan requirements, except where the proposed disturbance exceeds 2,000 square feet within a slope area of 15% or greater. Such determination shall be made by the Engineering Department using the aerial topography maps having a 5 foot contour interval.
- B. All commercially zoned lots shall be exempt from the steep slope disturbance requirements, except where disturbance exceeds 3,000 square feet for lots less than 5 acres, and 5,000 square feet for lots greater than 5 acres.
- C. Residentially zoned lots greater than 10 acres shall be exempt from the regulation of slopes less than 15%. These lots shall also be permitted disturbance of steep slopes in the following amounts for each steep slope category:

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15—19.99% 10,000 square feet

20—24.99% 5,000 square feet

25%+ 3,000 square feet

(Ord. No. 06-21, § 11, 3-4-2021)

Editor's note(s)—Ord. No. 06-21, § 11, adopted March 4, 2021, repealed the former § 15-44.8, and enacted a new § 15-44.8 as set out herein. The former § 15-44.8 pertained to minor steep slope areas and derived from Ord. No. 1-94, § 8, adopted Feb. 15, 1994.

#### **15-44.9. Time for decision.**

The Planning Department shall approve, approve with conditions or deny an application for a steep slope disturbance approval within 45 days from the date of submission of a completed application. Where the request for steep slope disturbances is part of a site plan, subdivision or variance application, the time periods regulating those applications shall apply.

#### **15-44.10. Appeals to the Planning Board from steep slope disturbance decisions.**

Appeals of the decision of the Planning Department may be taken by the applicant to the Randolph Township Planning Board within 10 days of the date of such decision by filing a notice of appeal with the Planning Department specifying the grounds of such appeal and a fee of \$200 for review and processing. The Planning Department shall immediately transmit to the Board the steep slope disturbance application and all related documents upon which its decision was based. A decision shall be rendered by the Planning Board within 45 days after receipt of the aforementioned documents from the Planning Department, or within such further time as may be consented to by the appellant.