

ROXBURY TOWNSHIP PLANNING BOARD

MAJOR SOIL REMOVAL/RELOCATION PERMIT

Pursuant to Chapter XVII of the General Ordinances of the Township of Roxbury, Article 17-1 et seq. (the "Ordinance"), the Roxbury Township Planning Board (the "Board"), having conducted a public hearing with public notice pursuant to the Ordinance, does hereby grant to the Applicant identified herein a Major Soil Permit, subject to the terms and conditions enumerated herein below.

1. Applicant/Permittee: Hercules/Ashland Global Holdings Inc.
2. Application Number: PBA-21-011 (Hercules PCB Remediation)
3. Property Identification: Block 6701, Lot 1
4. Subdivision/Site Plan Approval Date(s): N/A
5. Major Soil Permit Approval Date: 10/6/21
6. Effective Date: 10/6/21
7. Findings of Fact:
 - A. The Board has received an Application consistent with the requirements of Ordinance Section 17-6, and the Applicant has paid the application fee pursuant to Ordinance Section 17-7.1.
 - B. Proof of adequate notice of this Application, pursuant to Ordinance Section 17-6.5, has been furnished to the Board.
 - C. A public hearing was conducted, in accordance with the Ordinance, and with opportunity for comment by interested members of the public, on the following date(s): 10/6/21
 - D. In granting this Permit, the Board has considered the factors enumerated in Section 17-6.6 of the Ordinance. The Board has received and considered the following documents in connection with this Application: (1) soil moving application dated 9/26/21; (2) soil movements stockpile plan by Kennedy Jenks revised to 8/21/21; (3)

earthwork calculations by Kennedy Jenks, dated 8/21/21; and (4) reports of the Planning Board Engineer, Paul Ferriero, PE, dated 9/28/21 and Township Planner, Russell Stern, PP, dated 9/30/21.

E. The Board has made the following additional findings of fact:

1. The Applicant intends to import and export 7,000 cubic yards (c.y.) of soil.
2. The Applicant proposes to relocate within the site 7,000 c.y. of soil.
3. The Applicant intends to obtain fill from and export fill to outside the Township.
4. The route of truck travel to Applicant's site from the borrow site and from Applicant's site to the disposal site will be: Rt. 80 to Howard Blvd. and Howard Blvd. to Rt. 80, and/or alternate routes as approved by the Township Police.
5. The Applicant has agreed to comply with the recommendations contained in the report of the Planning Board Engineer dated 9/28/21.
6. Pursuant to Section 17-9d of the Ordinance, the Board finds that circumstances warrant the restriction of the hours of soil moving operations to 7:00 a.m. to 5:00 p.m. on weekdays and 8:00 a.m. to 12:00 noon on Saturdays (with such operations prohibited on Sundays and legal holidays). All fueling and warm up of equipment shall occur only within work hours.
7. Pursuant to Section 17-17 of the Ordinance, the Board finds that strict application of the following Ordinance provisions would impose hardship and hereby grants waivers with respect thereto: Hours of Operation

8. Conditions of Approval: This Permit is granted subject to the following terms and conditions:

A. Applicant shall post a performance guarantee, consistent

with the requirements of Ordinance Section 17-8, in an amount indicated in Subparagraph H.5 below, as determined by the Board Engineer based on quantity of soil moved at the rate of 15 cents per cubic yard of material moved.

- B. This Permit shall remain valid for a term of seven years from the Effective Date specified in Paragraph 6 hereinabove, subject to extension thereafter in accordance with Ordinance Section 17-9c.
- C. The Applicant shall pay the engineering review and inspection fees as required in Ordinance Section 17-7.3.
- D. This approval shall not become effective until: (i) Applicant has paid all outstanding property taxes and assessments due or delinquent as of the date hereof.
- E. Applicant shall comply with: (i) "Hours of Operation" established pursuant to Ordinance Section 17-9d, as modified pursuant to paragraph 7.E.6 hereinabove; (ii) "General Terms and Conditions of Operation" stipulated in Section 17-10; (iii) "Topsoil Restrictions", pursuant to Section 17-11; (iv) "Depth of Excavation", pursuant to Section 17-12; and (v) "Final Grades", pursuant to Section 17-13.
- F. Applicant grants to the Township Engineer, and/or his duly authorized agents, the right of entry to the property to conduct inspections to determine compliance with this Permit.
- G. This approval is subject to all outside agency review as may have jurisdiction over this matter.
- H. This Permit is subject to the following additional terms and conditions:
 - 1. All fill will be imported to and exported from Applicant's site from/to outside the Township.
 - 2. The route of truck travel to Applicant's site from the borrow site and from Applicant's site to the disposal site shall be: Rt. 80 to Howard Blvd. and Howard Blvd. to Rt. 80 and/or alternate routes as approved by the Township Police.

3. The Erosion Control Plan shall be modified to indicate the following note:

"Notwithstanding the approved Erosion and Sediment Control Plan, the Applicant shall implement all measures needed to satisfactorily control erosion, dust, and sediment transport as may be reasonably determined by the Township Engineer during construction."

4. Applicant shall post fees as follows:

Section 17-7.1 Application Fee - \$250.00

Section 17-7.2 Soil Moving Fee - \$1,050.00

(\$0.15/cy times 7,000 cy)

Section 17-7.3 Engineering Inspection Fees pursuant to Section 13-2.404 of the Township Ordinances

5. Per Section 17-8 of the Ordinance, Applicant shall post a performance bond in the amount of \$5,000.00.
6. Applicant shall place hay bales on the site to supplement planned silt fencing for erosion control to the satisfaction of the Planning Board Engineer.
7. In accordance with Ordinance Sections 17-6.1(t) and 17-6.4, the Applicant shall stake out interior improvements with appropriate cut sheets to the satisfaction of the Township Engineer, and a professional land surveyor shall stake out lot corners and appropriate points on line.
8. Hours of soil moving operations shall be limited to those specified in Section 7.E.6 hereof.
9. Plans require certified by Morris County Soil Conservation District and NJDEP permits. The status of all outside agency approvals shall be provided to the Board.

The undersigned does hereby certify that the foregoing is an accurate recitation of the action taken by the Planning Board on the approval date designated hereinabove.

Dolores Tardive

Dolores Tardive, Secretary