



Brick Township
Division of Inspections/Code Enforcement
401 Chambers Bridge Rd
Brick Township, NJ 08723

Violation # CVIO-22-00518
Summons # 1506-SC-036802

Notice of Violation and Order to Terminate

ALOIA, BRYAN A & STEPHANIE A
22 WEST GRANADA DRIVE
BRICK, NJ 08723

☒ Issued to Owner
☐ Issued to Tenant

Re: 22 W. GRANADA DR.

Block 211.11 Lot 11 Qual

You are hereby notified that a code official inspected the above referenced premises and determined that there is a violation of the municipal code. The violation listed below must be completed on or before the violation abatement date indicated. Failure to obey this order of the code official shall result in the issuance of a summons resulting in a mandatory court appearance and possible penalty assessment in compliance with this code.

Inspection Date: 5/6/2022

Violations to be Abated by: 5/27/2022

The following violation(s) were found

Section 168-3

Title Grading and Clearing.

A. Permit required. The clearing of less than 10 trees over nine inches in caliper, or the alteration of the existing grade on a lot in which the area of disturbance is less than two acres will require a permit from the Township Engineer or his representative and shall meet the requirements set forth in this section. The clearing of 10 trees or more over nine inches in caliper or the alteration of the existing grade on a lot in which the area of disturbance is two acres or more shall be in accordance with a plan approved by the Planning Board and shall meet the requirements of all applicable sections of the chapter. This provision shall not apply to clearing and grading necessary for the construction of one single-family house unless that construction is incidental to an application that is otherwise before the Planning Board or the Zoning Board of Adjustment, in which case such Board may impose requirements as set forth in this chapter where practicable. All such applications for a single-family house are to conform to the requirements of § 245-29 concerning submission of plot plans.

(1) No tree located on a lot having a caliper of more than nine inches measured at a height of 12 inches from the finished or existing grade level shall be removed unless such removal is approved by the Township Engineer and a grading and clearing permit is issued.

(a) All trees to be saved should be clearly tagged and inspected by the Township Engineer or his designee, and the clearing limit line should be delineated by a snow fence or other markings per the Township Engineer's requirements prior to the issuance of the permit for clearing and grading.

(b) For each tree over nine inches in caliper that is removed, the applicant shall prepare a replanting scheme on other treeless portions of the property. The resulting amount of plantings should be one per every 2,000 square feet of property left without trees after the proposed clearing is completed.

(c) The Township Engineer shall also require that if the site to be cleared does not permit the replanting of the trees that are to be cut down on the site, an off-site tract may be selected for such replanting, and a replanting plan shall be prepared by the applicant, compensating for the tree removal in an amount based on one tree per every 2,000 square feet of property left without trees after the proposed clearing is completed. All trees and the types of trees and the method of planting shall be in accordance with the applicable sections of the land use development regulations of the Code of the Township.[1]

[1] Editor's Note: See Ch. 245, Land Use.

(d) In lieu of the replanting requirement specified above, the applicant shall pay a sum to be determined by

the Township for the amount of trees as in Subsection A(1)(b) and (c) above not replanted into a dedicated Township account designated The Brick Township Tree Bank Account. Any funds deposited in said account shall be utilized by the Township for the express purpose of planting trees at sites and locations to be determined by the Township Engineer, upon proper authorization from the governing body.

(2) Where possible, land shall be graded so that all stormwater runoff from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with the requirements of the subdivision provisions or as otherwise required by the Township Engineer. There shall be no change in grade within five feet of a property line. Furthermore, there shall be no change in grade greater than three feet within 15 feet from the property line. When necessary, a swale shall be created in order to control surface runoff in a manner that will protect abutting lands. All grading shall be subject to inspections by the Township Engineer during and upon completion of the construction.

(3) Unless otherwise required by the Township Engineer, all tree stumps, masonry and other obstructions shall be removed to a depth of two feet below existing or finished grade, whichever is lower.

(4) All soil removal or filling shall further conform to all requirements of Chapter 383, Soil Removal and Filling.

(5) All fill material and/or topsoil shall conform to the requirements of Chapter 383, Soil Removal and Filling.

(6) The minimum slope for lawns shall be 1.5%, and for smooth, hard-finished surfaces other than roadways, 1/2 of 1% (0.5%).

(7) The maximum grade for lawns within five feet of a building shall be 10%, and for lawns more than five feet from a building, 25%.

(8) Retaining walls. The Township's requirements on retaining walls shall include the following:

(a) A permit is required prior to the start of construction on any retaining wall over 30 inches tall at its highest point which was not specifically shown on an approved subdivision plan, site plan or plot plan. Each such retaining wall application shall include sealed engineering drawings, including plans, cross sections and design calculations.

(b) As per N.J.A.C. 5:23-2.14(g), a permit is also needed from the Construction Department for the construction, reconstruction, alteration or demolition of any retaining wall or walls which will have an impact on the foundation of a structure.

(c) An approved safety barrier shall be required in all cases where the wall is more than 30 inches tall (at the highest point), subject to the Engineer's review. Furthermore, an approved safety barrier shall be required in wall systems containing a series of two or more walls as determined in the course of the Engineer's safety review. A safety barrier shall be defined for the purposes of this section as an artificial barrier, not to include landscaping, which will prevent a child from penetrating through to the other side of the barrier. Specifications for safety barriers shall be as follows:

[1] A safety barrier shall be at least four feet high.

[2] A safety barrier shall be constructed of approved materials in a manner that will prevent a child from penetrating it.

[3] A safety barrier shall be located at the outer edge at the top of the wall along its entire length.

[4] In addition, in cases where a retaining wall is located close to the edge or edges of a driveway, other barriers such as guide rails may be required, subject to the Engineer's review.

(d) Upon completion of the construction of any retaining wall over 30 inches, the owner or developer may be required to submit a statement from a licensed professional engineer certifying that the wall was constructed in accordance with the engineering design.

(9) The developer, builder or owner shall take all necessary precautions to prevent siltation of water bodies during construction. If required as a condition of an approved site plan or preliminary plat or by the Township Engineer during construction, the developer shall provide acceptable provisions to prevent all deposition of silt or other eroded material in any watercourse. Such provisions may include, but are not limited to, construction and maintenance of siltation basins or holding ponds throughout the course of construction.

B. Permit fees.

(1) The application fee will be as indicated on the "Application for Grading and Clearing Permit" form.

(2) In addition, plan review fees and performance bonds may be required contingent upon the magnitude of the work proposed.

(3) In addition to engineering fees, fees for retaining walls requiring Construction Department approval are subject to fees as required by the Construction Department fee schedule.

C. Enforcement. The Township Engineer shall enforce the provisions of this section including, but not limited to, those violations arising out of the failure of any person or entity to apply for and obtain a grading and/or clearing permit. He shall, from time to time, upon his own initiative, or whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit. He shall report all violations and take any action deemed necessary for proper enforcement.

D. Revocation of permit; violations and penalties. After notice and an opportunity to be heard before the Township Engineer, the permit of any person may be revoked or suspended for such period as the Township Engineer may determine for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this section or any director or officer of a corporation who participates in a violation of this section shall, upon conviction thereof, be subject to a maximum fine of \$2,500, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

Summary of infraction

Property owner constructed block columns and wall within Township Right of Way. Property owner has been directed by Township Engineer staff to remove columns from Township Right of Way on 3-29-2019, 9-10-2019, and 2-10-2021. Property owner removed the columns on 2-26-2021 but re-installed them in the Township Right of Way on or about 5-11-2021. Property owner must remove block wall and columns from the Township Right of Way no later than 5-27-2022. Failure to do so will result in the issuance of summonses, with a mandatory appearance in Brick Township Municipal Court and possible fines of up to \$2,000.00 per day. To discuss this matter, contact Township Engineer staff (Greg Riello) at 732-262-1346.

You may call the Code Enforcement office if you have any further questions concerning this matter at
(732) 262-1010

Bryan Dickerson