

BOROUGH OF FOX CHAPEL

NOTICE OF PROPOSED ENVIRONMENTAL DISTURBANCE

APPLICATION PACKAGE

| | No. of <u>Pages</u> | <u>Latest Revision</u> |
|---|--------------------------------|-----------------------------------|
| SUBMITTAL DEADLINE | 1 | December 2022 |
| EAC CHECKLIST | 1 | December 2022 |
| INSTRUCTIONS | 4 | December 2022 |
| REQUEST FOR GIS MAPS | 1 | April 2019 |
| APPLICATION | 6 | April 2019 |
| STORMWATER MAINTENANCE FACILITIES | | |
| MAINTENANCE/REPLACEMENT/REPAIR AGREEMENT | 3 | April 2019 |

NOTICE OF PROPOSED ENVIRONMENTAL DISTURBANCE

SUBMITTAL DEADLINE

The Environmental Advisory Council (EAC) meets on the second Monday of each month at 7:00 P.M. The EAC then makes recommendations to Borough Council for consideration at its meeting the following Monday at 6:00 P.M. **The deadline for submitting the** Notice of Proposed Environmental Disturbance is 3:30 PM on the second Monday of the prior month. The required field stakeout must be completed at least fourteen (14) days prior to the EAC meeting date. The Borough can provide GIS-based maps showing the slope and geological information that must be included with all applications for a fee of \$30.00 per page. (See page titled “Request for GIS Maps.”)

BOROUGH OF FOX CHAPEL

TO ALL APPLICANTS:

The following checklist is used by Borough personnel to determine that the Notice of Proposed Environmental Disturbance Application is complete. You should use this as your guideline when submitting an Application. ALL information must be submitted/completed or the Application will be rejected and returned.

CHECKLIST

| | <u>Yes</u> | <u>No</u> | N/A |
|---|------------|-----------|-------|
| Current Application form used? | _____ | _____ | _____ |
| Filing fee and \$2,000 escrow paid? | _____ | _____ | _____ |
| Lot & Block No. indicated? | _____ | _____ | _____ |
| Trees over 6" to be removed listed? | _____ | _____ | _____ |
| GIS maps used & fee paid? (Optional) | _____ | _____ | _____ |
| Hazard map no. shown if GIS maps not used? | _____ | _____ | _____ |
| Stormwater Management Plan included (per Ordinance No. 668)? | _____ | _____ | _____ |
| Is certification properly executed? | _____ | _____ | _____ |
| Is engineer's phone no. shown? | _____ | _____ | _____ |
| Have one set of survey notes been provided? | _____ | _____ | _____ |
| Site Plan | | | |
| Are contours based on USGS? * | _____ | _____ | _____ |
| Are limits of hazard areas shown? | _____ | _____ | _____ |
| Has longitudinal section been provided? | _____ | _____ | _____ |
| Has sanitary sewer/lateral location been provided? | _____ | _____ | _____ |
| Soil Erosion & Sedimentation Control Plan and Narrative Report | _____ | _____ | _____ |
| Letter of adequacy from the Allegheny County Conservation District or NPDES Permit as applicable if over 5,000 SF of disturbed area | _____ | _____ | _____ |
| Stormwater Management Facilities Maintenance Agreement executed by applicant | _____ | _____ | _____ |
| DEP Permits or U.S.A.C.O.E. if applicable | _____ | _____ | _____ |

* REQUIRED IF USGS benchmark is within 2,000 feet of site

**BOROUGH OF FOX CHAPEL
NOTICE OF PROPOSED ENVIRONMENTAL DISTURBANCE
INSTRUCTIONS**

The Environmental Advisory Council (EAC) meets on the second Monday of each month. In order to be considered at the monthly meeting, all "Notice of Proposed Environmental Disturbance" applications **MUST** be received and all fees **MUST** be paid by the second Monday of the prior month. In addition, the site **MUST** be staked out at least fourteen (14) days prior to the EAC meeting date. In order to expedite the processing of your application, the following procedures **MUST** be followed. **ANY APPLICATION THAT IS NOT COMPLETELY AND PROPERLY FILLED OUT AND EXECUTED OR DOES NOT INCLUDE THE REQUIRED ATTACHMENTS OR IS NOT PROPERLY STAKED OUT, WILL NOT BE ACCEPTED OR CONSIDERED BY THE EAC. THERE WILL BE ABSOLUTELY NO EXCEPTIONS OR EXTENSIONS TO THESE SUBMISSION REQUIREMENTS.**

1) By the date of submittal, you must:

- a) Remove all excessive woody undergrowth that would limit members of the Environmental Advisory Council and others from accessing the site. Stake-out the proposed disturbance, including all structures, decks, patios, driveways, limits of excavation or fill, utility and drain lines and sumps. Each stake must be marked as to what it represents (i.e. northeast house corner, lot corner, centerline of driveway, top of cut, centerline of sewer, etc.) The "Limit of Disturbance" must also be indicated by continuous red ribbon, as shown below. (For purpose of this application, the "Limit of Disturbance" shall be defined as the line designating the separation between the areas that will be disturbed and those areas that will not be disturbed. The "Limit of Disturbance" must accurately delineate the point beyond which no construction activity can take place, beyond which no construction vehicles or equipment can travel or park and beyond which no equipment, material, debris, soil, or other material can be placed or stored.) When the application is in a new development, the location of the subject lot shall be clearly identified in the field and/or along the road.

FLAGGING AND STAKING SCHEDULE

The LIMIT OF DISTURBANCE shall be marked with a continuous red ribbon.

All corners of structures, including interior offsets, decks and patios, edges of driveways, centerline of all utilities, including sewer laterals, sumps and drains shall be marked with 1" x 3" flats flagged with continuous orange ribbon. Each flat shall be marked with black marker to indicate what the flat represents.

All trees 6" DBH (Diameter at Breast Height = 4.5 feet above the ground) or greater within the "Limit of Disturbance" or within 25-feet of the "Limit of Disturbance" shall be marked with a red ribbon. Each red ribbon shall be given a unique number which shall correspond with a numbering system shown on the site plan. All trees to be removed shall be identified with a second yellow ribbon. The trees to be removed shall also be indicated on the site plan.

- b) Stake-out any accessory structure included in your application such as tennis courts and swimming pools. These must also be identified as indicated in (a) above.

2) Each application MUST include the following:

- a) One completed original of the "Notice of Proposed Environmental Disturbance APPLICATION" signed by all owners, plus ten (10) copies of said application.
- b) A check payable to the Borough of Fox Chapel in the amount of \$2,150.00 or as otherwise required for the application fee and escrow related to engineering and legal fees.
- c) **Eleven** (11) copies of a plot plan survey or site plan drawn on a single sheet no larger than 8 1/2" x 14" (or folded to 8 1/2" x 11") containing all of the following information. (Submission of one plan showing existing conditions and a second plan(s) showing proposed work generally will not be acceptable.)
 - 1) Name and address of owner(s).
 - 2) Lot number, name of subdivision, size of lot, street address, scale, date.
 - 3) North arrow.
 - 4) All existing and proposed structures, including accessory structures, additions, driveways, decks, patios, utilities, storm sewers, sanitary sewers including laterals, fresh-air vents and cleanouts, storm water sumps, swimming pools and sports courts with all dimensions. When the existing lateral is within the limit of disturbance, the site plan must show its exact location based on existing records. When no such records exist, laterals shall be located using underground pipe locator equipment.
 - 5) Setback distances from all property lines. Zoning District and building lines must be shown.
 - 6) The distance and direction to the nearest intersection.
 - 7) Existing topography by two-foot (2') contours and all proposed grading clearly delineated to distinguish between existing and proposed grades and the datum upon which the grades are based. (When the site is within 2,000 feet via a street, lane or road of an existing benchmark as shown on plans on file in the Borough Office, all elevations MUST be based on the USGS datum.)
 - 8) The limits, type and degree of risk as shown on the Borough Hazard Maps.
 - 9) Shading, coloring, cross-hatching, etc. between contour lines to clearly distinguish the areas of Steep Slopes (15% - 25%) and Very Steep Slopes (25%+).
 - 10) The PRECISE "Limit of Disturbance". The site plan shall clearly delineate and dimension those areas in which building materials will be stored during construction as well as those areas where topsoil and/or fill soil will be temporarily stored. In addition, the site plan shall clearly delineate and dimension where workers' vehicles and construction equipment will be parked, as well as showing any access roads to the construction site.
 - 11) All trees six inches (6") DBH or larger within the area of disturbance or within 25-feet of the "Limit of Disturbance". The location of all protective tree fencing shall be clearly shown and dimensioned on the site plan.

- 12) All right-of-ways, easements, streams or ponds.
 - 13) The location of all proposed utility lines and the associated "Limit of Disturbance". **Unless approved otherwise, all utility service lines shall be installed by drilling or boring, not by trenching.**
 - 14) The method of disposal of surface and roof water submitted in accordance with the requirements set forth in Borough of Fox Chapel Ordinance No. 668. The applicant shall include two (2) copies of the design criteria and method of stormwater management with this application. It should be noted that there are many methods of stormwater management, and creative methods of stormwater management will be considered by the Borough.
 - 15) Soil erosion and sedimentation control measures. Copies of Allegheny County Conservation District and/or NPDES approvals as applicable.
 - 16) Type of surface on tennis courts and driveways. Show means of disposing of swimming pool water. (Must be to sanitary sewer, if available.)
 - 17) A registered Engineer's, Architect's, or Surveyor's seal.
- d) One copy of field survey notes, sealed, dated and signed by a registered professional surveyor. In instances of minor environmental disturbances, the Borough may consider accepting survey notes prepared and sealed by a registered engineer or architect.
 - e) At least one cross-section through the proposed construction perpendicular to the slope which shows the existing and proposed ground profile at a natural scale. Additional cross-sections shall be provided as required or as requested.
- 3) **FAILURE TO COMPLY WITH THESE REQUIREMENTS OR THE SUBMISSION OF AN INCOMPLETE APPLICATION WILL RESULT IN THE REJECTION OF AN APPLICATION WHICH WILL DELAY ITS REVIEW BY THE ENVIRONMENTAL ADVISORY COUNCIL UNTIL THE FOLLOWING MONTH. THE BOROUGH RESERVES THE RIGHT TO REFUSE TO ACCEPT ANY APPLICATION WHICH INCLUDES PLANS WHICH ARE NOT DRAWN AND LETTERED CLEARLY AND PRECISELY.**

FILING FEES

| | |
|---------------------------------------|-------------------------------|
| New Structure or addition | \$150.00 |
| Minor Subdivision (3 lots or less) | \$150.00 |
| Major Subdivision (4 or more lots) | \$150.00 plus \$50.00 per lot |
| Environmental Report | \$165.00 |
| Escrow for Engineering/Legal Fees | \$2,000.00 |

Plus, any actual costs incurred by the Borough

Wherever in this fee schedule the term **“the actual costs incurred by the Borough”** shall be utilized, it shall be defined as the actual costs and expenses incurred by the Borough of Fox Chapel in connection with (but not limited to) the following activities or other similar services, as performed by the Borough’s Engineer, Solicitor or its other professional consultants, as billed to the Borough at their normal rate as charged to the Borough for such services:

- (1) Plan or application review;
- (2) Report preparation and attendance time (including travel to and from) at meetings (or parts thereof) at which such plans, applications or reports are reviewed or considered;
- (3) Research or information review;
- (4) Inspections; and
- (5) Other services performed by consultants.

Actual costs and expenses incurred by the Borough which are required to be paid or reimbursed by the applicant pursuant to the terms of this fee schedule or other provision of the Code of Ordinances of The Borough of Fox Chapel. Such costs and expenses shall be paid from the escrow funds provided. Payment of fees known at the time of application is a condition of issuance of a permit or other approval.

In the event that the actual cost and expenses incurred is less than the amount in escrow, the Borough is directed to refund the balance to:

NAME(S)

STREET ADDRESS

CITY, STATE, ZIP

BOROUGH OF FOX CHAPEL

REQUEST FOR GIS MAPS

Please provide one set of Slopes, Landslide Risk and Geology maps for the following property:

Property Owners' Name _____
Property Address _____
Subdivision Name* _____
Lot No.* _____
Block & Lot No. (Required) _____
Comments _____

* If available

Person Requesting Maps _____
Address _____

Phone No. _____
Email Address _____
(Only if requesting email service.
Fee must be prepaid)

Maps will be mailed within five (5) working days following the receipt of this request form and a payment of a \$30/page processing fee. Map scale will be as large as possible to fit on an 8-½" x 11" drawing. Larger size drawings can be made available upon request for an additional fee.

A separate request and processing fee is required for each property.

Date of Request _____
Date Delivered _____
Processing Fee _____
Date Paid _____

**BOROUGH OF FOX CHAPEL
NOTICE OF PROPOSED ENVIRONMENTAL DISTURBANCE
APPLICATION**

The following information is submitted in accordance with the Fox Chapel Natural Resources Assessment and Protection Ordinance (NRO), as amended:

1. Name of Owner(s) _____

2. Location of Proposed Environmental Disturbance:

a) Street Address _____

b) Name of Subdivision _____ Lot No. _____

c) Lot and Block Number: _____

d) Size of Property: Length _____ Width _____ Area _____

e) Location of nearest USGS BM: _____

f) Distance to nearest USGS BM: _____ Feet

3. Description of Land in its Existing State:

4. Description of Proposed Environmental Disturbance:

a) Describe proposed construction/disturbance: _____

b) Why have you chosen this location over others? _____

c) Tree Removals/Replacements

How many trees over 6 inches are there on the applicant's property? _____

How many trees over 6 inches are proposed for removal? _____

List trees to be removed: (Tree #, Size, Species)

Do the trees within the Limit of Disturbance constitute a "forest"? (See Definition in the NRO) _____

Does the application involve clear-cutting a forest? (See Definition in the NRO) _____

Does the site contain any unique trees or unique tree stands as shown on pages 122 and 251-261 of the Fox Chapel Natural Resources Plan? _____ If yes, Identify: _____

Does the application involve the removal of any unique trees or unique tree stands as identified above? _____ If yes, identify: _____

Does the application minimize the disturbance to the total area of forest canopy? (Applicable to secondary forests and higher) _____ Yes _____ No
Provide detailed information, calculations, etc. _____

List trees to be planted: (Size, Species, Number)

d) What is the TOTAL area of land that will be disturbed? _____ Sf

e) Slope Information (Must be based on **ACTUAL** field survey within disturbed area.)

(For Subdivision Applications, submit one tabulation based on the overall disturbance for public improvements and a separate tabulation for each lot based on the estimated disturbance for each individual home construction.)

I. STEEP SLOPES (15% - 25%)

| | On Entire Site | Within Disturbed Area | Percent Disturbed | Maximum Permitted Disturbance |
|--|----------------------|-----------------------------|----------------------|-------------------------------------|
| Steep Slopes w/ High Risk * | _____ sf | _____ sf | _____ % | 0% |
| Steep Slopes w/ Moderate Risk * | _____ sf | _____ sf | _____ % | 25% |
| Steep Slopes w/ Low Risk * | _____ sf | _____ sf | _____ % | 100% |

* as shown on Borough's Geologic Hazard Maps.

II. VERY STEEP SLOPES (25%+)

| | On Entire Site | Within Disturbed Area | Percent Disturbed | Maximum Permitted Disturbance |
|---|----------------------|-----------------------------|----------------------|-------------------------------------|
| Very Steep Slopes w/ High Risk * | _____ sf | _____ sf | _____ % | 0% - 0 sf |
| Very Steep Slopes w/ Moderate Risk * | _____ sf | _____ sf | _____ % | 15% - 1,750 sf |
| Very Steep Slopes w/ Low Risk * | _____ sf | _____ sf | _____ % | 15% - 1,750 sf |

* as shown on Borough's Geologic Hazard Maps

NOTE: "Percent Disturbed" for each classification of risk is obtained by dividing the total area of each risk on the entire site (Column a) into the area of each risk being disturbed (Column b) and multiplying by 100.

f) Describe environmental hazards on the entire site and within the area of disturbance as shown on the Geologic Hazard Maps on file in the Borough office or on GIS maps provided by the Borough.

| ENTIRE SITE (SHEET NO.) | DISTURBED AREA (SHEET NO.) |
|-------------------------|----------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Check here if hazard information was obtained from GIS maps provided by the Borough in which case sheet numbers are not required.

g) Describe erosion and sedimentation control plan to be used during construction: _____

h) Describe the erosion and sedimentation control plan to be used after construction: _____

i) Describe cuts and fills giving depth, location and composition of fill and disposal of cut material:

j) Total net area of NEW impervious surface:

| | | |
|--------------|-------|-------------|
| Roof | _____ | s.f. |
| Driveway | _____ | s.f. |
| Other | _____ | s.f. |
| TOTAL | _____ | s.f. |

k) Solar Energy

Describe efforts to maximize the use of solar energy:

5. Stormwater Management Report

- a) Per Fox Chapel Borough Ordinance, No 668? YES ___ NO ___
- b) Is this site in a subdivision approved after February 16, 1987 for which a Stormwater Management Plan has been approved by the Borough? YES ___ NO ___
Name of Subdivision: _____

6. Name and address of contractor (if known):

ENGINEER'S/ARCHITECT'S/SURVEYOR'S CERTIFICATION

I _____ an (engineer), (architect), (land surveyor) registered with the Commonwealth of Pennsylvania, do hereby verify that the statements made in this application are true and correct in all respects. I also certify that the site plan accompanying this application for an environmental disturbance (Drawing No. _____) accurately reflects existing contours and locates and identifies all trees over 6" DBH within the area of disturbance and within 25-feet of the "Limit of Disturbance" **based on an actual field survey** and accurately locates the existing sanitary sewer lateral within the "Limit of Disturbance" based upon existing records provided by the Borough or the use of underground pipe locator equipment. I further understand that any false statements made herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsifications to authorities.

Signature

Registration Number

Phone Number

APPLICANT'S CERTIFICATION (Must be signed by ALL owners)

I (we), the undersigned owner(s) of the property herein described, do hereby certify that the information and statements contained herein are true and correct to the best of my (our) knowledge and belief.

I (We) further agree that in approving this application, the Borough assumes no liability for any adverse impact which may be caused by the proposed environmental disturbance.

I (We) also acknowledge that in addition to the initial filing fee, I (we) am (are) responsible for payment of "the actual cost incurred by the Borough". Which is defined as the actual costs and expenses incurred by the Borough of Fox Chapel in connection with (but not limited to) the following activities or other similar services, as performed by the Borough's Engineer, Solicitor or its other professional consultants, as billed to the Borough at their normal rate as charged to the Borough for such services:

- (1) Plan or application review;
- (2) Report preparation and attendance time (including travel to and from) at meetings (or parts thereof) at which such plans, applications or reports are reviewed or considered;
- (3) Research or information review;
- (4) Inspections; and
- (5) Other services performed by consultants.

I (We) authorize Borough personnel to enter my (our) property to examine/review this application.

Name of Owner(s) _____

Address of Owner(s) _____

Telephone Nos. (H) _____ (O) _____

Signature(s) of ALL Owners _____

Date of Application _____

**OPERATION AND MAINTENANCE (O&M) AGREEMENT
STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)**

THIS AGREEMENT, made and entered into this ____ day of ____, 20__, by and between _____, (hereinafter the “Landowner”) and the Borough of Fox Chapel, Allegheny County, Pennsylvania, (hereinafter “Municipality”);

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property located in the Borough of Fox Chapel at _____ as recorded by deed in the land records of Allegheny County, Pennsylvania, Deed Book Vol. _____, Page __, Block and Lot No. _____ (hereinafter “Property”).

WHEREAS, the Landowner is proposing to undertake Regulated Activities, as defined in the Municipality’s Stormwater Management Ordinance, Code of Ordinances Chapter 375, on the Property; and

WHEREAS, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Municipality (hereinafter referred to as the “O&M Plan”) for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said SWM Site Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the SWM Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality. If such reimbursement is not timely made, such expenses may be entered by the Municipality as a lien against such property in accordance with existing provisions of law.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party other than the Landowner for damage alleged to result from or be caused by stormwater runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall hold harmless, release, indemnify and defend the Municipality from and against any and all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said Municipality, its employees and representatives from the construction, presence, existence, or maintenance of or failure to maintain the BMP(s) by the Landowner or Municipality.

8. The Municipality intends to inspect the BMPs at a minimum of once every three years to require the Landowner to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

IN WITNESS WHEREOF, each of the parties has signed this agreement, intending to be legally bound thereby, as of the day and year first-above written.

(Printed Name)

(Signature)

(Printed Name)

(Signature)

BOROUGH OF FOX CHAPEL

Gary J. Koehler
Borough Manager
Borough Manager

