

BOROUGH OF FOX CHAPEL

NOTICE OF PROPOSED ENVIRONMENTAL DISTURBANCE

APPLICATION PACKAGE

	No. of <u>Pages</u>	<u>Latest Revision</u>
SUBMITTAL DEADLINE	1	January 2012
EAC CHECKLIST	1	January 2012
INSTRUCTIONS	4	October 2009
REQUEST FOR GIS MAPS	1	October 2009
APPLICATION	6	January 2012
STORMWATER MAINTENANCE FACILITIES MAINTENANCE/REPLACEMENT/REPAIR AGREEMENT	3	January 2012

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 at least twenty-eight (28) days prior to the EAC meeting date. 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 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 at least twenty-eight (28) days prior to the meeting date. 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 indicated on the application or as otherwise required.
- 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	\$130.00
Minor Subdivision (3 lots or less)	\$130.00
Major Subdivision (4 or more lots)	\$130.00 plus \$33.00 per lot
Environmental Report	\$165.00

Plus the 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 shall be timely provided to the applicant by itemized documentation of the same and such costs and expenses shall be paid/reimbursed by the applicant within 30 days of the applicant’s receipt of such documentation. Payment of fees known at the time of application is a condition of issuance of a permit or other approval.

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 _____

**STORMWATER MANAGEMENT FACILITIES MAINTENANCE, REPLACEMENT
AND REPAIR AGREEMENT**

THIS AGREEMENT (this "Agreement") made this ____ day of _____, 2012, by and between _____ and _____, husband and wife, residing at _____, Pittsburgh, PA 152____, for themselves, their heirs, personal representatives, successors in title to the Lot, and assigns (the "Owner"), and the Borough of Fox Chapel, a political subdivision located in Allegheny County, Pennsylvania, having its principal office at 401 Fox Chapel Road, Pittsburgh, PA 15238 (the "Borough").

RECITALS

The Owner is the owner of Lot No. ____ in the _____ Plan of Lots, Block and Lot No. ____ in the Block and Lot Registry of Allegheny County, PA, located in the Borough of Fox Chapel at _____, Pittsburgh, PA 152____ (the "Lot").

The Owner intends to apply for a building permit to construct _____ on the said Lot.

As a condition of the grant of the building permit, the Owner is required to comply with the Borough's Stormwater Management Ordinance.

That compliance included construction by the Owner of the stormwater management facilities as shown on the Stormwater Management Plan (the "Plan") included in their Notice of Proposed Environmental Disturbance dated _____, which Plan was prepared by, _____, dated _____ and last revised _____, and approved by Borough (the "Facilities").

Ongoing maintenance of the Facilities will be necessary to allow the Facilities to continue to perform their intended function.

Such maintenance will be the responsibility of the Owner and his/her/their successors in title to the Lot.

AGREEMENT

1. The Owner, his/her/their heirs, executors, administrators, successors and assigns, at his/her/their sole cost and expense, shall operate, maintain and repair said Facilities on the Lot in accordance with said Plan, so that the facilities shall at all times continue to operate and function in the same manner and capacity as they were designed to do.

2. In the event of the failure of the Owner to comply with these conditions and restrictions, the Borough shall have said Facilities repaired or restored as required, and the costs thereof plus a reasonable allowance for overhead shall be assessed to the Owner; said assessment (the "Assessment") shall be a charge and a continuing lien upon the Lot. The Borough, before it may exercise this right, shall notify the Owner by certified mail of its intention to take the aforesaid action. The notice shall set forth in what manner the Owner has neglected the operation and maintenance of or repair to the Facilities, and if the Owner fails, within a period of ninety (90) calendar days, to correct or repair the items listed in the notice from the Borough, then and only then, may the Borough exercise this right.

3. The lien of the Assessment provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the Lot; provided, however, that such subordination shall apply only to the Assessments under this Agreement which have become due and payable prior to a sale or transfer of the Lot pursuant to a decree of foreclosure, or any other proceeding in lieu of foreclosure. A sale or transfer of the Lot by an Owner shall not relieve such Owner from liability for any Assessments which became due prior to the date of such sale or transfer; provided, however, such Owner shall be relieved from liability for all subsequent Assessments from and after the date of such sale or transfer.

4. This Agreement shall remain in effect unless and until terminated by the then Owner and the Borough. In the event of such termination, the Borough may require that, prior to such termination taking effect, the then-Owner deliver to the Borough an amount of money representing the present value of future costs of maintaining the Facilities, said present value being calculated by discounting future costs at the then prime rate of interest being charged by PNC Bank or its successor.

5. This Agreement contains all of the terms, covenants and conditions relating to the maintenance of the Facilities that have been agreed upon by the Owner and the Borough and there are no other understandings, oral or written, relating to the subject matter hereof.

6. This Agreement may not be changed, modified or amended except by a writing signed by the then Owner of the Lot and the Borough.

7. The provisions of this Agreement, and the lien created thereby, shall constitute a covenant running with the land.

8. The failure of the Borough, at any time, to enforce any provision of this Agreement shall not be deemed a waiver thereof.

9. Any notice required to be sent or given under the provisions of this Agreement shall be deemed to have been properly sent or given when delivered to the person or persons listed as the Owner in the records of assessment.

10. This Agreement, and all of its terms, covenants and conditions, shall jointly and severally be binding upon the heirs, administrators, personal representatives, successors and assigns of each Owner.

11. This Agreement will become effective once executed by the Borough and the Owner. It is intended that this Agreement will be recorded in the Recorder's Office of Allegheny County, Pennsylvania.

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

By: _____
Gary J. Koehler
Borough Manager

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

ON THIS ____ day of _____, 2012, before me, a Notary Public, the undersigned officer, personally appeared _____ and _____, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF PENNSYLVANIA)
) **SS:**
COUNTY OF ALLEGHENY)

ON THIS ____ day of _____, 2012, before me, a Notary Public, the undersigned officer, personally appeared Gary J. Koehler, Borough Manager of the Borough of Fox Chapel, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____