

ARTICLE IX
Environmental Impact Statements

§ 157-103. General standards; waivers.

- A. No application for development shall be approved unless it has been affirmatively determined, after an environmental appraisal, that the proposed project:
- (1) Will not result in a significant adverse impact on the environment.
 - (2) Has been conceived and designed in such a manner that it will not significantly impair natural processes.
 - (3) Will not place a disproportionate or excessive demand upon the total resources available to the project site and to the impact area.
- B. To facilitate the environmental appraisal, all applications for development not specifically exempted in § 157-106 shall include 10 copies of an environmental impact statement (EIS) or an application for a waiver of the EIS requirement, to be submitted at the time an application for development is submitted.
- C. Waivers. The approving authority, upon recommendation of the Environmental Commission, may waive the requirements for an environmental impact statement, in whole or in part, if sufficient evidence is submitted by the developer, in an environmental impact report, to support a conclusion that the proposed project will have a negligible environmental impact or that a complete environmental impact statement need not be prepared in order to adequately evaluate the environmental impact. The contents of the environmental impact report may be determined by the Environmental Commission or Planning Board.

§ 157-104. Discussion and analysis of project; failure to supply information.

Applicants shall discuss and analyze in the environmental impact statement those factors required for the particular project in § 157-106 and any other factors pertinent to the proposed project or request a preapplication conference with the Environmental Commission to discuss the scope and detail of the inventory required for a particular project. Applications requiring an environmental impact statement may be rejected upon recommendation of the Environmental Commission and by resolution of the approving

authority for failure to furnish sufficient information to enable the approving agency to make an adequate environmental appraisal.

§ 157-105. Required information.

The environmental impact statement shall consider, where pertinent to the proposed project or required in § 157-106, the following items:

- A. The proposed project. A description, with suitable sketches and plans, of the proposed project shall be included. This item shall summarize rather than duplicate the site plan and building plan.
- B. The existing conditions of the site and affected off-site areas.
 - (1) The applicant will survey and describe the environmental features of the property recommended as the location of the proposed project. The scope and detail of the inventory will be determined by the approving authority after consultation with the Environmental Commission. The applicant may utilize resource information available from the Borough. Generally an inventory will consider the air quality, topography, surface water bodies, surface water quality, aquatic biota, soils, geology, groundwater, vegetation, wildlife and archaeological and historical features. Forest vegetation is to be classified by type and age class. The distribution of types and classes will be indicated on a map, the scale of which will be one inch equals 100 feet or such other scale as may be required by the Environmental Commission. Current land use of the project property and adjacent properties within 500 feet will be indicated on a separate map. If the proposal is for residential or institutional use, background levels of noise throughout the anticipated area affected must be determined.
 - (2) Any applicant for industrial and commercial enterprises shall show that after construction and during normal operation the enterprise will not exceed the State of New Jersey regulations controlling industries and commercial stationary sources (N.J.A.C. 7:29-1.1 et seq.).
- C. Wastewater management.
 - (1) An estimate of the expected flow of sewage process water and/or other wastewater expected from the proposed development shall be included. If any flow is expected, the following shall be discussed:

- (a) If disposal is on site, the relation to the topography, soils and underlying geology, including the water table, aquifer recharge areas and all wells within 500 feet of the disposal area. Results of percolation tests and soil logs required by ordinance.
 - (b) If disposal is to an existing private facility or to a new public facility, the identification, owner and location of the plant and the location of the existing collection point to which the proposed project would be connected. Documentary evidence that the expected flows from the proposed facility will be accepted and can be treated adequately by the private or public facility must accompany the environmental impact statement.
- (2) Compliance with all applicable state and Borough health regulations and with all groundwater standards of the New Jersey Department of Environmental Protection shall be required.

D. Water supply.

- (1) If the water is to be supplied from the site and a flow of 10,000 to 100,000 gallons per day is required, an impact assessment of water supply is required if the anticipated demand exceeds the available safe yield indicated in the inventory maintained by the Environmental Commission. In such case, the applicant must substantiate and explain the anticipated demand, present proof that the aquifer can yield the desired amount of water, demonstrate that wells proposed for installation will meet acceptable standards and assess the effect of proposed withdrawals on existing and proposed wells and surface water bodies within the predicted measurable cone of depression. If the plan includes 50 or more dwelling units, certification of the adequacy of the proposed water supply (and sewage) facilities must be obtained from the New Jersey Department of Environmental Protection and included in the environmental impact statement.
- (2) If the water is to be supplied from the site to other new sources and total project demand for water supply is in excess of 100,000 gallons per day, the applicant must obtain a diversion permit from the New Jersey Department of Environmental Protection. No preliminary subdivision approval will be made by the Planning Board until such a

diversion grant(s) has been obtained and evidence thereof has been included with the environmental impact statement. The applicant must assess the effect of proposed wells and surface water bodies within the predicted measurable cone of depression in the environmental impact statement. The applicant will supply copies of all resource information provided to the New Jersey Water Policy and Supply Council in support of his application for a diversion grant.

- (3) If the water is to be supplied from any existing private or public facility, the identification, owner and location of the facility and the location of the existing distribution point to which the proposed project would be connected shall be provided. The applicant will submit documentary proof that the facility has the available excess capacity in terms of its allowable diversion and equipment to supply the proposed project and is willing to do so.
- E. Surface drainage. An estimate of the average rate and quality of stormwater runoff and identification of the receiving body or bodies for such runoff from the site under original natural conditions and from the site during and after construction if the proposed project were implemented shall be provided. The reasons for any increase or decrease in the anticipated velocity of runoff if the project were implemented and any plans for on-site retention or other techniques that are proposed for use to minimize peak storm flows and resultant downstream flooding shall be discussed. The boundaries of the floodplain, as shown to exist by the floodplain map, which is filed in the Borough office, shall be shown on one map which illustrates the existing condition of the site where the proposed project is to be supplemented.
- F. Stream encroachments.
- (1) Any applicant is encouraged to avoid the placement of fill in or the diversion of any water channel or any other alteration to a stream channel or floodway area. Consultation with the Environmental Commission in early planning stages is recommended if such actions are contemplated.
 - (2) A certified copy of the encroachment permit from the Division of Water Resources, New Jersey Department of Environmental Protection, must accompany the environmental impact statement for any plan for which such permit is required by state law. The applicant shall supply

copies of all resource information provided to the Division of Water Resource in support of his application for an encroachment permit.

- G. Solid waste disposal. An estimate of the volume of solid wastes, by type expected to be generated from the proposed project during construction and operation, and a description of plans for collection, transportation and disposal of these materials shall be provided. The location(s), types(s) and owner(s) of the facility (facilities) which will receive such solid wastes shall be identified. If the facility is a landfill, proof shall be submitted that it is registered with the Division of Environmental Quality, New Jersey Department of Environmental Protection, and is operated in compliance with the New Jersey Sanitation Code.
- H. Air quality. A description shall be provided of each source, its location, the quantity and nature of materials to be emitted from any furnace or other device in which coal, fuel, oil, gasoline, diesel fuel, kerosene, wood or other combustible material will be burned or if any other source of air pollutants, including automobiles attracted by the facility, will be present on the site during or after construction. If a state or federal emission permit is required, a copy of the permit and all resource data submitted with the application for the permit shall accompany the environmental impact statement.
- I. Environmental protective measures. The environmental impact statement shall contain a listing of all environmental protective measures which will be used should the proposed project be implemented. These are measures which will avoid or minimize adverse effects on the natural and man-made environment of the site and region during the construction and operation of the facility.
- J. Adverse impacts which cannot be avoided. The environmental impact statement shall contain a summary list, without discussion, of the potential adverse environmental impacts which cannot be avoided should the proposed project be implemented. Short-term impacts should be distinguished from long-term impacts. Reversible impacts should be distinguished from irreversible impacts. Any impacts on critical areas, which include but are not limited to streams, floodways, wetlands, slopes of 20% or greater, highly acid or high erodible soils, areas of high-water table, aquifer recharge areas and mature stands of native vegetation, should specify the type of criteria involved and the extent of similar areas which will not be affected.

K. Summary environmental assessment. The environmental impact statement shall contain a concise summary of the environmental impact assessment for the proposed project. This summary will evaluate the adverse and positive environmental effects of the project should it be implemented and the public benefits expected to derive from the project, if any.

§ 157-106. Statement requirements.

The environmental impact statement shall include the following items for the proposed project as indicated:

EIS Item*	Residential		Nonresidential		
	Single Unit and 2 Units	3 to 9 Houses	10 or More Houses	Commercial	Industrial
The proposed project			X	X	X
Existing conditions of the site and affected off-site areas. Includes groundwater, surface geology, subsurface geology, soils, ground cover, flora, fauna, drainage, land use, vegetation, wildlife and archaeological and historical features		X	X	X	X
Wastewater management			X	X	X
Water supply		X	X	X	X
Surface drainage		X	X	X	X
Stream encroachment		X	X	X	X

EIS Item*	Residential		Nonresidential	
	Single Unit and 2 Units	3 to 9	10 or More	CommercialIndustrial
		Houses	Houses	
Solid waste disposal			X	X
Air quality				X
Noise quality	X	X	X	X
Environmental protective measures			X	X
Adverse impacts which cannot be avoided	X	X	X	X
Summary environmental assessment	X	X	X	X

*NOTE: All or specific items may be exempted by the Environmental Commission or Planning Board.