

## CHAPTER XXI

### ENVIRONMENTAL IMPACT

#### 21-1 STATEMENT REQUIRED; PURPOSE.

No building permit shall be issued for any building or structure to be used otherwise than as a one (1) family, private dwelling or as an accessory building thereto, no site plan shall receive approval, no major subdivision shall receive preliminary approval and no zoning use ordinance change shall be adopted until an environmental impact statement shall have been submitted to and approved by the Rockaway Township Planning Board or the Board of Adjustment, as appropriate, and shall have been submitted to the Environmental Commission. The purpose of requiring an environmental impact statement is to permit the Planning Board or the Board of Adjustment, as appropriate, and the Environmental Commission to assess the impact of the proposed project upon the environment.

(Ord. 4-16-74 § 41A-1; Ord. 8-20-74; Ord. 3-21-78)

#### 21-2 CONTENTS OF STATEMENT.

The environmental impact statement shall include the following:

- a. *Plan and Description of Development.* A project description, complete with maps and drawings, which shall specify what is to be done and how it is to be done during construction and operation. The description shall include but not be limited to contours, buildings, roads, paved areas, grading and regarding, adjacent natural streams and the project's relation to surrounding property and utility lines.
- b. *Inventory of Existing Environmental Conditions.* An inventory of existing environmental conditions at the project site and in the affected region which shall describe air quality, water quality, water supply, hydrology, geology, soils and properties thereof, including capabilities and limitations, sewerage systems, topography, slope, vegetation, wildlife, habitat, aquatic organisms, noise characteristics and levels, demography, land use, aesthetics, history, archeology and socioeconomic aspects. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to the Morris County Soil Survey and the criteria contained in the Morris County Soil Conservation District Standards and Specifications.

(Ord. 4-16-74, § 41A-3)

### **21-3 ASSESSMENT OF ENVIRONMENTAL IMPACT OF PROJECT.**

An assessment, supported by environmental data, of the environmental impact of the project upon the factors described in Section 21-2a shall be submitted, and shall include an evaluation of water use, liquid and solid wastes on the quality and quantity of surface and groundwaters. The assessment shall also include an evaluation of the public costs of the project, including but not limited to the costs of additional schools, roads, police, etc., and indirect costs, such as the loss of open space.

(Ord. 4-16-74 § 41A-3)

### **21-4 LISTING OF ADVERSE ENVIRONMENTAL IMPACTS.**

There shall be a listing and evaluation of adverse environmental impacts and damages to natural resources which cannot be avoided, with particular emphasis upon, but not limited to, air or water pollution, increase in noise, damage to plant, tree and wildlife systems, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation, increased in municipal services and consequences to municipal tax structure. Off-site impact shall also be set forth and evaluated.

(Ord. 4-16-74 § 41A-4)

### **21-5 STEPS TO MINIMIZE ENVIRONMENTAL DAMAGE.**

A description of steps to be taken to minimize and mitigate adverse environmental impacts during construction and operation, both at the project site and in the affected region, shall be included, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

(Ord. 4-16-74 § 41A-5)

### **21-6 STATEMENT OF ALTERNATIVES.**

There shall be a statement of alternatives to the proposed project which might avoid some or all of the adverse environmental effects of the proposed projects. The statement should include the reasons for the acceptability or nonacceptability of each alternative.

(Ord. 4-16-74 § 41A-6)

### **21-7 SEWERAGE FACILITIES.**

It shall be shown that sewage can be disposed of through facilities adequate to preclude water pollution, and:

- a. If disposal is on-site: data on underlying geology; water table' soil analysis; soil stratigraphy; percolation tests for every sewage disposal site; topography; location and depth of aquifers; depth, capacity and type of construction of all wells within one hundred (100') feet of the site; and any other pertinent data.
- b. If disposal is off-site: plant design capacity; monthly average and peak flows for the past twelve (12) months, daily average and peak flows and enforcement action against the plant, if any; capacity of the plant to treat industrial or commercial wastes, if applicable, receiving water quality standards; stream quality data from State, Federal or private sources; stream flow [minimum average seven (7) consecutive-day flow with frequency of occurrence of ten (10) years], plans for a sewage treatment facility, i.e., local plans, State regional planning policy and flows expected from other approved subdivisions which are dependent upon sewage treatment facilities in question.
- c. Compliance with all State and local sewage and health regulations.  
(Ord. 4-16-74 § 41A-7)

## **21-8 WATER SUPPLY.**

It shall be shown that an adequate water supply is available and not threatened by nearby use other land, and

- a. If the supply is from off-side public facilities, including private water companies: the amount of diversion granted by the Division of Water Resources (maximum gallons of water pumped during any month); present diversion [maximum gallons of water pumped during the past twenty-four (24) months]; diversions expected from other approved subdivisions which are dependent upon the present diversions granted by the New Jersey Division of Water Resources.
- b. If the supply is from on-site sources: the location and depth of all private and public water supplies within one hundred (100') feet of the realty improvement; location, depth and adequacy of proposed private or public water supplies to serve the proposed realty improvement; geologic description of subsurface conditions including expected groundwater yields, using published geologic reports or a report by a geologist.
- c. Compliance with all State and local regulations.  
(Ord. 4-16-74 § 41A-8)

## **21-9 DRAINAGE.**

The following information relating to drainage shall be submitted:

- a. A showing that stormwater runoff from the site is so controlled that on- and off-site erosion is neither caused nor worsened, and that the potential of downstream flooding is not increased.
- b. Peak flow rates of stormwater runoff expected from the undeveloped site and to be generated by new improvements, including rates for one (1), five (5), ten (10), twenty-five (25), fifty (50) and one-hundred (100) year storm frequencies having durations producing maximum flow rates before and after the proposed development.
- c. Data on landscaping, vegetation map and tree and ground cover existing on the site compared with that proposed.
- d. Changes of runoff, rates and volumes to be caused by changes in land use and the time of concentration.
- e. Plans for the disposition of stormwater, whether by retention on the site or the means of channeling so as to protect downstream property.
- f. *Stream Encroachments.* An encroachment permit is required from the New Jersey Department of Environmental Protection for fill or diversion of a water channel, alteration of a stream and repair or construction of a bridge, culvert reservoir, dam, wall, pipeline or cable crossing.
- g. Floodplains description of potential flood damages, including a summary of flood stages from State and Federal sources.

(Ord. 4-16-74 § 41A-9)

**21-10        SOLID WASTE DISPOSAL.**

A plan for solid waste disposal by means of a facility operating in compliance with the State Sanitary Code shall be submitted.

(Ord. 4-16-74 § 41A-10)

**21-11        AIR POLLUTION.**

It shall be shown that no visible smoke or deleterious chemical changes will be produced in the atmosphere by heating or incineration devices nor by any processing of materials.

(Ord. 4-16-74 § 41A-11)

**21-12        LIST OF LICENSES, PERMITS AND OTHER APPROVALS  
REQUIRED.**

A list of all licenses, permits and other approvals required by municipal, County or State law and the status of each shall be submitted.  
(Ord. 4-16-74 § 41A-12)

### **21-13 TRAFFIC.**

There shall be an inventory of existing and projected traffic flow on bordering and access roads and a determination of air pollution and noise caused thereby.  
(Ord. 4-16-74 § 41A-13)

### **21-14 GENERAL PROVISIONS.**

#### **21-14.1 Filing and Hearing.**

- a. Fourteen (14) copies of the environmental impact statement shall be submitted to the Planning Board, together with a filing fee of two hundred (\$200.00) dollars plus ten (\$10.00) dollars per acre to cover the cost of reviewing and processing it.
- b. Upon submission of the environmental impact statement, the Planning Board shall schedule a public hearing upon due notice to the general public in the legal newspaper of the Township, at which time residents of the Township may come forth and render their comments regarding the environment impact of the proposed project. Ten (10) copies of the statement shall be submitted to the Environmental Commission at the same time as submission to the Planning Board.  
(Ord. 4-16-74 § 41A-14)

#### **21-14.2 Review and Approval.**

- a. In reviewing an environmental impact statement the Planning Board shall take into consideration the effect of the applicant's proposal upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, fire protection, preservation of trees and vegetation, protection of watercourses, protection of air resources, protection of aquifers, protection of public lands and their uses and eco-systems, and the presence of any nuisance factors. Supporting data provided by the applicant shall be collected onsite and off-site where required. The Planning Board may submit the environmental impact statement for review to the Township Council, and to such other governmental bodies and to such consultants as it may deem appropriate. The Planning Board shall request that an advisory report be made to it by the

governmental body or consultant within sixty (60) days of the submission of the environmental impact statement to such governmental body or consultant. The Planning Board shall approve an environmental impact statement only if it determines that the proposed development:

1. Will not result in appreciable harm to the natural environment.
2. Has been designed with a view toward the protection of natural resources.
3. Will not place an excessive demand upon the total resources available for such proposal and for any future proposals.

b. The Environmental Commission may conduct such review of the environmental impact statement as in its discretion it may deem desirable and feasible.

(Ord. 4-16-74 § 41A-14)

#### **21-14.3 Conditions.**

The steps to be taken to minimize adverse environmental impacts during construction and operation under Section 21-5 and the alternatives which may be approved by the Planning Board under Section 21-6 shall constitute conditions of the approval of the environmental impact statement, together with such other conditions as the Planning Board may impose. No certificate of occupancy shall be issued until compliance shall have been made with such conditions.

(Ord. 4-16-74 § 41A-14)

#### **21-14.4 Waiver.**

The Planning Board, at its sole discretion, may waive the requirement for an environmental impact statement, in whole or in part, if sufficient evidence is submitted 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 evaluate adequately the environmental impact of the project.

(Ord. 4-16-74 § 41A-14)