

## ZONING

### *92 Attachment 2*

#### **Borough of Bloomingdale**

#### **EXHIBIT B MODIFIED ENVIRONMENTAL IMPACT STATEMENT APPLICABLE TO IMF PROJECT (Section 92-63, IMF Zone)**

**\*Editor's Note:** Exhibit B was derived from Chapter 34 of the Revised General Ordinances of the Borough of Bloomingdale and includes Sections 34-1 through 34-9.

#### **34-1 PURPOSE.**

The purpose of requiring an Environmental Impact Statement is to permit the Borough of Bloomingdale Planning Board to assess the impact of a proposed project upon the environment, particularly with respect to land, water, air, solid wastes, aquatic and terrestrial wildlife, social and economic life and aesthetics. (Ord. No. 4-97)

#### **34-2 PROJECTS REQUIRING STATEMENT.**

- a. An Environmental Impact Statement shall be required for any major preliminary plat, major preliminary/final site plan, soil removal and tree-harvesting operation.
- b. An Environmental Impact Statement as required herein shall also be submitted covering all public or quasi-public projects unless they are exempt from the requirements of local law by supervening County, State or Federal law. (Ord. No. 4-97)

#### **34-3 FILING REQUIREMENTS.**

- a. 20 copies of the Environmental Impact Statement shall be submitted to the Planning Board together with a filing fee to cover the cost of reviewing and process the same. The fee will be based upon the following formula.
  1. Residential development: Number of units multiplied by \$5 with a minimum fee of \$150.
  2. Nonresidential: \$50 per acre or part thereof, plus two (\$0.02) cents per square foot of gross floor area of all proposed buildings.
  3. Tree-harvesting: Number of acres multiplied by \$10, with a minimum of \$150.
- b. The Borough Planning Board may submit the Environmental Impact Statement to such consultants as it deems appropriate. If the filing fee is not sufficient to cover the costs of such consultants, the applicant must advance the additional expense to the Borough before there is any continuance with the application.

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The appointed consultant shall, prior to incurring costs, inform the Board in writing of the additional amount to be spent so as to permit the applicant the option of proceeding with the application or withdrawing the application. If the applicant wishes to withdraw the application, he must do so within 15 days of being notified of the additional amount to be spent by the Borough. (Ord. No. 4-97)

### 34-4 CONTENT OF STATEMENT.

The Environmental Impact Statement shall include the following:

- a. *Plan and Description of Proposed Project.* A project description, complete with site plans, which shall specify the purpose of the proposed project and the regional, municipal and neighboring setting, including buildings, roads, grading and regrading, adjacent natural streams and utility lines.
- b. *Inventory of Existing Environmental Conditions.* An inventory of existing environmental conditions at the project site and immediately adjacent to the site, which shall describe air quality, water quality, terrestrial wildlife, geological character, soils and properties thereof, including capabilities and limitations, wetlands, drainage and runoff characteristics, sewerage systems, topography, hydrological features, wildlife, aquatic organisms, noise demography, land use, aesthetics, history and archaeology. Air and water quality shall be described with reference to standards promulgated by the N.J. Department of Environmental Protection and soil shall be described with reference to criteria in the standards and specifications of the Soil Conservation District. Applicant shall obtain and submit with the Environmental Impact Report herein required one copy of each of the soil map and soil interpretation sheet utilized by the Soil Conservation District with regard to the property under consideration. If applicable, the applicant shall also submit one copy each of the State of New Jersey Flood Hazard Area Map and wetlands delineation map for the property under consideration.

The items can be addressed in a summary fashion. If something is not applicable, it shall be noted as such.

- c. *Assessment of Environmental Impact of Project.* An assessment supported by environmental data of the environmental impact of the project upon the factors described in subsection b. above. It shall include an evaluation of water use and depletion, liquid and solid wastes on quality and quantity of surface and ground waters, air quality, traffic and the aquatic and terrestrial wildlife. A listing and evolution of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to plant, tree and wildlife systems, damage to natural resources. Off-site impacts shall also be set forth and evaluated.
- d. *Steps to Minimize Environmental Damage.* A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the affected region. Such description is to be accompanied by

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necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

### **34-5 STATE DETAILS AND MATTERS FOR EVALUATION.**

The Environmental Impact Statement shall address each of the items outlined below to the degree and extent that it is pertinent to the project. If the item is not pertinent to the project, that fact shall be so indicated and justification for its waiver included. The Environmental Impact Statement shall be based on the most recent data and information available, and the source and date of all data and information shall be stated. Each section or element of the Environmental Impact Statement shall be prepared by a professional person, qualified in the particular field or area. The Environmental Impact Statement shall include or shall be accompanied by a statement of the background and qualifications of each professional person responsible for any section or element. The Planning Board shall have the right to require additional information as well as further professional input if it finds that there is insufficient information on which to base an informed decision or if any information submitted is technically unsupported.

- a. Sewerage Facilities.
  1. A description of the sewerage facilities that will be utilized, including the following:
    - (a) If disposal is on-site: data on underlying geology, water table, depth of rock, soil analysis, soil stratigraphy, percolation tests for every sewage disposal site, topography, location and depth of aquifers, depth, capacity and type of construction and location of all wells which have been recorded or can be obtained from interviews with adjacent property owners within 500 feet of site, soil logs and percolation tests for each disposal site as witnessed by the Board of Health, and any other pertinent data.
    - (b) If disposal is off-site: projected sewer discharges stated in average daily flows (gallons per day) for initial phase and five year and 10 year projections for both residential projected daily flows, physical characteristics, including temperature; biological characteristics; and chemical characteristics, including description of toxic components.
  2. Treatment facilities.
    - (a) If treatment is by public facilities: name of public facility and point of connection and description of interconnecting facilities.
    - (b) If project is to include treatment facilities discharging into a stream or watercourse: location of treatment facilities; receiving stream and data on stream classification, water quality, seven day flow at 10 year frequency; description of treatment facilities and proposed effluent

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quality; and evaluation of initial and future deleterious effects on use of stream for water supply, recreation and aquatic and terrestrial wildlife. Evaluation shall include the effect of nutrients on downstream ponds and lakes.

3. Proof of compliance with all State, County and Board of Health regulations of the Borough of Bloomingdale.
- b. *Water Supply*. A description of water supply that will be utilized, including the following:
1. If supply is from on-site source: location of water supply source(s); description of water supply facilities, including type, depth and pumping rates; location and depth of all private and public water supplies and septic systems within 500 feet of subsurface conditions, including statements on the following:
    - (a) Long-term evaluation of adequacy of the supply to serve the project (in terms of both quantity and quality).
    - (b) Evaluation of possible interference with existing private and public water supplies up to a five mile radius.
    - (c) Evaluation of water table conditions and aquifer recharge capability.
  2. If supply is from public facilities off-site: name of public facility, point(s) of interconnection and description of interconnecting facilities, pressure requirements, and projected water usage stated in average daily usage (gallons per day) and peak hourly usage (gallons per hour).

Water usage shall also state initial phase and five and 10 year projections of reach of the following categories:

    - (a) Residential usage (excluding lawn sprinkling).
    - (b) Lawn sprinkling and irrigation.
    - (c) Industrial/commercial usage, to include discharge to treatment facilities discharge to streams without treatment and other uses.
    - (d) Fire protection requirements.
  3. Proof of compliance with all State (including Division of Environmental Protection, Bureau of Water Control) requirements and County and Borough of Bloomingdale Board of Health Regulations.
- c. *Stormwater*. The following data and documentation shall be submitted:
1. Peak rates and volume of stormwater runoff expected from undeveloped site and to be generated by proposed project including rates for 10, 15, 25, 50 and

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- 100 year storm frequencies having durations equal to the time of concentration.
2. A discussion of changes in peak rates and volume of stormwater runoff and runoff coefficients caused by changes in land use and whether or not there will be any increased incidents of flooding caused by increased stormwater runoff due to the proposed project.
  3. Plans for disposition of stormwater and attempt to delay the time of concentration by the use of detention basins or other acceptable methods.
  4. A description of potential flood damages, including a summary of flood stages from State and Federal sources, shall be included.
- d. *Vegetation.* The following data and documentation shall be submitted:
1. A mapped description of existing vegetation showing generalized area of tree, field cover and ground cover data for the entire site.
  2. A map showing proposed limits of disturbance amount.
  3. Building and parking areas specifications.
  4. A tree replacement and landscaping reclamation plan shall be provided which documents methods of retention and/or replacement of specimen trees.
  5. As a general guideline, the amount of clear cutting shall be minimized in areas of cut and fill. Where appropriate, cuts and fills shall be minimized by use of natural retention walls.
  6. All slope areas created by necessary cuts and fills shall be replanted in accordance with established landscaping techniques.
- e. *Solid Waste Disposal.* A plan for disposal by way of a facility operating in compliance with Federal, State, County, Regional and local regulations.
- f. *Traffic.* A determination of the present volume and capacity of the road(s) serving the project and the nearest major intersection, and a statement as to projected volumes for the same upon completion of the project; also, a determination concerning additional air pollution and noises to be caused thereby.
- g. *Licenses, Permits, Etc.* A list of all licenses, permits and other approvals required by municipal, County or State law and the status of each. In the case of a site plan, a copy of the site plan application shall be included.

### **34-6 BOARD REVIEW: CONDITIONS OF APPROVAL.**

- a. In reviewing the Environmental Impact Statement, the Planning Board shall take into consideration the effect of the proposed project upon all aspects of the environment, including but not limited to sewage disposal, water quality, water

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supply, preservation of trees and vegetation, protection of watercourses, protection of air resources, protection of aquifers, protection of public lands and their uses and ecosystems and the creation of any nuisance factors. The Planning Board will submit the Environmental Impact Statement for review to the Borough's Environmental Commission and may submit such statements to such other governmental bodies and to such consultants as it may deem appropriate. The Planning Board shall request that an advisory report shall be made to it by the governmental body or consultant within 45 days of the submission of the Environmental Impact Statement to such government body or consultant. The Planning Board shall notify the Court of its concern if the EIS discloses that the project:

1. Will result in appreciable harm to the natural environment.
  2. Has not been designed with a view toward the protection of natural resources.
  3. Will place an excessive demand upon the total resources available for such project and for any future project.
- b. *Conditions.* The steps to be taken to minimize the adverse, environmental impacts during construction and operation under Section 34-4e. 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 met with such conditions.

(Ord. No. 4-97)

### **34-7 EXEMPTIONS FROM PROVISIONS.**

The Planning Board after requesting and receiving a resolution from the Environmental Commission recommending the same, may waive the requirement for an Environmental Impact Statement, in whole or in part, upon receipt of written request, 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 a project. (Ord. No. 4-97)

### **34-8 VIOLATIONS AND PENALTIES.**

Any person convicted of a violation of any of the provisions of this Exhibit B shall, for each offense, either pay a fine not to exceed \$500 or be imprisoned in the County Jail for a term not to exceed 90 days or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 4-97)

### **34-9 ENFORCEMENT.**

The Borough of Bloomingdale Planning Board is hereby designated as the responsible agency whose duty it shall be to enforce the provisions of this Exhibit B. It or its appointed

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professionals shall, from time to time, upon their own initiative and whenever directed by the Governing Body, inspect the premises for which an Environmental Impact Statement has been approved to ensure compliance with the terms of the approval and of this Exhibit B. They shall immediately report all violations and take such action as may be deemed necessary in the circumstances. (Ord. No. 4-97)