

*****ADOPTED NOVEMBER 14, 2022*****

**TOWNSHIP OF DELANCO
ORDINANCE 2022-12**

**AMENDING CHAPTER 100 SECTION 9 SUBSECTION B
GOVERNING “ENVIRONMENTAL IMPACT STATEMENT”**

WHEREAS, the Township of Delanco has existing provisions governing “Environmental impact statement” under §100-9(B)(8) of the Township Code; and

WHEREAS, pursuant to the review of the existing provisions by the Township Committee, Township Committee has determined to amend the existing provisions.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, as follows:

SECTION 1. §100-9(B)(8) entitled “Environmental impact statement” shall be amended as follows:

B. Required documents to be submitted with preliminary plat. The following documents or proofs shall be submitted 21 days prior to action by the Board on all preliminary major subdivisions:

(8) Environmental impact statement. ~~Twenty copies~~ An electronic copy of an environmental impact statement (EIS) shall be submitted by the applicant for all preliminary site plan applications and/or subdivisions involving the creation of four or more lots, except as waived in whole or in part by the Board.

(a) An EIS shall include the following:

[1] A report prepared in general accordance with the most recent guidance for completion of a preliminary assessment published by the New Jersey Department of Environmental Protection, and the most recent industry standards for Phase I Environmental Site Assessments (ASTM Designation: E1527), and the requirements of this subchapter. The report shall include:

[a] Preparation by a qualified firm and individuals and including a statement of qualifications.

[b] A narrative history of the site, the prior uses of the land, past and current owners and of the potential pollution-related effects of such uses on the property.

[c] Review of regulatory agency data, prior environmental reports, and property ownership records.

[d] Review of local and county files including zoning/planning, health, construction code, environmental, police and fire departments with respect to site specific applications, incidents, or investigations which may involve storage or release of chemicals or petroleum products.

[e] Review of readily available historical resources including aerial photographs, topographic maps, atlases, fire insurance maps, directories, and other resources which may provide site-specific information regarding past uses.

[f] Review of current and prior water supply and waste disposal practices including onsite wastewater disposal.

[g] Review and discussion of current and prior chemical and materials used at the site.

[h] Results of a site inspection conducted in general accordance with above referenced guidance and standards.

[i] Interviews with local government officials, occupants and adjoining property owners relative to obtaining information indicating history and/or environmental conditions in connection with the site. The interviews shall inquire to: 1) Prior site uses; 2) Significant environmental conditions or events, 3) Helpful documents or prior assessments; and 4) Proceedings involving the property.

[j] Findings of the assessment, conclusions regarding the significance of the findings, and recommendations for further evaluation or no further evaluation of findings, as appropriate.

[2] Based upon the findings of the preliminary assessment, the applicant shall be required to perform soil testing of the project site to detect the presence of contaminants which may be suspected to be present in the soil of the project site such as pesticides, lead, herbicides, petroleum, chemicals or any other environmental toxin(s). Results of the soil testing are to be submitted as a separate report as part of the environmental impact statement.

[a] Indication of prior agricultural in the preliminary assessment use shall be a finding warranting soil testing, if the application includes the disturbance of any site soils as part of nonresidential development, or includes planned residential, school, or daycare use as part of the planned development.

[b] In addition to the test results, the testing report shall also describe in detail the name of the consultant performing the test, the date, time and methodology used in the soil testing and what steps are to be taken in order to alleviate any level of contamination found in or on the project site.

[c] The testing report shall include figures indicating the location of samples, boring or test pit logs, analytical summary tables, laboratory reports, and other commonly provided investigation related information.

[d] The testing report shall compare results to current New Jersey Department of Environmental Protection standards, and ecological screening levels as appropriate if potential ecological receptors exist within or near the site.

[e] The testing report shall evaluate the significance of the results with respect to the proposed development and the protection of human health and the environment. If further testing is required to complete the evaluation, it shall be conducted and included in the testing report so as to present a complete and final evaluation.

[43] A description of the proposed project shall be submitted and shall include:

- [a] The purpose and scope of the project;
- [b] The suitability of the site for the intended project;
- [c] The estimated resident population, if applicable.
- [2d] The compatibility or incompatibility of the proposed project with surrounding uses, including the adequacy of proposed exterior buffers, setbacks and screening.

[34] An inventory and description of existing environmental conditions on the project site shall be submitted and shall include the following:

[a] Soil types. Each soil type on the site shall be classified and described per the Burlington County Soil Survey. Where the proposed area of land disturbance involves soil with moderate or severe limitations, as per the Burlington County Soil Survey, relative to the project proposed, a complete mapping of all soil types on the site shall be required indicating where those moderate and severe limitations exist per the Soil Survey.

[b] Topography. The topographic conditions of the site shall be mapped and described and in particular areas of steep slopes, clearly identified.

[c] Vegetation. The existing vegetation on the site shall be described. When required, a map showing the location of major vegetation groupings, such as woodland, open field and wetland, shall be submitted. Where woodlands are delineated, the forest type shall be indicated. Trees within the area of disturbance must be identified on the site map, and a list showing the number and species of mature trees must be provided.

[d] Wildlife. Unique wildlife habitats shall be identified. Where applicable, other data assembled regarding wildlife activity on the site shall also be mapped and/or described.

[e] Surface water. Existing watercourses and water bodies that are partially or totally on the site or within 200 feet of the site and their relationship to the area of land disturbance shall be delineated and described.

[f] Subsurface water. The subsurface conditions on the site, in terms both of depth to groundwater and of water supply capabilities of the site, shall be described. When existing conditions warrant, detailed information regarding existing wells within 500 feet of the site relative to depth, capacity and water quality shall be provided. The water supply capabilities of the adjacent areas and the recharge capabilities of the site shall be described.

[g] Unique, scenic and/or historic features. Those portions of the site that can be considered to have unique, scenic and/or historic qualities shall be described and delineated.

[h] Existing development features. All existing features on the site that are not considered to be part of the natural environment shall be described. This shall include, but not be limited to roads, dwelling units, accessory structures, utility lines, easements, rights-of-way, etc.

[i] Air and water quality. An analysis shall be conducted of existing air and water quality in accordance with the standards established by the New Jersey Department of Environmental Protection.

[j] Wetlands. Any on-site wetlands regulated by the Army Corps of Engineers and/or New Jersey Department of Environmental Protection shall be delineated and mapped, and the status of any jurisdictional determination or permit application with respect to the mapped wetlands line and any required wetlands buffer shall be described and mapped, if applicable. Off-site wetlands, within 200 feet, shall be generally located with respect to the proposed development.

(b) Impacts.

[1] An assessment of the impacts of the project on all items set forth in Subsection B(8)(a)[~~34~~] above shall be provided.

[2] A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding area, shall be submitted. Such description shall be accompanied by the necessary maps, schedules and other explanatory data that may be needed to clarify and explain the action to be taken.

[3] The applicant shall submit a description and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water quality, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation and impact of storm drainage upon

water quality. Increase in municipal services and consequences to municipal tax structures shall also be included.

(c) Further steps.

[1] Upon review of the preliminary assessment by the Joint Land Use Board engineer and upon the recommendation of said engineer, the Joint Land Use Board may require such other studies, tests or environmental treatments and remedies as may be determined reasonable and necessary for the environmental safety and security of the site

SECTION 2. Repealer.

Any Ordinances inconsistent with this Ordinance are hereby repealed to the extent of its inconsistency.

SECTION 3. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the remaining portions of the Ordinance shall remain in full force and effect, and for this purpose, the provisions of the Ordinance are hereby to be severable.

SECTION 4. Effective Date.

This Ordinance shall be effective upon proper passage and approval in accordance with the law.