



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
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HILLSBOROUGH PLANNING & ZONING DEPARTMENT

SUSTAINABLE JERSEY RECERTIFICATION **ACTION: ENVIRONMENTAL ASSESSMENT ORDINANCE** **FILE 1: ORDINANCE**

Instructions: Submit the Environmental Assessment Ordinance or the link to the ordinance in the web-based codes, or provide a copy of the adopted ordinance that is certified by your municipal clerk.

Attachment:

- Hillsborough Township Code Chapter 160 Environmental Impact Statement (Link: <http://www.ecode360.com/10253631>)



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Chapter 160. ENVIRONMENTAL IMPACT STATEMENT

[HISTORY: Adopted by the Township Committee of the Township of Hillsborough 6-24-1975 by Ord. No. 75-8 (Ch. 81 of the 1977 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission — See Ch. [45](#).
 Building construction — See Ch. [73](#).
 Flood damage prevention — See Ch. [172](#).
 Land use and development — See Ch. [188](#).
 Soil erosion and sediment control — See Ch. [251](#).
 Surface water runoff — See Ch. [262](#).

§ 160-1. Intent and purpose.

It is the intent and purpose of this chapter to provide proper guidelines and requirements for the environmental impact statement to be filed with an application for development and prior to preliminary plat approval, tentative planned unit development (PUD) approval or site plan approval by the Hillsborough Township Planning Board. *Editor's Note: For provisions pertaining to preliminary plat approval, planned unit development and site plan approvals, see Ch. [188](#), Land Use and Development, Art. [III](#).*

§ 160-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENVIRONMENTAL IMPACT STATEMENT

A separate written description and analysis of all possible direct and indirect effects development will have on the site itself as well as adjacent and noncontiguous areas with particular reference to the effect of the project on the public safety, health and welfare, the protection of public and private property and the protection, preservation and enhancement of the natural environment.

SITE

Any plot, parcel or tract of land.

§ 160-3. Applicability of provisions; exemptions.

No site shall be disturbed by any person, partnership, corporation, public agency or entity within this municipality unless the environmental impact statement has been reviewed and approved by the Township Planning Board in accordance with the specifications and procedures required by this chapter. Exemptions from this chapter are only as listed below:

- A.** Applications for a building permit in the residential zones where the Construction Official has determined, by referring to the Natural Resources Inventory, that no part of the land area to be disturbed falls in:
 - (1) The "severe" or "critical" areas of the Steep Slopes Map (No. 5); or
 - (2) The "floodway" area of the Flood Plain Soils Map (No. 2), or the New Jersey Department of Environmental Protection's Delineation of Flood Hazard Areas; or
 - (3) The "critical" area of the Seasonal High Water Table Map (No. 4).
- B.** Sign permits, etc.
- C.** Applications for site plan review involving three acres or less where the Planning Board has determined, by referring to the Natural Resources Inventory, that no part of the land area to be disturbed falls in:
 - (1) The "severe" or "critical" areas of the Steep Slopes Map (No. 5); or
 - (2) The "floodway" area of the Flood Plain Soils Map (No. 5); or
 - (3) The "critical" area of the Seasonal High Water Table Map (No. 5).
- D.** Applications for minor subdivisions (participations) shall be exempt from filing an environmental impact statement, but the Planning Board shall include consideration of the Natural Resources Inventory factors in making its classification.

§ 160-4. Preparation of statement by approved consultants.

In order to ensure that the environmental impact statement is competently prepared, the environmental impact statement shall be prepared by a consultant or consultants, firm, agency, individual or persons selected and paid for by the applicant from a list of consultants, firms, agencies, individuals or persons prepared by the Hillsborough Township Planning Board and made available to the applicant. If the applicant chooses a consultant or consultants, firm, agency, individual or persons not contained on the Planning Board list, the applicant must provide written information to the Planning Board at the time the environmental impact statement is submitted as to the qualifications and experience of such consultant or consultants, firm, agency, individual or persons selected by the applicant.

§ 160-5. Data required.

The environmental impact statement shall contain information and analysis with respect to the following:

- A.** The location of the project and a description of the project, specifying what is to be carried out, including:
 - (1) Reason for the project.
 - (2) The recommended or favored alternative, mapped and/or described.
 - (3) Parks, recreational sites, wildlife refuges and historic sites, mapped and described.
 - (4) Existing land use, zoning and Master Plan delineation of project, mapped and described.
- B.** An inventory of existing environmental conditions at the project site and in the surrounding region, which shall describe contours, air quality, water quality, water supply, hydrology, geology, soils, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics and history.

- C.** A listing of all licenses, permits or other approvals required by municipal, county or state law and the status of each.
- D.** An assessment of the probable impact of the project, both adverse and beneficial, on the topics described in Subsection B.
- E.** Any probable adverse environmental effects which cannot be avoided, including:
 - (1)** Water quality.
 - (2)** Air quality.
 - (3)** Noise.
 - (4)** Undesirable land use patterns.
 - (5)** Damage or destruction of significant plant or wildlife systems.
 - (6)** Aesthetic values.
 - (7)** Destruction of natural resources.
 - (8)** Displacement of people and business.
 - (9)** Displacement of viable farms.
 - (10)** Employment and property tax.
 - (11)** Destruction of man-made resources.
 - (12)** Disruption of desirable community and regional growth.
 - (13)** Health, safety and well-being of the public.
 - (14)** Traffic.
- F.** A thorough discussion of the steps to be taken during and after construction, both at the project site and in the surrounding area, to minimize the adverse environmental effects described in Subsection B.
- G.** Alternatives to the proposed project, including:
 - (1)** That of no project.
 - (2)** Description of alternatives, with an objective evaluation of the alternatives that might avoid some or all of the adverse environmental effects, with the rationale for acceptability or nonacceptability of each alternative.
 - (3)** An analysis of the costs and social impact of the alternatives.
- H.** Implications of the proposed action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water and public services of the area impacted.
- I.** The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, assessing the project for cumulative long-term effects from the perspective that each generation is a trustee of the environment for future generations.
- J.** A reference list of pertinent published information relating to the project, project site and surrounding area.
- K.** Particular data is required as to:
 - (1)** Sewerage facilities. Applicant must show:

- (a) Compliance with state and local health regulations. *Editor's Note: See Ch. 333, Sewage Disposal Systems, Individual; and Ch. 337, Sewers.*
 - (b) If disposal is on-site, applicant is to include a soil analysis, percolation tests for every five acres, location of aquifers, depth and capacity of all wells within 500 feet of site and any other pertinent data.
 - (c) If disposal is off-site, applicant is to include data on plant design capacity, capacity of plant to treat industrial or commercial wastes, when applicable, and any other pertinent data.
 - (d) Flows expected from any approved subdivision which are dependent upon the same facilities in question.
- (2) Water supply. Applicant must show:
- (a) Compliance with state and local regulations.
 - (b) Location and depth of all private and public water supplies within 500 feet of the realty improvement.
 - (c) Location, depth and adequacy of off-site and on-site private or public water supplies to serve the proposed realty improvement.
 - (d) For realty improvements with more than 50 dwelling units, it will be necessary to obtain a determination by the Division of Water Resources that the proposed water supply and sewerage facilities are adequate.
- (3) Drainage. Applicant must show:
- (a) Volume of stormwater runoff now existing from the site and volume to be generated by new improvements. *Editor's Note: See also Ch. 262, Surface Water Runoff.*
 - (b) Any increase in rate or velocity of runoff and change in drainage patterns.
 - (c) Plans for disposition of stormwater, whether by retention on site or by means of channeling so as to protect downstream property.
 - (d) Floodplains description of potential flood conditions or damages, including a summary of flood stages from state and federal sources. *Editor's Note: See also Ch. 172, Flood Damage Prevention.*
 - (e) Submission of an erosion and sedimentation control plan reviewed by the local Soil Conservation District. *Editor's Note: See also Ch. 251, Soil Erosion and Sediment Control.*
- (4) Solid waste disposal. Applicant must submit a plan for disposal in compliance with the State Sanitary Code.
- (5) Air pollution. Applicant must show that no visible smoke or deleterious chemical changes will be produced in the atmosphere by any heating or incinerating devices or by processing of material.
- (6) Critical impact areas. These areas include but are not limited to stream corridors, streams, wetlands, estuaries, slopes greater than 12%, high-acid and highly erodible soils, area of high-water table and aquifer recharge and discharge areas. Applicant must show:
- (a) A statement of impact on critical impact areas and of adverse impacts which cannot be avoided.
 - (b) Environmental protective measures, procedures and schedules to minimize danger to critical impact areas.

§ 160-6. Reviews and inspections.

Upon submission of the environmental impact statement to the Secretary of the Planning Board and distribution to the various officials, with three copies available in the Municipal Engineer's office (or other designated place) for any person to review, the following reviews and inspections will be conducted within 30 days, except that where the impact statement is a part of a subdivision, planned unit development (PUD) or site plan approval, the approval shall be part of the overall approval and time limits shall be as specified for those approvals.

- A. The Planning Board Administrator (or other designated official) will, within seven days of receipt of applicant's environmental impact statement, make a field inspection to verify the environmental conditions and make a report to the Planning Board, with a copy to the Environmental Commission. *Editor's Note: See Ch. 45, Environmental Commission.*
- B. The Township Engineer will, within 30 days of receipt of applicant's environmental impact statement, review all maps and documents and make a site inspection and then follow with a report to the Planning Board and a copy to the Environmental Commission.
- C. The Township Environmental Commission will, within 30 days of receipt of the Planning Board Administrator's and Engineer's reports, present its review and recommendations to the Planning Board for final determination.
- D. The Township Planning Board shall analyze and review the applicant's environmental impact statement along with the reviews from the Planning Administrator, Engineer, Environmental Commission and any other interested party within 14 days of the Commission's report and give written notice of approval or rejection to the applicant, indicating the reasons therefor, and the decision will be officially published within 10 days. Where the impact statement is part of a subdivision, planned unit development (PUD) or site plan application, impact statement approval shall be part of the overall application approval.

§ 160-7. Issuance of permit.

Upon review by the Planning Administrator, Engineer and other such officials and final approval by the Planning Board that all requirements of this chapter have been complied with, and upon payment of all fees to be paid hereunder, the Planning Board shall issue a permit to the applicant, with or without conditions, and each permit shall contain a reasonable time limit for all work to be done.

§ 160-8. Appeals.

If the environmental impact statement is rejected by the Planning Board, the decision may be appealed to the Township Committee by filing a written notice with the Township Clerk within 10 days after receiving notice of rejection. The Township Committee shall hold a hearing on the matter within 30 days after the notice of appeal has been filed and may modify, affirm or reverse the Planning Board's decision. If any information is introduced during the appeal to the Township Committee, the Committee shall remand the matter to the Planning Board.

§ 160-9. Fees.

The applicant shall pay to the Township a fee at the time the environmental impact statement is submitted, to cover the cost of providing reviews and inspections required by this chapter.

- A. The fee will be based upon the following formula:

- (1) Residential development: number of units times \$25, with a minimum of \$100.

- (2) Nonresidential development: number of acres times \$25, with a minimum of \$200.

- B. Where the environmental impact statement is part of a subdivision, planned unit development (PUD) or site plan review application, no fee shall be required.

§ 160-10. Factors determining exemptions.

Exemption of any activity or project from an environmental impact statement shall be based upon consideration of the following by the Planning Board; exemption from Natural Resources Inventory factors shall only be allowed if the property shows no adverse effect on the Natural Resources Inventory Maps.

- A. Stability of the soil during and after the proposed alteration.
- B. Drainage patterns and effect on surface water runoff.
- C. Effects on springs.

- D.** Potential effect on animals and significant plant species.
- E.** Potential air and water pollution, especially any potential increase in siltation.
- F.** Effect of any construction plans or other environmental changes on critical slope areas or sewage disposal systems.
- G.** Problems related to rock removal.
- H.** Amount of resulting nonagricultural displacement of soil.
- I.** Potential noise pollution.
- J.** Increase in amount of industrial waste.
- K.** Increased problems of industrial or nonindustrial waste disposal (subject to review of such problems by the Board of Health).
- L.** Circumstances or conditions that are peculiar to the site or to the application under consideration and are not generally applicable to sites or applications in the same general locality, and that would result in imposition of an undue burden on the applicant if an environmental impact statement were required.

§ 160-11. Standards for design and development.

Standards for design and development within environmentally critical areas shall be according to the Natural Resource Inventory Standards on file in the Planning Board office.

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