

ORDINANCE 2005 - 44

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF OCEAN TO PROVIDE FOR ENVIRONMENTAL IMPACT STATEMENTS

BE IT ORDAINED by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey that Chapter 18 of the Codified Ordinances of the Township of Ocean be amended to include therein a new provision, designated as Chapter 18.44.040 and entitled

Environmental Impact Statement (EIS)

SECTION 1: An environmental impact assessment shall be required for major subdivisions and/or major or minor site plans where the property for which an approval is sought contains wetlands or is within 50 feet of wetlands. In addition, the Planning Board may require an environmental impact assessment in regard to any application before the Board. Where an environmental impact assessment is required, the applicant shall provide such a submission in accordance with the requirements of this section and the Ocean Township Environmental Commission. The environmental impact assessment shall be required to be prepared and submitted with the preliminary application, and the application may be deemed incomplete without it. In those cases where an impact statement is required by the New Jersey Department of Environmental Protection for a CAFRA permit, said environmental impact statement may be substituted for the report required herein. A copy of the same shall be submitted to the Planning Board for its review. Environmental impact assessments shall be certified by a licensed professional engineer and shall include the following:

- A. A composite environmental constraints map at the same scale as the preliminary plat or site plan. The applicant shall, utilizing existing map sources, present a plan indicating:
1. The features for preservation.
 2. Features which represent any constraints for development, generally indicating the area most suitable for development, the areas least suitable for development and various degrees of suitability between these two extremes.

B. An environmental impact statement containing data reflecting:

1. A statement describing and explaining the impact and effect of the proposed subdivision or site plan upon the ecological systems and environment of Ocean Township's land and waters, giving consideration to the applicable natural processes and social values of:
 - a. Geology.
 - b. Aquifers.
 - c. Hydrology.
 - d. Depth of the seasonal high-water table.
 - e. Stormwater runoff.
 - f. Soils.
 - g. Potential soil loss.
 - h. Soil nutrient retention.
 - i. Vegetation.
 - j. Wetland and coastal vegetation.
 - k. Recreation value of vegetation.
 - l. Historic value.
 - m. Scenic features.
 - n. Wildlife: high-value areas.
 - o. Wildlife: rare and beneficial species.
 - p. Water quality.
 - q. Air quality.
2. When field investigations are performed to determine existing conditions, methods used shall be addressed.
3. Specific plans proposed by the subdivider or developer to alter, preserve or enhance and mitigate or minimize adverse impacts on the natural resources and natural features of the land within the proposed subdivision or site.

C. Borings.

1. Test boring, percolation rates, water levels and groundwater samples shall be submitted by a licensed engineer in accordance with the following standards:
 - a. Up to a two-acre site: one test hole.

- b. Two- to three-acre site: three test holes.
 - c. Three- to five-acre site: six test holes.
 - d. Five- to ten-acre site: eight test holes.
 - e. Ten- to forty-acre site: 10 test holes.
 - f. Forty- to one-hundred-acre site: 16 test holes.
 - g. Over one-hundred-acre site: 10 test holes.
2. These borings shall be distributed over the tract to adequately represent site conditions and shall be to a minimum depth of 10 feet.

D. Groundwater impact assessment. In addition to Subsections A, B and C above, a separate section of the environmental impact statement shall assess the impact of the proposed development on groundwater quality, particularly private and public potable water supply wells. Such assessment shall, at a minimum, provide the following:

1. Description of proposed use: type of use or activity; commercial (trades and services); industrial (manufacturing and processing); product produced, Standard Industrial Code (S.I.C.) if applicable.
2. A complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use.
3. Description of the types of wastes generated and method of disposal, including solid wastes, hazardous wastes, sewage and nonsewage wastewater discharges.
4. Location of all private potable water supply wells within 200 feet of the property line.
5. Description of the risks associated with the use, handling and/or disposal of any hazardous wastes.
6. Description of plans to detect and control hazardous material leaks and spills and plans, inspections and monitoring, emergency notification and emergency containment and clean-up procedures.
7. Description of best available technologies to safely store and handle any hazardous wastes and to detect releases of any hazardous materials.

8. Assessment of compliance with the best management practices for groundwater quality protection as set forth in § 18.43.060.


SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 4: This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 8th day of December, 2005. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 2nd day of December, 2005, at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.


DOROTHY R. HORNER, RMC
TOWNSHIP CLERK