

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON
AMENDING CHAPTER 90, THE LAND USE AND DEVELOPMENT ORDINANCE OF
THE TOWNSHIP OF SOUTH HARRISON**

WHEREAS, the Township of South Harrison strives to adopt and implement land use regulations that advance the goals and objectives of the Township in a clear and consistent fashion; and

WHEREAS, South Harrison Township officials wish to enact policies that will permit the growth of professional office and small scale service businesses within the Township, to serve the residents of the Township and to provide opportunities for residents to move their businesses to town; and

WHEREAS, the Township of South Harrison recognizes that a crucial part of any development application is to determine the environmental impact that said application will have not only upon the property itself, but also upon adjacent properties and therefore it must be affirmatively determined that the project will not result in any significant adverse impact to the environment on said property or adjacent property; and

WHEREAS, the Planning Board has recommended the ordinance changes consistent with sound planning and implementation of the goals and objectives of the Master Plan duly adopted on June 9, 2008 by Planning Board Resolution No. P-08-21, as a result of a periodic review pursuant to N.J.S.A. 40:55D-89.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and Council of the Township of South Harrison, County of Gloucester, State of New Jersey as follows:

SECTION I. The Code of the Township of South Harrison is hereby amended to provide for an environmental impact statement under 90-2.26 as follows:

90-2.26 Environmental Impact Statement

A. Purpose.

It is the purpose of this section to require, as a part of a development application for any site plan, major subdivision, general development, planned unit development or planned residential open space development or any new type of development approval or classification hereinafter authorized to be undertaken in the Township of South Harrison, the submission of an environmental impact statement. The purpose of requiring such a statement is to assist the Land Use Board and its consultants in assessing the impact of a proposed project upon the local and regional environment, particularly with respect to water and air resources, pollution of all kinds, topography, drainage, waste disposal wildlife habitat and the landscape. No application for development shall be approved unless it has been affirmatively determined that the proposed project will not result in a significant adverse impact to the environments, has been conceived of and designed in a way that will not impair natural processes and will not place disproportionate excessive demand upon the total resources available to the project site and the impact area.

B. Filing and review of Environmental Impact Statement.

1. Each applicant for approval with respect to any site plan, major subdivision, general development, planned unit development or planned residential open space development or any new type of development shall file 18 copies of the environmental impact statement, together with the original application. Upon application by an applicant for minor site plan approval, the Planning Board or Zoning Board of Adjustment may waive the requirement for submission of an environmental impact statement or modify or reduce the requirements of the environmental impact statement as circumstances warrant. No environmental impact statement shall be required for a minor subdivision.
2. The Land Use Board shall examine the applicant's environmental impact statement in detail, together with the comments from the Board's professionals and the Environmental Commission. If such statement is deemed to be lacking in sufficient detail or is incomplete in any detail, the Board Secretary shall reject the development application as being incorrectly filed; provided, however, that the

applicant shall be notified thereof within 45 days of submission of the application, or it shall be deemed properly submitted.

3. The Township Committee recognizes that providing information is essential to the orderly growth and planning of the Township, and it further recognizes that the time lapse between preliminary or tentative development approvals and final approvals often results in environmental impact(s) which must be properly analyzed. It is therefore required that the provisions of this article with respect to the submission of an environmental impact statement shall apply to both applications for preliminary or final approval where no environmental impact statement has been previously submitted for any section or sections of a development heretofore or hereafter receiving preliminary or tentative approval.

C. Contents of Environmental Impact Statement.

The environmental impact statement shall contain the following information:

1. Plan and description of development and proposed use of site. A project description, which shall specify what proposed complete with maps and drawings, said maps and drawings to be drawn at a minimum scale of one inch equals 100 feet. The description shall include but not be limited to the following:
 - a. Contours
 - b. Flood hazard areas
 - c. Depth to seasonally high water table
 - d. Buildings
 - e. Roads
 - f. Paved Areas
 - g. Grading and Re-grading
 - h. Adjacent Natural streams
 - i. relationship to surrounding utilities
 - j. Method and schedule of construction
 - k. Solid waste generation and disposal
 - l. wastewater pre-treatment
 - m. Noise
 - n. Pollution to be generated
2. Inventory of existing environmental conditions on the site and in the area affected by the proposed development, including the location of testing, shall be provided and shall describe:
 - a. Water quality, water supply hydrology, groundwater level and condition.
 - i. Surface water and groundwater studies for all applicants shall include the analysis of the state standards for residential clean-up and, without limitation, the following performed by a New Jersey State certified laboratory facility: pH, nitrates, total suspended solids, total phosphates, BOD, Fecal coliform, chlorides, turbidity,
 - ii. Any applicant whose property lies in a watershed affected by any upstream manufacturing or commercial establishment or whose property itself is such a manufacturing or commercial establishment shall include, in addition to the provisions hereinabove, the analysis of the following: arsenic, cadmium, chromium, copper, iron, lead, zinc, mercury
 - b. Air Quality
 - c. Noise characteristics and Levels
 - d. Geology
 - e. Soils and properties thereof, including capabilities and limitations
 - f. Topography
 - g. Slope
 - h. Slope Stability
 - i. Terrain
 - j. Soil permeability
 - k. On-site and off-site sewerage systems, public and private
 - l. Vegetation. A separate map of existing vegetation shall be submitted with a scale identical to the development plan(s) in accordance with the Tree Preservation ordinance.
 - m. Wildlife and Wildlife habitat
 - n. Aquatic Organism
 - o. Historical and archaeological sites

- p. Prior land uses
3. The applicant may consult the Township's Environmental Resources Inventory for reference to the extent that the Township's inventory is relevant to the tract and affected area.
4. Assessment of the Environmental Impact of the project
- a. An assessment of the environmental impact of the project upon the factors described hereinabove based on environmental data shall be submitted and shall include an evaluation of water use, liquid and solid waste disposal and the effects of liquid and solid waste on the quality and quantity of surface water and groundwater. The assessment shall include an evaluation of the compatibility in use and scale of the project with employment, shopping, schools, roads, open space and police and fire protection. All potential impacts are to be defined to include but not be limited to:
- i. Impact on geological and soil stability
 - ii. Impact on Soil erodability
 - iii. Impact on groundwater, aquifers and aquifer recharge areas
 - iv. Impact on streams and lands within or near the site, whether manmade or natural
 - v. Impact on Vegetation and wildlife
 - vi. Displacement of families or individuals
 - vii. Noise
 - viii. Light
- b. Damage to plant, tree and wildlife systems, displacement of existing farms and increase in sedimentation and siltation should be evaluated.
- c. Any data submitted by the applicant with the application or to other agencies including, but not limited to the NJ Department of Environmental Protection, the Gloucester County Board of Health and the Gloucester County Soil Conservation District, having jurisdiction over one or more of the environmental elements specified in this section shall be accepted by the Land Use Board as fulfilling the data requirements for the EIS, to the extent applicable.
- d. Evaluate any unusual environmental impacts and damages to natural resources both on the tract and in the affected area.
- e. Describe the steps to be taken to minimize environmental impacts during construction and during operation with particular emphasis upon air or water pollution. The description of steps to be taken shall be accompanied by appropriate maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.
- Alternatives. The applicant should provide a statement of alternatives to the proposed project, consistent with the zoning on the site, which might avoid some or all of the unusual environmental effects of the proposed project. The statement shall include the reasons for the acceptability or non-acceptability of each alternative.
- g. Where septic systems are proposed the following information should be provided:
- i. Data on underlying geology.
 - ii. Water table.
 - iii. Soil analysis.
 - iv. Soil stratigraphy.
 - v. Representative percolation tests for each lot on the tract.
 - vi. Cation exchange rate at two feet and six feet below the surface of the ground.
 - vii. Adequate test borings, in the opinion of the Board Engineer, to determine the direction and flow of groundwater.
 - viii. Topography and location and depth of aquifers.

- ix. Depth, insofar as such information is practically available, of all wells within 250 feet of the site or in the affected area, whichever is greater.
- h. Water supply. A showing that an adequate potable water supply is available and not threatened by nearby use of other land and the following:
- i. Location and depth, insofar as such information is practically available, of all private and public water supplies within 200 feet of the site or in the affected area, whichever is greater
 - ii. Location, depth and adequacy of proposed water supplies to serve the proposed project.
 - iii. Geologic description of subsurface conditions, including expected groundwater yields, using published geologic reports or a statement by a geologist
- i. A summary of storm water impacts taken from the storm water report
- k. Solid waste disposal.
- l. Air pollution. A showing that emissions from point sources will be in compliance with state and federal laws and regulation and a description of the means by which dust will be controlled during construction.
- m. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each. Where wetlands are present a copy of the Letter of Interpretation and any General Permits must be submitted with the EIS.
5. Environmental Criteria in reviewing applications for development.
- a. The land use board shall consider the impact of the applicant's proposal upon all aspects of the environment including but not limited to: sewage disposal, water quality, water supply, wetlands, preservation of trees and vegetation, protection of watercourses and wetlands, protection of air resources, protection of aquifers, protection of public lands and their uses and ecosystems, the presence of nuisance factors, archeological factors
 - b. The Board's determination upon any application for development shall consider the environmental impacts affecting the subject property. In reaching a conclusion on the acceptability of an environmental impact or the protective measures to be taken, the Board shall accept approvals obtained by the applicant from other agencies having jurisdiction over one or more of the elements insofar as such approvals satisfactorily address environmental impacts identified under this article, such as the New Jersey Department of Environmental Protection and Energy, the Gloucester County Board of Health, the Gloucester County Soil Conservation Service, and the Township Environmental Commission.

SECTION II. REPEALER

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION III. INVALIDITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Gloucester County Planning Board in accordance with N.J.S.A. 40:55D-16.

TOWNSHIP OF SOUTH HARRISON

CHARLES TYSON, MAYOR

ATTEST:

NANCY KEARNS, RMC
MUNICIPAL CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Special Meeting of the Township of South Harrison held on the 17th day of June, 2008 and will be considered for final passage and adoption at a meeting to be held on the 9th day of July, 2008, at 7:30 P.M., at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, NJ 08039, at which time any person interested therein will be given an opportunity to be heard.

Nancy Kearns, RMC
Municipal Clerk

NOTICE

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NOTICE is hereby given that the foregoing Ordinance O-08-17 was finally adopted at a meeting of the South Harrison Township Committee held on the 9th day of July 2008 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk