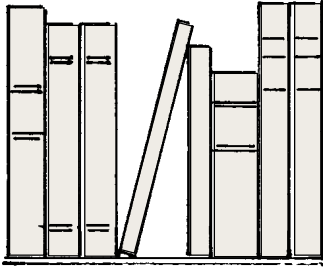


RESOURCE P A P E R



ASSOCIATION OF NEW JERSEY
ENVIRONMENTAL COMMISSIONS

P.O. Box 157 • Mendham, NJ 07945 • Tel: 973-539-7547 • Fax: 973-539-7713 • E.mail: anjec@aol.com

Site Plan Review: Procedures for Environmental Analysis

The State of New Jersey has given the major responsibility for how its land will be used to its 567 municipalities. The Municipal Land Use Law (N.J.S.A. 40:55D- 1 et seq.) sets up a three-step planning process for land-use decisions: development and adoption of a Master Plan, adoption of zoning ordinances, and site plan and subdivision review.

First, a municipal Master Plan guides the use of land to protect the public health and safety and to promote public welfare. Within a framework of stated goals and policies, along with maps and diagrams, the town formulates a comprehensive plan for its present and future development based upon its physical, economic and social factors.

The second step allows the municipality to determine how its land will be divided into various zones according to use: residential, commercial, industrial, recreational, etc. Adopted by local legislation or ordinance, zoning regulates the size of building lots; the height of buildings; the amount of open space by established setbacks; and what uses are allowed at those locations.

The third step, site plan and subdivision review, determines how the master plan and zoning will be carried out.

Legal Authority for Site Plan Review

The statutory authority that governs land use is the Municipal Land Use Law (MLUL). It gives the planning board the authority to implement the site plan review process except when a use variance is required and the Zoning Board of Adjustment (ZBOA) performs the review.

The MLUL also establishes the procedural guidelines for site plan and subdivision review. This is done in two phases: Preliminary Approval and Final Approval. Both phases have very specific timeframes. (See Chart A on page 3)

- The developer receives Preliminary Approval after the board holds public hearings, reviews the applicant's plans and takes comments from the municipal engineer, planner, environmental commission, other local agencies and interested citizens. The board may establish requirements or conditions that the development must meet before the project is fully approved. Preliminary Approval generally lays out the specifics of the project – use, dimensions, design standards, provisions for water supply, drainage, sewerage, utilities, emergency access, stormwater management, erosion control, vehicular and pedestrian circulation and parking, landscaping, lighting, energy conservation, recycling, off-tract improvements and preservation of existing natural resources. Once a project has received Preliminary Approval, there are rarely any major changes in the plan. (N.J.S.A. 40:55D-41 et seq.)

Legal Authority	1
Procedures for Environmental Review	2
Chart A: Subdivision and/or Site Plan Review Procedures under the Municipal Land Use Law	3
Chart B: Evaluating Environmental Impacts	6
Guidelines for Site Inspection Visits	8
Sample Format for Environmental Commission Reports	11

- The developer receives **Final Approval** to go ahead with the project when all the conditions of Preliminary Approval have been met. (N.J.S.A. 40:55- 49 et seq.) (See Chart A on page 3)

The MLUL lays out specific timeframes for the consideration of subdivisions and site plans.

Environmental Commissions Should Be Involved

The environmental commission has both the legal authority and the responsibility for taking part in the site plan review process.

The environmental commission enabling legislation (N.J.S.A. 40:56A-1 et seq.) states that an environmental commission has the responsibility for “the protection, development or use of natural resources, including water resources, located within its territorial limits.” Furthermore, the MLUL states that “whenever the environ-

The Municipal Land Use Law and the environmental commission enabling legislation require that a member of the commission be a member of the planning board.



mental commission has prepared and submitted to the planning board and the board of adjustment an index of the natural resources of the municipality, the planning board or the board of adjustment shall make available to the environmental commission an informational copy of every application for development submitted to either board.” (N.J.S.A. 40:55D-27)

In addition, the MLUL and the environmental commission enabling legislation require that a member of the environmental commission be a member of the planning board. (N.J.S.A. 40:55D-23 and 40:56A-1)

The environmental commission legislation gives further authority stating that “an environmental commission shall have power to study and make recommendations concerning open space preservation, water resource management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.” (N.J.S.A. 56A- 6)

Environmental Review Procedures

- I. **Planning Board and Zoning Board of Adjustment Site Plan Review Sequence**
 - A. **Pre-application Conference** should take place before applicant has completed detailed drawings. Planning board subcommittee, and/or environmental commission meet with applicant, review concept plan,

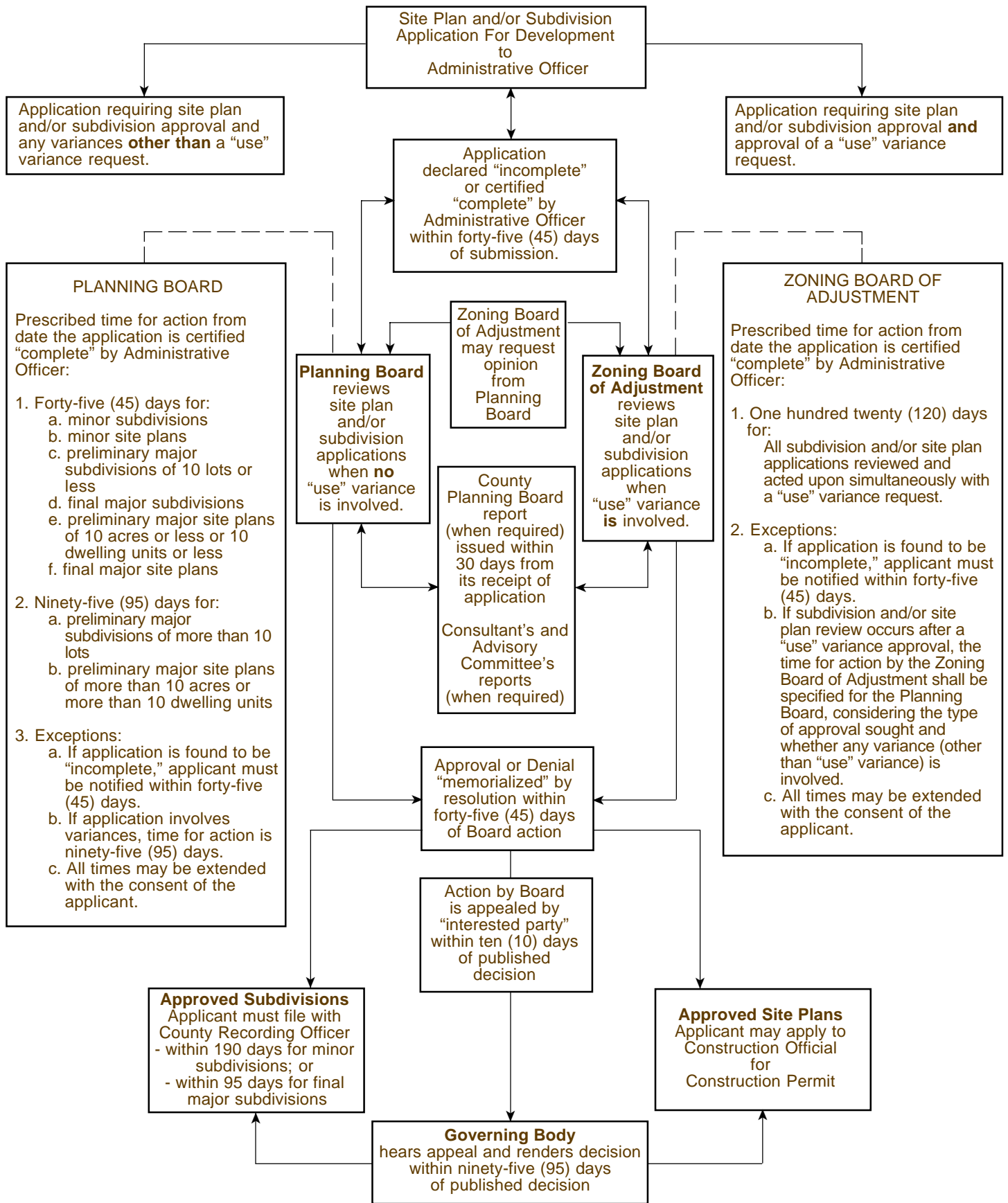


B. PRETZ

CHART A

Subdivision and Site Plan Review Procedures

Under the Municipal Land Use Law



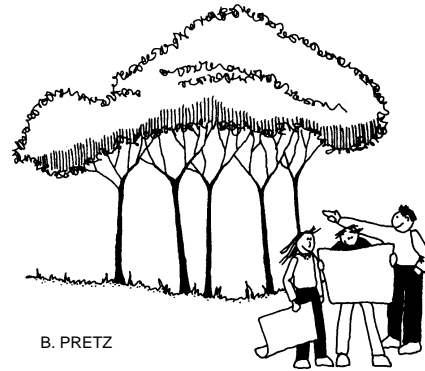
make recommendations for project to conform to master plan, relevant laws and ordinances. (N.J.S.A. 40:55D-10.1)

B. Application Submission should include environmental impact statement, wetlands delineation report as well as plans for building layout, vehicular access, etc. (N.J.S.A. 55D-3,10.3)

C. Public Hearings are an opportunity for the environmental commission and the public to hear the applicant's presentation and to present comments and recommendations. Except for minor subdivisions and minor site plans, the applicant and/or the board must publish a public notice of subdivision and site plan review hearings giving the date, time, place and nature of matters to be considered. (N.J.S.A.55D-11,12)

D. The board generally schedules a Site Inspection as an official public hearing. Site inspections offer an opportunity to walk the area with the applicant and his engineer, compare the maps and reports to the

G. The board grants Final Approval by majority vote after all conditions have been met or financial guarantees posted for their completion. (N.J.S.A. 40:55D-4)



Many planning boards make site inspections part of the approval process.



lay of the land. If the planning board or ZBOA does not schedule a site inspection, the environmental commission can hold one. The applicant must agree to allow the commission on the property.

E. The environmental commission should present its report orally at a planning board public hearing and in writing to all planning board members. This makes the report a part of the record and gives it official status.

F. Before the required deadline (see Chart A, page 3), the planning board, by majority vote, grants **Preliminary Approval**, setting conditions that must be met before **Final Approval** will be granted. (N.J.S.A. 40:55D-49)

II. Role of Environmental Commission

A. When

As early as possible; pre-application conference if possible. The earlier involved, the more likely the commission will have an impact.

B. To What Extent

In each step of the process before Preliminary Approval is granted be prepared to ask questions, request more information, make comments, suggest alternatives.

C. How

Invite developer to make a presentation at a commission meeting so that members can see plans, ask questions.

D. Review Procedure

1. Review present land uses on- and off-site
2. Review existing environmental features, critical areas; compare with Environmental Resource Inventory (ERI) data, municipal master plan, county and state master plans, other data bases
3. Review proposed project's impacts on existing features
4. Review Environmental Impact Statement (EIS), evaluate for data given, data omitted
5. Make a site inspection with all parties involved in review, including applicant (See Guidelines for Site Inspection Visits on page 8)

6. Review site preparation and construction phases of project
7. Review public comment
8. Prepare report in the format of Findings of Fact and Recommendations for Action [See Sample Format, page 11]

The board may establish requirements or conditions that the developer must meet before the project is fully approved.



9. Present report at public hearing on project
10. Continue to follow application. Be prepared to make additional recommendations based on project modifications.

III. Evaluation of Environmental Impacts (See Chart B, page 6)

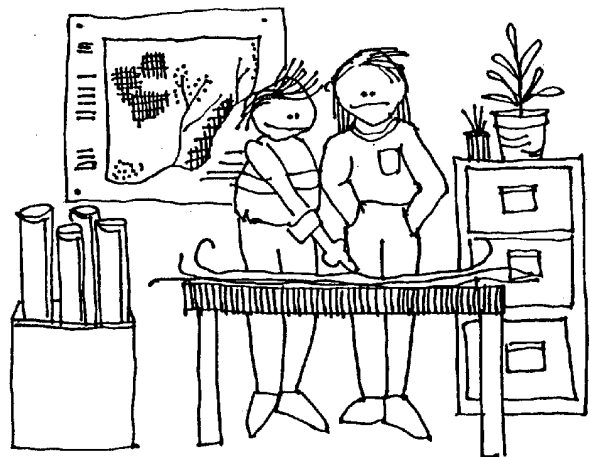
A. Factors to Consider

1. Compatibility with adjacent activities and land use
2. Layout
 - compare to existing landforms and topography
 - compare to site's desirable natural features and resources
 - identify critical resources to be preserved
3. Soils
 - suitability for intended use
 - is Soil Erosion and Sediment Control Plan adequate, enforceable?
4. Grading
 - as little as possible
 - is grading plan adequate, enforceable?
 - what mitigation measures to be taken during construction?
5. Impact of project on water table, water supply
6. Adequacy of setbacks and buffers from critical areas, watercourses, adjacent lots, streets
7. Stormwater control
 - use natural rather than mechanical means (i.e. swales rather than pipes)
 - adequacy to manage rate, volume and protect water quality

8. Vegetation and trees
 - techniques to preserve what exists
 - suitability of proposed plantings
9. Provision for and suitability of open space: is it functional in terms of location, size, design?
10. Appropriateness of street and pedestrian design pattern with projected traffic demand and protection of natural resources

B. Questions to Ask the Developer

1. What is proposed on the site?
2. What is the relationship of the project site to its surroundings?
3. How does the proposed action impact #2? Enhance? Adversely impact? Neutral?
4. What adverse impacts cannot be avoided if proposed project is implemented?
5. What are the alternatives to the proposed action?
6. What are the irreversible commitments of financial resources (water supply, sewage disposal, roads, etc.) if proposed project is implemented?
7. Who is paying the environmental cost? Who will benefit from the proposed project?



B. PRETZ

CHART B

Site Plan Review: Evaluating Environmental Impacts


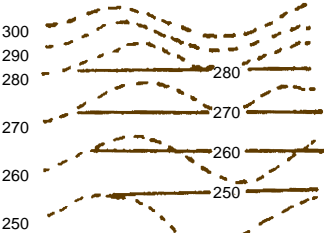
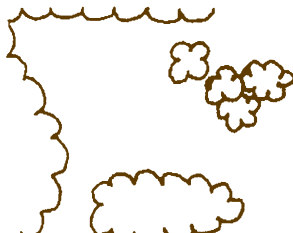
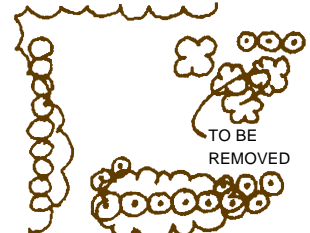
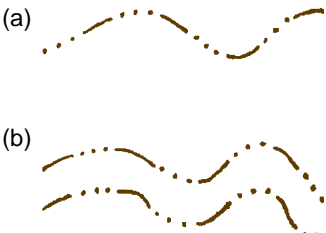
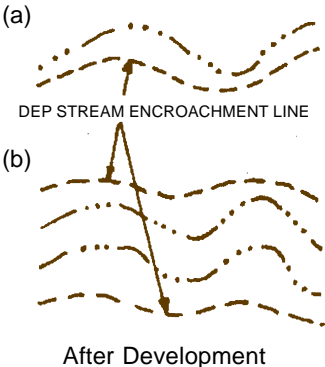
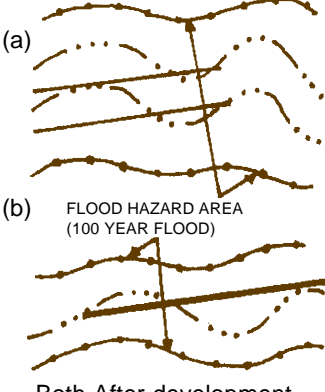
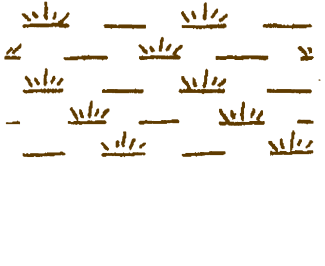
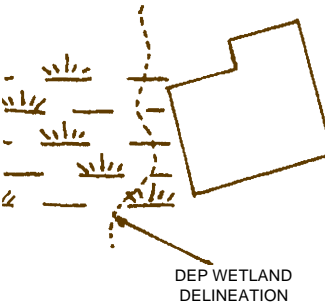
PLAT/SITE PLAN SYMBOL	IDENTIFICATION	ENVIRONMENTAL MEANING	ENVIRONMENTAL ALERT
 <p style="text-align: center;">Before Development</p>	<p>Topography (diagramed at 10' vertical intervals)</p>	<p>Shows existing conditions: elevation land contours</p> <p>Landscape description</p>	<p>Degree of Slopes (the closer the lines the steeper the slope, the farther the lines the flatter the grade)</p> <p>Natural drainage patterns Runoff direction Erosion direction</p>
 <p style="text-align: center;">After Development</p>	<p>Grading</p>	<p>Shows changes during and after construction: contour and landscape movement of earth</p> <p>Cut and fill</p>	<p>Extent of environmental disturbance Permanent landscape changes Extent/Amount of fill (where from?) Extent/Amount of cut (where go?) Runoff/Erosion potential Soil erosion and sedimentary controls</p>
 <p style="text-align: center;">Before Development</p>	<p>Existing vegetation</p>	<p>Shows on-site (sometimes off-site) woods, clumps of trees, shrubs, single specimen trees</p> <p>Existing landscaping</p>	<p>Extent/Amount/Arrangement of vegetation on site Buffer zone/strip Climate control use Pollution control function Endangered/Threatened species on site, habitat Other wildlife habitat Recreation use Aesthetic effect</p>
 <p style="text-align: center;">After Development</p>	<p>Landscape plan Replacement vegetation</p>	<p>Post-development amount/type of trees, shrubs and their location</p>	<p>Extent of removal/disturbance Adequacy/Suitability of replacement Runoff potential Endangered species impact, habitat Other wildlife habitat impact Recreation impact Aesthetic effect</p>
 <p style="text-align: center;">Before Development</p>	<p>(a) watercourse (b) width of watercourse</p>	<p>Existing stream, brook, river on site</p>	<p>Category/Classification of stream(s) Where does it stand in watershed? Present water quality Wetlands associated? Classification Category Value (function) Corridor zone use Existing buffers/vegetation Wildlife habitat Passive/active recreation</p>

CHART B (cont'd.) Site Plan Review: Evaluating Environmental Impacts

PLAT/SITE PLAN SYMBOL	IDENTIFICATION	ENVIRONMENTAL MEANING	ENVIRONMENTAL ALERT
 <p>(a) watercourse with delineated encroachment</p> <p>(b) width of watercourse with delineated encroachment</p> <p>DEP STREAM ENCROACHMENT LINE</p> <p>After Development</p>	<p>(a) watercourse with delineated encroachment</p> <p>(b) width of watercourse with delineated encroachment</p>	<p>Existing stream, brook, river on site and delineated encroachment</p> <p>No change proposed in natural flow</p>	<p>Wetlands impacts: disturbance/loss protection needs</p> <p>Corridor zone impacts</p> <p>Buffer/vegetation removal/disturbance/impact</p> <p>Runoff increase</p> <p>Flooding potential</p> <p>Erosion potential</p> <p>Pollution potential</p> <p>Non-point Sources: sediment/fertilizers/pesticides/metals</p> <p>Water supply source</p>
 <p>(a) Stream diversion — channeling</p> <p>(b) Stream diversion — piping</p> <p>FLOOD HAZARD AREA (100 YEAR FLOOD)</p> <p>Both After development</p>	<p>(a) Stream diversion — channeling</p> <p>(b) Stream diversion — piping</p>	<p>(a) Channeling/straightening/diverting natural stream</p> <p>(b) Piping/diverting natural stream course</p>	<p>Category/classification of stream course</p> <p>Where does it stand in watershed?</p> <p>Changes in natural flow and course</p> <p>Water quality impact</p> <p>Water velocity increase</p> <p>Flooding potential</p> <p>Erosion/sediment impact</p> <p>Wetlands impact</p> <p>Vegetation impact</p> <p>Wildlife impact</p> <p>Recreation impact</p>
 <p>Before Development</p>	<p>Marsh, bog</p>	<p>Wetlands</p>	<p>Category/Classification</p> <p>Mapped?</p> <p>Delineated?</p> <p>Value (function)</p> <p>Type(s) of vegetation</p> <p>soils</p> <p>hydrology</p>
 <p>DEP WETLAND DELINEATION</p> <p>After Development</p>	<p>Marsh, bog</p>	<p>Wetlands/Filling and loss</p>	<p>Delineated? By whom?</p> <p>Permit status</p> <p>Methods of protection</p> <p>Mitigation planned?</p> <p>Extent/Amount of fill</p> <p>Permanent landscape change</p> <p>Runoff potential</p> <p>Flooding potential</p> <p>Threatened/Endangered</p> <p>Species impact</p> <p>Wildlife habitat impact</p> <p>Value loss</p>

Guidelines for Site Inspection Visits

Before preparing comments and recommendations on subdivision and site plan applications, environmental commissions should always walk the site. Calling such a walk a **site inspection** is particularly appropriate, as it states up front that the commission is making a careful, critical scrutiny of the area.

Many planning boards make site inspections part of the approval process. Usually present are representatives from the developer as well as the board attorney and engineering consultant. Becoming part of this inspection group allows the environmental commission to state its concerns early in the application process, and to make all parties aware of what they are.

No matter how much familiarity you may have with an area, it is important to view that area in the context of the developer's particular plans for changing its existing environment. As you walk the site and see its features, you can consider and assess the impacts that the proposed development will have on the site itself and the region around it. Also, you can determine if the site has critical environmental areas such as wetlands, flood plains and steep slopes that should receive particular preservation attention.

If a majority of commission members attend a site inspection, it is an official commission meeting which must be announced according to the standards of the Open Public Meetings Act or "Sunshine Law." (N.J.S.A. 10:4-6 et seq.) Many commissions appoint a rotating three-member Site Inspection Committee or give the planning board liaison the responsibility for inspecting, reviewing and reporting to the commission. A site inspection is generally not a legal proceeding; no testimony is given or taken. Its purpose is to provide on-site opportunity for observation, to ask questions and express concerns.

In short, site inspection visits allow you to view the big picture as well as the numerous details both present and planned. Because the applicant's focus is on what he plans to do, it is up to the environmental commission to assume the role of advocate for the existing environment.

Some Questions to Consider in the Site Plan Review Process

1. Is the proposed development in harmony with adjacent activities and land uses?
2. Does the proposed layout recognize and preserve the site's desirable natural features?
3. Does the proposed layout work with the site topography or against it?
4. Are the soil conditions suitable for the proposed development?
5. Is there a separate grading plan? Soil Erosion and Sedimentary Control Plan with adequate methods?
6. Will the proposed development adversely affect the water table?
7. Is there adequate setback and buffer from a watercourse?
8. Is surface water (stormwater) adequately accommodated? Does the stormwater management plan place too much emphasis on pipes rather than open, natural drainage?
9. Is existing vegetation preserved where possible?
10. Is proposed vegetation appropriate to its proposed use?
11. Is there a separate landscape plan? Prepared by a landscape architect?
12. Does the designated open space qualify as open space?
13. Is the designated open space functional in terms of location, size, design? Is there a separate open space plan with adequate maintenance provisions?
14. Does the street and pedestrian pattern design meet projected traffic demand?
15. What is the impact on natural resources?

I. Preparing for the Site Inspection Visit

A. Obtain most current copy of Site/Subdivision Plan and Review. Use colored markers/pencils to highlight important on and off-site features on site plan.

1. Note particular existing features to see: surface water bodies, wetlands, slopes, stormwater runoff patterns, vegetation and vegetative patterns, known species habitat

2. Note off-site features that impact site
3. Check other documentation for critical areas and mark on site plan
 - a. State Wetland Quarter Quad Maps or National Wetland Inventory (NWI) maps (Contact Municipal Clerk or Department of Environmental Protection and Energy Map Sales and Publication at 609- 777-1039.)
 - b. Flood Emergency Management Area (FEMA) maps for 100 year flood/flood hazard elevation lines (Contact Municipal Engineer or Flood Map Distribution Center, 800-358-9616 www.fema.gov/maps)

...site inspection visits allow you to view the big picture as well as the numerous details both present and planned.



- c. DEP Office of Natural Lands Management Miniquad Index Maps of Priority Sites for Endangered and Threatened Plants, Animals and Ecosystems (Contact ANJEC Resource Center at 973-539-7547 or Office of Natural Lands Management at 609-984-1339.)

4. Note what is proposed and how it appears to impact the existing landscape
 - a. short-term: during construction
 - b. long-term: post-construction
5. Note questions and concerns on site plan

B. Obtain Environmental Impact Statement (EIS) and review it; note questions and concerns on site plan

C. Setting up Site Inspection Visit

1. Should occur early in the application process
2. Can join planning board or board of adjustment
3. Request the staking or flagging of proposed structures, center line of all roads and wetlands if present
4. Invite/request board engineer, planning consultant attend

5. Notify property owner if independent commission visit is scheduled
6. Invite/request project engineer and applicant to be present if independent commission site inspection is scheduled



B. PRETZ

7. Publish 48-hour Notice of commission meeting/site inspection if necessary

II. Making the Site Inspection Visit

- A. Take marked site/subdivision plans
- B. Listen to applicant's presentation; ask questions
- C. Compare site/subdivision plan proposals with environmental features of site
 1. Mention and note inconsistencies
 2. Focus on critical environmental areas
 3. Mention and note questions, concerns and requests for further information
 4. Suggest possible changes to mitigate unnecessary environmental damage during construction and after, and to preserve and protect special features and areas

Commissions who recommend changes early in the site plan review process have a better chance that the developer and the board will accept those recommendations. Changes made early are less costly in terms of design alterations and application process time. They can also benefit the commission as far as public relations. In addition, the board knows early what the environmental concerns are, and why the commission is recommending certain modifications.

III. After the Site Inspection Visit

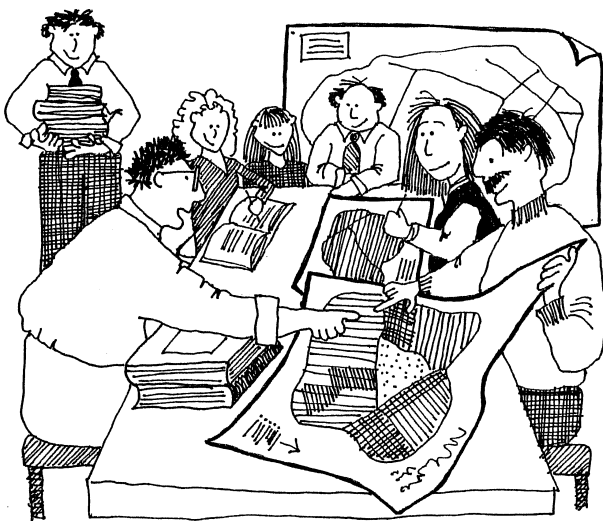
A. Review notes/minutes with full environmental commission

1. Focus on concerns and agreements made by the applicant
2. Decide if further information is needed
3. Decide what comments and recommendations to include in commission report

B. Invite applicant to meet with commission

1. Discuss concerns, questions, requests, suggestions and recommendations
2. Listen to the applicant
3. **Be prepared to compromise: give on the little things, stand your ground on the big ones**

Such a meeting should occur for major projects. The earlier it occurs in the application process, the earlier you can establish good communication with the developer. For other projects, if the developer is aware of your concerns and plans to address them, you may not feel a meeting is necessary. However, should the site inspection be made without the applicant's engineer present, you should request that such a meeting take place.



B. PRETZ

C. Prepare report

1. Include findings and recommendations as part of the commission report on the application
2. Prepare a separate site inspection report if additional information is needed and/or the number or nature of inconsistencies and concerns warrant a separate report

Commend applicant for addressing environmental concerns and/or agreeing to mitigate, preserve, protect, modify or change, so that there is less damage and adverse impact to the existing environment.



-
3. State up front that the commission made a site inspection; list dates of all relevant meetings, plans and material reviewed
 4. Prepare Findings of Fact and Recommendations for Action (See Sample on page 11)
 5. Commend applicant for addressing environmental concerns and/or agreeing to mitigate, preserve, protect, modify or change, so that there is less damage and adverse impact to the existing environment
 6. Submit to all members of the planning board or ZBOA and secretary; be sure details have been discussed with commission liaison
 7. Be prepared to read report into the board meeting record, to answer questions and defend positions taken

Environmental Commission Reports

FINDINGS OF FACT *

- Description of application or proposed action
- Site description as it is now
- Surrounding local conditions existing now
- Regional conditions existing now
- Conditions on and of site during construction
- Conditions following occupancy
- Permits required from other agencies

Include findings and recommendations as part of the commission report on the application.



FINDINGS OF IMPACT BASED ON FACTS PRESENTED **

- Local Impacts - Positive and Negative
- Regional Impacts - Positive and Negative

RECOMMENDATIONS

- Conditions to be met to mitigate impacts - local and regional
- Conditions to be met to mitigate impacts during construction
- Conditions to be met over life of project
- Permits to be in hand before action starts

CONCLUSIONS

- Commission could conclude that based on above, project should be approved, rejected, approved on condition, redesigned (include rationale and expert testimony leading to decision)

* Include sources of information

** Note sources of expertise



B. PRETZ

The ANJEC RESOURCE CENTER offers the following services to all citizens:

- unique reference collection of more than 6,000 books, pamphlets, documents and government publications ranging from academic texts to environmental resource inventories;
- more than 1100 individual current material files covering topics from acid rain to zoning;
- extensive material and files on state and federal laws including current legislation and regulations;
- extensive file of municipal and model ordinances covering topics such as air and noise pollution, critical areas protection and hazardous materials;
- extensive file of chemicals and hazardous substances;
- extensive file of newsletters from national, federal, state and county groups and organizations;
- response and referral center for requests and questions for information and materials relating to local, state and national environmental issues, problems and projects.

This publication was made possible by a grant from
The William Penn Foundation

The Association of New Jersey Environmental Commissions (ANJEC) is a statewide non-profit organization that informs and assists environmental commissioners, open space committee members, local officials and other concerned citizens in their efforts to preserve and protect New Jersey's environment.

anjec

300 Mendham Road, PO Box 157, Mendham, NJ 07945

Phone: 973-539-7547 Fax: 973-539-7713

or

204 West State Street, Trenton, NJ 08618

Phone: 609-278-5088 Fax: 609-278-5089

or

Email: anjec@aol.com www.anjec.org

3M0292/01

