Environmental Commission Site Plan Review

10 Points

Updated March 2023

Updates include clarified look back and approval periods.

Prerequisite Action: Environmental Commission

New Jersey's Municipal Land Use Law (MLUL) stipulates that if an Environmental Commission has prepared and submitted an index of natural resources in the municipality, known as an Environmental Resource Inventory (ERI) or Natural Resources Inventory (NRI), to the Planning Board and Zoning Board of Adjustment, these Boards "shall make available to the Environmental Commission an informational copy of every application for development." (N.J.S.A. 40:55D-27b). The goal of this action is to reward Environmental Commissions that proactively review the site plan and subdivision development applications available to them to evaluate the potential environmental impacts and to advise the Planning and Zoning Boards. Municipalities are eligible for points under this action if the Environmental Commission has reviewed and provided comments on at least one application during the **current or previous year** of the municipality's application for certification.

Why is it important?

The purpose of site plan and subdivision review is to assure that the developer meets all requirements of the town's land use ordinances, as well as county, state and federal regulations. It ensures that the proposed development provides for basic services, such as potable water supply, sewage disposal, and roads, and that any onsite or offsite impacts are mitigated. It also offers the opportunity to assess immediate and secondary impacts, such as storm water runoff, flooding and cultural features.

An Environmental Commission that plays an active role in the review of development applications can add valuable insights into the review process and help protect environmental resources from the negative impacts of development. Using the objective environmental information in the ERI/NRI as a basis for evaluating development applications, an Environmental Commission can advise the Planning Board and Zoning Board of Adjustment on the potential degradation of natural resources and the expensive environmental problems, such as flooding, soil erosion, and violations of state and federal regulations which could result.

Who should lead and be involved with this action?

The Environmental Commission would lead this action and work in cooperation with the Planning Board and Zoning Board of Adjustment.

Timeframe

Review of development applications can require a significant expenditure of time, depending on the volume of development activity in the town. Environmental Commissions should try to schedule their meeting dates two to three weeks before the Planning Board meets to allow enough time to review site plans and subdivisions and to submit their reports beforehand.

Project costs and resource needs

Environmental Commissions typically require little or no funds to perform this function, although it can require

a significant expenditure of time, depending on the type and volume of development activity in the town. However, the Commission should have access to the Planning and/or Zoning Boards' professionals (engineer, planner, and attorney) to discuss concerns or obtain advice or clarification.

What to do, and how to do it ("How to")

This section provides guidance and recommendations for implementing the action. A municipality does not need to follow this guidance exactly as long as it meets the requirements for earning points for this action.

The Environmental Commission must be established by ordinance in order to earn points for this action. (See separate Sustainable Jersey action) Environmental Commission. Then it should develop a process and schedule for receiving development applications for review if one does not exist. Once the process is in place, the Environmental Commission's review will automatically be triggered when site plan and subdivision applications become available.

After the developer has submitted a full application and it is deemed complete, the Planning Board has a set number of days to rule on the proposal. It is important to keep these deadlines in mind, but extensions can be granted for the more complicated applications. An Environmental Commission should try to schedule its meeting dates two to three weeks before the Planning Board meets to allow enough time to review site plans and submit their reports beforehand.

While development proposals may vary according to local conditions and ordinance requirements, the typical steps Environmental Commissions follow when reviewing site plans are:

1. Review present land uses on and off the site.
2. Review existing environmental features, critical areas and other characteristics of the site and compare them with the ERI/NRI data maps and other sources of environmental information.
3. Evaluate the proposed project's consistency with local zoning and design requirements, the municipal Master Plan and county plans as well as the project's impact on existing environmental resources.
4. Consider whether the town's water supply, sewer service and other infrastructure are adequate to serve the project.
5. Evaluate the project's use of nonstructural techniques to manage storm water as required by NJ DEP standards.
6. Review the applicant's Environmental Impact Statement, if one is submitted.
7. If possible, conduct a site inspection, usually with the Planning Board or by permission of the applicant, and compare the maps and reports in the application to the actual conditions on the ground.
8. Review site preparation and construction phases of the project.
9. Prepare a report in the format of Findings of Fact and Recommendations and send it to the Planning Board as early as possible in the review process and well in advance of the board's meeting. Even if you conclude that the project has no negative environmental impacts, a report should still be submitted. The Association of New Jersey Environmental Commissions (ANJEC) can provide sample reports.
10. Continue to follow the application and be prepared to make additional recommendations based on project modifications.

More detailed guidance for this process is available in the ANJEC Resource Paper entitled Site Plan/Subdivision Review: Environmental Analysis, available for free download at http://www.anjec.org/pdfs/SitePlanReview10.pdf.

What to submit to earn points for this action

In order to earn points for this action, the Environmental Commission must have reviewed and provided comments on at least one development application during the **current or previous year** of the municipality's application for certification. Please submit the following documentation in order to verify that the action requirements have been met. Please note that the Environmental Commission action is a prerequisite for this action. The Environmental Commission action must be approved in order to earn points for this action.

1. Description of Implementation – In the text box provided on the submission page for this action provide a short summary (300 words or less) describing the Environmental Commission's review

of site plans and subdivision applications. Include a description of any guidelines the commission uses for determining the types, sizes, characteristics, etc. of applications it reviews.
2. Upload a report which lists all the development applications sent to the Environmental Commission for review, and the action taken by the Environmental Commission (i.e. Findings of Fact and Recommendations or No Findings.)
3. Upload the Environmental Commission's Findings of Fact and Recommendations report for one project reviewed during the **current or previous year** of the municipality's application for certification.

Approved Action Expiration Date

Approved actions will be set to expire at the end of the calendar year following the action's approval. For example, if the action was approved in 2023, it will be set to expire on December 31, 2024.

IMPORTANT NOTES:

There is a limit of six uploaded documents per action and individual files must not exceed 50 MB. Excerpts of relevant information from large documents are recommended.

All action documentation is available for public viewing after an action is approved. Action submissions should not include any information or documents that are not intended to be viewed by the public.

Spotlight: What NJ municipalities are Doing

New Milford – Making the site plan review process productive *By Steve Sangle, Environmental Commission Chair*

New Milford has an understanding with the Planning Board and Board of Adjustment that any and all upcoming projects that may have environmental significance are given to it monthly for review and comment. The Township Administrator, who serves as the liaison to the boards and construction officials is in communication with the commission to discuss plans that may require its input and suggestions.

Water quantity and quality is of the utmost importance in the township, so issues such as run off, contamination, adequate aquifer recharge, impervious surface coverage and tree removal are among the areas of focus. The key is having the municipal departments on the same page to avoid overlooking issues that affect the environment. Frequently plans are received with no environmental impact, but commission appreciates the opportunity see them prior to approval. The commission works as a team and is very objective in its suggestions, realizing that there has to be give and take on development proposals as long as the environment does not become adversely affected. Being objective and looking at both sides is most important in being successful.

Bordentown - Environmental Commission Value Added

There have been two cases where the Environmental Commission challenged inaccurate information provided to the Planning Board or New Jersey Department of Environmental Protection (NJ DEP) during the site plan review process.

In one example, the Commission discovered and pointed out a significant discrepancy between the site plan submitted by the developer to the Planning Board and the plan sent to NJ DEP showing a building footprint that appeared to satisfy a buffer requirement.

"NJ DEP did not appreciate being hoodwinked," the Environmental Chair recalled. Although the developer had already clear cut over 40 trees by that time, the Planning Board ultimately denied the application and the township later purchased the property for open space.

In another example, the Planning Board had already granted conditional approval for a subdivision, and NJ DEP's preliminary Letter of Interpretation (LOI) indicated no presence of freshwater wetlands despite tidal wetlands adjacent to the property. After doing a site inspection and noting hydric soils and wetland vegetation, the Environmental Commission asked NJ DEP to revisit their findings and invited them to take soil borings, which proved the presence of wetlands. As a result, NJ DEP's final LOI required a 150-foot buffer, reducing the site's developable area to a single lot.

Resources

The following resources may be helpful in completing this action.

Association of New Jersey Environmental Commissions (ANJEC) ANJEC training for Environmental Commissions on site plan and subdivision review is offered annually and is also available via recorded webinar. Customized training on site plan review is also available to municipalities through ANJEC's Road Show Program. Contact ANJEC at info@anjec.org or call (973) 539-7547.

Assessing environmental impacts: Considering state regulations in site plan review, an ANJEC training presentation by Margaret Y. Snyder, PE, Emerald Environmental Solutions in March, 2011
http://www.anjec.org/pdfs/WorkshopPresentation33011AssessingEnvImpactsPSnyder.pdf

Site Plan/Subdivision Review: Environmental Analysis (ANJEC Resource Paper)
http://www.anjec.org/pdfs/SitePlanReview10.pdf

NJ DEP GIS Interactive Mapping Website http://www.nj.gov/dep/gis/newmapping.html

USDA Web Soil Survey http://websoilsurvey.nrcs.usda.gov/app/HomePage.html

Web-based Instructional System for Environmental Review (WISER) Training Modules

The Department of Housing and Urban Development's (HUD) Office of Environment and Energy's new module series: Web-based Instructional System for Environmental Review (WISER) is an online training series that ensures that recipients and subrecipients understand the various areas to be considered in conducting an Environmental Review. The WISER curriculum offers detailed and specific information on each topic, enabling users to evaluate accident potential of airports and risk to endangered species. Bodies of water such as rivers, ponds, and wetlands need to be considered, as well as how to achieve environmental justice goals, and protect HUD-assisted projects from excessive noise.

These first five modules cover the following topic areas:

Airport Hazards
Endangered Species
Environmental Justice
Noise Abatement and Control
Water Elements

Each module includes a downloadable key definitions PDF, knowledge checks to confirm comprehension, and links to needed resources.

https://www.hudexchange.info/trainings/wiser/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=832a0f31c0-WISER_Training_Modules_2016_11_29&utm_medium=email&utm_term=0_f32b935a5f-832a0f31c0-19275265