

*MIDDLE TOWNSHIP
CAPE MAY COUNTY, NEW JERSEY*

ENVIRONMENTAL PROTECTION ORDINANCE

Add the following:

Section 218-62. Minor subdivisions.

B. (30) Environmental Assessment Report in accordance with Section 218-93.1.

Section 218-64. Preliminary major subdivision plats.

A. (32) Environmental Assessment Report in accordance with Section 218-93.1.

Section 218-66. Minor site plan.

B. (31) Environmental Assessment Report in accordance with Section 218-93.1.

Amend this subsection replacing it with the following:

Section 218-67. Preliminary major site plan.

A. (45) Environmental Assessment Report in accordance with Section 218-93.1.

Add the following new sections:

218-72.D. Threatened and endangered plants.

- (a) Development Prohibited in the Vicinity of Threatened or Endangered Plants. No development shall be carried out by any person unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants as designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
- (b) Required projects shall demonstrate compliance with this section by conducting an Environmental Assessment in accordance with Section 218-93.1.
- (c) If the project site contains threatened or endangered plants, a habitat evaluation shall be performed in accordance with N.J.A.C. 7:27E-3C.2 and shall include plan for habitat preservation and protection.

218-72. E. Fish and wildlife.

- (1) No development shall be carried out unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animals designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.

- (2) Protection of Wildlife Habitat. All development shall be carried out in a manner which avoids disturbance to distinct fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Township of Middle.
- (3) Required projects shall demonstrate compliance with this section by conducting an Environmental Assessment in accordance with Section 218-93.1.
- (4) If the project site contains threatened or endangered animals and/or habitat for threatened or endangered animals, a habitat evaluation shall be performed in accordance with N.J.A.C. 7:7E-3C.3 and shall include plan for habitat preservation and protection.

218-81.A.

- (10) All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate a permitted activity, use or structure shall comply with Section 218-72 Preservation of Natural Features and Wetlands.
- (11) Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal non-residential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and

218.81F.

- (8) Native shrubs and trees shall be used for revegetation or landscaping purposes to accommodate nutrient poor soil. Other shrubs and trees may be used in the following circumstances:
 - (a) When the parcel to be developed or its environs contain a predominance of non-native shrubs and tree species;
 - (b) For limited ornamental purposes around buildings and other structures; or
 - (c) When limited use of other shrubs or tree species is required for proper screening or buffering.

Add the following new sections:

218-93.1. Environmental Assessment.

- A. Purpose. The impact on the environment associated with development projects necessitates a comprehensive analysis of the variety of problems that may result and the measures that can be taken to minimize the adverse impacts. It is recognized that the level of detail required for the variety of development applications will vary depending on the size of the project, the site conditions, the location of the project and the information already in the possession of the Township. As used here, environmental assessment means a written description and analysis of all possible direct and indirect effects the development will have on the site, as well as on the region,

with particular attention to the potential effects on the preservation and enhancement of the natural environment, and historic, cultural and other environmentally sensitive resources.

B. All subdivision applications resulting in not more than two lots and/or site plan applications shall be accompanied by a complete Environmental Assessment Report including the Environmental Assessment Checklist and required documentation which shall be submitted as a prerequisite to a complete application.

C. Amended subdivision or site plan applications shall be accompanied by a supplemental Environmental Assessment Report which assesses the environmental impacts associated with any modifications to the original plan.

D. Exemptions.

An Environmental Assessment Report is required for all applications except the following:

1. All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the Environmental Assessment requirements.
2. Use variance applications which will not require the filing of a site plan.
3. Subdivision applications resulting in not more than two lots.
4. An exception under Section 218-32.A.(6) to permit a single family home with access on an unimproved street.
5. Applications involving only front, rear, side yard setbacks, lot width and/or lot coverage variances.

E. Submission Requirements.

1. The Environmental Assessment Report shall be prepared by one (1) or more qualified professional in the environmental assessment discipline. The qualifications and background of the professionals shall be provided, and the method of investigation shall be described.
2. All Environmental Assessments shall consist of written and graphic materials which clearly present the required information in a report format utilizing the adopted Environmental Assessment Checklist with accompanying documentation as required.
3. The Environmental Assessment Report including appropriate references and the Environmental Assessment Checklist shall be submitted to the Board.
4. The Environmental Assessment Report shall be provided consistent with the number of copies required for each application and one (1) digital copy on cd-rom shall be submitted with development application prior to the determination of a complete application.

F. Environmental Assessment Waiver.

1. The Board may, at the request of an applicant, waive the requirement for an Environmental Assessment Report if the Board finds that sufficient evidence is submitted to support a conclusion that the proposed development will have an insignificant environmental impact to warrant an Environmental Assessment Report. The applicant is not required to file Checklist 13 as part of the waiver request.
2. Portions of the Environmental Assessment Report may be waived upon a finding by the Board that the complete report need not be prepared in order to adequately evaluate the environmental impact of a particular project.
3. Any site development affecting wetlands and C-1 waters shall not be granted a waiver from these requirements.

Add the following to

**Checklist 2
Requirements for All Plats and Plans Other than those for a Final Major Subdivision**

_____ 25. Environmental Assessment Report.

Add the following new checklist:

**Checklist 13
Requirements for Environmental Assessment Reports**

(SEE ATTACHED)

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