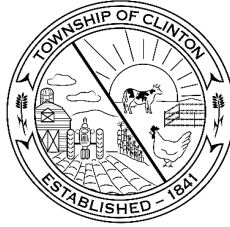


**TOWNSHIP OF CLINTON  
HUNTERDON COUNTY**



John Higgins  
Mayor

Jesse Landon  
Administrator

January 31, 2018

Clinton Township Planning Board  
1225 Route 31, Bldg. D  
Lebanon, NJ 08833

RE: Willows at Annandale EIS/

Members of the Planning Board:

The Clinton Township Environmental Commission has reviewed the revised Environmental Impact Statement (dated 12/15/17) for the application for the Willows at Annandale application and has determined there are deficiencies (see attached checklist) and *that additional information is required from the applicant before the CTEC can advise the Board of all potential environmental impacts.*

- The site description provided within the EIS did not include the regional, municipal and neighborhood setting nor land use within 500 feet of the properties as required by §165-72C(1).
- Traffic is not discussed in the EIS as required by §165-72C(3)(h).
- Socio-economic impacts were not discussed in the EIS as required by §165-72C(3)(i).
- Artificial lighting is not discussed in the EIS as required by §165-72C(3)(k)
- A discussion of impact to all critical areas is not provided as required by §165-72C(3)(l).

In addition to the above deficiencies, the CTEC has the following comments:

- Section 3C -Soils. Neither the modified EIS nor the response letter of January 22, 2018 addresses the impacts of building on steep slopes (15-25%).
- Section 3G – Wildlife. EcolScience has concluded that there will be no impacts to wildlife on the wooded portion of the property based on a single visit in mid-April. This is not representative of nesting migrants that could be on the Site as the majority of these birds do not arrive before mid-May. Additionally, their statement regarding the three migratory species seen (eastern phoebe, eastern bluebird, and American robin) is incorrect as the bluebirds and robins stay year round; however, chipping sparrows and red-winged blackbirds should be included as migratory species.

EcolSciences observed a Cooper's hawk on the property during its April 2016 visit and was commented on by "Habitat by Design" in May 2016 stated that this species (a NJ Species of Special Concern) could be impacted. The response to that comment in the letter of January 22, 2018 states "it is likely that the individual observed...was a non-

breeding individual since no stick nests were observed onsite” is not only conjecture but does not fully address the original comment. The Cooper’s hawk may not have a nest on the site but could certainly use the woodlands as foraging habitat. Construction and addition of 150+ residents of the property along with destruction of its feeding area would certainly impact this species.

- A C1 stream runs through the northern portion of the Site along with its associated wetlands. There is no discussion in the EIS on the impacts to the hydrology, and subsequently the wetlands, from the construction and placement of 18,700+ square feet of impervious surface.
- The applicant is required to submit a new Transition Area Averaging Plan Waiver to the NJDEP for their approval. The CTEC suggests that the Planning Board wait for the NJDEP approval prior to granting its approval to this applicant.
- A Phase I Environmental Site Assessment has not been provided to the CTEC that would identify underground storage tanks (USTs) (e.g., diesel fuel, gasoline), farm dumps (such as the conditions at Windy Acres) and other environmental hazards associated with a historic farming operation such as pesticides or with historic buildings such as lead-based paint and/or asbestos.
  - Given that this property was formerly operated as a farm, the applicant has not provided the Planning Board proof that pesticide contamination does not exist. As this property is slated for residential development, pesticide contamination would require remediation, in accordance with NJDEP regulations (NJAC 7:26E).
  - Given that the farmhouse and outbuildings pre-date the 1970s, the applicant has not conducted testing to determine the presence of lead and/or asbestos.

Therefore, the CTEC respectfully requests that a decision for this project be postponed until additional information is provided by the applicant in order for the CTEC to further advise the Planning Board of potential environmental impacts.

Please contact us at [environcommission@clintontwpnj.com](mailto:environcommission@clintontwpnj.com) with any questions.

Respectfully,



Laurie Gneiding, CEP  
Chair

§165-72D.Environmental impact statement requirements shall be as follows:

	<b>Residential</b>			
<b>EIS Item (Section reference)</b>		<b>Section(s) of EIS</b>	<b>Meets?</b>	<b>Ordinance Requirements (in italics) &amp; Remarks</b>
§165-72C(1) Description of project	X	(2)	Y	<i>Plan and description of proposed project: a project description, complete with site plans, which shall specify the purpose of the proposed project, including products and services, if any, being provided, and the regional, municipal and neighborhood setting, including current land use of the project site and properties within 500 feet of the site.</i>
§165-72C(2) Inventory of existing natural resources	X	(3)G	Y	<i>Inventory of existing natural resources: Generally, an inventory will consider the air quality, topography, surface water bodies, surface water quality, aquatic biota, soils, geology, groundwater, vegetation, wildlife, archaeological and historical features. Forest vegetation is to be classified by type and age class. The distribution of types and classes will be indicated on a map, the scale of which will be one inch equals 100 feet or such other scale as may be required. The location, species and diameter at 4 1/2 feet above the ground of all isolated trees four inches, or dogwoods three inches, or more in diameter are to be shown on the same or on a separate map.</i>
§165-72C(3)(a) Wastewater management	X	(2)C.	Y	<p>(a) Wastewater management:</p> <p>[1] An estimate of the expected quantity and type of wastewater expected from the proposed development. If any flow is expected, discuss:</p> <p>[a] If disposal is on site, the relation to topography, soils and underlying geology, including water table, aquifer recharge areas and all wells within 500 feet of the disposal area; include results of percolation tests and soil logs required by ordinance.</p> <p>[b] If disposal is to an existing private facility or to a public facility, identification, owner and location of the plant and location of the existing collection point to which the proposed project would be connected. Documentary evidence that the expected flows from the proposed facility will be accepted and can be treated adequately by the private or public facility must accompany the environmental impact statement.</p> <p>[2] Compliance with all applicable state and Township health regulations.</p>
§165-72C(3)(b)	X	(2)D.	Y	<i>(b) Water supply: [3] If the water is to be supplied from any existing private or public facility,</i>

	Residential			
EIS Item (Section reference)		Section(s) of EIS	Meets?	Ordinance Requirements (in italics) & Remarks
Water supply				<i>the identification, owner and location of the facility and the location of existing distribution point to which the proposed project would be connected shall be provided. The applicant will submit documentary proof that the facility has the available excess capacity in terms of its allowable diversion and equipment to supply the proposed project and is willing to do so. The applicant must demonstrate to the satisfaction of the Planning Board that the total consumption of groundwater from on-site and off-site sources will not exceed the available safe yield of the aquifer contained within the property limits.</i> ○
§165-72C(3)(c) Surface drainage	X	(	Y	<i>Surface drainage: discussion of the surface water management plan to be submitted in accordance with Article XXXV, Surface Water Management, § 165-232, and compliance with the provisions of that chapter.</i>
§165-72C(3)(d) Stream corridors	X	(3)E.	Y	<i>(d) Stream corridors: a description of any streams and immediate environs, steep banks, springs and wetlands and streamside vegetation located on the property, including a map depicting the floodway and flood hazard area as reflected on flood hazard area delineation maps on file with the Township, along with evidence of compliance with Chapter XV. The applicant shall supply copies of all resource information provided to the Division of Water Resource in support of his application for any required encroachment permit.</i>
§165-72C(3)(e) Solid waste disposal	X	(2)G	Y	<i>(e) Solid waste disposal: estimate the volume of solid wastes, by type, including excess earth, expected to be generated from the proposed project during construction and operation and describe plans for collection, storage, transportation and disposal of these materials; identify the location(s), type(s) and owner(s) of the facility (facilities) which will receive such solid wastes; if the facility is a landfill, submit proof that it is registered with the Division of Environmental Quality, New Jersey Department of Environmental Protection, and is operated in compliance with the New Jersey Sanitary Code.</i>

§165-72C(3)(f) Air quality		(3)J.	Y	<i>(f) Air quality: describe each source, its location, the quantity and nature of materials to be emitted from any furnace or other device in which coal, fuel oil, gasoline, diesel fuel, kerosene, wood or other combustible material will be burned, or if any other source of air pollutants, including automobiles attracted by the facility, will be present on the site during or after construction. Evidence of compliance with any applicable state and federal regulations shall accompany the EIS. If a state or federal emission permit is required, a copy of all resource data submitted with the application for the permit shall also accompany the EIS.</i>
§165-72C(3)(g) Noise	X	(3)K.	Y	<i>(g) Noise: a statement of anticipated effects on noise and vibration levels, magnitude and characteristics related to on-site activities and proposed method(s) of control. Background levels of noise throughout the anticipated area affected must be determined. Any applicant for industrial and commercial enterprises must show that after construction and during normal operation the enterprise will not exceed the State of New Jersey regulations controlling industries and commercial stationary sources (N.J.A.C. 7:29-1.1 et seq.).</i>
§165-72C(3)(h) Traffic	X		Not provided	<i>(h) Traffic: determine the present traffic volume and capacity of the road(s) serving the project and the nearest major intersection and set forth projected volumes for the same upon completion of the project.</i>
§165-72C(3)(i) Socio/economic	X		Not provided	<i>(i) Social economic: an analysis of the factors affecting the finances of the Township, which shall include the estimated changes in tax receipts and fiscal outlay for municipal services; estimated number and types of jobs to be provided; calculation of the number of school-age children to be produced; and any addition to existing municipal services rendered by the project.</i>
§165-72C(3)(j) Aesthetics	X	(3)M.	Y	<i>(j) Aesthetics: discuss how the natural or present character of areas will be changed as a result of the proposed action.</i>
§165-72C(3)(k) Artificial lighting	X		Not provided	<i>(k) Artificial light: a statement of anticipated effects on light, magnitude and characteristics related to on-site activities and proposed method(s) of control, with particular attention to the control of sky glow.</i>
§165-72C(3)(l) Critical areas	X		Not provided	<i>(l) Critical areas: a statement of the impact on critical areas, including stream corridors, wetlands, slopes greater than 12%, highly erodible soils, areas of high water table, mature stands of native vegetation, aquifer recharge and discharge areas and other</i>

				<i>environmentally sensitive features, areas or conditions not addressed elsewhere in the EIS. If wetlands exist or whenever one or more indicators of wetlands are present, the EIS shall include a letter of interpretation from the Freshwater Wetlands Section, Division of Coastal Resources, New Jersey Department of Environmental Protection.</i>
§165-72C(3)(m) Energy conservation	X		Not provided	<i>(m) Energy conservation: a description of the site in terms of its physical orientation to solar access and prevailing winds, addressing the building and site design and arrangement in terms of energy efficient principles and maximum utilization of renewable energy sources following criteria established in § 165-70H or 165-71E, as the case may be.</i>
§165-72C(4) Environmental protection measures	X	(7)	Y	<i>(4) Environmental protective measures. The EIS shall contain a listing of all environmental protective measures which will be used should the proposed project be implemented. These are measures which will avoid or minimize adverse effects on the natural and man-made environment of the site and region during the construction and operation of the facility.</i>
§165-72C(5) Adverse impacts	X	(5)	N	<i>(5) Adverse impacts which cannot be avoided. The EIS shall contain a summary list, without discussion, of the potential adverse environmental impacts which cannot be avoided should the proposed project be implemented. Short-term impacts should be distinguished from irreversible impacts. Any impacts on critical areas, which include but are not limited to streams, floodways, wetlands, slopes of 12% or greater, highly acid or highly erodible soils, areas of high water table, aquifer recharge areas and mature stands of native vegetation, should specify the type of criteria involved and the extent of similar areas which will not be affected.</i>
§165-72C(6) EIS summary	X	(1)	Y	<i>(6) Summary environmental assessment. The EIS shall contain a concise summary of the environmental impact assessment for the proposed project. This summary will evaluate the adverse and positive environmental effect of the project should it be implemented and the public benefits expected to derive from the project, if any.</i>

\* Per §165-72C, “Where the information is provided elsewhere in the application, it may be incorporated by reference.” However, any materials incorporated by reference in the EIS should be reviewed against the applicable ordinance by the appropriate individuals.