



**ENVIRONMENTAL COMMISSION
GREEN TEAM
900 CLIFTON AVE., CLIFTON, NJ 07013
SECRETARY (973) 470-5770**

September 13, 2021

Board of Adjustment
City of Clifton
900 Clifton Avenue
Clifton, NJ 07013

Dear Members of the Board of Adjustment:

The Environmental Commission received and reviewed the Environmental Impact Statement (EIS) for **Independent Senior Living, 784 Valley Rd, Clifton**. We found no major issues with the EIS. However, the Environmental Commission recommends that every effort be made for tree mitigation, storm water management, minimize disturbance of the existing landscape/natural areas and the planting of additional vegetation within disturbed and perimeter open areas. Please review the three attachments with comments from three of our Commissioners.

Sincerely,

Stephen Shukaitis
Environmental Commission President

784 Valley Rd- EIS comments.

Tree Replacement

The EIS does not and must include specific details of the number, type, and sizes of tree removals and their proposed replacement. Tree loss mitigation must be a requirement of this project. Tree removal was increased to allow for significant variances from City ordinances. Hence, every removed tree should require replacement in kind or by a native shade tree species. The replacements should be maximized on the site, but could go elsewhere, perhaps downstream of the site to mitigate an increased flooding resulting from the construction. At a minimum, the Clifton Tree Ordinance must be complied with.

Alternatives

The EIS failed to evaluate the alternative to the proposed project which has already been approved, that of a 31-unit senior living facility on portions of the same site. This alternative already provides senior living and is close to existing assisted living facility, but at a slightly smaller scale that requires a smaller footprint and less impermeable surface.

Stormwater Management

The EIS does not outline how stormwater management will be achieved. Green infrastructure should be installed to collect all stormwater runoff, as intended by the NJ Stormwater Guidance which was adopted by the City of Clifton prior to the date of this proposal submission. Green Infrastructure does not appear to be a main element of the stormwater design under the current proposal. The applicant must provide complete and clear details regarding stormwater collection design and compliance to the Board and the public. All appropriate approvals must be obtained by NJDEP.

The applicant should provide the calculations that helped them conclude discharges will not result in flooding during a 100-year storm and will not result in increased regular discharges post construction. Peak surface water runoff rates described in the steep slope ordinance should be complied with and calculations provided (no greater than predevelopment conditions for the twenty-five-year storm of twenty-four-hour duration). Given the magnitude of recent storms in this area, the proposal to significantly increase impermeable ground should be given special consideration. Furthermore, the applicant should explain how the quality of groundwater runoff will be checked and maintained post construction.

The increase in impermeable ground should be minimized. Parking underground or in a multilevel structure in order can help achieve this.

Endangered Species

The EIS notes songbirds were observed on the property. Given the significance of Garret Mountain as a stopping point for migratory birds and endangered species, the

applicant should evaluate whether endangered birds were observed in the vicinity of the site.

Slope Stabilization/Preservation

The applicant should describe how slopes will be stabilized during construction to protect the integrity of the mountain. The applicant should also explain in detail how the failure to comply with provisions of the steep slope ordinance will be mitigated. All elements of the steep slope ordinance that can still be adhered to should be, to the extent possible. This includes that "the maximum number of trees and other vegetative cover shall be preserved."

Clifton's Master Plan

The EIS states the proposal follows Clifton's Master Plan but fails to described compliance with the following goals and policy statements, which reference Garret Mountain (excerpts provided):

- *Goal 4:* "To protect environmentally sensitive areas from development in excess of the carrying capacity of the land through steep slope ordinances or other restrictive ordinances as necessary..."
- *Policy Statement 4:* "The City of Clifton seeks to limit development to that which is sensitive to the community's particular physical characteristics, and preserves the city's sensitive environmental features. **In particular, the City seeks to limit development to that which preserves steeply sloped areas (defined to include any slope of minimally fifteen percent grade), discourage development in order to preserve and protect the natural features in the city and requires increase horizontal setbacks between adjacent property uses on steeper slopes; Such areas would include the Garrett Mountain area from the border with Paterson to the border with Montclair,** existing wetland areas city-wide and the preservation of remaining farms as open space.
- *Goal 5:* "To promote scenic preservation for the Garrett Mountain area by restricting development from breaking the ridgeline, or otherwise degrading the scenic qualities of this natural resource."
- *Policy Statement 5:* "The City of Clifton acknowledges that Garret Mountain represents a significant environmental area and one of the community's most significant attributes. **To that extent, the city seeks to retain the area's environmental integrity and open space character, and ensure that any prospective development and/or redevelopment in the vicinity of Garret Mountain is responsive to its environmental sensitive features and can be accommodated within the community's.** The city expressly seeks to discourage any additional development which adversely affects this natural resource and does not minimize any prospective intrusive aspects on the community's environmentally sensitive features. **Strict enforcement of the**

steep slopes overlay provisions contained in the Clifton Zoning Ordinance is recommended.”

- *Policy Statement 9:* “The city seeks to provide the minimum level of infrastructure improvements to accommodate local needs, and discourage the imposition of new or expanded facilities that may be utilized to encourage or support higher levels of development than contemplated in this plan...**The city's land use policy is expressly designed to discourage infrastructure improvements that would result in increased development pressures on the City's environmental features and, specifically, in the Garrett Mountain area.”**

Furthermore, the Master Plan discourages population growth, although it calls to rehabilitating existing housing stock in Goal 2. It also calls for including open space in all new developments, such as this one.

- Goal 14: To provide for a limited population growth during the time span of the Master Plan. The key factors which should be considered in planning for new development are water supply, water quality, air quality, transportation, storm drainage facilities, open space and the availability of new public facilities, including public schools.
- Policy Statement 14: The City seeks to encourage the continued development that maintains and incorporates strict environmental performance standards. The intent of the plan is to provide for controlled development and redevelopment that separate incompatible land uses, that can be accommodated while minimize adverse impacts on the community's facilities, ensure that infill development does not adversely impact the environmental character of the area, its physical features, or circulation, and does not add to the physical congestion of neighborhoods. **The City's current standards should be reviewed and upgraded, where appropriate, to require provision of open space for all new development projects.**

Environmental Impact

Clifton's EIS ordinance, which was reviewed for this submission states that “In evaluating the environmental impact, the Planning Board and/or Zoning Board of Adjustment shall not approve any submission until it determines and finds that the proposed development: (a) Will not result in appreciable harmful effects to the environment, (b) Has been designed and conceived with a view toward the protection of the regional resources, (c) Will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.”

This project has not yet shown that there won't be appreciate harmful effects to the environment or that there won't be an excessive demand for resources, especially considering the approved alternative, which appears less invasive.

Thank you,

Submitted by: Alessia Eramo

City of Clifton Environmental Commission

784 Valley Rd. EIS Comments

I concur with all the comments that were submitted by Commissioner Joseph Labriola. I would also like to offer the following:

The impervious developed footprint on the site will increase from approximately 18,862 square feet to 65,202 square feet. This should be minimized further to the greatest extent possible.

A key goal of the City of Clifton Master Plan is to retain the environmental integrity and open space character in the vicinity of Garret Mountain. I am glad to see that the wooded ridgeline and talus slope will be preserved under a conservation easement. However, I do not believe this is enough.

Approximately 13,332 square feet of trees and shrub vegetation will be removed. I would request that a greater portion of existing trees and vegetation be preserved.

It should be noted that a large number of mature trees would be removed with this project. The wildlife displaced will put greater pressure on the surrounding areas of Garret Mountain.

This project will remove one of the last remaining patches of natural forest in this area. This entire area is used extensively by migratory songbirds, which may not have been present at the time of the environmental survey. Also, as described, some of the large tree trunks have cavities. These are very likely used by nesting birds (owls, woodpeckers, etc.) which may not have been observed at the time.

The preserved area should be protected during construction work as well.

The steep slope ordinance should be upheld and all steep slopes on the site should be preserved.

As stated in the report, stormwater runoff may contain non-point source pollutants such as vehicle leakage, pet waste and/or nutrients/chemical treatments for landscaping and lawns. Also as stated, it is possible that runoff eventually could discharge to Third River. There should be a plan to redirect this runoff from entering the Third River.

Tree mitigation - The plan shows a total of 125 Trees to be removed. 88 of these trees between 4 – 6 inches, and 37 trees 7 inches or greater. However, there are only 9 trees proposed for the site. There is a difference of 116 trees, which need to be planted. The Tree Ordinance should be strictly upheld and no exemptions given. All replacement trees should be a major shade tree as per the Tree Ordinance.

All landscaping should include native trees and shrubs.

Thank you,

Submitted by: Vera Lazar
City of Clifton Environmental Commission

My review comments of the above E.I.S document are as follows:

Existing Conditions:

Topography/Steep Slopes- This is a significant environmental constraint for this property. The E.I.S does not include a detailed map showing the various % steep slope classes on this site

Vegetation- There is no detailed listing of the tree species, sizes, and condition on the site. Some of the vegetation inventory has some questionable plant identifications, e.g. Cucumber Tree that is not found in northeast NJ.

Wildlife- The wildlife inventory is over a year old and was only conducted in one season, late summer. No listing of specific songbirds either migratory (spring and fall) or breeding. No listing of any reptiles or amphibian species or habitat.

Surface water- There is no detailed discussion of drainage pattern on the site and connectivity to the nearby Third River

Proposed Conditions/Environmental Impact:

Topography and Soils- The E.I.S does not discuss the capability and limitations of the Boonton soil series on the site, including percolation ability, erodibility, depth to bedrock, location of boulders, etc.. The project Soil Erosion and Sediment Control plan merits a close review by the Hudson-Essex-Passaic Soil Conservation District

Stormwater- Since both the area of net impervious surface area and total area of disturbance exceed one acre it is a Major Development under the New Jersey Stormwater Management Rules and the Clifton Ordinance for the same. The site Stormwater Management Plan should be reviewed closely by the Board's Engineer. Consider the use of green infrastructure including a rain garden

Vegetation- The project should comply with the City of Clifton Tree Protection Ordinance. Given the special environmental sensitivity of the site, no exemption should be granted. Limit and even reduce the 13,322 sf (0.31 Ac.) of tree clearance. Native tree and shrub species should be included in the site landscape plan to the extent possible for both aesthetics and wildlife habitat. Consider a butterfly garden on the site. Protect the conservation easement vegetation in the rear of the property from disposal of vegetative waste from landscape maintenance.

Wildlife- The E.I.S does not discuss detailed measures to manage wildlife impacts resulting from site clearance and construction. Where would the disrupted wildlife re-locate and could on-site wildlife habitat be provided?

Submitted by: Joseph A. Labriola, City of Clifton Environmental Commissioner