



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



March 14, 2023

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

Dear Members of the Board of Adjustments:

The Environmental Commission in receipt of application documents for the construction of **20 townhomes at 522 Valley Rd., Clifton, NJ**. Based on the proposal's inconsistency with the Clifton Master Plan and the extent of its environmental impact, the Environmental Commission recommends that this property remain undeveloped and be sold to preserve as open space. Feedback on the Environmental Impact Statement is provided in the attachment.

If you have any questions, please let Victoria Kaufman via email at vkaufman@cliftonnj.org or by phone at (973) 470-5770.

Sincerely,


Stephen Shukaitis
Environmental Commission President

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Commissioner Stephen Shukaitis

1. 76.1% of the site is on a slope of 15% or greater.
2. They are requesting seven (7) variances of slope ordinances. The ones of major concern are:
 - a. No building allowed on slopes of 30% or greater.
 - b. No vertical cut shall exceed 15 feet they are proposing 56 feet.

Commissioner Dave DeGhetto

This includes 4.5% of impervious surface coverage on a greater than 30% slope. That's greater than 7k square feet. Figure C15 suggests 0% impervious surface coverage is allowed.

Commissioner Joseph Labriola

Site Description: Since this project is a Major Development under the NJ Stormwater Management Rules and the Clifton Ordinance for the same, I defer the review of project compliance to the above to the Board's Engineer, Neglia Engineering

Vegetation and Wildlife- No detailed site vegetation and wildlife inventory is presented as per the Clifton E.I.S. Ordinance. Given the environmental sensitivity of the site, this should have been prepared by a qualified biologist. There is no mention of the mature canopy tree species present or any other wildlife species than Brown Thrasher.

Surface Water and Floodplains- The EIS does not mention the small pond and headwaters intermittent tributary to Weasel Brook in Rifle Camp Park, immediately west of the site. Why did Stonefield Engineering not retain EcolSciences Inc to review this topic for this site as for another less sensitive site in Clifton? What are the off-site /downstream impacts to the sub-watershed?

Environmentally Sensitive Areas- There is no verification of "no wetlands present" statement in E.I.S. There is a pond and freshwater wetlands immediately west of the site in Rifle Camp Park. As for the previous item. why was EcolSciences Inc or other qualified firm not retained relative to a Presence/Absence determination from the NJDEP as per the Clifton EIS Ordinance?

Alternatives Analysis- This section was incompletely prepared as per standard EIS protocol. What other alternatives could be considered for the subject property, such as one or two single family homes, a smaller footprint of development. conservation easement or sale of the western portion of the property, or building the project at another less environmentally sensitive site location?

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Commission Vera Lazar

The property which the applicant seeks to develop is an environmentally sensitive site. The site includes steep slopes, mature forest, and potential vernal pool habitat. There is also a possibility of wetlands on the site. The land provides important habitat for wildlife and many species of birds, including the Brown Thrasher, a documented species of special concern. Due to the environmentally sensitive nature of the site and its location on the steep slopes of Garret Mountain, this site should not be developed. It is highly recommended that the land be purchased by the city and/or county and be preserved as open space.

The development is not consistent with the City's Master Plan

Goal #4 of the Master Plan Reexamination Report states: "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. Purchase of environmentally sensitive lands and development for access and use as a park and open space should be considered..."

Policy Statement 4 includes that the city "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... such areas would include the Garret Mountain area from the border with Paterson to the border with Montclair..."

Goal #5 states: "To promote scenic preservation for the Garret Mountain area by restricting development from breaking the ridgeline, or otherwise degrading the scenic qualities of this natural resource."

Policy statement 5 "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 slope overlay provisions contained in the Clifton Zoning Ordinance is recommended."

This development being proposed is not compatible with Goals #4 and 5 of the Master Plan. The development would be highly intrusive and negatively impact the integrity of this sensitive environmental area and important natural resource of the City of Clifton. The EIS claims that "the townhouse development promotes Goals #1 and #2 by preserving the prevailing residential development patterns of the city and providing a

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compatible use specific to the Steep Slope Overlay District." However, the building of 20 four-story townhomes in a Residential One Family Zoning District (R-A1) is not preserving the prevailing pattern. The proposed land use is not compatible with the Steep Slope Overlay District. 2

Environmental and Ecological Concerns

This site is densely forested with a large number of mature trees. According to the Tree Survey and Site Plan, a total of 208 trees would be removed under this proposal. The vast majority of these trees are Oak, Tulip Poplar, and Hickory. Twenty-seven trees have a DBH of 20 inches or more. According to the site plan, 109 trees would not be replaced, as they are within 15 feet of the building footprint. Also, according to the plan 99 trees would require replacement, yet only 60 trees would be replaced.

Note: The public notice states that 87 trees are required; 48 trees proposed.

The loss of this extent of natural forest would be highly detrimental to the local wildlife, and would likely have negative impacts to hydrological conditions. In addition, large trees (such as present on the site) play a critical role in sequestering and storing carbon. The deforestation that would be created runs counter to the greater attempts to mitigate and slow climate change.

The EIS claims that "by remaining largely vegetated and keeping impact to local wildlife at a minimum, the project site respects the need for sufficient air quality and habitable area respectively."

However as shown on the plans, the site will not remain largely vegetated. In fact nearly all of the developable areas will be developed. In addition, many species of birds need a certain amount of contiguous unbroken forest for their territory to breed and survive. Carving away a large section of mature forest would indeed have a detrimental impact on the local wildlife.

It should also be noted that in the section entitled "Disruption of Vegetation & Wildlife Habitats" it states that the proposed development will create an additional 1.02 acres of impervious surfaces. However elsewhere in the report it states that 2.07 acres of new impervious surfaces will be created by the project.

Wetlands and streams

There is a pond in Rifle Camp Park just west of the site. An intermittent stream outflows from this pond and flows downhill in the general direction of the proposed site. A small area of wetlands surrounds the stream. The presence of the pond and the stream has been omitted from the EIS. The proposed site has also been mapped as potential vernal habitat; however this has been omitted from the EIS as well. It is also possible that wetlands are present on the site. However there has been no LOI submitted for presence or absence of wetlands. It is therefore strongly recommended that an LOI be provided for the site.

The applicant is seeking multiple variances, all of which run counter to the City's goals to protect the steep slope area and preserve the land around Garret Mountain. It is therefore highly recommended that the land remains undeveloped and preserved as open space.