JAKES	GREEN ACRES PROGRAM AW PLAYGROUND FUNDING APPLICATION
EN RECONSTRU	VIRONMENTAL IMPACT ASSESSMENT REPORT CTION OF LOWER PLAYGROUND WITHIN COMMUNITY PARK BLOCK 211, LOTS 35 & 36 BLOCK 212, LOT 6
TOWNSHIP (	OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY
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#### 1.0 INTRODUCTION

#### 1.1 **Project Overview**

On behalf of the project proponent and applicant in this matter, the Township of Cedar Grove (Township), **SUBURBAN CONSULTING ENGINEERS**, **INC.** (SCE) submits this Environmental Impact Assessment Document in support of an application for funding from the Green Acres Jake's Law Playground Program. The project is known as the Lower Playground Project located within Cedar Grove Community Park in the Township of Cedar Grove, Essex County, New Jersey.

The subject site is known as Cedar Grove Community Park situated at 99 Slattery Drive in the Township of Cedar Grove, County of Essex, State of New Jersey. This project is being undertaken by the Township as a step toward providing a completely inclusive playground that also provides accessible park improvements for children and adults with disabilities. This report presents an inventory and description of existing environmental conditions, as well as potential impacts thereto as enumerated in the application requirements.

#### 1.2 **Project Description**

The Township of Cedar Grove desires to replace the existing playground equipment and ancillary site amenities with a new fully accessible and inclusive custom playground. The new facility will be designed as an inclusive recreation environment with suitable amenities for all ages and ancillary site improvements to facilitate the new playground and passive recreation and gathering spaces.

The existing playground spans approximately ±6,500 square feet (SF) and was originally constructed in 2003. The project includes redesigning the existing playground facility as well as constructing an ADA compliant sidewalk leading from the existing parking lot to the playground. Amenities include an expansive combined 2 to 5-year old and 5 to 12-year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. This will be a positive project to construct an inclusive playground that is universally designed, sensory-rich environment that enables children to develop physically, socially and emotionally. The playground will create play experiences that meet a variety of needs and interests to create an engaging play area. As such, the project will have a great benefit to the local community by providing a unique recreational area for children to socialize, enjoy recreation and nature.

Playground equipment onsite currently includes three (3) slides, a climbing wall, overhead climbers, several ladders and bridges and two (2) freestanding playground rockers. There is also a 4-bay swing set. The playground area has five (5) metal benches, is bordered by a wooden curb and has aged wood mulch as a play surface. There is no perimeter fence enclosing the playground or walkway leading to the playground. A decorative paver area with trash receptacle is present adjacent to the playground equipment.

As shown on the Conceptual Site Layout Plan, the redesign of the Lower Playground Project within Community Park consists of several recreational equipment for parkgoers. Amenities include an expansive combined 2 to 5-year old and 5 to 12-year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. The playground will include six (6) 6'-foot-wide benches, be enclosed by a 12-inch concrete curb with 3-foot high decorative fencing around the perimeter of the playground and have engineered wood fiber mulch as the play surface. A curb ramp and access aisle from the existing parking lot will connect to a newly proposed 6-foot-wide concrete sidewalk that leads to the existing paver area. A flagpole is proposed in the center of the paver areaalong with four (4) ornamental trees surrounding the existing pavers and the placement of two (2) benches.

The project is expected to be completed in one phase.

#### 2.0 EXISTING ENVIRONMENTAL CONDITIONS

The following section presents an inventory and description of existing environmental conditions.

#### 2.1 Location and Physiography

The Township of Cedar Grove is an approximate  $\pm 4.5$  square mile suburban town situated in Essex County, New Jersey with approximately  $\pm 13,314$  residents, according to the 2022 census. The Township of Cedar Grove is located in eastern New Jersey and borders the Essex County municipalities of Verona, North Caldwell, Montclair and the Passaic County municipality of Little Falls.

The Township of Cedar Grove Recreation Department owns and maintains Cedar Grove Community Park which encompasses Block 211, Lots 34, 35, 36, 37, 38, 39, 40, 41; Block 212, Lots 1 & 6 and is approximately ±30.4 acres (AC) in size. Access to the park is from Slattery Drive and leads to a large asphalt parking lot. Sidewalks and trails lead to the park amenities. Amenities at the park include a large inground community pool with three (3) diving boards, a slide, and a separate inground kiddie pool. Surrounding the pool are several picnic tables, umbrellas, and benches that serve as lounging and eating areas. Adjacent to the pool are two (2) buildings that serve as a snack stand and a restroom/changing area.

The park also features a baseball field with bleachers, two (2) tennis courts west of the Peckman River, a basketball court adjacent to the pool and three (3) bocce ball courts. The park includes two (2) playground areas, one just west of the parking lot and one south of the parking lot, adjacent to the bocce ball courts. Scattered throughout the park are several benches, picnic tables, landscape trees and shrubs and security lighting.

For purposes of this application, the playground area situated west of the parking lot shall be referred to as the "project area". The project area is bound by maintained lawn, scattered trees and the Peckman River to the north, maintained lawn and the parking lot to the east, the baseball field to the south, and the Peckman River to the west. See **Appendix A, Figure 1 – Site Location Road Map**.

The project area is situated within the Piedmont Province Physiographic Province of New Jersey. This region encompasses approximately 1,600 square miles and makes up approximately one-fifth of the state. It occupies all of Essex, Hudson, and Union Counties, most of Bergen, Hunterdon, and Somerset, and parts of Mercer, Middlesex, Morris, and Passaic Counties. It is mainly underlain by slightly folded and faulted sedimentary rocks of Triassic and Jurassic age (240 to 140 million years old) and igneous rocks of Jurassic age. The Piedmont Province is characterized by a low rolling plain divided by a series of higher ridges and varies in width from about 16 miles at the New York border to over 30 miles at the Delaware River. Elevations range from 300 feet above sea level along the foot of the Highlands, to the highest point at Barren Ridge at 914 feet above sea level on the northern side of the Hunterdon Plateau.

#### 2.2 Topography and Drainage

Existing topography within the project area is relatively flat and gently slopes from east to west towards the Peckman River. Topography onsite ranges from a low of approximately elevation  $\pm 230$  feet near the Peckman River to a high point of

approximately elevation ±235 feet at the southwest corner of the parking lot. See **Appendix A, Figure 2 – USGS Topographic Map**.

The predominant drainage pattern onsite follows the prevailing slope from east to west toward the Peckman River. The existing playground does not contain any formal stormwater management conveyances structures.

#### 2.3 Wetlands and Vernal Habitats

According to the NJDEP Geographic Information System Geo-Web Viewer, there is a potential wetland area mapped in the maintained lawn area situated between the parking lot and the playground. No vernal pools or associated vernal habitat is mapped onsite or within the vicinity of the project area. The nearest vernal pool and/or potential vernal habitat are mapped approximately 1.5 miles southwest of the project area. See **Appendix A**, **Figure 5 – Wetlands and Streams Map**.

The Township of Cedar Grove notified SCE that another engineering firm (Neglia Group) is performing work on behalf of the Township at the baseball field located directly south of the playground project area. As part of Neglia Group's due diligence process, they hired a subconsultant, Environmental Technology Inc. (ETI) to complete a wetland site visit due to the potential wetland area mapped by NJDEP Geo-Web. The site investigation was conducted to evaluate the potential presence of jurisdictional wetlands and waters within and up to 150-feet from the baseball field project area. The investigation of the site was performed by wetland scientists from ETI on September 22, 2023.

ETI concluded that there were no wetlands identified on or within 150 feet of the baseball field study area, which is inclusive of the playground project area. The only regulated area identified was the portion of the Peckman River which contains State open waters only. No wetland areas are present due to the steep rocky banks. (See **Appendix C – Wetland Investigation Summary**).

#### 2.4 Floodplains and Riparian Zones

The Federal Emergency Management Agency (FEMA) effective Flood Insurance Rate Map (FIRM) for Essex County, New Jersey (Panel 34013C0101F, dated 06/04/2007) was reviewed for the project area. It was determined that the project area is situated outside of Zone AE - the 100-YR fluvial floodplain (1% annual chance flood) and floodway associated with the Peckman River. The 100-YR fluvial floodplain is mapped at approximate elevation (el.) 230 ft NAVD 88 near the project area but appears to be contained within the limits of the channel of the Peckman River at this location due to the steep sloping banks. See **Appendix A, Figure 6 – FEMA Effective FIRM Map**.

The NJDEP State flood studies were also reviewed for the Peckman River. The NJDEP State flood study entitled "Delineation of Floodway and Flood Hazard Area of the Peckman River, Township of Cedar Grove, Essex County, New Jersey" Plate No. M-6 prepared by Tippetts-Abbett-McCarthy-Stratton does not map the project area within the flood hazard area or floodway of the Peckman River. Similarly the flood hazard area and floodway of the Peckman River appear to be contained within the limits of the steep sloping banks adjacent to the project area. See **Appendix A, Figure 7 – NJDEP State Flood Map**.

#### 2.5 Water Supply/ Sole Source Aquifers

The project area is currently serviced by public water supply provided by the "Cedar Grove Water Department."

Sole-source aquifers are defined with guidelines set forth by the U.S. Environmental Protection Agency (EPA) as authorized in Section 1424(e) of the Safe Drinking Water Act of 1974. There are seven sole-source aquifers (SSAs) in New Jersey. These are defined by the EPA as an aquifer that has been designated by the United States Environmental Protection Agency (EPA) as the sole or principal source of drinking water for an area. By definition, to qualify as an SSA, an aquifer must meet specific criteria. It must provide at least 50% of the drinking water consumed in the area that overlies the aquifer. Moreover, there should be no other feasible drinking water sources available that can provide water to all who rely on the aquifer for drinking water purposes, taking into account physical, legal, and economic considerations.

The project area is not located within a Sole Source Aquifer (SSA). See **Appendix A**, **Figure 8 - Sole Source Aquifer Map**.

#### 2.6 Important Farmlands / Agricultural Development Areas

According to the US Department of Agricultural (USDA) Web Soil Survey, the project area is underlain by the following two (2) soil map unit types:

- Knickerbocker Urban land, Knickerbocker substratum complex, 0 to 8 percent slopes (KnuB)
- Udorthents, Haledon substratum, 0 to 8 percent slopes (UdhalB)

Both of these soil map units are classified as "not prime farmland" by USDA and therefore do not meet the specifications to be utilized for farming.

According to the New Jersey Geographic Information Network (NJGIN) open data portal, the project area is not mapped as containing any New Jersey Agricultural Development Areas (ADA). See **Appendix A**, Figure 9 – Agriculture Map.

#### 2.7 Historic Resources

On December 08, 2023, SCE conducted a review of the Look Up Cultural Resources Yourself (LUCY) online mapping tool provided by the New Jersey Department of Environmental Protection's Historic Preservation Office (HPO), in accordance with established procedures. The purpose of this review was to evaluate any potential impacts that the proposed project may have on cultural resources within the project area.

Our findings indicate that the project area is not designated as an historic property under the HPO's mapping tool. However, we have identified an historic property located approximately 300 feet west of the project area, which is known as "79 Bortic Road" and is classified as an "identified individual" property.

The project area is not mapped within a historic district. The nearest historic district is mapped approximately 500 feet north of the project area and is known as the "Storybook Houses Historic District" associated with the Storybook House No. 4 and is classified as an "identified" historic district.

We have concluded that the project area is situated within an "identified" archaeological site grid known as "EI71". We will continue to adhere to established protocols and regulations throughout the project planning and execution phases to ensure that any potential impacts to cultural resources are identified and mitigated as necessary. Appendix A, Figure 10 – Cultural Resources Map.

NJ SHPO will be afforded project review responsibilities during review of this report and will have a chance to comment or express concerns with the proposed project.

#### 2.8 Steep Slopes

Steep slopes are defined as "any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet".

Existing topography within the project area is relatively flat and gently slopes from east to west towards the Peckman River. Topography onsite ranges from a low of approximately elevation ±230 feet near the Peckman River to a high point of approximately elevation ±235 feet at the southwest corner of the parking lot. As such, there are no steep slopes within the limit of the project area. The nearest, steep slopes are situated just west of the project area and are associated with the steep banks of the Peckman River. See **Appendix A**, **Figure 11 - Steep Slopes Map**.

#### 2.9 Important Aquifer Recharge Areas

According to the NJDEP Geographic Information System Geo-Web Viewer, there is no GIS layer information relating to Groundwater Recharge for Essex County. The project area is situated within the "Basalt Aquifer (bs)" bedrock aquifer noted as a "Rank D Aquifer" with a well yield ranging from greater than 25 gpm to 100 gpm. See **Appendix A**, **Figure 12 – Aquifer Recharge Map**.

#### 2.10 Parks and Preserves

According to the Open Space Database maintained by NJDEP Green Acres Program, the project area is situated with a public park known as "Cedar Grove Community Park". The park is owned and controlled by the Township of Cedar Grove and is listed on the Open Space Database maintained by the Township of Cedar Grove. The park is encumbered by the Green Acres Program. See **Appendix A**, **Figure 13 – Open Space Map**.

#### 2.11 Stream Corridors and Waterbodies

The NJDEP does not map any hydrological features such as streams, rivers, swales, seeps, or springs within the limits of the project area. However, the Peckman River at its closest point is located approximately 35 feet west of the project area. The Peckman River has well defined bed and banks, is approximately 15 to 30 feet wide and varies in depth from approximately six (6) inches to fourteen (14) feet in some locations. The stream drains northerly where it continues past the project area. According to the *Surface Water Quality Standards* (NJAC 7:9B), Peckman River is classified as a general freshwater, non-trout watercourse (FW2-NT). There are also two (2) Unnamed Tributaries to the Peckman River north and south of the project area that drain into the main branch of Peckman River.

There are no Category One (C1) waters, trout production or maintenance waters within the same HUC-14 watershed as the project area.

As such, the riparian zone for the project area along the Peckman River is 50 feet wide. See Appendix A, Figures 03 – Surface Water Quality Map and Figure 04 – National Hydrography Dataset Map.

#### 2.12 Soils / Bedrock

2.12.1 Soils

According to the US Department of Agricultural (USDA) Web Soil Survey, the project area is underlain by the following two (2) soil map units types:

- Knickerbocker Urban land, Knickerbocker substratum complex, 0 to 8 percent slopes (KnuB)
- Udorthents, Haledon substratum, 0 to 8 percent slopes (UdhalB)

The Udorthents, Haledon substratum, 0 to 8 percent slopes (UdhalB) soil map unit consists of two (2) different components that include: 90 percent udorthents, haledon substratum, and similar soils and 10 percent minor components. This soil map unit is typically located on convex ground moraines that are comprised of loamy material transported by human activity. A characteristic soil profile is 0 to 12 inches of loam followed by 12 to 60 inches of gravelly fine sandy loam. The soil is somewhat poorly drained, runoff is medium and the depth to the water table is about 7 to 18 inches. According to the "National List of Hydric Soils", UdhalB is not listed as a hydric soil. **See Appendix** 

#### A, Figure 14 – Soils Map.

The Knickerbocker – Urban land, Knickerbocker substratum complex, 0 to 8 percent slopes (KnuB) soil map unit consists of three (3) different components that include: 55 percent Knickerbocker and similar soils, 40 percent Urban land, knickerbocker substratum and 5 percent minor components.

The Knickerbocker and similar soils are typically located on linear terraces and are comprised of sandy outwash material. A characteristic soil profile is a plow layer (Ap) from 0 to 8 inches of fine sandy loam, followed by a weathered B-horizon (Bw) 8 to 23 inches of fine sandy loam. The BC horizon is 23 to 34 inches of loamy fine sand followed by the substratum from 34 to 60 inches of loamy fine sand. The drainage class is well drained, runoff class is low and the depth to the water table is approximately 42 to 72 inches. According to the "National List of Hydric Soils", this component of KnuB is not listed as a hydric soil.

The Urban land, Knickerbocker substratum are typically located on linear outwash plains and are comprised of surfaces covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material. A characteristic soil profile is an H1 horizon from 0 to 12 inches of material (structures/fill), followed by an H2 horizon from 12 to 34 inches of fine sandy loam. From 34 to 60 inches is a substratum horizon of loamy fine sand. The runoff class is very high and the depth to the water table is approximately 42 to 72 inches. According to the "National List of Hydric Soils", this component of KnuB is not listed as a hydric soil. **See Appendix A, Figure 14 – Soils Map.** 

2.12.2 Bedrock Geology

According to the New Jersey Geologic Survey's (NJGS) Geo-web database,

the project area is located above the following bedrock geological formation:

• Orange Mountain Basalt (Jo) (basalt, fine to medium grained)

The Orange Mountain Basalt (Jo) bedrock formation is composed of darkgreenish-gray to black, fine-grained, dense, hard basalt composed mostly of calcic plagioclase and clinopyroxene. Locally contains small tubular gasescape vesicles, some filled by zeolite minerals or calcite, and small to large vesicles lined with prehnite typically above base of flow contact. Unit consists of three major flows that are separated in places by a weathered zone, a bed of thin copper-silfide-bearing, reddish-brown siltstone, or by volcaniclastic rock. Upper part of flows marked by olive-green hydrothermally altered horizon. Lower part of upper flow is locally pillowed; upper part has pahoehoe flow structure. Middle flow is massive to columnar jointed. Lower flow is generally massive with widely space curvilinear joints and is pillowed near the top. Individual flow contacts characterized by vesiculated zones as much as 8 feet thick. Reactivated lava tubes occur around pillow structures. Thickness of unit is approximately 715 feet. **See Appendix A, Figure 15 – Bedrock Geology Map.** 

#### 2.13 Vegetation

Any naturally occurring vegetation has been removed to construct the playground, as the play surface is comprised of wood fiber mulch. The vegetation surrounding the playground is dominated by maintained lawn (Poaceae family), common dandelion (Taraxacum officinale), white clover (Trifolium repens), red clover (Trifolium pratense) and ground ivy (Glechoma hederacea). Some native trees are located to the west along the Peckman River and between the playground and parking lot that include sugar maple (Acer saccharum), northern red oak (Quercus rubra), white oak (Quercus alba) and green ash (Fraxinus pennsylvanica).

#### 2.14 Wildlife

The project area is situated within an active park that is located directly adjacent to the Peckman River. The stream corridor where the project area is occurring supports resting, perching or foraging habitat for many species found in New Jersey including, but not limited to: northern raccoon (*Procyon lotor*), muskrat (*Ondatra zibethicus*), opossum (*Didelphis virginiana*), eastern gray squirrel (*Sciurus carolinensis*), woodchuck (*Marmota monax*), eastern chipmunk (*Tamias striatus*), Eastern cottontail (*Sylvilagus floridanus*), white-tailed deer (*Odocoileus virginianus*), Canada goose (*Branta canadensis*), common waterfowl (mallards, wood duck, black duck, etc....) and various passerines (songbirds).

#### 2.15 Threatened and Endangered Species

Based on the NJDEP Geo-Web Landscape Project (Version 3.3) database, the project area is situated in the Piedmont Plains region. No state threatened, state endangered or Federally-listed species are mapped within or within the vicinity of the project area per NJDEP Geo-Web Landscape Project (Version 3.3) database. The nearest potential species habitat is state threatened occupied habitat for the wood turtle (*Glyptemys insculpta*) located approximately 6,500 feet south (upstream) of the southern extent of the project area near West Bradford Avenue. A response from the Natural Heritage Program (NHP) is pending to confirm this mapping. See **Appendix A, Figure 16 – NJDEP** 

# Threatened and Endangered Species Habitat Map and Appendix D, NJDEP Natural Heritage Program Letter.

SCE obtained a letter from the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to Federally listed species on December 11, 2023. The USFWS letter indicates potential habitat for the following species within the limits of the project area:

- Indiana bat (Myotis sodalis), Federally endangered
- Northern long-eared bat (Myotis septentrionalis), Federally endangered
- Tricolored bat (Perimyotis subflavus), Proposed Federally endangered
- Monarch butterfly (Danaus plexippus), Candidate species

Final critical habitat is listed for the Indiana bat; however the project area does not overlap the critical habitat.

According to the New Jersey Municipalities with Hibernation or Maternity Occurrence of Indiana Bat or Northern Long-eared Bat, published by USFWS, dated April 8, 2020, last revised February 14, 2023, the Township of Cedar Grove is not listed as containing hibernation, maternity or tree roosting habitat for Northern long-eared bat or Indiana bat. Therefore, the project area is considered potential habitat. See Appendix E for the USFWS Letter. In addition, no tree removal is necessary for the redesign of the playground; the only vegetative disturbance will be to maintained lawn areas directly adjacent to the existing playground for the construction of the walkway to the parking lot. As such, no adverse impacts to protected bat species or their habitat is anticipated.

The project area is not located within a municipality with known occurrences of swamp pink (Helonias bullata) per NJDEP DLRP's Known Locations of Swamp Pink in New Jersey, Additionally, the project areas are not located within a municipality with known occurrences of bog turtle (Glyptemys muhlenbergii). Therefore, the project is not expected to result in direct or indirect adverse impacts to swamp pink and/or bog turtle documented habitat. NJDEP does not map the site or the surrounding areas as potential bog turtle habitat. A review of the NJDEP Landscape Project (v3.3) completed by SCE revealed that the project area is not situated within a Natural Heritage Plant Grid. Given, the steep slopes of the stream banks, project area being situated in an active recreational park, and the lack of appropriate vegetative habitat, the project area is unlikely to support habitat for swamp pink or bog turtle. As such, the project is not expected to destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, or jeopardize the continued existence of any local population of a threatened or endangered species. However, the applicant fully intends to consult and coordinate with the USFWS and/or NJDEP during the funding application review process as deemed necessary by these agencies.

The applicant will abide by all necessary timing restrictions as deemed necessary by NJDEP. See Appendix E – US Fish and Wildlife Service Correspondence.

#### 3.0 ENVIRONMENTAL IMPACT REVIEW

The following section presents a review of potential impacts to the existing environmental resources described above in the previous section of this report.

#### 3.1 Location and Physiography

The project is not expected to result in any adverse impacts to the site location or surrounding community since work involves the redesign of an existing playground. The playground will mostly be redesigned within the footprint of the existing playground with the exception of connecting the new playground area with the old freestanding playground rockers and adding a concrete sidewalk leading from the parking lot to the playground area. These impacts will occur specifically within maintained herbaceous vegetation. Construction will not require any significant excavation, fill or grading. No tree removal or removal of woody stemmed vegetation is anticipated for the construction of this project. The project location is not anticipated to be impacted by sea level rise. The existing land use will remain the same onsite and no adverse impacts to the site's physiography are expected due to the limited scope of land disturbance required onsite.

Due to the playgrounds existing location within a larger park, it can be expected that providing improved and upgraded equipment along with an inclusive play space will increase demand on the playground. While the older children utilize the adjacent multipurpose field or baseball field, parents will feel more comfortable allowing younger children to play in an inclusive playground nearby and accessed via the same parking lot.

#### 3.2 Topography and Drainage

The limit of disturbance for the project is approximately  $\pm 11,920$  SF (0.274 AC), and no significant land disturbance or grade changes are proposed as part of construction onsite. No tree removal is necessary for the redesign of the playground and the only grading that will occur is for the construction of the concrete sidewalk. Drainage will continue to sheet flow westerly towards the Peckman River. As such, no adverse impacts to the existing topography or drainage patterns onsite will be affected as a result of the project.

#### 3.3 Wetlands and Vernal Habitats

The Township of Cedar Grove notified SCE that another engineering firm (Neglia Group) is performing work on behalf of the Township at the baseball field located directly south of the playground project area. The investigation concluded that there were no wetlands identified on or within 150 feet of the baseball field study area, which is inclusive of the playground project area. The only regulated area identified was the portion of the Peckman River which contains State open waters only. No wetland areas are present due to the steep rocky banks. (See **Appendix C – Wetland Investigation Summary**).

As such, the project area does not contain any freshwater wetlands and no part of the project area lies within a wetland transition area. The only nearby regulated feature is the Peckman River which is classified exclusively as a State open water due to the steep rocky banks. Therefore, the project is not regulated pursuant to the Freshwater Wetlands Protection Act Rules at NJAC 7:7A. Therefore a permit or approval under the Freshwater Wetlands Protection Act Rules at NJAC 7:7A is not require.

No vernal pools or associated vernal habitat was observed during the wetland delineation. As such, the project is not expected to impact any vernal pools or associated habitat.

#### 3.4 Flood Hazard Area and Riparian Zone

The Federal Emergency Management Agency (FEMA) effective Flood Insurance Rate Map (FIRM) for Essex County, New Jersey (Panel 34013C0101F, dated 06/04/2007) was reviewed for the project area. It was determined that the project area is situated outside of Zone AE - the 100-YR fluvial floodplain (1% annual chance flood) and floodway associated with the Peckman River. The 100-YR fluvial floodplain is mapped at approximately elevation (el.) 230 ft NAVD 88 which appears to be contained within the limits of the channel of the Peckman River due to the steep sloping banks. See **Appendix A, Figure 6 – FEMA Effective FIRM Map**.

The NJDEP State flood studies were also reviewed for the Peckman River. The NJDEP State flood study entitled "Delineation of Floodway and Flood Hazard Area of the Peckman River, Township of Cedar Grove, Essex County, New Jersey" Plate No. M-6 prepared by Tippetts-Abbett-McCarthy-Stratton does not map the project area within the flood hazard area or floodway of the Peckman River. Similarly the flood hazard area and floodway of the Peckman River appear to be contained within the limits of the steep sloping banks adjacent to the project area. See **Appendix A, Figure 7 – NJDEP State Flood Map**.

Although it appears that the project area is not situated within the regulatory flood hazard area, pursuant to the updated *Flood Hazard Area Control Act Rules* (NJAC 7:13-3.4(e), the flood hazard area design flood elevation shall be equal to three feet above the FEMA 100-year flood elevation and two (2) feet above the NJDEP State Study elevation. As such, the flood hazard area within the limit of the project area is at approximate elevation of 233 ft NAVD 88 pursuant to FEMA.

The western portion of the project area is situated within the limits of the 50-foot riparian zone that extends landward from the top of bank of the Peckman River. In addition, the project may also fall within the flood hazard area associated with the Peckman River due to the added safety factor when designing projects near flood-prone areas.

As such, the project is regulated under the Flood Hazard Area Control Act Rules (NJAC 7:13). We have determined that the project qualifies for either a Permit-By-Rule (PBR) No. 10 for general construction activities located outside a flood hazard area in a riparian zone or a PBR No. 25 for construction of an aboveground athletic and/or recreational structure if work will occur within the flood hazard area. The project meets the conditions of these PBRs because no disturbance is located within 25 feet of any top of bank, no buildings will be constructed in a flood hazard area or floodway, footprint of new structures do not exceed one-quarter acre since November 5, 2007, and any vegetative disturbance will be to actively disturbed areas (maintained lawn or wood fiber mulch).

Soil erosion and sediment control measures including but not limited to, inlet filters, hay bales, soil stockpile protection measures, a silt fence, an exclusions fence and stabilized construction entrance will be employed as applicable.

As such, given the small land disturbance impacts required for the project and the project being constructed exclusively in previously disturbed areas comprised of maintained lawn or wood fiber mulch, the project will not result in significant adverse impacts to the flood hazard area, floodway or riparian zone. NJDEP will review the project under the application for funding submitted and be able to provide comments regarding the project design. in conclusion, the project does not require the preparation and submission of a formal Flood Hazard Area Permit.

#### 3.5 Water Supply/ Sole Source Aquifers

The proposed project does not require any new water supply sources or services as the area will continue to serve as a playground. Additionally, the proposed project is not located within a sole source aquifer, therefore no adverse impacts to the sole source aquifers will occur.

#### 3.6 Important Farmlands/ Agricultural Development Areas

The project area does not contain any important farmlands or Agricultural Development Areas onsite or within the vicinity of the site. Therefore, no adverse impacts to these resources will result.

#### 3.7 Cultural Resources

As stated above, the project area is not situated within a "listed" cultural resource site. We have concluded that the project area is situated within an "identified" archaeological site grid known as "EI71".

Given the location of the project area being situated within an existing playground area and the previous land disturbance (e.g. earthwork) required to construct the playground, we do not expect that the project will result in any impacts to any unknown or unidentified cultural resources. Although the project will construct a new concrete sidewalk onsite, the soil disturbance is minimal and will require less than 6 inches of soil disturbance. For these reasons, we believe that no further action is required and consequently, a Cultural Resource Phase IA was not prepared for the project. However, the applicant fully intends to consult and coordinate with the NJDEP SHPO during the funding application review process as deemed necessary by any agency. **Appendix A, Figure 10 – Cultural Resources Map.** 

#### 3.8 Steep Slopes

The existing topography of the project area is relatively flat and does not contain any steep slopes. The adjacent steep slopes associated with the banks of the Peckman River will not be impacted as a result of the project. In addition, no steep slopes be constructed onsite.

#### 3.9 Important Aquifer Recharge Areas

Given the limited size of the project area and the scope of the project that does not involve the addition of a significant amount of impervious cover, the project is not expected to have a negative effect on the aquifer recharge area.

#### 3.10 Parks and Preserves

According to the Open Space Database maintained by NJDEP Green Acres Program, the project area is situated with a public park known as "Cedar Grove Community Park". The park is owned and controlled by the Township of Cedar Grove and is listed on the Open Space Database maintained by the Township of Cedar Grove. The park is encumbered by the Green Acres Program.

The project includes redesigning the existing playground facility as well as constructing an ADA compliant sidewalk leading from the existing parking lot to the playground. Amenities include an expansive combined 2 to 5-year old and 5 to 12-year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. This will be a positive project to construct an inclusive playground that is universally designed, sensory-rich environment that enables children to develop physically, socially and emotionally. The playground will create play experiences that meet a variety of needs and interests to create an engaging play area. As such, no adverse impacts to parks or preserves are expected as part of the project, the park will benefit from the project.

#### 3.11 Stream Corridors and Waterbodies

No water bodies are located within the limits of the project area and the Peckman River which is adjacent to the project area will not be affected by the project.

The implementation of proper soil erosion and sediment control measures will help ensure adjacent stream corridors and waterbodies are not negatively impact by construction. These measure will be in place prior to the commencement of construction. Soil erosion and sediment control measures include but not limited to, inlet filters, hay bales, soil stockpile protection measures, a silt fence, and stabilized construction entrance as applicable. Therefore, no negative impact to these resource is expected to result.

#### 3.12 Bedrock / Geological Formations

The project is not expected to result in any significant adverse impacts to bedrock geologic formations due to the surficial nature of the work. Construction does not require the removal or blasting of bedrock or any deep foundations or pile driving.

#### 3.13 Vegetation

Vegetation impacts will be limited to maintained lawn or existing wood fiber mulch surface for the construction of the new playground and associated sidewalk. Since the majority of the redesigned playground is being constructed within the footprint of the existing playground onsite, the vegetation impacts will be minimal. No tree removal or removal of woody stemmed vegetation is anticipated for the construction of this project. Any temporarily disturbed areas onsite will be restored and seeded upon completion of the project. As such, the project will require a minimal amount of permanent vegetation impacts for the project.

#### 3.14 Wildlife

As discussed in Section 2.14, the project area does not contain any significant wildlife species or suitable habitat due to the project area serving as an active playground frequented by parkgoers. Vegetation impacts will be limited to maintained lawn or existing wood fiber mulch areas for the construction of the new playground and associated sidewalk. Since the majority of the redesigned playground is being constructed within the footprint of the existing playground, negative impacts to wildlife species or their associated habitat is not anticipated.

#### 3.15 Threatened and Endangered Species

As discussed above in Section 2.15, the project area and immediate vicinity are not mapped for any potential state threatened, state endangered or Federally-listed species habitat. Although the USFWS letter indicates potential habitat for Indiana bat, northern long-eared bat and tricolored bat, the project does not require the removal of any trees.

As such, the project area is considered a low wildlife habitat and will not impact any threatened and/or endangered species or their associated habitat. Additionally, the project will be reviewed by the threatened and endangered species unit of the NJDEP DLRP during the funding application review process. Any concerns relative to threatened and endangered species will be addressed accordingly by the applicant.

#### 3.16 Soils

Soils will be disturbed in two (2) areas: 1) just outside the limit of mulch of the existing playground to connect the main playground area with the freestanding playground rockers and 2) for the construction of the concrete sidewalk. All other disturbed areas will be within the limits of the existing mulch line of the playground area. However, the project area is approximately ±11,920 SF (0.274 AC), and as such, soil erosion and sediment control plan certification is required to be obtained from the Hudson Essex Passaic Soil Conservation District. Typical soil erosion and sediment control measures will be employed and maintained during construction, including but is not limited to, inlet filters, hay bales, soil stockpile protection measures, a silt fence, an exclusion fence, and stabilized construction entrance as applicable. Therefore, significant adverse impacts to onsite soils are not anticipated.

#### 3.17 Air Quality

The project will not result in any permanent adverse air quality impacts. No new or expanded emission source will be created. Construction-related air quality impacts will likely be short-term and include particulate matter in the form of dust (from ground clearing and preparation, grading, stockpiling of materials, onsite movement of equipment and transportation of construction materials), as well as exhaust emissions from material delivery trucks, construction equipment and workers' personal vehicles. Dust emissions typically occur during dry weather and periods of maximum demolition or construction activity or during high wind conditions. The construction contractor will be responsible for complying with all applicable air quality and vehicle exhaust rules and regulations. No permanent or long-term adverse air quality impacts are expected.

#### 3.18 Social Impacts

The principal adverse social impact arising from the construction phase of the proposed project will be visual and noise disruptions to the parkgoers of Cedar Grove Community Park and closure of the existing playground during construction. The Township will take precautions to minimize these disruptions and ensure public safety while construction is underway by erecting an exclusion fence around the project area until construction is complete. Noise impacts can be mitigated by confining project activities to standard work hours in order to be compliant with local township noise ordinances.

The project includes redesigning the existing playground facility as well as constructing an ADA compliant sidewalk leading from the existing parking lot to the playground. Amenities include an expansive combined 2 to 5-year old and 5 to 12-year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. This will be a positive project to construct an inclusive playground that is universally designed, sensory-rich environment that enables children to develop physically, socially and emotionally. The playground will create play experiences that meet a variety of needs and interests to create an engaging play area. The redesign of the playground will have a benefit for access, as there will be an ADA compliant concrete sidewalk for parkgoers to use. As such, the project will have a great benefit to the local community by providing a unique recreational area for children to socialize, enjoy recreation and nature and will be considered a social benefit.

#### 4.0 **REQUIRED PERMITS**

A summary of various regulatory programs and corresponding permits/licenses that are required for the proposed project are listed below:

DEDAAITS	SUBMITTED		
FERMITS	YES	NO	STATUS/COMMENTS
NJDEP Flood Hazard Area Permit-By-Rule (PBR)		Х	Formal application submission not required
Hudson Essex Passaic County Soil Conservation District (SCSCD)		Х	To be submitted upon approval of design documents

#### 5.0 ALTERNATIVES ANALYSIS

The purpose of the work is to upgrade the existing playground equipment and provide an inclusive playground. Therefore, the proposed alternatives include no-action, provide fencing or landscaping to provide an inclusive play area, and relocate or provide an additional playground.

#### 5.1 Considered Alternatives

5.1.1 No Action Alternatives - Alternative A

Alternative A encompasses the no-action alternative, which implies that the playground will remain as is in existing conditions. Under this alternative, the playground will remain a non-inclusive space with outdated equipment.

The most significant advantage of this option would be the non-realization of construction costs, relieving the Township of any financial burden associated with playground improvement costs. However, the disadvantage of this alternative is that the playground remains as it is today with outdated equipment. Alternative A would have no environmental impacts.

Alternative A was not chosen.

5.1.2 Provide Inclusive Playground Only – Alternative B

Alternative B entails the installation of either fencing or landscape shrubbery surrounding the playground. This alternative would allow for inclusive play of the existing playground equipment onsite.

This alternative would require permitting from the NJDEP due to the proximity of the Peckman River to the project but other environmental impacts would be limited.

The most significant advantage of this option would be limited construction costs, which would lower the Township's financial burden associated with playground improvement costs. However, the disadvantage of this alternative is that the playground remains as it is today with outdated equipment.

Alternative B was not chosen.

5.1.3 Alternative Sites – Alternative C

Alternative C entails relocating or providing an additional playground at another location with the Township.

The Township does not currently own another property where the playground could be relocated, or a new playground can be proposed. This alternative would cause a significant financial burden on the Township to find a suitable location, acquire lands, prepare a playground design plans, and construct the playground.

Disadvantages to this option are that the existing playground with Community Park will continue to degrade with improvements and may cause safety issues in the future.

Alternative C was not chosen.

#### 5.1.4 Reconstruction of Lower Playground within Community Park – Alternative D

Alternative D entails the redesign of the Lower Playground within Community Park. Amenities include an expansive combined 2 to 5-year old and 5 to 12year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. The playground will include six (6) 6'-foot-wide benches, be enclosed by a 12-inch concrete curb with 3-foot high decorative fencing around the perimeter of the playground and have engineered wood fiber mulch as the play surface. A curb ramp and access aisle from the existing parking lot will connect to a newly proposed 6-foot-wide concrete sidewalk that leads to the existing paver area. A flagpole is proposed in the center of the paver area- along with four (4) ornamental trees surrounding the existing pavers and the placement of two (2) benches.

This alternative will be completely inclusive by means of fencing surrounding the playground to provide a safe space for children outdoor play. There is no proposed tree removal for this alternative and roughly four (4) trees are anticipated to be planted to provide additional shade for the playground.

#### Alternative D was chosen.

# **APPENDIX A**

































# **APPENDIX B**

SUBURBAN CONSULTING ENGINEERS, INC.



**Photo 1:** View of playground entrance facing south of the Community Park parking lot. **Date Taken: November 14, 2023.** 



**Photo 3:** View of existing playground equipment at the Lower Playground within Community Park. **Date Taken: November 14, 2023.** 



Photo 2: View of playground entrance facing south of the Community Park parking lot. Date Taken: November 14, 2023.



**Photo 4:** View of existing playground equipment at the Lower Playground within Community Park. **Date Taken: November 14, 2023.** 



Photo 5: View of existing playground equipment at the Lower Playground within Community Park. Date Taken: November 14, 2023.



Photo 6: View of existing playground equipment at the Lower Playground within Community Park. Date Taken: November 14, 2023.

# APPENDIX C

SUBURBAN CONSULTING ENGINEERS, INC.



**Environmental Consultants** 



October 6, 2023

SENT VIA EMAIL: Gveenstra@negliagroup.com

Mr. Gary A. Veenstra, PLS, CFS Neglia Group 34 Park Avenue, PO Box 426 Lyndhurst, NJ 07071

Re: Wetlands/Transition Area Investigation 225 Little Falls Road Portion of Lot 6, Block 212 and Lot 35, Block 211 Township of Cedar Grove, Essex County, N.J.

Dear Mr. Veenstra,

Per your request, Environmental Technology Inc. has visited the above-referenced property and conducted a site investigation to determine the presence or absence of freshwater wetlands and associated transition areas within a specific study area as shown on the attached exhibit. This review was pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C 7:7A).

Our methodology and findings are as follows:

#### STUDY METHODOLOGY

The investigation of the site was performed by the staff of Environmental Technology, Inc. on September 22, 2023.

In accordance with the New Jersey Freshwater Wetlands Protection Act, and outlined by the New Jersey Department of Environmental Protection (NJDEP), the extent of the wetlands were determined by implementing the methodology that is currently accepted by the United States Environmental Protection Agency (USEPA), namely Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated January 10, 1989 and supplements. This methodology states that for an area to be considered wetland all three of the following parameters must be present: Mr. Gary Veenstra

Re: Wetlands/Transition Area Investigation 225 Little Falls Road Portion of Lot 6, Block 212 and Lot 35, Block 211 Township of Cedar Grove, Essex County, N.J.

1. Hydric Soils

2. A Predominance of Hydrophytic Vegetation

3. Hydrology

The determination of hydric soils in the field is made by the use of a manually operated soil sampler. Then a determination of hydric soils is made by using Munsell Soil Color Charts. Transects are made from the wetlands to the uplands to determine the point at which soils no longer were determined to be hydric. Hydric soils are those soils that have a chroma of less than or equal to 1 (when no mottling is present) or a matrix chroma of less than or equal to 2 when mottling is present.

When soils classified as a sand soil are encountered Munsell Soil Color Charts are not used exclusively. In these instances hydric determinations are also made by the presence of one or more of the following conditions: high organic matter content in the surface horizon, the streaking of subsurface horizons by organic matter, or the presence of organic pans.

In situations in which soils exhibit significant coloration due to the nature of the parent material (e.g. red shales) the soils often do not exhibit the characteristic chromas associated with hydric soils. In the above situations the Munsell Soil Color Charts cannot always be used to evaluate the hydric nature of the soil. In these cases their hydric nature according to the Soil Conservation Service (SCS), and the other criteria carry more weight.

Vegetation is classified according to the Eastern Mountains and Piedmont 2014 Regional Wetland Plant List prepared by the USACOE. The classifications, according to this list are as follows:

<u>Obligate (OBL)</u> <u>Always</u> found in wetlands under natural (not planted) conditions (frequency greater than 99%), but may persist in nonwetlands if planted there by man or in wetlands that have been drained, filled, or otherwise transformed into nonwetlands.

<u>Facultative Wetland (FACW)</u> Usually found in wetlands (67%-99% frequency), but occasionally found in nonwetlands.

<u>Facultative (FAC) Sometimes</u> found in wetlands (34%-66% frequency), but also occurs in nonwetlands.

<u>Facultative Upland (FACU)</u> Seldom found in wetlands (1%-33% frequency) and usually occurs in nonwetlands.

<u>Nonwetland (UPL)</u> Occurs in wetlands in another region, but not found (<1% frequency) in wetlands in the region specified. If a species does not occur in wetlands in any region, it is not on the list.

Mr. Gary Veenstra

Re: Wetlands/Transition Area Investigation 225 Little Falls Road Portion of Lot 6, Block 212 and Lot 35, Block 211 Township of Cedar Grove, Essex County, N.J.

According to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated January 10, 1989, an area has hydrophytic vegetation, when under normal circumstances more than 50 percent of the composition of the dominant species from all strata are obligate wetland (OBL), facultative wetland (FACW), and/or facultative (FAC) species.

In the non-growing season hydrophytic vegetation is assumed to be present, since during this time of the year many herbaceous species are either unidentifiable or non-existent.

Hydrology is determined by the evidence of water, either visible or indicators that water was present. This is noted by visible factors such as drift lines, high water marks on trees, sediment deposits including encrusted detritus, displacement of leaf litter as the result of water flowage, and drainage patterns. During the growing season, saturated soil samples and/or the water table is noted as evidence of hydrology when they are encountered within 12 inches of the soil surface.

Seasonal highwater table information is used, when available, from the Soil Conservation Service. Recent rainfall and/or other precipitation is also considered when evaluating hydrology.

In situations where the native conditions have been altered such as; cleared lands (e.g. agricultural lands), areas where the original soil has been altered (such as formerly plowed or filled lands), certain criteria are given more weight than others due to the lack of reliability of the affected parameter as an indicator.

#### **FINDINGS**

The investigation found the property to consist of a community park with maintained athletic fields, multiple children's play areas, a community pool, expansive macadam parking area and other associated improvements. The Peckman River flows in and along the site's western boundary. Additionally, it should be noted that the adjacent portion of Peckman River contains State open waters only and no wetlands were identified.

The investigation performed by the staff of ETI found that there are no wetlands identified on or within 150 feet of the study area, which is the maximum transition area size pursuant to N.J.A.C. 7:7A.

Soil samples confirmed the presence of non-hydric soils within and adjacent to the site (Munsell Soil Color Chart Readings of 10YR 3/4 from 0 to 18 inches).

Vegetation observed in and adjacent to the site consisted of sugar maple (Acer saccharum, FACU), common catalpa (Catalpa bignonioides, NL), black walnut (Juglans nigra, FACU), white ash (Fraxinus pennsylvanica, FACW), Japanese honeysuckle (Lonicera japonica, FAC), white snakeroot (Eupatorium rugosum, NL), garlic mustard (Alliaria petiolate, FACU), grape (Vitis spp., V), mugwort (Artemisia vulgaris, NL), and grasses (Panicum & Poa spp., V).

Mr. Gary Veenstra Re: Wetlands/Transition Area Investigation 225 Little Falls Road Portion of Lot 6, Block 212 and Lot 35, Block 211 Township of Cedar Grove, Essex County, N.J.

#### **CONCLUSIONS**

Based on the methodology currently accepted by the NJDEP pursuant to N.J.A.C. 7:7A, there are no areas classified as freshwater wetland, or transition area.

Since no portion of the study area is within the jurisdiction of NJDEP's Freshwater Wetlands Protection Act Rules no contact with the NJDEP regarding freshwater wetlands or transition areas is required by NJDEP.

The information provided is based on the most current information available and our best professional judgment. This letter does not consider pending or future legislation or regulations that may change the opinions provided.

Please do not hesitate to contact our office if you should have any questions regarding our findings.



23155 Enclosure: 8.5"x11" Exhibit of Study Area

Very truly,

ENVIRONMENTAL TECHNOLOGY INC.

David C. Krueger, President

Professional Wetland Scientist 000662 Certified Wetland Delineator WDCP94MD03101146B

#### Exhibit of Study Area

225 Little Falls Road Portion of Lot 6, Block 212 and Lot 35, Block 211 Township of Cedar Grove, Essex County, N.J.



# APPENDIX D

SUBURBAN CONSULTING ENGINEERS, INC.

	And all the second seco	State of N Department of Env Natural Heritage I The New Jersey Natural Heritage Prog Mail Code 501-04, P.O. Box 420 Phone: (609) 984-13	New Jersey rironmental Protection Data Request Form ram - Office of Natural Lands Management , Trenton, New Jersey 08625-0420 39; Fax: (609) 984-1427	
	Please print clearly.	. All sections are required.		
1.	Name:		Agency/Company:	
	Billing Address:		_ City, State, Zip:	
	Phone:		E-mail:	
2.	Project Name &/or P	roject Address:		
	Municipality(ies):		_ County(ies):	
	Block(s):		Lot(s):	
	Coordinates (NAD	1983 State Plane feet [6 digits] or	Lat/Long):	
	E(x) / Longitude:		N(y) / Latitude:	
3.	Project Description:			
4. 5.	Mapping Information: Riparian Zone or	Please provide a map showing the pro or parcel map with block and lot, etc.). delineated. Alternatively, you may sub *.kml/kmz, etc.) by attaching it to your Site Location Map Included: Electronic GIS Data Files Included USGS quad name (if known): Is this request submitted as part of a	oject boundary (e.g., USGS quad, aerial im . Responses will be delayed if site locations omit electronic GIS data (e.g., shapefile, ge email submittal. Yes No : Yes No : Yes No a Riparian Zone width determination	agery, street map, tax s are not clearly odatabase,  YesNo
6.	FHACA Acknowledgement & Signature	Any material supplied by the Office of crediting the Natural Heritage Database be a charge of \$70.00 per hour for the response. Please pay by check or m "DEP – Office of Natural Lands Mar Signed:	Natural Lands Management will not be pulse as the source of the material. It is under e services requested. An invoice will be services order (credit card not accepted) pragement? (please do not reference "NJ	blished without stood that there will t with the request ayable to: State Treasury").
Time Data All re	Frame for Response requests are processe sponses will be emaile	: d in the order in which they are receive d to the address provided above unles	d; PLEASE ALLOW AT LEAST 30 DAYS For some source of the second seco	OR A RESPONSE. Jested.
<b>Pleas</b> data i	e Submit Completed For request to: (609) 984-142	orms And Attachments To The Following 27. If you would like to send in your data re	g Email Address: <u>NATLANDS@DEP.N.</u> equest via regular mail, please use the follow	<b>GOV</b> . You may also fax your ing address:
NJDE Mail ( Trent	P Office of Natural Land Code 501-04, PO Box 42 on, NJ 08625-0420	s Management !0		
FOI	R OFFICE USE ONLY			
Item	Code: REG	_ST NC	Hrs:	
Proj	ect Code: 2	-	Inv.#:	Revised February 2022

#### **USGS SITE LOCATION MAP**



12/12/2023, 10:45:25 AM

Project Area

		1:12,037		
0	0.07	0.15		0.3 mi
⊢ 0	0.13	''- 0.25	'- <u>-</u>	

Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# **APPENDIX E**

SUBURBAN CONSULTING ENGINEERS, INC.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE New Jersey Ecological Services Field Office 4 E. Jimmie Leeds Road, Suite 4 Galloway, NJ 08205 Phone: (609) 646-9310



In Reply Refer To: Project Code: 2024-0024953 Project Name: Cedar Grove Community Park - Playground Redesign Project

December 11, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If the enclosed list indicates that any listed species may be present in your action area, please visit the New Jersey Field Office consultation web page as the next step in evaluating potential project impacts: <u>http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html</u>

On the New Jersey Field Office consultation web page you will find:

- habitat descriptions, survey protocols, and recommended best management practices for listed species;
- recommended procedures for submitting information to this office; and
- links to other Federal and State agencies, the Section 7 Consultation Handbook, the Service's wind energy guidelines, communication tower recommendations, the National Bald Eagle Management Guidelines, and other resources and recommendations for protecting wildlife resources.

The enclosed list may change as new information about listed species becomes available. As per Federal regulations at 50 CFR 402.12(e), the enclosed list is only valid for 90 days. Please return to the IPaC website at regular intervals during project planning and implementation to obtain an updated species list. When using IPaC, be careful about drawing the boundary of your Project Location. Remember that your action area under the ESA is not limited to just the footprint of the project. The action area also includes all areas that may be indirectly affected through impacts such as noise, visual disturbance, erosion, sedimentation, hydrologic change, chemical exposure,

reduced availability or access to food resources, barriers to movement, increased human intrusions or access, and all areas affected by reasonably foreseeable future that would not occur without ("but for") the project that is currently being proposed.

Additionally, please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

We appreciate your concern for threatened and endangered species. The Service encourages Federal and non-Federal project proponents to consider listed, proposed, and candidate species early in the planning process. Feel free to contact this office if you would like more information or assistance evaluating potential project impacts to federally listed species or other wildlife resources. Please include the Consultation Tracking Number in the header of this letter with any correspondence about your project.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

# **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4 Galloway, NJ 08205 (609) 646-9310

### **PROJECT SUMMARY**

**Project Code:** 2024-0024953 **Project Name:** Cedar Grove Community Park - Playground Redesign Project **Project Type:** Recreation - Maintenance / Modification Project Description: The Township of Cedar Grove desires to replace the existing playground equipment and ancillary site amenities with a new fully accessible and inclusive custom playground. The new facility will be designed as an inclusive recreation environment with suitable amenities for all ages and ancillary site improvements to facilitate the new playground and passive recreation and gathering spaces. The existing playground spans approximately  $\pm 6,500$  square feet (SF) and was last improved in the early 2000's. Playground equipment onsite currently includes three (3) slides, a climbing wall, overhead climbers, several ladders and bridges and two (2) freestanding playground rockers. There is also a 4-bay swing set. The playground area has five (5) metal benches, is bordered by a wooden curb and has aged wood mulch as a play surface. There is no perimeter fence enclosing the playground or walkway leading to the playground. A decorative payer area with trash receptacle is present adjacent to the playground equipment. As shown on the Conceptual Site Layout Plan, the redesign of the Lower Playground Project within Community Park consists of several recreational equipment for parkgoers. Amenities include an expansive combined 2 to 5-year old and 5 to 12-year old ADA accessible play equipment with various sensory and inclusive activities and a 4-bay swing set with standard and accessible seat options. The playground will include six (6) 6'-foot-wide benches, be enclosed by a 12-inch concrete curb with

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#### Project Location:

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@40.85818735,-74.22734772986303,14z</u>



Counties: Essex County, New Jersey

### **ENDANGERED SPECIES ACT SPECIES**

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

#### MAMMALS

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/5949</u>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/9045</u>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/10515</u>	Proposed Endangered
INSECTS NAME	STATUS

Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: <u>https://ecos.fws.gov/ecp/species/9743</u>

#### **CRITICAL HABITATS**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

Candidate

# USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

# **BALD & GOLDEN EAGLES**

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the <u>"Supplemental Information on Migratory Birds and Eagles"</u>.

- 1. The <u>Bald and Golden Eagle Protection Act</u> of 1940.
- 2. The Migratory Birds Treaty Act of 1918.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

#### There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <u>https://ecos.fws.gov/ecp/species/1626</u>	Breeds Sep 1 to Jul 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

## **PROBABILITY OF PRESENCE SUMMARY**

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read <u>"Supplemental Information on Migratory Birds and Eagles"</u>, specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

#### **Probability of Presence** (**■**)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

#### Breeding Season (=)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

#### Survey Effort ()

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

#### No Data (-)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds <u>https://www.fws.gov/library/</u> <u>collections/avoiding-and-minimizing-incidental-take-migratory-birds</u>
- Nationwide conservation measures for birds <u>https://www.fws.gov/sites/default/files/</u> <u>documents/nationwide-standard-conservation-measures.pdf</u>
- Supplemental Information for Migratory Birds and Eagles in IPaC <u>https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action</u>

## **MIGRATORY BIRDS**

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the <u>"Supplemental Information on Migratory Birds and Eagles"</u>.

- 1. The <u>Migratory Birds Treaty Act</u> of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black-billed Cuckoo Coccyzus erythropthalmus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/2974</u>	Breeds Apr 28 to Jul 20
Chimney Swift Chaetura pelagica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will Antrostomus vociferus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20

NAME	BREEDING SEASON
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <u>https://ecos.fws.gov/ecp/species/1680</u>	Breeds elsewhere
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9443</u>	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9513</u>	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9439</u>	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9398</u>	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <u>https://ecos.fws.gov/ecp/species/9478</u>	Breeds elsewhere
Wood Thrush Hylocichla mustelina This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9431</u>	Breeds May 10 to Aug 31

## **PROBABILITY OF PRESENCE SUMMARY**

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# **WETLANDS**

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of</u> <u>Engineers District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT <u>HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML</u> OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## **IPAC USER CONTACT INFORMATION**

Agency:	Cedar Grove township
Name:	Craig Amundson
Address:	96 US Highway 206
Address Line 2:	Suite 101
City:	Flanders
State:	NJ
Zip:	07836
Email	camundson@suburbanconsulting.com
Phone:	8453255349

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: New Jersey Department of Environmental Protection