

**CHAPTER 45
RULES FOR THE REVIEW ZONE OF
THE DELAWARE AND RARITAN
CANAL STATE PARK**

Authority

N.J.S.A. 13:13A-1 et seq.

Source and Effective Date

R.2009 d.184, effective June 1, 2009.
See: 40 N.J.R. 6686(a), 41 N.J.R. 2235(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 45, Rules for the Review Zone of the Delaware and Raritan Canal State Park, expires on June 1, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 45, Delaware and Raritan Canal State Park Review Zone, was adopted as R.1980 d.15, effective January 11, 1980. See: 11 N.J.R. 501(d), 12 N.J.R. 72(a). Pursuant to Executive Order No. 66(1978), Chapter 45 expired on January 11, 1985.

Chapter 45, Delaware and Raritan Canal State Park Review Zone, was adopted as new rules by R.1989 d.61, effective February 6, 1989. See: 20 N.J.R. 23(a), 21 N.J.R. 324(a).

Subchapter 6, Stream Corridor Impact, and Subchapter 9, Traffic Impact, were adopted as new rules by R.1990 d.106, effective February 5, 1990. See: 21 N.J.R. 828(a), 22 N.J.R. 383(b).

Pursuant to Executive Order No. 66(1978), Chapter 45, Delaware and Raritan Canal State Park Review Zone, was readopted as R.1994 d.100, effective January 28, 1994, and Subchapter 6, Stream Corridor Impact, was recodified as Subchapter 7, Subchapter 7, Detention Facilities in Flood Hazard Areas, was recodified as Subchapter 6 and Subchapter 11, Waiver of Governmental and Private Projects Review, and Subchapter 12, Severability, were recodified as Subchapters 10 and 11 by R.1994 d.100, effective February 22, 1994. See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Pursuant to Executive Order No. 66(1978), Chapter 45, Delaware and Raritan Canal State Park Review Zone, was readopted as R.1999 d.47, effective January 7, 1999, and Subchapter 6, Detention Facilities in Flood Hazard Areas, was repealed and Subchapter 7, Steam Corridor Impact, Subchapter 8, Visual and Natural Quality Impact, Subchapter 9, Traffic Impact, Subchapter 10, Waiver of Government and Private Projects Review, and Subchapter 11, Severability, were recodified as Subchapters 6 through 10 by R.1999 d.47, effective February 1, 1999. See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

Chapter 45, Delaware and Raritan Canal State Park Review Zone, was readopted as R.2004 d.290, effective June 30, 2004. See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

Chapter 45, Delaware and Raritan Canal State Park Review Zone, was repealed and Chapter 45, Rules for the Review Zone of the Delaware and Raritan Canal State Park, was adopted as new rules by R.2009 d.184, effective June 1, 2009. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL INFORMATION

7:45-1.1 Purpose

The Delaware and Raritan Canal Commission was created pursuant to the Delaware and Raritan Canal State Park Law of 1974, N.J.S.A. 13:13A-1 et seq. The Commission is authorized to prepare and adopt a Master Plan for the physical development of the Delaware and Raritan Canal State Park and to establish zones in which it will review all private and public projects that impact on the Park and ensure that the projects conform as nearly as possible to the Master Plan adopted by the Commission. This chapter establishes the procedure for the review and sets forth the standards that will be considered by the Commission. The rules are intended to encourage consideration of the natural, historic, and recreational resources of the Park and its environs at the earliest stages of land-use planning and to promote cooperation between the Commission, municipal, county and State reviewing agencies, and private land users.

7:45-1.2 Forms and information

(a) Application forms or other information related to this chapter may be obtained from the Commission as follows:

1. Through the Commission's website at www.dandrcanal.com; or by contacting the Commission at:

D&R Canal Commission
 P.O. Box 539
 Stockton, NJ 08559
 609-397-2000
 Fax: 609-397-1081

(b) Application forms, correspondence, and other materials shall be submitted to the address in (a) above, except that courier and hand deliveries shall be delivered to:

D&R Canal Commission
 33 Risler Street
 Stockton, NJ 08559

(c) Application forms, correspondence, or other materials sent or delivered to an address other than those in (a)1 and (b) shall not be deemed to have been received for the purposes of calculating application review deadlines or other time periods under this chapter.

7:45-1.3 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

“Act” shall mean the Delaware and Raritan Canal State Park Law of 1974, N.J.S.A. 13:13A-1 et seq.

“Administrative Procedure Act” or “APA” means N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

“Canal” means the Delaware and Raritan Canal and the abandoned section of the Canal in the Township of Hamilton, County of Mercer.

“Commission” means the Delaware and Raritan Canal Commission.

“Compaction” means the increase in soil bulk density.

“Department” means the Department of Environmental Protection.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Disturbance” means construction or other human activity that disturbs the surface of the land, or the soil below the land surface, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.