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CHAPTER 45

DELAWARE AND RARITAN CANAL
 STATE PARK REVIEW ZONE

Authority

N.J.S.A. 13:13A-12, 13 and 14.

Source and Effective Date

R.1999 d.47, effective January 7, 1999.
 See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

Executive Order No. 66(1978) Expiration Date

Chapter 45, Delaware and Raritan Canal State Park Review Zone, expires on January 7, 2004.

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readopted as R.1999 d.47, effective January 7, 1999, and Subchapter 6, Detention Facilities in Flood Hazard Areas, was repealed and Subchapter 7, Stream Corridor Impact, Subchapter 8, Visual and Natural Quality Impact, Subchapter 9, Traffic Impact, Subchapter 10, Waiver of Government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: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. REVIEW ZONE OF THE DELAWARE AND RARITAN CANAL STATE PARK

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 insure 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 and recreational resources of the Park and its waterways 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 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

“Act” shall mean the Delaware and Raritan Canal State Park Law of 1974, P.L. 1974, c.118, N.J.S.A. 13:13A-1 et seq.

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

“Class II watershed” means a watershed identified by the Commission as having no history of significantly mingling with the canal water under either normal or storm conditions. The location of these watersheds can be obtained from the Commission’s office in Stockton, New Jersey.

“Commission” means the Delaware and Raritan Canal Commission.

“Department” means the Department of Environmental Protection.

“Flood hazard area” means the floodway and flood fringe area of a delineated stream designated by the Department pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

“General development plan” means a phased development plan as defined in the Municipal Land Use Law (N.J.S.A. 40:55D-45.1 through 45.8).

“Governmental projects” means the undertaking of a public improvement, construction or land-use change by a State department or agency, county, municipality or any other governmental entity except interior alterations to an existing structure involving no change of use.

“Major project” means:

1. If no part of the project site falls within Zone A, but some of it falls within Zone B, the entire project is “major” if it will, since January 11, 1980, cumulatively cover one acre of land with impervious surfaces.
2. If any part of a project site falls within Zone A, the entire project is “major” if it:
 - i. Involves construction, development, or redevelopment of four or more dwelling units; or
 - ii. Involves no dwelling units, but will cover land which is uncovered at the time of submission of the application with one-fourth acre or more of impervious surfaces.

“Master Plan” means the Delaware and Raritan Canal State Park Master Plan consisting of the following five planning documents adopted by the Commission as the Master Plan including any modification, revision or amendment thereof subsequently adopted by the Commission pursuant to N.J.S.A. 13:13A-13:

1. Master Plan (May, 1989);
2. Design Guide (December, 1980);
3. Historic Structures Survey (June, 1982);
4. Historic Recreational Development Plan (September, 1984); and
5. Development, Acquisition and Management Plan (January, 1996).

“Minor project” means:

1. Regarding Zone A, a project which is not a major project.
2. Regarding Zone B, only major projects are reviewed in Zone B.