

7:45-5.5 Alternative standards for Class II watershed

Detention facilities located in a Class II watershed will be reviewed in accordance with the standards in N.J.A.C. 7:45-5.4(a) with modifications described in N.J.A.C. 7:45-5.4(c) and (d). The applicant will be required to provide detention facilities that regulate flooding but will not be required to address water quality.

Amended by R.1999 d.47, effective February 1, 1999.
See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

Deleted the former third and fourth sentences.

7:45-5.6 (Reserved)

Amended by R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Repealed by R.2004 d.290, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

Section was "Applicability of storm drainage and water quality standards".

SUBCHAPTER 6. STREAM CORRIDOR IMPACT**7:45-6.1 Scope of review**

(a) Except for specific projects expressly waived by the Commission pursuant to N.J.A.C. 7:45-9, all major projects within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor preservation if the project includes a portion of any of the stream corridors of the following designated streams within the Review Zone:

1. Lockatong Creek;
2. Wickecheoke Creek;
3. Alexauken Creek;
4. Swan Creek;
5. Moore's Creek;
6. Fiddler's Creek;
7. Jacob's Creek;
8. Shabakunk Creek;
9. Little Shabakunk Creek;
10. Shipetauken Creek;
11. Duck Pond Run;
12. Stony Brook;
13. Millstone River;
14. Heathcote Brook;
15. Beden's Brook;
16. Simonson Creek;
17. Six Mile Run;
18. Ten Mile Run;

Amended by R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

7:45-6.2 Submission requirements

(a) For all major projects within Zone A, or Zone B, or both, of the Review Zone and which include a portion of the stream corridor of any designated stream under N.J.A.C. 7:45-6.1(a), the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a

scale of one inch equals 200 feet and containing the following:

1. The 100 year flood line;
2. The 100 foot wide buffer along the 100 year flood line; and
3. The location of all improvements proposed to be located within the stream corridor.

Amended by R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Amended by R.1999 d.47, effective February 1, 1999.

See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

In (a), changed N.J.A.C. reference in the introductory paragraph.

7:45-6.3 Prohibited uses within stream corridors of designated streams

(a) The following uses shall be prohibited within a stream corridor of a stream designated in N.J.A.C. 7:45-6.1(a) if a permit from or determination by a municipal agency is required or if the project is a government project:

1. Construction of new structures, buildings and retaining walls;
2. Regrading of the existing topography;
3. On-site sewage disposal systems;
4. Any solid or hazardous waste facilities, as defined in N.J.A.C. 7:26, including but not limited to sanitary landfills, transfer stations, wastewater lagoons and impoundments;
5. Junk yards, commercial and industrial storage facilities and the open storage of vehicles and materials;
6. Barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities;
7. Parking facilities and roads that are parallel with the stream; and
8. Removal of native vegetation or actions which result in the death of native vegetation except as necessary in connection with activities in the stream corridor permitted by the Commission.

(b) Since existing topography of a stream corridor cannot be regraded nor can native vegetation be removed, applicants for residential projects must provide a minimum of 25 feet of usable yard between the stream corridor and dwellings.

Amended by R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Amended by R.1999 d.47, effective February 1, 1999.

See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

In (a), changed N.J.A.C. reference and added "or if the project is a government project" at the end of the introductory paragraph.

Recodified from N.J.A.C. 7:45-6.4 and amended by R.2004 d.290, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

In (a), added a new 2 and recodified former 2 through 7 as 3 through 8; added (b). Former N.J.A.C. 7:45-6.3, Permitted uses within designated stream corridors, repealed.

7:45-6.4 Conditional uses within stream corridors of designated streams

(a) The following uses shall be permitted within a stream corridor of a stream designated in N.J.A.C. 7:45-6.1(a) if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational paths;
2. Outlet installation for sewage treatment plants and sewage pumping stations, and the expansion of existing sewage treatment facilities;
3. Private or public water supply wells that have a sanitary seal, flood proofed water treatment facilities, or pumping facilities;
4. Quarrying, excavating, digging, dredging or grading, when incidental to stream cleaning and stream rehabilitation work undertaken to improve hydraulics, or to protect public health;
5. Dams, culverts, pipelines, bridges and roads that cross the corridor as directly as practical, have the minimum possible width of disturbance and that have received approval from the appropriate municipal, county and State agencies having such authority;
6. Sanitary or storm sewers;
7. Outfall structures associated with storm water management facilities;
8. Utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner which will not impede flows or cause ponding of water;
9. Structures comprising part of a regional flood retention project; and
10. In the event of damage or destruction, in whole or in part, by fire, storms, natural hazards, or other acts of God, reconstruction of any existing structure not resulting in a greater footprint or total area than that of the damaged or destroyed structure and provided that no change in land use results. The reconstruction of a single family dwelling shall not be subject to review by the Commission under this subchapter.

Amended by R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Amended by R.1999 d.47, effective February 1, 1999.

See: 30 N.J.R. 3729(a), 31 N.J.R. 402(a).

In (a), changed N.J.A.C. reference in the introductory paragraph, deleted "permitted structures or uses including" following "incidental to" in 4, and added ", provided that wetland tree species are planted in any detention basin" at the end of 7.

Recodified from N.J.A.C. 7:45-6.5 and amended by R.2004 d.290, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

In (a), rewrote 1, deleted "if the project meets all applicable provisions of this chapter and other Department rules" at the end of 2, inserted "pipelines," following "culverts" in 5, and rewrote 7. Former N.J.A.C. 7:45-6.4, Prohibited uses within stream corridors of designated streams, recodified to N.J.A.C. 7:45-6.3.

7:45-6.5 Preservation of stream corridor

The applicant shall take whatever measures are necessary to assure that areas designated as stream corridors will be preserved and to prevent additional encroachments in the stream corridor likely to occur as a result of the approval granted. Such measures may include easements, deed restrictions, or other measures satisfactory to the Commission.

New Rule, R.1994 d.100, effective February 22, 1994.

See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

Recodified from N.J.A.C. 7:45-6.6 by R.2004 d.290, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

Former N.J.A.C. 7:45-6.5, Conditional uses within stream corridors of designated streams, recodified to N.J.A.C. 7:45-6.4.

7:45-6.6 Local stream corridor ordinance

When the Commission determines that a municipality or county has adopted a stream corridor ordinance that is more stringent than this subchapter, then compliance with the stricter requirements in said ordinance shall be required as a condition of the Commission's Certificate of Approval, the provisions of this subchapter being considered as minima not maxima.

Recodified from N.J.A.C. 7:45-6.7 by R.2004 d.290, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

Former N.J.A.C. 7:45-6.6, Preservation of stream corridor, recodified to N.J.A.C. 7:45-6.5.

7:45-6.7 (Reserved)

Recodified to N.J.A.C. 7:45-6.6 by R.2004 d.209, effective August 2, 2004.

See: 35 N.J.R. 5351(a), 36 N.J.R. 3583(a).

Section was "Local stream corridor ordinance".

SUBCHAPTER 7. VISUAL AND NATURAL QUALITY IMPACT

7:45-7.1 Submission requirements

(a) The following shall be submitted to the Commission for review of the visual and natural quality impact of all projects:

1. A plan showing the location, type and size or dimension of existing trees with a diameter at breast height of 12 inches or greater, rock masses, and all other natural and man-made features, with designation of the features which will be retained in the completed development.