

i. The lands and water in the Park should be maintained to preserve wildlife habitats and the flourishing of natural vegetation communities.

ii. The Park should be a means of connecting other natural areas in the region, thereby enhancing their ability to function.

iii. Rare, endangered, or threatened species of plants and animals found in the park should be carefully preserved.

iv. Landscape materials used in the Park, or used on adjoining lands, should be native to the region and appropriate for their specific habitat.

v. The greatest possible variety of habitats for plants and animals should be preserved.

vi. The Park should serve as a migratory route for plants and animals.

5. The Park is a means of enhancing urban areas.

i. The recreational, historic, and natural conservation objectives are all applicable to urban areas through which the Canal flows and should be appropriately applied there.

ii. The Park should serve as a transportation route within urban areas for non-motorized vehicles and pedestrians.

iii. The Park should be both a boundary for urban neighborhoods and a means of connection among them.

iv. The Park should be a means of connecting urban areas with recreational areas, historic sites, and natural areas in the region beyond the urban boundary.

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).

SUBCHAPTER 2. APPLICATION FOR PROJECT REVIEW AND REVIEW PROCEDURES

7:45-2.1 General provisions

(a) Each applicant shall submit to the Commission sufficient information to adequately review and consider the project. Application forms are available from the Commission.

(b) Applicants may combine exhibits for any project provided all required information is shown thereon with sufficient clarity to be understood.

7:45-2.2 Application for review of a private project

(a) The initial application for a proposed private project within the Review Zone shall be submitted by the applicant to the appropriate municipal approving agency. If approved by the municipal approving agency, the application shall be reviewed by the Commission.

(b) An application for review of a private project may be submitted by the applicant to the Commission for staff review:

1. At any time prior to municipal review and approval; or
2. At any time during the planning stages for pre-application discussion with the Commission staff.

(c) The applicant or the municipal approving agency shall submit applications to the Commission after the municipal approving agency has approved the project, unless an application for the proposed project has been previously made to the Commission.

(d) No application shall be reviewed by the Commission until it has been determined by the staff to be a complete application which, in addition to the pertinent submission requirements in this chapter, shall include a resolution of approval of the proposed project by the appropriate municipal approving agency.

Amended by R.1994 d.100, effective February 22, 1994.
See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

7:45-2.3 Application for review of governmental projects

State departments or agencies, counties, municipalities and any other governmental entity shall submit plans for reviewable projects prior to undertaking them and are encouraged to discuss proposed projects with the Commission staff at the earliest planning stages.

Amended by R.1994 d.100, effective February 22, 1994.
See: 25 N.J.R. 4836(b), 26 N.J.R. 1153(a).

7:45-2.4 Review of private projects

(a) At any time before applying for Commission approval, an applicant may submit preliminary planning documents or may request a pre-application conference to discuss the project with the Commission staff. The purpose of this submission or conference is to enable the applicant to plan economically for conformity with the Master Plan and its policies and standards, and those of this chapter. No requirements are imposed by this chapter as to plans, documents, or data to be submitted or presented for discussion at a pre-application conference. However, this chapter contains a list of materials and data required as part of any application for review of each specific impact. It is advisable that the applicant provide the Commission with as much of this information as practicable for the pre-application conference.

(b) A report on the preliminary submission or pre-application conference shall be prepared by the Commission staff and may include:

1. A summary of the strengths and weaknesses of the project as related to the policies and standards of the Master Plan and this chapter.

2. A recommendation to the applicant and the reviewing municipal agency or official.

(c) The Commission's staff report shall, upon completion, be mailed to the applicant, the county planning board, and the municipal approving agency.

(d) Comments, findings, conclusions, and recommendations of the Commission's staff report are for guidance only and shall not be binding upon the applicant or the Commission.

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).

7:45-2.5 Waiver of submission requirements

The Commission may waive some of the submission requirements for a particular project if the Commission already has the information or if the applicant establishes to the satisfaction of the Commission that the information is not necessary for the Commission's review of the project.

7:45-2.6 Project review and decision

(a) Within 30 days after the date that an application for project review is received in the Commission's office, the Commission staff shall review the application to determine if all the items required for a complete application have been submitted and take one of the following actions:

1. Notify the applicant in writing of any missing items required for a complete application; or

2. Notify the applicant in writing that the application is complete and notify the appropriate municipal approving agency.

(b) Whenever material supplemental to an application for project review is submitted, the Commission staff shall respond within 30 days from the date the additional material is received in the Commission office. That response shall be to either:

1. Notify the applicant in writing of any further items that remain missing for a complete application; or

2. Notify the applicant and the appropriate municipal reviewing agency in writing that the application is complete.

(c) The Commission staff shall prepare a report for the Commission which summarizes the relevant facts about an application and which gives the staff's recommendation to the Commission for their action on a project. The staff's recommendation may be supplemented with other written reports and/or with verbal testimony in the course of a public meeting of the Commission.

(d) If no action is taken by the Commission staff within a period of 30 days from the date that an application for project review is received in the Commission's office, the application shall be deemed to be complete.

(e) Within 45 days from the date when an application has been declared complete, the Commission shall take one of the following actions:

1. Approve the application and advise the appropriate municipal approving agency that the project can proceed as proposed, subject to conditions in N.J.A.C. 7:45-3;

2. Reject the application and so advise the appropriate municipal approving agency and the governing body of the municipality; or

3. Approve the application subject to conditions and notify the appropriate municipal approving agency which shall be responsible for assuring that the conditions are satisfied before issuing a permit.

(f) If no action is taken by the Commission within a period of 45 days from the date that the application is declared to be complete, the application shall be deemed to have been approved by the Commission. In such an event, the Commission shall issue a Certificate of Approval, but shall require any detention basin maintenance easements and/or stream corridor easements as required in N.J.A.C. 7:45-5.4(i) and 6.6.

Amended by R.1990 d.106, effective February 5, 1990.
See: 21 N.J.R. 828(a), 22 N.J.R. 383(b).

Completeness review changed from five days to 20 days, with automatic completeness provision added.

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 the introductory paragraph of (a) and in (b), substituted references to 30 days for references to 20 days; and in (d), added a second sentence.

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

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

Added new (b) and (c); recodified former (b) and (c) as (d) and (e); recodified former (d) as (f) and substituted "shall" for "may" following "Certificate of Approval, but" in the second sentence.

7:45-2.7 Review of general development plans

(a) The Commission shall review and approve, reject, or modify any general development plan upon receipt of a complete application.