

## **SUBCHAPTER 9    STREAM CORRIDOR IMPACT**

### **7:45-9.1        Scope of review**

- (a) Each project within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor impact if the project includes a portion of a stream corridor, as defined at N.J.A.C. 7:45-1.3.

### **7:45-9.2        Submission requirements**

- (a) For each project that is subject to review by the Commission for stream corridor impact in accordance with N.J.A.C. 7:45-9.1, the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a scale of one inch equals 100 feet and containing the following:
  - 1. The 100-year flood line, verified by the Department's Division of Land Use Regulation;
  - 2. The 100 foot wide buffer along the 100-year flood line;
  - 3. The location of all improvements and/or disturbances proposed to be located within the stream corridor;
  - 4. A description of existing vegetation in the stream corridor; and
  - 5. A metes and bounds description of the project site boundary and the stream corridor boundary, both on hard copy as well as a digital rendition, either as a CAD .dxf file or ArcView shapefile.

### **7:45-9.3        Prohibited uses within stream corridors**

- (a) The following uses shall be prohibited within a stream corridor:
  - 1. Construction of new structures, including but not limited to buildings, retaining walls, and detention or retention basins;
  - 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, driveways and roads that parallel the stream corridor;
  - 8. Removal of native vegetation or actions that result in the death of native vegetation except as necessary in connection with activities in the stream corridor permitted by the Commission;
  - 9. Installation of non-native vegetation; and
  - 10. New outfalls within stream corridors of water courses that discharge to the Canal, as described at N.J.A.C. 7:45-8.3.
  
- (b) Applicants for residential projects shall design them to ensure a minimum of 25 feet of usable yard between the stream corridor and dwellings, as existing topography of a stream corridor cannot be regraded nor can native vegetation be removed.

#### **7:45-9.4 Conditional uses within stream corridors**

- (a) The following uses may be permitted within a stream corridor of a water course as defined in N.J.A.C. 7:45-1.3 that does not directly enter the Canal, 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;
  4. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from the appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage;
  5. Sanitary or storm sewers;
  6. Outfall structures associated with storm water management facilities;
  7. Underground 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 that will not impede flows or cause ponding of water;
  8. If the project site is a lot totaling less than one acre, and if the lot has been in existence since January 1989, the construction of one house or portion thereof may be conditionally permitted within the stream corridor. This conditional use does not apply, however, to the 100-year floodplain portion of the stream corridor.
- (b) The following uses may be permitted within a stream corridor of a water course that enters directly into the Canal as defined at N.J.A.C. 7:45-1.3, 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. Private or public water supply wells that have a sanitary seal;
  3. Culverts, pipelines, bridges and roads that cross the corridor as directly as practical, and that have received approval from all appropriate municipal, county and State agencies having such authority. Crossings shall be designed to ensure that fish passage is unimpeded when the water level of the stream is at its lowest, unless the applicant demonstrates that the stream is unsuitable for habitation by fish and will remain so for the foreseeable future. The applicant shall ensure fish passage by maintaining the existing gradient and bottom contours of the water body to the extent possible, and by using arched culverts, or other structures that will ensure unimpeded fish passage;
  4. Underground 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 that will not impede flows or cause ponding of water; and
  5. Flow or water quality measuring devices.

**7:45-9.5      Preservation of stream corridor**

The applicant shall take whatever measures are necessary to ensure that stream corridors will be preserved and to prevent future encroachments in the stream corridor. At a minimum, such measures shall include easements, deed restrictions, or other measures satisfactory to the Commission.

**7:45-9.6      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 individual approval, the provisions of this subchapter being considered as minima and not maxima. In such instances, the applicant shall grant to the Commission an easement or conservation restriction.