

## **SUBCHAPTER 2 APPLICABILITY**

### **7:45-2.1 Jurisdictional determination, approval, authorization or waiver requirements**

An applicant proposing a governmental project or private project in the Review Zone, as defined in N.J.A.C. 7:45-1.2, shall first obtain from the Commission a jurisdictional determination as described at N.J.A.C. 7:45-2.2, an individual approval as described at N.J.A.C. 7:45-3 and 4, a general permit authorization as described at N.J.A.C. 7:45-5 and 6, and/or a waiver as described at N.J.A.C. 7:45-12.

### **7:45-2.2 Jurisdictional determination**

- (a) (a) An applicant may apply to the Commission for a written jurisdictional determination that states whether or not a project requires review and approval under this Chapter. If the proposed project requires review and approval, the jurisdictional determination shall identify the review zone in which the project is located, and whether it is a major or minor project. The jurisdictional determination shall also state whether the project requires an individual approval or may qualify for a general permit. To apply for a jurisdictional determination, the applicant shall submit the following:
1. A Commission application form (see N.J.A.C. 7:45-1.2)
  2. If the site currently contains impervious surface, the total amount of existing coverage in square feet or acres and the date it was constructed.
  3. A brief description of the proposed project and the amount of impervious surface proposed.
- (b) The following projects are exempt from Commission review and approval:
1. Any project located outside the Review Zone;
  2. Any project in Zone B that is not a major project, and
  3. Any project that is not a governmental project, and that does not require a municipal permit or approval.
- (c) A jurisdictional determination shall lapse:
1. If construction is not complete within five years from the date of the exemption letter; or
  2. If any municipal permit(s) or approval(s) applicable to the project expires, lapses, or is revoked.

### **7:45-2.3 Scope of review for approvals, authorizations and waivers**

- (a) In the Review Zone, the Commission shall review governmental and private projects that have the potential to cause an adverse impact on the Park including drainage, aesthetic, historic and ecological impacts. In addition, the Commission shall approve all State actions that impact on the Park. Each project and State action will be reviewed for its conformance with the objectives of the Master Plan and with the specific standards of this chapter. Review will address four specific types of impact:
1. Stormwater runoff and water quality impact;
  2. Stream corridor impact;
  3. Visual, historic and natural quality impact; and
  4. Traffic impact.
- (b) Submission requirements for the impact reviews identified at (a)1 through 4 above are set forth at N.J.A.C. 7:45-8 through 11.
- (c) In each case, the scope of review will depend upon the size and location of the project, as follows, and as illustrated in Table 1 below:

1. In Zone A:

- i. Each major project is reviewed for visual, historic and natural quality impact, for stormwater runoff and water quality impact, for stream corridor impact, and for traffic impact;
  - ii. Each minor project is reviewed for visual, historic and natural quality impact, and for stream corridor impact; and
  - iii. Any minor project that will result in 800 square feet or more of impervious surface, cumulatively since January 11, 1980, is reviewed for stormwater runoff and water quality.
2. In Zone B:
- i. Each major project is reviewed for stormwater runoff and water quality impact, and for stream corridor impact; and
  - ii. Any major project within one mile of any portion of the Park and having direct access to a road that enters Zone A is reviewed for traffic impact.

**Table 1**  
**Scope of Review, by Project Type, within the Review Zone**  
**(X= requires review)**

	<b>Stormwater Runoff &amp; Water Quality Impact</b>	<b>Stream Corridor Impact</b>	<b>Traffic Impact</b>	<b>Visual, Historic &amp; Natural Impact</b>
<b>Zone A Minor Project</b>	X <sup>?</sup>	X		X
<b>Zone A Major Project</b>	X	X	X	X
<b>Zone B Major Project</b>	X	X	X <sup>?</sup>	

(This Table is for informational purposes only.  
 See N.J.A.C. 7:45-2.3 for the scope of review for particular project types.)

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<sup>?</sup> If project will result in 800 square feet or more of impervious surface, cumulatively since January 11, 1980.