

SUBCHAPTER 3 APPLICATION AND REVIEW PROCEDURES FOR INDIVIDUAL APPROVALS

7:45-3.1 General provisions

- (a) Each applicant for an individual approval shall submit to the Commission sufficient information for the Commission to adequately review and consider the project. Application forms are available from the Commission, as set forth in N.J.A.C. 7:45-1.2. The application form must be signed by the applicant for the particular project and the owner of the property on which the project is proposed.
- (b) An applicant may combine submission requirements for any project, provided all required information is shown with sufficient clarity to be understood.
- (c) Any application for an individual approval declared or deemed complete under N.J.A.C. 7:45-3.4 prior to June 1, 2009 shall be reviewed in accordance with the D&R Canal State Park Review Zone rules in effect on May 31, 2009; however, each applicant, or holder of an approval or authorization under a general permit shall be subject to a fee in accordance with N.J.A.C. 7:45-13 for each activity that the applicant or holder of an approval or authorization under a general permit requests after June 1, 2009.
- (d) Each application for an individual approval shall include an application form. The application form requires basic information regarding the applicant and the proposed project, such as the name and address of the applicant and any designated agents, the specific location of the project, other types of governmental permits that may be required of the applicant for the project, and a brief description of the proposed project. The application shall also include specific submissions as required at N.J.A.C. 7:45-8, 9, 10 and 11, as applicable. In general, the level of detail and documentation required for an application shall correspond to the size and impacts of the proposed project. The Commission shall, upon request, provide an applicant with guidance regarding the appropriate level of detail for a particular application.

7:45-3.2 Application for review of a private or governmental project other than one sponsored by a State agency

An application for a private or governmental project other than one sponsored by a State agency shall not be acted upon by the Commission until it has been determined by the staff to be a complete application that, in addition to the pertinent submission requirements in this chapter, shall include a resolution of approval of the proposed project by the appropriate municipal and county approving agencies.

7:45-3.3 Pre-application conferences

- (a) At any time before applying for an individual approval, an applicant may submit preliminary planning documents and 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 pre-application submission or conference shall be prepared by the Commission staff if requested by the applicant, and shall 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 municipal approving agency.
- (c) The Commission's recommendation shall, upon completion, be mailed to the applicant and the municipal approving agency.
- (e) 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.

7:45-3.4 Review of decisions regarding private projects and governmental projects other than projects sponsored by a State agency

- (a) Within 30 days after the date that an application for an individual approval for a project 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 additional information required for a complete application; or
 2. Declare the application complete and so notify in writing the applicant and the appropriate municipal and county approving agencies.
- (b) When the additional information required pursuant to (a)1 above is submitted, the Commission staff shall take one of the following actions within 30 days from the date the additional information is received in the Commission office:
1. Notify the applicant in writing of any further information that is needed for a complete application; or
 2. Declare the application complete and so notify in writing the applicant and the appropriate municipal and county approving agencies.
- (c) The Commission staff shall prepare a report for the Commission that summarizes the relevant facts about an application and that gives the staff's recommendation to the Commission for its 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 (including a resolution of approval of the proposed project by the appropriate municipal and county approving agencies) 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 is declared or deemed complete, the Commission shall take one of the following actions:
1. Approve the application and notify in writing in accordance with N.J.A.C. 7:45-3.7 the applicant and the appropriate municipal and county approving agencies;
 2. Reject the application and so notify in writing in accordance with N.J.A.C. 7:45-3.7 the applicant and the appropriate municipal approving and county agencies and the governing body of the municipality; or
 3. Approve the application subject to conditions and notify in writing in accordance with N.J.A.C. 7:45-3.7 the appropriate municipal and county approving agencies that shall be responsible for ensuring that the conditions are satisfied before issuing any municipal or county approval.

- (f) If the Commission fails to take action on an application by 45 days from the date that the application is declared or deemed to be complete, the application shall automatically be deemed to be approved. This default approval is subject to any applicable pre-approval conditions set forth in this chapter for activities covered by the application. The Commission shall not issue an individual approval until the conditions have been met.

7:45-3.5 Review of and decisions regarding projects sponsored by a State agency

- (a) For any governmental project sponsored by a State agency in the Review Zone but not in the Park, the Commission shall approve the project upon being satisfied that it conforms as nearly as possible to the Commission's Master Plan and relevant local plans or initiatives.
- (b) Any State agency planning to undertake a governmental project in the Park shall submit a complete application together with all supporting information to the Commission.
- (c) Any State agency planning to undertake a governmental project in the Review Zone:
 - 1. Shall submit an application for review prior to undertaking the project; and
 - 2. Is encouraged to informally discuss its plans with the Commission at any time prior to submission of its plans for review; but in any case, shall submit its plans to the Commission for its review and approval not less than 60 days before advertising for bids for the construction of a project or execution of a contract for a project, whichever is sooner.
- (d) The Commission shall, within 45 days of receiving a copy of the complete application and all supporting information, either approve, reject, or approve with conditions the governmental project. The Commission shall notify the State agency of the Commission's decision within 10 days of that decision in accordance with N.J.A.C. 7:45-3.7.

7:45-3.6 Review of permits issued by a State department or agency

- (a) The Commission shall review and either approve, reject or modify each permit or approval to be issued by any State department or agency to any person or governmental entity if the permit or approval involves any portion of the Park or any activity therein.
- (b) Before the State department or agency issues the permit that is reviewable by the Commission under (a) above, the applicant shall submit a complete permit application together with all supporting information to the Commission, unless the State department or agency involved has already done so. The Commission shall, within 45 days of receiving a copy of the complete permit application and all supporting information, either approve, reject, or approve with conditions the permit. The Commission shall notify the applicant and the State department or agency of the Commission's decision within 10 days of that decision in accordance with N.J.A.C. 7:45-3.7.

7:45-3.7 Notice of decision

- (a) The Commission shall notify in writing the Governor of each decision on an application for individual approval of a governmental project sponsored by a State agency within the Review Zone.
- (b) For all other applications, the Commission shall notify the following in writing of its decision for individual approvals: the applicant or his or her agent, the appropriate municipal and county approving agencies, and all persons who specifically requested notice.

- (c) The Commission shall explicitly state all conditions that must be met prior to issuance of the individual approval in the Notice of Decision.

- (d) The Commission's decision on an application shall be binding on the applicant, the municipality, and the municipal approving agency. In the case of any violation or threat of a violation of a Commission decision by a municipality or by the appropriate municipal approving agency, the Commission may institute civil action:
 - 1. For injunctive relief;
 - 2. To set aside and invalidate a decision made by a municipality or appropriate municipal approving agency in violation of the Act, this chapter or the Commission's decision; or
 - 3. To restrain, correct or abate such violation.