

CRANBURY TOWNSHIP ORDINANCE # 07-14-07

**AN ORDINANCE AMENDING CHAPTER 122,
“RIPARIAN ZONES,” OF THE CODE OF
THE TOWNSHIP OF CRANBURY, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY**

WHEREAS, on September 26, 2011, the Cranbury Township Committee adopted Chapter 122, “Riparian Zones,” by Ordinance No. 09-11-17 (the “Cranbury Ordinance”); and

WHEREAS, the purpose of the Cranbury Ordinance was to designate riparian zones and to provide for land use regulations within the riparian zones to protect the streams, lakes and other surface body waters in Cranbury Township; and

WHEREAS, the Cranbury Ordinance was also designed to comply with *N.J.A.C. 7:15-5.25(g)* 3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones; and

WHEREAS, the New Jersey Department of Environmental Protection regulates riparian zones as provided by the Water Quality Management Planning rules, *N.J.A.C. 7:15*, the Stormwater Management rules, *N.J.A.C. 7:8-5.5(h)* and the Flood Hazard Area Control Act rules, *N.J.A.C. 7:13*; and

WHEREAS, the Cranbury Ordinance allows five (5) exceptions for development within the riparian zone; and

WHEREAS, the Cranbury Ordinance does not allow development within the riparian zone even when such development has been permitted by the New Jersey Department of Environmental Protection; and

WHEREAS, it is appropriate to provide a procedure for allowing development within the riparian zone when such development has been permitted by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, as follows:

SECTION 1. Chapter 122, “Riparian Zones,” of the Code of the Township of Cranbury be and hereby is amended as follows (new language underlined):

Section 122-4. Exceptions.

To the extent allowed under the stormwater management rules (*N.J.A.C. 7:8*) and the Flood Hazard Area Control Act rules (*N.J.A.C. 7:13*) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this chapter are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water-dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the coastal zone management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., or
- F. Any disturbance that has been permitted by the New Jersey Department of Environmental Protection; provided that the disturbance has been approved by the Township Committee for good cause shown.

SECTION 2. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on July 14, 2014. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on July 28, 2014 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office or on the Township's web site: www.cranburytownship.org at no charge to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC
Municipal Clerk