

## Tougher stream code includes Stony Brook

By: Courtney Gross, Staff Writer  
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Staff photo by Mark Czajkowski

**Stony Brook flows under the closed Province Line Road bridge as it leaves Lawrence and enters Princeton Township.**

### Tributary streams also affected by new state rules

The meandering Stony Brook in Princeton Township is one of 15 proposed water bodies throughout New Jersey that could be elevated to a more stringent code of protection from the Department of Environmental

Protection, in what many have called the most sweeping stream preservation regulations from the state in decades.

More than 900 miles of waterways and 1,300 acres of reservoirs from Bergen to Ocean counties have been classified by the DEP as category one waters — a designation that couples the preservation of water quality throughout the state with the protection of endangered species and their habitats. It is the highest state categorization a water body can receive for quality protection, according to the new regulations.

From Pennington-Hopewell Road in Hopewell Township to the Delaware & Raritan Canal in Princeton Township, the Stony Brook, and all of its unnamed tributaries, will

"This category one proposal is our largest ever, and will mean safer drinking water for New Jersey's families and cleaner habitat for rare species of wildlife," DEP Commissioner Lisa Jackson said in a prepared statement following a press conference on the new regulations at the Stony Brook in Hopewell Township recently.

"Through the Corzine Administration's new water quality management planning rules, we will strengthen our ability to shield environmentally fragile areas from the threats that invariably accompany inappropriate development," the commissioner added.

According to Princeton Township code, any development in the proximity of the Stony Brook must have a 60-foot buffer from the stream bank. Under the state's proposed regulations, that buffer would expand to 300 feet.

The 300-foot proposed buffer would also apply to any upstream tributaries in the same watershed of any category one waterway — a development restriction that could spread into areas beyond the typically defined Stony Brook in the western side of the township. For instance, tributaries like Mountain Brook from the Mountain Lakes Nature Preserve feed into the Stony Brook and could be subject to the same 300-foot buffer restriction.

But, according to the regulations, existing development is not affected. Projects resulting in less than one-quarter acre of new impervious surface and less than one acre of site disturbance are also not subject to the regulations.

In the area surrounding Stony Brook, which enters the township near Pretty Brook Road and eventually feeds into Carnegie Lake, development has already peaked,

Township Engineer Robert Kiser said. Currently, he added, no single development proposal would be directly affected by the proposed designation.

But, he added, the new wastewater regulations, which accompanied the stream proposal and add new restrictions to sewer line development in environmentally sensitive areas, would require the township to revise its current plan.

"With the state initiative, (there is) additional protection to this high quality stream, which is good for Princeton and good for the region," Mr. Kiser said of the Stony Brook's proposed category one title.

The timing of the title, according to Jim Waltman, the executive director of the Stony Brook-Millstone Watershed Association, is appropriate since the waterway flexed its muscles during last month's nor'easter, spilling over several roadways in the area.

The buffer restriction, he added, could also prevent excess flooding in the future by prohibiting development in areas of Lawrence and Hopewell Township where sites are currently being eyed near Stony Brook.

"There are a number of tracts of land that are currently not developed that will be impacted by this," Mr. Waltman said.

Highlighting the importance of the categorization, Mr. Waltman added, "The state lists streams under category one that are particularly significant for their ecological significance, their fisheries significance and their drinking water significance. These are streams that we're not going to let their water quality degrade."

According to the DEP, the Stony Brook is home to a number of endangered and threatened species, including freshwater mussel species, such as the endangered

brook and green floater, as well as the threatened triangle floater and eastern pondmussel.

The characterization will not only protect these species, the proposed rules state, but also ensure water quality, color, clarity and scenic setting.

For David Breithaupt, the chairman of Princeton's Environmental Commission, the proposed state regulations are merely one more step toward keeping the state's waterways free of pollutants.

"The whole intent here is to try to improve and keep clean water," said Mr. Breithaupt. "People just don't realize where our drinking water comes from," he added.

The new DEP regulations will be published later this month in the New Jersey Register. A 60-day public comment period will follow before the rules' adoption.