

SENATE, No. 208

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

SYNOPSIS

Requires issuance of general permit for beach food and drink concession stands under certain circumstances pursuant to CAFRA.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning construction in certain parts of the coastal area,
2 and supplementing P.L.1973, c.185 (C.13:19-1 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. Notwithstanding any other provision of P.L.1973, c.185
8 (C.13:19-1 et seq.), or any rule or regulation adopted pursuant
9 thereto, to the contrary, the department shall issue a general permit
10 in lieu of a permit issued pursuant to section 5 of P.L.1973, c.185
11 (C.13:19-5) for construction of any seasonally operated open air
12 food and drink service concession stand on a beach at a hotel or
13 motel. An open air food and drink service concession stand
14 authorized pursuant to this section may be used to provide
15 entertainment and may include canopied shelters, cabanas, stage
16 platforms, storage, decking, portable restrooms and underground
17 utilities. The department shall not modify the criteria set forth in
18 this section for the issuance of a general permit pursuant to this
19 section.

20 b. A general permit shall be issued pursuant to this section
21 provided that the concession stand:

22 (1) provides total coverage of less than one acre;

23 (2) is not located on a dune or coastal bluff;

24 (3) is located at least 50 feet from any wetland;

25 (4) does not result in the grading, excavation, or filling of the
26 beach;

27 (5) does not adversely impact the beach;

28 (6) does not unreasonably obstruct ocean views or limit other
29 beach uses;

30 (7) is located at least 50 feet landward of the mean high water
31 line, or on the most landward portion of the beach if the beach is
32 less than 50 feet in width;

33 (8) is made available for the regular use of the public;

34 (9) is operated only from May 1 through October 31;

35 (10) does not include fully enclosed accessory elements such as
36 storage sheds and portable restrooms, as well as movable furniture,
37 fixtures and equipment, from November 1 through March 15; and

38 (11) does not occupy more than a total of 40 percent of the total
39 width of the beach berm area.

40 c. The provisions of this section shall apply only to general
41 permits for concession stands in a municipality in which casino
42 gaming is authorized.

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44 2. This act shall take effect immediately.

STATEMENT

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This bill would require the Department of Environmental Protection to issue a general permit in lieu of a permit issued pursuant to section 5 of P.L.1973, c.185 (C.13:19-5) (the "Coastal Area Facilities Review Act," commonly known as CAFRA) for the construction of any seasonally operated open air food and drink service concession stand on a beach at a hotel or motel. The bill would provide that an open air food and drink service concession stand on the beach may be used to provide entertainment and may include canopied shelters, cabanas, stage platforms, storage, decking, portable restrooms and underground utilities. The bill would also provide that the department may not modify the criteria set forth in the bill for the issuance of a general permit.

The general permit is required to be issued if the concession stand provides total coverage of less than one acre; is not located on a dune or coastal bluff; is located at least 50 feet from any wetland; does not result in the grading, excavation, or filling of the beach; does not adversely impact the beach; does not unreasonably obstruct ocean views or limit other beach uses; is located at least 50 feet landward of the mean high water line, or on the most landward portion of the beach if the beach is less than 50 feet in width; is made available for the regular use of the public; is operated only from May 1 through October 31; does not include fully enclosed accessory elements such as storage sheds and portable restrooms, as well as movable furniture, fixtures and equipment, from November 1 through March 15; and does not occupy more than a total of 40 percent of the total width of the beach berm area.

The provisions of the bill would apply only to general permits for concession stands in a municipality in which casino gaming is authorized.