

SENATE, No. 62

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator PETER J. BARNES, III

District 18 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Deletes CAFRA permit exemption for reconstruction activities in coastal area.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/28/2014)

1 AN ACT concerning certain reconstruction activities in the coastal
2 area and amending P.L.1993, c.190.

3

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

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7 1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to
8 read as follows:

9 7. A permit shall not be required pursuant to section 5 of
10 P.L.1973, c.185 (C.13:19-5) for:

11 a. A development which has received preliminary site plan
12 approval pursuant to the "Municipal Land Use Law," P.L.1975,
13 c.291 (C.40:55D-1 et seq.) or a final municipal building or
14 construction permit on or prior to July 19, 1994, or a residential
15 development which has received preliminary subdivision approval
16 or minor subdivision approval on or prior to July 19, 1994 where no
17 subsequent site plan approval is required, provided that, in any of
18 the cases identified above, construction begins within three years of
19 July 19, 1994, and continues to completion with no lapses in
20 construction activity of more than one year. This subsection shall
21 not apply to any development that required a permit pursuant to
22 P.L.1973, c.185 (C.13:19-1 et seq.) prior to July 19, 1994;

23 b. **【**The reconstruction of any development that is damaged or
24 destroyed, in whole or in part, by fire, storm, natural hazard or act
25 of God, provided that such reconstruction is in compliance with
26 existing requirements or codes of municipal, State and federal law**】**
27 (Deleted by amendment, P.L. , c.) (pending before the
28 Legislature as this bill) ;

29 c. The enlargement of any development if the enlargement
30 does not result in:

31 (1) the enlargement of the footprint of the development; or

32 (2) an increase in the number of dwelling units within the
33 development;

34 d. The construction of a patio, deck or similar structure at a
35 residential development;

36 e. Services provided, within the existing public right-of-way,
37 by any governmental entity which involve:

38 (1) the routine reconstruction, substantially similar functional
39 replacement, or maintenance or repair of public highways;

40 (2) public highway lane widening, intersection and shoulder
41 improvement projects which do not increase the number of travel
42 lanes; or

43 (3) public highway signing, lighting, guiderail and other
44 nonintrusive safety projects;

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 f. The expansion of an existing, functional amusement pier,
2 provided such expansion does not exceed the footprint of the
3 existing, functional amusement pier by more than 25 percent, and
4 provided the expansion is located in the area beyond 150 feet
5 landward of the mean high water line, beach or dune, whichever is
6 most landward; or

7 g. The enclosure of an establishment offering dining, food
8 services and beverages that was in operation as of December 18,
9 2000 and is located upon a functional pier, provided the enclosure
10 only includes an open area which was actively used in the operation
11 of the establishment.

12 A development subject to any exemption provided in this section
13 shall be required to satisfy all other applicable requirements of law.
14 (cf: P.L.2001, c.418, s.1)

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16 2. This act shall take effect immediately.

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STATEMENT

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21 This bill amends the "Coastal Area Facility Review Act"
22 (CAFRA), P.L.1973, c.185 (C.13:19-1 et seq.), to delete the
23 exemption from CAFRA permitting requirements provided in the
24 law for the reconstruction of any development that is damaged or
25 destroyed, in whole or in part, by fire, storm, natural hazard or act
26 of God.

27 Current law provides that such reconstruction does not require a
28 CAFRA permit from the Department of Environmental Protection
29 (DEP), provided that the reconstruction is in compliance with
30 existing requirements or codes of municipal, State, and federal law.
31 This bill would delete this exemption and require a permit from the
32 DEP for reconstruction if the development would be subject to the
33 regulatory thresholds of CAFRA.