

ASSEMBLY, No. 1528

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Assemblymen WOLFE and HOLZAPFEL

1 AN ACT concerning the construction of certain docks and amending
2 R.S.12:5-3.

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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. R.S.12:5-3 is amended to read as follows:

8 12:5-3. a. All plans for the development of any waterfront upon
9 any navigable water or stream of this State or bounding thereon, which
10 is contemplated by any person or municipality, in the nature of
11 individual improvement or development or as a part of a general plan
12 which involves the construction or alteration of a dock, wharf, pier,
13 bulkhead, bridge, pipeline, cable, or any other similar or dissimilar
14 waterfront development shall be first submitted to the Department of
15 Environmental Protection [and Energy]. No such development or
16 improvement shall be commenced or executed without the approval of
17 the Department of Environmental Protection [and Energy] first had
18 and received, or as hereinafter in this chapter provided.

19 b. The following are exempt from the provisions of subsection a.
20 of this section:

21 (1) The repair, replacement or renovation of a permanent dock,
22 wharf, pier, bulkhead or building existing prior to January 1, 1981,
23 provided the repair, replacement or renovation does not increase the
24 size of the structure and the structure is used solely for residential
25 purposes or the docking or servicing of pleasure vessels;

26 (2) The repair, replacement or renovation of a floating dock,
27 mooring raft or similar temporary or seasonal improvement or
28 structure, provided the improvement or structure does not exceed in
29 length the waterfront frontage of the parcel of real property to which
30 it is attached and is used solely for the docking or servicing of pleasure
31 vessels; and

32 (3) Development in the coastal area, as defined in section 4 of
33 P.L.1973, c.185 (C.13:19-4), landward of the mean high water line of
34 any tidal waters.

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 c. For the purposes of subsections c. through e. of this section,
2 "dock" means a dock, floating dock, mooring raft or similar structure.

3 The Department of Environmental Protection shall approve a plan to
4 construct a new dock if the following conditions are met:

5 (1) The dock does not leach hazardous substances into areas that
6 have a shellfish density equal to or greater than .2 shellfish per square
7 foot;

8 (2) The width of the dock does not exceed four feet, and the width
9 of the portion of the dock adjacent to the mooring area does not
10 exceed 6 feet;

11 (3) No more than two vessels are moored at the dock at any time;

12 (4) The dock does not interfere with a navigation channel or the
13 use of an adjacent dock;

14 (5) A minimum water depth of 3 feet at mean low water is present
15 beneath the portion of the dock where any vessel is moored;

16 (6) No more than one dock is placed adjacent to any building lot;

17 (7) The dock cannot be legally located in another area adjacent to
18 the building lot that would result in less environmental impact; and

19 (8) The dock is constructed after the applicant agrees to a
20 mitigation plan as required by the Department of Environmental
21 Protection that results in no net loss of shellfish from an area that
22 sustains shellfish at a density of at least .2 shellfish per square foot.
23 The mitigation plan shall include transplanting any potentially
24 disturbed clams from the site of the proposed dock to an area where
25 shellfish harvest is permitted.

26 d. The Department of Environmental Protection shall approve any
27 plan to construct an existing dock if the following conditions are met:

28 (1) The dock existed prior to July 19, 1994;

29 (2) The dock does not interfere with a navigation channel or the
30 use of an adjacent dock; and

31 (3) No more than two vessels are moored at the dock.

32 e. The Department of Environmental Protection shall assess a fee
33 of \$50, which would accompany the submission of a plan pursuant to
34 subsection d. of this section.

35 (cf: P.L.1993, c.190, s.18)

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37 2. This act shall take effect immediately.
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40 STATEMENT

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42 This bill would amend section 12:5-3 of the Waterfront
43 Development Act to require the Department of Environmental
44 Protection (DEP) to approve any application to construct a new dock
45 is the plan meets 8 conditions designed to ensure that the dock has
46 minimal impact on the coastal environment and navigation. Conditions

1 include limitations on use, width, proximity to other structures and
2 construction material. The legislation also provides that an application
3 to construct an illegally existing dock that was constructed prior to July
4 19, 1994 (the effective date of the regulations adopted pursuant to
5 P.L.1993, c.190, also known as the 1993 amendments to the Coastal
6 Area Facility Review Act) would be approved if the dock meets
7 minimum standards.

8 The conditions under which applications are to be approved, as
9 provided by the bill, are to be considered maximum standards, but they
10 may be relaxed through the ordinary rule-making process.

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15 Revises DEP procedures for review of plans to construct new and
16 existing docks.