

SENATE, No. 1897

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senator CIESLA

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

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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. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read
8 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, c.291
13 (C.40:55D-1 et seq.) or a final municipal building or construction
14 permit on or prior to the effective date of this section, or a residential
15 development which has received preliminary subdivision approval or
16 minor subdivision approval on or prior to the effective date of this
17 section where no subsequent site plan approval is required, provided
18 that, in any of the cases identified above, construction begins within
19 three years of the effective date of this section, and continues to
20 completion with no lapses in construction activity of more than one
21 year. This subsection shall not apply to any development that required
22 a permit pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) prior to the
23 effective date of this section;

24 b. The reconstruction of any development that is damaged or
25 destroyed, in whole or in part, by fire, storm, natural hazard or act of
26 God, provided that such reconstruction is in compliance with existing
27 requirements or codes of municipal, State and federal law;

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

8 (3) public highway signing, lighting, guiderail and other
9 nonintrusive safety projects; [or]

10 f. The expansion of an existing, functional amusement pier,
11 provided such expansion does not exceed the footprint of the existing,
12 functional amusement pier by more than 25 percent, and provided such
13 expansion is located in the area beyond 150 feet landward of the mean
14 high water line, beach or dune, whichever is most landward ; or

15 g. The enclosure, by construction of a solid exterior wall or walls,
16 of an existing building or structure that has a roof but is not enclosed
17 by solid exterior walls on all sides of the building or structure, or the
18 replacement of an existing building or structure that has a roof but is
19 not enclosed by solid exterior walls on all sides of the building or
20 structure, with a building or structure that has a roof and solid exterior
21 walls, for the sole purpose of providing a bath house or rest rooms,
22 whether publicly or privately owned or operated, provided that (1) the
23 bath house or rest rooms are open for public use, with or without
24 charge, (2) the footprint of the bath house or rest rooms does not
25 exceed 115% of the footprint of the existing building or structure prior
26 to enclosure or replacement, (3) the footprint of the bath house or rest
27 rooms shall be determined by making a vertical projection to the
28 horizontal plane of the exterior surface of all exterior walls of the
29 building or structure, and the footprint of the existing building or
30 structure prior to enclosure or replacement shall be determined in the
31 same manner, except where there are no solid exterior walls, by
32 making a vertical projection to the horizontal plane of the exterior
33 surface of all exterior posts or pilings supporting the roof of the
34 building or structure, and (4) the existing building or structure prior
35 to enclosure or replacement was constructed prior to the date of
36 enactment of P.L. , c. (C.) (now before the Legislature as this
37 bill). Notwithstanding any provision of this subsection to the contrary,
38 construction of outdoor showers, with pads made of concrete or any
39 other material, adjacent or attached to a bath house or rest rooms shall
40 be permitted under the exemption provided by this subsection, and the
41 area of those pads shall not be included within the calculation of the
42 footprint of the bath house or rest rooms for the purposes of this
43 subsection .

44 A development subject to any exemption provided in this section
45 shall be required to satisfy all other applicable requirements of law.
46 (cf: P.L.1993, c.190, s.7)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would provide that a CAFRA permit shall not be required
7 to enclose an existing open-air building or structure, or to replace that
8 existing open-air building or structure with an enclosed building or
9 structure, for the sole purpose of providing a bath house or rest rooms
10 (whether publicly or privately owned or operated) that are open for
11 public use, with or without charge, provided that (1) the footprint of
12 the bath house or rest rooms does not exceed 115% of the footprint
13 of the existing open-air building or structure prior to enclosure or
14 replacement, and (2) the existing open-air building or structure was
15 constructed prior to the date of enactment of the bill.

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20 Allows enclosure or replacement of open-air structure for use as bath
21 house or rest rooms without need to obtain CAFRA permit.