

SENATE JOINT RESOLUTION No. 32

STATE OF NEW JERSEY

INTRODUCED JULY 25, 1996

By Senators ADLER and CAFIERO

1 A JOINT RESOLUTION directing the Department of Environmental
2 Protection to amend a regulation concerning coastal development.

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

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7 1. The Department of Environmental Protection is directed to
8 propose and adopt an amendment to its Coastal Zone Management
9 regulations concerning the qualification of a single family home or
10 duplex as infill for the purpose of issuing a permit for that
11 development on sites that are partially or completely within the erosion
12 hazard area or coastal high hazard area, as codified at N.J.A.C. 7:7E-
13 7.2(e)1.iii (3). The amendment shall eliminate the requirement that a
14 house or commercial development must abut each lot line
15 perpendicular to the shoreline in order for the proposed development
16 to qualify as infill.

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18 2. This joint resolution shall take effect immediately.

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STATEMENT

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23 This joint resolution directs the Department of Environmental
24 Protection to amend its Coastal Zone Management regulations
25 concerning infill development in erosion hazard areas and coastal high
26 hazard areas. Under current regulation, codified at N.J.A.C. 7:7E-
27 7.2(e)1.iii(3), in order to qualify as "infill" a single family home or
28 duplex must have a "house or commercial building . . . located on each
29 lot abutting the lot line, perpendicular to the shoreline, and within 100
30 feet of said lot line."

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32 This definition has caused inequities, confusion, and odd results
33 because of the requirement that the buildings within 100 feet of the
34 property must be on abutting lots. Many lots in the costal area are
35 only 40 to 50 feet wide. In at least four cases, "Coastal Area Facility
36 Review Act" permits have been denied because a small, intervening lot
37 existed between the proposed development and a neighboring house.
This has led to an anomaly in the application of the coastal regulations:

1 new houses can be built as "infill" in an open space as large as 100 feet
2 but cannot be built on a smaller lot due to the presence of a small,
3 intervening lot located next to the permittee's lot despite the fact that
4 buildings exist less than 100 feet away on either side of the permittee's
5 lot.

6 This joint resolution will rectify this situation by removing the
7 abutting lot criteria. Thus, in determining if a lot is infill the
8 department may only consider whether or not there is a building on
9 either side within 100 feet.

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14 Directs the DEP to amend a regulation concerning certain infill
15 development in the coastal area.