

ASSEMBLY, No. 2676

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Assemblyman ANTWAN L. MCCLELLAN
District 1 (Atlantic, Cape May and Cumberland)
Senator MICHAEL L. TESTA, JR.
District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Assemblyman Guardian

SYNOPSIS

Revises permitting thresholds for certain types of development requiring CAFRA permit from DEP.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning certain development in the coastal area and
2 amending P.L.1973, c.185.

3

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

6

7 1. Section 5 of P.L.1973, c.185 (C.13:19-5) is amended to read
8 as follows:

9 5. A permit issued pursuant to P.L.1973, c.185 (C.13:19-1 et
10 seq.) shall be required for:

11 a. A development located in the coastal area on any beach or
12 dune;

13 b. A development located in the coastal area between the mean
14 high water line of any tidal waters, or the landward limit of a beach
15 or dune, whichever is most landward, and a point 150 feet landward
16 of the mean high water line of any tidal waters or the landward limit
17 of a beach or dune, whichever is most landward, that would result,
18 either solely or in conjunction with a previous development, in:

19 (1) A development if there is no intervening development with
20 an above ground structure, excluding any shore protection structure
21 or sand fencing, that is either completed or under active
22 construction between the proposed site of the development and the
23 mean high water line of any tidal waters;

24 (2) A residential development having three or more dwelling
25 units if there is an intervening development with an above ground
26 structure, excluding any shore protection structure or sand fencing,
27 that is either completed or under active construction between the
28 proposed site of the dwelling units and the mean high water line of
29 any tidal waters;

30 (3) A commercial development having five or more parking
31 spaces if there is an intervening development with an above ground
32 structure, excluding any shore protection structure or sand fencing,
33 that is either completed or under active construction between the
34 proposed site of the commercial development and the mean high
35 water line of any tidal waters; or

36 (4) A public development or industrial development;

37 c. A development located in the coastal area between a point
38 greater than 150 feet landward of the mean high water line of any
39 tidal waters or the landward limit of a beach or dune, whichever is
40 most landward, and a point 500 feet landward of the mean high
41 water line of any tidal waters or the landward limit of a beach or
42 dune, whichever is most landward, which is located within the
43 boundaries of a municipality which meets the criteria of a
44 "qualifying municipality" pursuant to section 1 of P.L.1978, c.14
45 (C.52:27D-178), or which is located within the boundaries of a city

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 of the fourth class with a population of over 30,000 persons
2 according to the latest federal decennial census, or which is located
3 in a city of the fourth class that is ranked in the top two percent of
4 the Department of Community Affairs's 2020 Municipal
5 Revitalization Index, that would result, either solely or in
6 conjunction with a previous development, in:

- 7 (1) A residential development having 25 or more dwelling units;
- 8 (2) A commercial development having 50 or more parking
9 spaces; or
- 10 (3) A public development or industrial development;

11 d. A development located in the coastal area at a point beyond
12 500 feet landward of the mean high water line of any tidal waters or
13 the landward limit of a beach or dune, whichever is most landward,
14 and which is located within the boundaries of a municipality which
15 meets the criteria of a "qualifying municipality" pursuant to section
16 1 of P.L.1978, c.14 (C.52:27D-178), or which is located within the
17 boundaries of a city of the fourth class with a population of over
18 30,000 persons according to the latest federal decennial census, or
19 which is located in a city of the fourth class that is ranked in the top
20 two percent of the Department of Community Affairs's 2020
21 Municipal Revitalization Index, that would result, either solely or in
22 conjunction with a previous development, in:

- 23 (1) A residential development having 75 or more dwelling units;
- 24 (2) A commercial development having 150 or more parking
25 spaces; or
- 26 (3) A public development or industrial development; or

27 e. Except as otherwise provided in subsection c. and subsection
28 d. of this section, a development in the coastal area at a point
29 beyond 150 feet landward of the mean high water line of any tidal
30 waters or the landward limit of a beach or dune, whichever is most
31 landward, that would result, either solely or in conjunction with a
32 previous development, in:

- 33 (1) A residential development having 25 or more dwelling units;
- 34 (2) A commercial development having 50 or more parking
35 spaces; or
- 36 (3) A public development or industrial development.

37 (cf: P.L.1993, c.190, s.5)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill amends the "Coastal Area Facility Review Act"
45 (CAFRA), P.L.1973, c.185 (C.13:19-1 et seq.), to change the types
46 of development that require a CAFRA permit from the Department
47 of Environmental Protection.

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1 Current law divides the CAFRA area into zones based on
2 proximity to the water, and requires permits for different types of
3 development in each zone based on whether the development is
4 residential, commercial, industrial or public. The law currently
5 provides a separate threshold for development in a municipality that
6 meets the criteria of a “qualifying municipality,” pursuant to section
7 1 of P.L.1978, c.14 (C.52:27D-178), or that is located within the
8 boundaries of a city of the fourth class with a population of over
9 30,000 persons according to the latest federal decennial census. For
10 these municipalities, a CAFRA permit is required for development
11 beyond 500 feet of the mean high water line, or landward limit of a
12 beach or dune, that would result in, either solely or in conjunction
13 with a previous development: a residential development with 75 or
14 more units; a commercial development with 150 or more parking
15 spaces; or an industrial development or a public development.

16 This bill amends this permitting threshold to also apply to
17 development proposed in a city of the fourth class that is ranked in
18 the top two percent of the Department of Community Affairs’s 2020
19 Municipal Revitalization Index. Thus, development proposed in a
20 municipality meeting this criteria would be subject to the same
21 CAFRA permitting requirements as development proposed in a
22 qualifying municipality or in a city of the fourth class with a
23 population of over 30,000 persons.