

ASSEMBLY, No. 4125

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 4, 2024

Sponsored by:

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

Directs DEP to lift conservation restrictions imposed as condition of CAFRA permit under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain conservation restrictions and
2 supplementing P.L.1973, c.185 (C.13:19-1 et seq.).

3

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

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7 1. a. As used in this section, "conservation restriction" means a
8 restriction, easement, covenant, or condition in a deed, will, or other
9 instrument, other than a lease, which is executed by or on behalf of
10 the owner of the land for the purposes of: (1) retaining land or
11 water areas predominantly in their natural state; (2) conservation of
12 soil or wildlife; (3) outdoor recreation or park use; (4) public access
13 to tidal waterways and their shores; (5) providing suitable habitat
14 for fish or wildlife; or (6) forbidding or limiting any or all of the
15 following (a) constructing or placing buildings, roads, signs,
16 billboards or other advertising, or other structures on or above the
17 ground, (b) dumping or placing soil or other materials as landfill,
18 (c) dumping or placing trash, waste, or unsightly or offensive
19 materials, (d) removing or destroying trees, shrubs, or other
20 vegetation, (d) excavating, dredging, or removing loam, peat,
21 gravel, soil, rock, or other mineral substances, (e) surface uses
22 except those that permit the land or water area to remain
23 predominantly in its natural condition, (f) activities detrimental to
24 drainage, flood control, water conservation, erosion control, soil
25 conservation, or fish and wildlife habitat preservation, or (g) other
26 acts or uses detrimental to the retention of land or water areas
27 according to the purposes of P.L.1973, c.185 (C.13:19-1 et seq.).

28 b. Notwithstanding the provisions of P.L.1973, c.185 (C.13:19-
29 1 et seq.) or the rules and regulations adopted pursuant thereto to
30 the contrary, the Department of Environmental Protection, upon
31 application of the respective real property owner, shall lift a
32 conservation easement that has been conditionally imposed on a
33 parcel of real property, pursuant to a permit issued under P.L.1973,
34 c.185 (C.13:19-1 et seq.), provided that:

35 (1) the department determines, to its satisfaction, that the parcel
36 of real property is needed, and, upon the lifting of the easement
37 thereon, will be used, for the purpose of enabling or facilitating the
38 physical expansion of an existing school for special needs children;
39 and

40 (2) the department, as a condition of lifting such conservation
41 easement on the parcel of real property at issue, requires and takes
42 appropriate action to ensure that a new, substantively similar
43 conservation restriction is imposed on another parcel of real
44 property at least twice the size of, and located no more than 20
45 miles from, the original parcel on which the conservation easement
46 is being lifted pursuant to this section.

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48 2. This act shall take effect immediately.

STATEMENT

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This bill would direct the Department of Environmental Protection to lift certain conservation easements imposed on a parcel of real property as a condition of a permit award issued under the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) (CAFRA), under certain conditions. Specifically, the bill would require that: (1) the parcel of real property is needed, and would be used for, the physical expansion of an existing school for special needs children; and (2) a substantively similar conservation restriction would be imposed on a parcel of real property that is at least twice the size of, and located no more than 20 miles from, the original property.