
CAFRA: A Guide for Single-Family and Duplex Homeowners



C.A.F.R.A.

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State of New Jersey

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How can I get further information?

For information on this and other land use regulation programs, please contact:

Monmouth County	(609) 984-0184
Atlantic County	(609) 984-0288
Burlington & Ocean Counties	(609) 984-0288
Salem, Gloucester, Camden, Cumberland & Cape May Counties	(609) 984-0162
Shorefront Areas of Monmouth, Ocean & Cape May Counties	(609) 292-8262
Jurisdictional Determinations E-mail	(609) 633-6755 bcubberl@dep.state.nj.us
Permit-by-Rule E-mail	(609) 633-6755 pcluelow@dep.state.nj.us

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INTRODUCTION

The 1993 legislative amendments to the Coastal Area Facility Review Act (CAFRA), effective on July 19, 1994, are designed to provide added protection for sensitive coastal areas at the water's edge. One of the requirements of these amendments is that a CAFRA permit be obtained before a single family house or duplex can be constructed, expanded or voluntarily reconstructed in these areas.

As a guide for anyone who owns or is planning to build, reconstruct or expand a single family dwelling or duplex in the CAFRA zone, this booklet is designed to make CAFRA and the CAFRA process as understandable and simple as possible. It explains when a CAFRA permit is required; the type of CAFRA permit needed; all of the relevant CAFRA permit procedures and requirements; the CAFRA permit application process; and processing times and fees. It also includes sections of relevant regulations and tells you where you can get further information.

CAFRA was first enacted by the New Jersey Legislature in 1973 and then amended in 1993. The legislation recognizes the need to provide "adequate environmental safeguards" for shore development while encouraging "the development of compatible land uses in order to improve the overall economic position of the inhabitants of that area."

The CAFRA area begins at the confluence of the Cheesequake Creek with Raritan Bay in Middlesex County, and extends south through Monmouth, Ocean and Atlantic counties, a small portion of Burlington County and Cape May County, and then north and west along the Delaware Bay through Cumberland and Salem Counties to Pennsville, Salem County. The inland limit of CAFRA follows an irregular pattern drawn primarily along public roads, and ranges in width from a few thousand feet to 24 miles from the ocean (see Figure 1).

The two categories of CAFRA permits that are available to single family and duplex

homeowners are fully described in the following sections. They are the General Permits and Permits-By-Rule.

WHAT DOES CAFRA REGULATE?

CAFRA regulates the construction, reconstruction, expansion or alteration of a single family house or duplex that meets both of the following conditions:

- a. The house is, or would be, located on a beach or dune; or
- b. The house is, or would be, within 150 feet of the mean high water line of a tidal waterbody or the landward limit of a beach or dune, (whichever is the most landward), would be the first significant above-ground structure inland from the water, beach or dune, or the house extends beyond the "shadow" or the boundaries of the first significant structure also known as an "intervening development."

If your property does not meet both of the conditions listed above, a CAFRA permit is not required (Figures 3 & 4).

To determine whether your house is the first significant structure, you must take into account any "intervening development" between your house and the water, beach or dune. Intervening development is defined as a development with an above-ground structure, and includes houses, garages, cabanas or bath houses which are fully enclosed and serviced by a municipal sewer system and commercial, industrial or public buildings that have received all necessary permits and are either completed or under active construction as of July 19, 1994. Intervening development does not include shore protection structures (such as seawalls, bulkheads, retaining walls or revetments), fences, boardwalks, promenades, patios, decks, carports, prefabricated sheds, docks, piers, lifeguard stands, bath houses, gazebos, swimming pools, utility lines, culverts, roadways or railroads, sewage pump stations, or seasonal or temporary structures. Seasonal or temporary structures are defined as lifeguard stands and associated temporary equipment storage containers, picnic tables, benches and canopies, beach badge sheds with a footprint not

exceeding 64 square feet in area, wooden walkways, stage platforms, and portable rest rooms.

The boundaries of the “intervening development” are determined by drawing lines from the widest point of the footprint of the existing development and extending them landward and perpendicular to the mean high water line. The footprint of development is the area of the ground enclosed by the exterior walls of the building. If your proposed house or expansion falls **entirely** within these lines, and the house or expansion is not proposed on a beach or dune, you will not need a CAFRA permit (see Figure 3). However, if any portion of the proposed house extends beyond these lines, a CAFRA general permit will be required (see Figure 3).

If your existing or proposed house or project straddles the 150 foot boundary line and is the first significant structure, a permit shall be required (see Figure 5).

WHEN DO I NEED A CAFRA PERMIT FOR ACTIVITIES AT MY EXISTING HOUSE?

If your house or duplex is not located on a beach or dune, or within 150 feet of a beach, dune or tidal waterway, and is not part of an existing CAFRA facility, you will not need a CAFRA permit for any building activities (see Figure 4).

Regardless of where your home is located, a permit is not required for:

a. rebuilding a house which existed and was habitable on July 19, 1994 after damage by a storm, fire or other Act of God, unless you relocate or increase the footprint of the development or the number of dwelling units (see Figure 6);

b. the enlargement of a dwelling that does not enlarge the footprint of the development or increase the number of dwelling units. For example, elevating an existing dwelling on pilings or the construction of a second story to an existing structure would not result in the enlargement of the footprint;

c. construction of a patio, deck, porch (a covered or uncovered entrance, directly connected to a residential dwelling), balcony or veranda, or similar structure as described below (see Figure 7);

d. planting any kind of vegetation, although use of indigenous species is encouraged;

e. performing maintenance, repairs or making cosmetic improvements to your house; and .

f. the construction of the following "similar structures", provided they do not require the placement of pilings or placement of a structure on a beach, dune or wetland: open fences, open car ports, flower boxes, a landscape retaining wall (for example railroad ties) no more than one foot in height or a series of walls not to exceed a cumulative total of one foot in height, gardens, gazebos, satellite dishes and antennas, sheds (with a footprint of 120 square feet or less), wooden boardwalks, gravel and/or brick paver-block walkways, properly anchored propane tanks, timber dune walkover structures constructed in accordance with N.J.A.C. 7:7E-3A, and showers, spas, and hot tubs and above ground swimming pools (not exceeding 500 square feet of surface area) which do not discharge to surface waters or wetlands.

WHICH PROJECTS QUALIFY FOR AN EXEMPTION?

According to the July 1993 amendments, if your project received one of the following municipal approvals on or before July 19, 1994 and provided construction began by July 19, 1997, your project is exempt from CAFRA and therefore a permit is **not** required:

a. a valid construction or building permit;

b. preliminary site plan approval granted under the Municipal Land Use Law;

c. preliminary subdivision approval or minor subdivision approval (granted under the Municipal Land Use Law) where no subsequent site plan approval is required.

This exemption applies only to the specific project that was the subject of the subdivision approval, that is the development of the subdivision which is consistent with the lot coverage, use and density restrictions of the zoning ordinances that were in effect at the time of the subdivision or that were authorized by the subdivision approval.

The exemption remains valid only if the construction began before July 19, 1997, and continues to completion with no lapse in construction of more than one year.

"Construction," for the purpose of determining if a proposed development is exempt from CAFRA, means having completed the foundations or installation pilings for buildings or structures and does not include clearing vegetation, bringing construction materials to the site, site grading or other earth work associated with preparing a site for construction. To determine if construction of a development or part of a development had begun by July 19, 1997, the Department will rely on proofs provided by the applicant, such as documentation that the local construction official has completed the required inspection for foundations of structures.

DO I NEED A WRITTEN NOTICE OF EXEMPTION?

No. Development that is exempt from CAFRA requires no certification or approval from the Department. However, if you would like a written determination of a development's exemption status, you may obtain an exemption letter for a \$125 fee by submitting the following information:

1. For written exemptions for projects that obtained municipal approval prior to July 19, 1994, you must submit a folded copy of the approved site plan or subdivision plan; a copy of the resolution approving the site plan or subdivision; or a copy of the building permit and approved plan and soil conservation district approval where required; and a completed LURP application form. (Appendix F)

In addition, you must provide documentation showing that construction of the project began prior to July 19, 1997 and that

construction of your project has not lapsed for more than one year.

2. For exemptions for reconstruction, enlargements or for patios, decks, or similar structures, you must submit plans showing all existing structures and site conditions with locations and dimensions, and all proposed structures, filling, grading, excavation and clearing and a completed LURP application form. Photographs of the site also must be submitted. In addition, for exemptions based on reconstruction of a structure damaged by fire, storm or natural hazard the site plans submitted must indicate all structures to be rebuilt and documentation that they existed on July 19, 1994.

NOTE: If you own an existing house, you do not need a CAFRA permit for the construction of patios, decks or similar structures. If, however you would like a written exemption, it is available by following the procedures outlined above.

WHAT IS A PERMIT-BY-RULE AND WHICH ACTIVITIES QUALIFY FOR ONE?

A Permit-By-Rule is a permit for activities that the Department has determined have minimal potential for environmental impact.

On November 18, 1997, the Department adopted amendments to the *Coastal Permit Program Rules* related to Permits-By-Rule. These amendments delete the requirement that the Department be notified prior to construction of development which meets the requirements for a permit-by-rule. ***Therefore, no plans, application form, photographs or other notice needs to be submitted to the Department for development eligible for the permit-by-rule and the Department will no longer provide individuals with notice of their eligibility or ineligibility to construct a development under a permit-by-rule.***

Permits-by-Rule are available for the following activities:

1. The expansion of a single family home or duplex adjacent to a natural waterway by a cumulative surface area of 400 square feet on the property over time (including but not limited to driveways and sheds with a footprint greater than 120 square feet), provided that the expansion is not on the waterward side of the existing dwelling and is not located on a beach, dune or wetland;

2. The construction or expansion of a single family home or duplex (including but not limited to all accessory structures such as garage, sheds pools and driveways, but excluding shore protection structures) located on a bulkheaded lagoon lot;

3. Placement of public safety or beach/dune ordinance signs on beaches and dunes provided no footings are required, and placement of signs at public parks.

4. The voluntary reconstruction of a non-damaged legally constructed, currently habitable residential or commercial development within the same footprint, provided that such reconstruction is in compliance with existing requirements or codes of municipal, State and Federal law.

Please refer to Appendix G entitled *Permit-By-Rule: A Guide for Construction Code Officials and Homeowners* in back of this booklet for the applicability and restrictions of a permit-by-rule authorization.

WHAT ACTIVITIES QUALIFY FOR A GENERAL PERMIT?

General permits are available for the following activities, each of which carries specific applicability criteria described in Appendix "B":

1. the construction or expansion (greater than 400 square feet) of a single family home or duplex, including, but not limited to, all accessory structures (such as garages, sheds, pools, and driveways, excluding shore protection structures) landward of spring high water line.

2. the voluntary reconstruction of a non-damaged, legally constructed, currently

habitable house, landward of the existing footprint.

3. Construction of a bulkhead or revetment on a lot located on a substantially developed man-made lagoon;

4. construction of a revetment on a natural waterway (excluding the Atlantic Ocean, Raritan Bay, Delaware Bay and Sandy Hook Bay);

5. Reconstruction of a legally existing functioning bulkhead;

6. Construction of a bulkhead on a natural waterway;

7. Construction of piers and docks, including jet ski ramps, pilings and boatlifts in man-made lagoons;

8. Minor maintenance dredging of 100 cubic yards in man-made lagoons

The criteria for the most commonly used general permit, which allows for the construction or expansion of a single family dwelling, are listed below. Appendix "B" contains the eligibility criteria for all the other general permits listed above.

i. The project consists solely of the construction or expansion of a single family home or duplex and associated improvements (excluding any shore protection structures as well as filling outshore of the spring high tide line), and is not part of a larger development that is owned, controlled or being constructed by the property owner;

NOTE: Spring high tide is the highest monthly high tide not including storm tides. Spring high water line is the intersection of the land with the water surface at the elevation of spring high tide.

ii. The project complies with N.J.A.C. 7:7E-3.16 Dunes, 7:7E-3.22 Beaches, 7:7E-3.27 Wetlands, 7:7E-3.28 Wetland Buffers, 7:7E-3.31 Coastal Bluffs, and 7:7E-3.38 Endangered or Threatened Wildlife or Vegetation Species Habitats (see Appendix A);

iii. The project complies with N.J.A.C. 7:7E-3.18 Coastal High Hazard Areas and N.J.A.C. 7:7E-3.19 Erosion Hazard Areas of the Rules on Coastal Zone Management, except as excluded under (xii) below;

iv. The use of plastic under landscaped or gravel areas is prohibited. All sub-gravel liners must be made of filter cloth or other permeable material;

v. The driveway is covered with a permeable material or is pitched to drain all runoff onto permeable areas of the site;

vi. On oceanfront sites with existing or proposed shore protection structures, the dwelling and all other permanent structures (except decks and in-ground pools) are set back at least 25 feet from existing or proposed oceanfront shore protection structures. This distance shall be measured from the waterward face of a bulkhead or seawall and from the top of slope on the waterward face of the shore protection structure;

vii. On non-oceanfront sites with existing or proposed shore protection structures, the dwelling and all other permanent structures (except decks) are set back at least 15 feet from existing or proposed shore protection structures. If there is no alternative to locating the proposed development at least 15 feet landward of the shore protection structure, the Department shall reduce the required set back if an engineering certification is provided demonstrating that, after the proposed development has been constructed, the shore protection structure can be replaced within 18 inches of the existing shore protection structure and a deed restriction is recorded for the property which states that any reconstruction of a shore protection structure shall be within 18 inches of the existing shore protection structure.

viii. For wooded sites, site clearing shall be limited to an area no more than 20 feet from the footprint of the dwelling and the area necessary for driveway, septic and utility line installations;

ix. In non-tidal areas, the lowest structural member is at or above the base flood elevation;

x. In tidal areas:

(1) The lowest floor (including the basement, if any) is elevated to or above the base flood elevation within designated zones A1 through A30 on the community's Flood Insurance Rate Maps;

(2) The building is elevated on pilings so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to or above the base flood level within designated zones V1 through V30 on the community's Flood Insurance Rate Maps;

(3) The dwelling is constructed as close as possible to the landward site boundary, and is not constructed waterward of the adjacent developments;

xi. For sites adjacent to or including surface water bodies or wetlands, a silt fence with a 10-foot landward return is erected at the limit of disturbance along the waterward and wetland sides of the development before construction begins. This fence must be maintained and remain in place until all construction and landscaping is completed; and

xii. Construction of a single family home or duplex that meets the other requirements of this rule and is located on a site partially or completely within the erosion hazard area or coastal high hazard area need not comply with the Erosion Hazard Area or Coastal High Hazard Area rules if the site meets the following criteria;

(1) It was shown as a subdivided lot prior to July 19, 1993;

(2) The lot is served by a municipal sewer system; and

(3) A house or commercial building is located on each lot abutting the lot lines perpendicular to the shoreline and the existing house or commercial building is located within 100 feet of said lot lines.

**APPLICATION REQUIREMENTS FOR
GENERAL PERMITS**

To obtain a general permit, you must submit an application form, site photos and other information related to the proposed activity, such as a site plan or project description, or compliance statement. In addition, you must notify local governing bodies and owners of real property surrounding and sharing a property boundary at any one point on the perimeter of the development. The fee for a general permit application is \$250.

In Appendix C, you will find check lists of information which must be submitted with each permit application. Find the general permit type that applies to your project and submit all the information found on that check list.

The Department will **not** hold a public hearing on these applications, although it will consider any written comments it receives. Pursuant to the Coastal Area Facility Review Act, the Department must make a decision on the application within 60 days of declaring the application "complete for final review". If the Department does not make a decision within this timeframe, the application is automatically approved, subject to the standard conditions at N.J.A.C. 7:7-1.5.

**ARE THERE OTHER PERMITS WHICH
MAY BE NECESSARY TO COMPLETE
MY PROJECT?**

In addition to a CAFRA permit, you may need a Tidelands conveyance or one of the other permits described below.

Tidelands

Development proposed in areas now or formerly flowed by the tide must possess a valid tidelands (or "riparian") conveyance in the form of a grant, lease, or license from the State of New Jersey. Applications for a CAFRA General Permit will not be accepted for filing without verification that a Tidelands conveyance has been previously issued, applied for, or is unnecessary for the site. This information is available from the Department of Environmental

Protection's Bureau of Tidelands, P.O. Box 439, Trenton, New Jersey 08625, (609) 292-2573.

Other Permits

Other permits that may be required for the construction of a single-family or duplex dwelling include:

1. Freshwater Wetlands
2. Coastal Wetlands
3. Stream Encroachment
4. Waterfront Development
5. Pinelands Approval
6. Treatment Works Approval
7. Army Corps of Engineers
8. Proof of consistency with a Wastewater Management Plan

In addition, County Board of Health approval for an individual subsurface sewage disposal system may also be required.

While the Department will not delay a CAFRA permit decision because other approvals have not yet been issued, anyone who wants to build a single family or duplex home should determine as quickly as possible what other approvals are needed, since permits under several programs can be processed simultaneously, thus saving time. The Land Use Regulation Program's Jurisdictional Determination Unit will assist you in determining what additional Departmental approvals may be required. Appendix "E" contains a worksheet listing the information needed to request a determination of jurisdiction under CAFRA, Waterfront Development and the Wetlands Act of 1970 for your project. All requests must be made in writing.

Coastal Wetlands maps are available for your use at the appropriate county clerk's office and at the Bureau of Coastal and Land Use Compliance and Enforcement offices in Trenton, Toms River and Pomona, New Jersey. Freshwater Wetlands maps are available at the appropriate municipal office.

For further information regarding these permit programs or for determinations regarding permit jurisdiction, please contact the Land Use Regulation Program within the Department of Environmental Protection, at the telephone

number listed on the inside front cover of the booklet.

CAN I CHANGE MY PROJECT AFTER I GET MY PERMIT?

After a CAFRA permit has been issued, a permittee may request a permit modification if any components of the development are to be changed from those which were originally approved. However, all changes in the project must meet the CAFRA requirements for a single family or duplex dwelling. The fee for a permit modification is \$100. Appendix "D" contains the submission requirements for permit modification requests.

WHAT RULES MUST BE CONSIDERED IN THE ISSUANCE OF A CAFRA PERMIT?

The general permit for construction of a single family home, duplex, addition or accessory structure requires that certain sensitive features be protected. The following is a brief description of these and the Rule as it applies to them. The full text of each Rule is found in Appendix "A".

Dunes (N.J.A.C. 7:7E-3.16)

A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to and landward of the beach and the foot of the most inland dune slope. "Dune" includes the foredune, secondary dune, and tertiary dune ridges as well as man-made dunes where they exist.

Ocean and bayfront dunes are an irreplaceable physical features of the natural environment, serving to buffer barrier islands and other ocean and bayfront areas from the effects of hurricanes, storms, flooding and erosion and also important habitats for wildlife species.

The existence of development such as houses, garages, patios, driveways, etc. does not preclude an area from meeting the definition of a dune. The area beneath and surrounding the development may still be considered a dune.

Development is prohibited on dunes, unless there is no practical or feasible alternative and unless the development will not have a significant adverse impact on the dune system.

Coastal High Hazard Areas (N.J.A.C. 7:7E-3.18)

Coastal High Hazard Areas are flood-prone areas subject to high velocity waters, and areas subject to wave run-up and overtopping of shore protection structures.

Residential development is prohibited in these areas except for single-family and duplex infill developments which are conditionally acceptable, provided that the standards of N.J.A.C. 7:7E-7.2(e) are met. Infill developments are developments on lots subdivided prior to July 19, 1993 that have houses or commercial buildings located on adjacent lots on both sides and are served by municipal sewer systems. Such a proposed development would be "filling-in" the space between the existing developments.

Erosion Hazard Areas (N.J.A.C. 7:7E- 3.19)

Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion and damage from storms.

Development is prohibited in erosion hazard areas, except for single-family and duplex infill developments that meet the standards of N.J.A.C. 7:7E-7.2(e). (See description of infill developments under Coastal High Hazard Areas.)

Beaches (N.J.A.C. 7:7E- 3.22)

Beaches are defined as gently sloping areas of sand located adjacent to tidal waters, which are subject to coastal storms and erosion from offshore currents. Development here is regulated to prevent or minimize loss of life or property from storms and floods.

Development is prohibited on beaches unless there is no prudent or feasible alternative and unless the development will not have a significant adverse impact on the natural functioning of the beach and dune system.

Wetlands (N.J.A.C. 7:7E- 3.27)

Tidal and freshwater wetlands are environmentally valuable land areas within the coastal zone. The biological productivity of New Jersey's wetlands is enormous and critical to the functioning of estuarine and marine ecosystems. Wetlands contribute to the physical stability of the coastal zone by buffering wind-driven storm waves and storm surges. Wetlands also act as a flood water storage area and a sediment and pollution trap.

Development in wetland areas is prohibited except in the limited number of cases outlined in the rules (see Appendix A).

Wetlands Buffers (N.J.A.C. 7:7E- 3.28)

The coastal zone includes a diversity of types of wetlands from large forested freshwater wetlands to narrow strips of coastal wetlands. Development adjacent to wetlands can adversely affect the wetlands through increased runoff, sedimentation, and introduction of pollutants. Therefore, a buffer is necessary to protect the wetlands adjacent to the proposed land disturbance.

The required widths of wetlands buffers vary, as outlined in the Rules in Appendix A.

Coastal Bluffs (N.J.A.C. 7:7E- 3.31)

Coastal bluffs are steep slope areas located adjacent to the shoreline. Coastal bluffs play an important part in storm damage prevention and flood control, eroding in response to wave action and resisting erosion caused by wind and rain runoff. Disturbance of coastal bluffs increases the risk of their collapse and causes cuts in the bluffs, which increases the danger to structures at the top of the bluff. Vegetation helps stabilize bluffs and can reduce the rate of erosion. A minimum construction setback on the stable land is required to protect life and property.

Although coastal bluffs can be found along any watercourse, they are most often associated with the Manasquan River, Metedecock River, Monmouth County

oceanfront, Delaware River, Raritan Bay and the Atlantic Highlands.

Residential development of any kind is prohibited on coastal bluffs. The rules in Appendix A describe the bluff limits.

Endangered or Threatened Wildlife or Vegetation Species Habitats (N.J.A.C. 7:7E-3.38)

Endangered or threatened wildlife or vegetation species habitats are areas known to be inhabited by any wildlife or vegetation identified as either threatened or endangered. Endangered and threatened species are facing possible extinction in the immediate future due to loss of suitable habitat and past overexploitation through human activities or natural causes. New Jersey's wildlife and plant communities are a valuable resource and care must be taken to protect them.

Development in areas with endangered or threatened species is prohibited unless it can be shown that these habitats and species would not be adversely affected.

CONCLUSION

We hope that you have found this guide helpful in determining whether you need a CAFRA permit and, if so, the type of permit you need and the general requirements for obtaining it. In the Appendices that follow, you will find permit application forms, diagrams designed to assist you in visualizing potential permit scenarios, as well the specific rules that apply to the permits. If you have further questions, please call one of the numbers listed on the inside front cover for assistance.

APPENDIX A

RULES ON COASTAL ZONE MANAGEMENT (New Jersey Administrative Code 7:7E-1.1 et seq.)

Dunes (7:7E-3.16)

A dune is a wind or wave deposited or man-made formation of sand (mound or ridge), that lies generally parallel to, and landward of the beach, and between the upland limit of the beach and the foot of the most inland dune slope. "Dune" includes the foredune, secondary and tertiary dune ridges, as well as man-made dunes, where they exist.

1. Formations of sand immediately adjacent to beaches that are stabilized by retaining structures, and/or snow fences, planted vegetation, and other measures are considered to be dunes regardless of the degree of modification of the dune by wind or wave action or disturbance by development.

2. A small mound of loose, windblown sand found in a street or on a part of a structure as a result of storm activity is not considered to be a "dune".

(b) Development is prohibited on dunes, except for development that has no practicable or feasible alternative in an area other than a dune, and that will not cause significant adverse long-term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities.

Coastal High Hazard Areas (7:7E-3.18)

(Does not apply to infill developments)

(a) Coastal high hazard areas are floodprone areas subject to high velocity waters as delineated on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA), and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-up and overtopping. The Coastal High Hazard Area extends from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The inland limit of the V zone is defined as the V zone boundary line as designated on the municipality's Flood Insurance Rate Map (FIRM) or the inland limit of the primary frontal dune, whichever is most landward.

(b) Residential development is prohibited in coastal high hazard areas except for single family and duplex infill developments which are conditionally acceptable provided that the standards of N.J.A.C. 7:7E-7.2(e) are met.

(c) All permanent structures must be set back a minimum of 25 feet from oceanfront shore protection structures, typically including bulkheads, revetments, and seawalls, and occasionally jetties and groins if constructed at inlets. This condition is applicable only to shore protection structures that are of sufficient height and strength to provide resistance to storm waves.

Erosion Hazard Areas (7:7E-3.19)

(Does not apply to infill developments)

(a) Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms.

1. Erosion hazard areas may be identified by any one of the following characteristics:

i. Lack of beaches

ii. Lack of beaches at high tide

- iii. Narrow beaches
- iv. High beach mobility
- v. Foreshore extended under boardwalk
- vi. Low dunes or no dunes
- vii. Escarped foredune
- viii. Steep beach slopes
- ix. Clifed bluffs as adjacent to beach
- x. Exposed, damaged or breached jetties, groins, bulkheads or seawalls
- xi. High long-term erosion rates
- xii. Pronounced downdrift effects of groins or jetties.

The Department will provide technical data on erosion hazards upon request.

2. Erosion hazard areas extend inland from the edge of a stabilized upland area to the limit of the area likely to be eroded in 30 years. This distance is measured from the crest of a bluff for coastal bluff areas, the most seaward established dune crest for unvegetated dune areas, the first vegetation line from the water for established vegetated dune areas, and the landward edge of a beach or the eight foot North American Datum (NAD), 1983, contour line, whichever is farther inland, for non-dune areas.

i. An established, unvegetated dune is a dune that has been in place for at least two winter seasons, or has been constructed with the approval of the Department.

ii. An established vegetated dune is a dune with an existing vegetative cover which has been growing on site for at least two growing seasons.

3. The extent of an erosion hazard area is calculated by multiplying the projected annual erosion rate at a site by 30.

(b) Development is prohibited in erosion hazard areas, except for:

- 1. Single family and duplex infill developments that meet the standards of N.J.A.C. 7:7E-7.2(c).

Beaches (7:7E-3.22)

(a) Beaches are gently sloping areas of sand or other unconsolidated material, found on all tidal shorelines, including ocean, bay and river shorelines, that extend landward from the mean high water line to either:

1. A man-made feature generally parallel to the ocean, inlet or bay water such as a retaining structure, seawall, bulkhead, road or boardwalk, except the sandy areas that extend fully under and landward of an elevated boardwalk are considered to be beach areas, or

- 2. The seaward or bayward foot of dunes, whichever is closest to the bay, inlet or ocean waters.

(b) Development is prohibited on beaches, except for development that has no prudent or feasible alternative in an area other than a beach, and that will not cause significant adverse long term impacts on the

natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities.

Wetlands (7:7E-3.27)

(a) Wetlands or wetland means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

1. Wetlands areas are identified and mapped on the following:

i. National Wetlands Inventory Maps produced by the U.S. Fish and Wildlife at a scale of 1:24,000 (generalized locations only);

ii. Coastal wetlands maps, pursuant to the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.) prepared by the DEP at a scale of 1:2400; and

iii. Freshwater wetlands maps prepared by DEP at a scale of 1:12,000 (generalized locations only).

Note: Maps referenced in (a)ii and iii above are available from the DEP Map and Publications sales office (609) 777-1038.

2. Generalized locations of some wetland types can be found in county soil surveys prepared by the U.S. Department of Agriculture, Soil Conservation Service.

3. The maps referenced under (a)i, iii, and 2 above shall be useful as an indicator to assist in the preliminary determination of the presence or absence of wetlands only. They have been determined to be unreliable for the purposes of locating the actual wetlands boundary of a specific site.

4. All tidal and inland wetlands, excluding the delineated tidal wetlands pursuant to N.J.A.C. 7:7-2.2 shall be identified and delineated in accordance with the USEPA three-parameter approach (that is, hydrology, soils and vegetation) specified under N.J.A.C. 7:7A-1.4 for the Freshwater Wetlands Protection Act Rules.

(b) Development in wetlands defined under the Freshwater Wetlands Protection Act of 1987 is prohibited unless the development is found to be acceptable under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A).

(c) Development of all kinds in all other wetlands not defined in (b) above is prohibited unless this Department can find that the proposed development meets the following four conditions:

1. Requires water access or is water oriented as a central purpose of the basic function of the activity (this rule applies only to development proposed on or adjacent to waterways). This means that the use must be water dependent as defined in N.J.A.C. 7:7E-1.5;

2. Has no prudent or feasible alternative on a non-wetlands site;

3. Will result in minimum feasible alteration or impairment of natural tidal circulation (or natural circulation in the case of non-tidal wetlands); and

4. Will result in minimum feasible alteration or impairment of the natural contour or the natural vegetation of the wetlands.

Wetlands Buffers (7:7E-3.28)

(a) Wetlands buffer or transition area means an area of land adjacent to a wetland which minimizes adverse impacts on the wetlands or serves as an integral component of the wetlands ecosystem. Wider buffers than

those noted below may be required to establish conformance with other Coastal Rules, including, but not limited to, the Endangered or Threatened Wildlife or Vegetation Species Habitats rule and the Critical Wildlife Habitats rule.

1. A wetlands buffer or transition area of up to 150 feet in width shall be established adjacent to all wetlands defined and regulated under the Freshwater Wetlands Protection Act. (Refer to the Freshwater Wetland Protection Act Rules, N.J.A.C. 7:7A, for further guidance).

2. For all other wetlands, including wetlands regulated under the Coastal Wetlands Act of 1970, a wetlands buffer of up to 300 feet shall be established.

(b) Subject to (a) above, all wetlands buffers (that is, transition area) associated with wetlands subject to the Freshwater Wetlands Protection Act shall be regulated in accordance with the Freshwater Wetland Protection Act Rules, N.J.A.C. 7:7A.

(c) Development is prohibited in a Wetlands Buffer around all other wetlands, unless it can be demonstrated that the proposed development will not have a significant adverse impact and will cause minimum feasible adverse impact, through the use of mitigation where appropriate on the wetlands, and on the natural ecotone between the wetlands and the surrounding upland. The precise geographic extent of the actual wetlands buffer required on a specific site shall be determined on a case-by-case basis using these standards.

Wetland buffer requirements may be less restrictive in areas where proposed development is considered infill, and where a majority of the area adjacent to the wetlands is developed. In those areas, the potential adverse impacts from additional development are generally minor. The Department will establish the required wetland buffers for those areas on a case-by-case basis, based on the existing site conditions, including but not limited to elevation, topography, and vegetation.

Coastal Bluffs (7:7E-3.31)

(a) A coastal bluff is a steep slope (greater than 15 percent) of consolidated (rock) or unconsolidated (sand, gravel) sediment which is adjacent to the shoreline or which is demonstrably associated with shoreline processes.

1. The waterward limit of a coastal bluff is a point 25 feet waterward of the toe of the bluff face, or the mean high water line, whichever is nearest the toe of the bluff.

2. The landward limit of a coastal bluff is the landward limit of the area likely to be eroded within 50 years, or a point 25 feet landward of the crest of the bluff, whichever is farthest inland.

3. Steep slopes (N.J.A.C. 7:7E-3.34) are isolated inland areas with slopes greater than 15 percent. All steep slopes associated with shoreline processes or adjacent to the shoreline and associated wetlands, or contributing sediment to the system, will be considered coastal bluffs.

(b) Residential development of any kind is prohibited on coastal bluffs.

Endangered or Threatened Wildlife or Vegetation Species Habitats (7:7E-3.38)

(a) Areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife (fauna) or vegetation (flora) identified as "endangered" or "threatened" species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing, are considered Special Areas. The definition also includes a sufficient buffer area to insure continued survival of the population of the species. DEP's Division of Fish, Game and Wildlife and Division of Parks and Forestry intentionally restrict dissemination of data showing the geographic location of these species, in order to protect the species and their habitats.

1. The required threatened or endangered species habitat buffer area shall be dependent upon the range of the species and the development's anticipated impacts to the species habitat.

(b) Development of this special area is prohibited unless it can be demonstrated that endangered or threatened wildlife or vegetation species habitat would not directly or through secondary impacts on the relevant site or in the surrounding region be adversely affected.

(c) The following wildlife species were listed as endangered on the State list in January 1984, as amended on May 6, 1985, July 20, 1987 and June 3, 1991. *NOTE: The following list has been shortened to list those species most likely to be affected by development within 150 feet of the mean high water line:*

Amphibians

Eastern Tiger Salamander
Pine Barrens Treefrog
Southern Gray Treefrog

Birds

Bald Eagle
Peregrine Falcon
Least Tern
Black Skimmer
Northern Harrier
Short-eared Owl
Pied-billed Grebe
Sedge Wren
Henslow's Sparrow
Piping Plover
Roseate Tern

Invertebrates

Northeastern Beach Tiger Beetle

(d) The following wildlife species were listed as endangered on the State list in January 1984, as amended on May 6, 1985, July 20, 1987 and June 3, 1991. *NOTE: The following list has been shortened to list those species most likely to be affected by development within 150 feet of the mean high water line:*

Birds

Osprey
Great Blue Heron
American Bittern
Black Rail
Yellow-crowned Night Heron
Little Blue Heron

The above list of Endangered and Threatened species are those which are most likely to occur in or around beaches, dunes or wetlands environments. Other endangered and threatened species may occasionally occur within these systems in unique or atypical situations. The suitability of onsite habitats for other species will be assessed on a case by case basis.

(e) The Division of Parks and Forestry is responsible for Promulgation of the official Endangered Plant Species List pursuant to N.J.S.A. 13:1B-15. The Endangered Plant Species List, N.J.A.C. 7:5C-5.1, currently contains 308 native plant species, and includes species determined by the DEP to be endangered in the State as well as plant species officially listed as Federally Endangered or Threatened or under active consideration for Federal listing as Endangered or Threatened. Because the Endangered Plant Species List is periodically revised

based on new information documented by the DEP, it is not published as part of this rule. To obtain the most current Endangered Plant Species List, please contact the NJDEP, Division of Parks and Forestry, Office of Natural Lands Management, CN 404, Trenton, NJ 08625.

(f) For sites located within the Pinelands National Reserve and the Pinelands Protection Area, the plant species listed in Section 6-204 of the Pinelands Comprehensive Management Plan shall also apply (N.J.A.C.7:50-6.24).

(g) For residential development within a Special Area, an environmental impact assessment will be required.

Housing Use Policies (7:7E-7.2)

Single family and duplex dwellings are the most common type of development along the developed oceanfront communities of the Jersey Coast. This rule recognizes the importance of protecting the safety of local residents from the natural shoreline changes and hazard areas, especially in the event of a storm.

(e) A single family home or duplex that is located upland of the mean high water line and is not part of a larger development must meet only the rules below:

1. All structures and on-site improvements shall comply with the Coastal Rules for Beaches, Dunes, Wetlands, Wetland Buffers, Endangered or Threatened Wildlife or Vegetation Species Habitats and Coastal Bluffs, and shall comply with other Coastal Rules by meeting the following minimum standards. Compliance with the applicable rules may require changes in a building design and/or location.

i. On sites with shore protection structures, the residential structure shall be set back, a minimum of 25 feet, from oceanfront shore protection structures, and at a minimum of 15 feet from bulkheads elsewhere. This distance is measured from the waterward face of a bulkhead or seawall and from the top of slope on the waterward face of a revetment.

ii. For sites adjacent to surface water bodies or wetlands, a silt fence shall be erected along the limit of disturbance parallel to the shoreline or wetlands limits. This fence shall have a 10 foot return on each end, be erected prior to construction and remain in place until all construction and landscaping is completed.

iii. For sites partially or completely within the erosion hazard area or coastal high hazard area, only infill developments meeting the following criteria are acceptable. A development qualifies as infill for purposes of this section if:

(1) It is shown as a buildable lot on municipal records prior to July 19, 1993;

(2) The lot is served by a municipal sewer system; and

(3) A house is located on each lot abutting the lot line, perpendicular to the shoreline, and within 100 feet of said lot line.

iv. In non-tidal areas, the lowest structural member must be at least one foot above the base flood elevation.

v. In tidal areas the following standards apply:

(1) For residential developments located within designated zones A1-30 on the community's Flood Insurance Rate Maps (FIRM), the lowest floor (including basement) must be elevated to or above the base flood elevation.

(2) For residential developments located within designated Zones V1-30 on the community's FIRM, the building must be elevated on pilings so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to or above the base flood level.

(3) The house shall be constructed as close to the landward site boundary as possible, and shall not be constructed waterward of the adjacent developments.

vi. For wooded sites, site clearing shall be limited to an area no greater than 20 feet from the footprint of the dwelling and the area deemed necessary for driveway, septic and utility line installations.

vii. Indigenous coastal plants (as defined in Vegetation, N.J.A.C. 7:7E-8.8) shall be used in landscaping wherever feasible. No plastic liners shall be used in landscaped or gravel areas. All liners shall be made of filter cloth or other permeable material. The use of non-indigenous vegetation and/or lawns is discouraged.

viii. All driveways shall be covered with permeable materials or pitched to drain all runoff onto permeable areas of the site.

APPENDIX B

The general permits and their eligibility criteria are listed below with the exception of the permit for the construction of a single family home, duplex, addition or accessory structure which is found on page 4:

(a) the voluntary reconstruction of a non-damaged, legally constructed, currently habitable house, landward of the existing footprint provided that:

- i. the reconstruction is in compliance with existing requirements or codes of municipal, State and Federal law; and
- ii. the reconstruction does not result in an increase in the number of dwelling units.

(b) The construction of a bulkhead or revetment on a lot located on a substantially developed man-made lagoon, provided that the proposed bulkhead complies with all of the following:

- i. The site is located on a substantially developed man-made lagoon, A man-made lagoon is defined as an artificially created linear waterway sometimes branched, ending in a dead end with no significant upland drainage. Lagoons have been created through dredging and filling wetlands, bay bottom and other estuarine water areas for the purpose of creating waterfront lots for residential development adjacent to the lagoon. A natural waterway which has been altered by activities such as filling, channelization, or bulkheading will not be considered a man-made lagoon nor will a bulkheaded boat slip be considered a lagoon;
- ii. The bulkhead is located at or above the spring high water line unless it is between two existing lawful bulkheads not more than 75 feet apart. In such cases, the connecting bulkhead may not extend seaward of a straight line connecting the ends of the existing bulkheads;
- iii. There shall be no disturbance to wetlands during construction;
- iv. The bulkhead is located inshore of any wetlands;
- v. A minimum 10 foot return shall be constructed at each end of the bulkhead unless it is tied into an existing adjacent bulkhead; and
- vi. Clean fill from an upland source shall be used for backfill.

(c) The construction of a revetment on a waterbody is acceptable provided that the proposed revetment complies with all of the provisions listed below. For the purpose of this section a revetment is defined as a sloped structure composed of rip rap or gabions which is installed along a shoreline, excluding the Atlantic Ocean, Delaware Bay, Raritan Bay and Sandy Hook Bay, to protect against erosion by waves or currents.:

- i. The site of the proposed revetment shall be stabilized with a maximum slope not to exceed 1 vertical to 2 horizontal (1:2);
- ii. The placement of rip rap or gabions in the waterway shall be limited to that necessary to protect the shoreline;
- iii. Fill material shall be minimized and added only where needed to achieve uniform slope, shall be free of large stones and shall be firmly compacted before revetment construction begins;
- iv. Filter fabric (or graded stone filter) shall be installed to prevent loss of slope materials through voids in the revetment material;
- v. Revetment stones shall be angular and blocky, not rounded;

- vi. The toe of the revetment shall be located at least 3 feet below existing grade to prevent undercutting;
- vii. Weight of individual stone shall be determined by a design engineer based on wave height range for the site;
- viii. Placement of a revetment in wetlands is prohibited;
- ix. The revetment will not cause erosion of adjacent properties;
- x. The gabion baskets shall be tightly packed with 4" to 8" diameter stone (to minimize movement of the interior stone and consequent damage to the wire) and the edges shall be laced together with steel wire;
- xi. Individual baskets shall be wired together; and
- xii. The size and number of gabion baskets shall be determined by a design engineer based on wave height range for the site.

(d) The reconstruction of a legally existing functioning bulkhead is acceptable provided that:

- i. The reconstructed bulkhead is in-place, upland or within 18 inches outshore (as measured from the waterward face of the existing bulkhead to the waterward face of the proposed bulkhead) of the existing bulkhead;
- ii. The replacement bulkhead is located upland of any wetlands;
- iii. The construction of bulkheads subject to wave run up forces (V-zones) must be designed and certified by a professional engineer to withstand the forces of wave runup, and must include a splash pad on the landward side. The splash pad must have a minimum width of 10 feet, and shall be constructed of concrete, asphalt or other erosion resistant material. If a cobblestone or similar splash pad is utilized, appropriate sub-base and filter cloth must be incorporated into the design;
- iv. The placement of rip-rap along the seaward toe of the replacement bulkhead structure may qualify for this general permit if the Department determines that such rip rap is required to limit scour potential and the areas and volume of rip rap are minimized;
- v. The structure will not create net adverse shoreline movement downdrift, including erosion or shoaling;
- vi. The construction shall have no adverse impact to any Special Areas defined in the Rules on Coastal Zone Management at N.J.A.C. 7:7E-3; and
- vii. Clean fill from an upland source shall be used for backfill.

(e) The construction of a bulkhead at a single family/duplex lot on a natural waterbody, provided that the proposed bulkhead complies with the following:

- i. Legally existing functional bulkheads are located on the lots adjacent to the proposed bulkhead and are no more than 75 feet apart;
- ii. The bulkhead will be located at or above the spring high water line;
- iii. There shall be no disturbance to wetlands during construction;
- iv. Clean fill from an upland source shall be used for backfill;

v. The bulkhead shall not be located further waterward than the bulkheads on the adjacent properties;

vi. In the event that the bulkhead will be located landward of the adjacent bulkheads, the new bulkhead shall connect to the bulkhead on either side;

vii. The construction of bulkheads subject to wave run up forces (V-zones) must be designed and certified by a professional engineer to withstand the forces of wave runup, and must include a splash pad on the landward side. The splash pad must have a minimum width of 10 feet, and shall be constructed of concrete, asphalt or other erosion resistant material. If a cobblestone or similar splash pad is utilized, appropriate sub-base and filter cloth must be incorporated into the design;

viii. The placement of rip-rap along the seaward toe of the bulkhead structure may qualify for this general permit if the Department determines that such rip rap is required to limit scour potential and the areas and volume of rip rap are minimized; and

ix. The bulkhead is located a minimum of five feet inshore of any wetlands.

(f) The construction of piers, docks including jet ski ramps, pilings and boatlifts in man-made lagoons is acceptable provided that:

i. The structures shall be located on individual single family or duplex lots and shall be for recreational/non-commercial use;

ii. The structures shall not extend beyond a distance of 20 percent of the width of a man-made lagoon;

iii. The width of the dock or pier shall not exceed twice the clearance between the structure and the surface of the ground below or the water surface at mean high tide, except for floating docks. For example, an eight foot wide dock must be elevated a minimum of four feet above the water surface at mean high tide;

iv. The maximum width of the structure shall be eight feet, except where crossing wetlands or mudflats, where the proposed structure shall be constructed perpendicular to the shoreline to access sufficient water depth and shall not exceed six feet in width. In any case, the height of the structure over wetlands shall be a minimum of four feet;

v. Any wetlands disturbed during construction shall be restored to pre-project conditions;

vi. The proposed structure does not hinder navigation or access to adjacent docks, piers, moorings or water areas;

vii. A minimum of eight feet of open water shall be provided between any docks if the combined width of any existing or proposed docks over the water exceeds eight feet;

viii. For docks which are perpendicular to the adjacent bulkhead or shoreline, construction of the dock shall be a minimum of four feet from all property lines;

ix. The space between horizontal planking is maximized and the width of horizontal planking is minimized to the maximum extent practicable. Under normal circumstances, a minimum of 3/8 inch, 1/2 inch, 3/4 inch or one inch space is to be provided for four inch, six inch, eight to 10 inch, or 12 inch plus wide planks respectively;

x. Jet ski ramps are inclined floating docks which are typically attached to existing docks for the purpose of docking jet skis. Jet ski ramps shall not exceed 8 feet in width; and

xi. For sites which have existing dock structures exceeding eight feet in width over water areas and/or wetlands, which were constructed prior to September 1978 and for which the applicant proposes to increase the coverage over the water area or wetland by increasing the number or size of boat slips, docks or piers, the existing oversized structures must be reduced to a maximum of 8 feet in width.

(g) Minor maintenance dredging in man-made lagoons is acceptable provided that:

- i. The volume of the material to be dredged shall not exceed 100 cubic yards;
- ii. The proposed depth shall not exceed four feet below mean low water;
- iii. Dredged material shall be placed on an upland site and shall be stabilized as directed by the Program; and
- iv. A 3:1 slope shall be maintained from the waterward edge of any wetlands to the nearest edge of the dredged area.

The application requirements for each specific general permit listed above are located in the Appendix C.

APPENDIX "C"

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GENERAL PERMIT APPLICATION FOR DEVELOPMENT AT SINGLE/DUPLEX PROPERTIES

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

(12/95)

(5/99)

These are the submission requirements for an administratively complete application package for a **general permit**. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. NOTE: Items 1 through 6 shall be submitted for all general permit applications.

- 1. A completed LURP application form;
- 2. A check or money order for \$250 (Payable to: Treasurer - State of New Jersey, Environmental Services Fund);
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view;
- 4. White certified mailing receipts or other written receipt as evidence that a complete copy of the application has been forwarded to the clerk of the municipality;
- 5. White certified mailing receipts or other written receipts as evidence that a copy of (i) the completed LURP application form, (ii) the site plan (this plan maybe on an 8.5 by 11" sheet of paper provided it generally depicts the proposed development and the site location) and (iii) the notice below, have been forwarded to the following parties:
 - a) County Planning Board
 - b) Municipal Planning Board
 - c) Municipal Environmental Commission (if one exists)
 - d) Municipal Construction Official
 - e) All property owners surrounding and sharing a property boundary at any point on the perimeter of the proposed development.

"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Permit for (DESCRIBE THE DEVELOPMENT SHOWN ON THE ENCLOSED PLAN).

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the DEP's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter. Your comments should be sent along with a copy of this letter to:

*New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439*

Attn: "(County in which the property is located) Section Chief"

6. A copy of the public notice, which was mailed to those parties, listed in item 5 above.

7. The additional information as outlined below and on the following pages for your specific general permit(s):

(a) Voluntary reconstruction of an undamaged, legally constructed, serviceable structure or habitable residential development

1. Three copies of development plans clearly depicting the existing site and the proposed site, including size and location of the current and proposed footprint; and
2. For residential reconstruction, documentation that there will not be an increase in the number of dwelling units shall be provided.
3. A person wishing to relocate landward shall also submit three copies of plans showing the existing structures and site conditions with locations and dimensions, and all proposed structures, filling, grading, excavation and clearing.

(b) Construction of a single family home or duplex not on a bulkheaded lagoon lot

1. Three copies of a site plan showing the following:
 - i. The mean and spring high water lines of the tidal waters in proximity to the site;
 - ii. Existing features at the site including topography and structures, and the limits of wetlands, dune areas, beach areas, flood hazard areas and vegetation;
 - iii. Existing roads and utilities immediately adjacent to the site; and
 - iv. All proposed development, including all structures, grading and clearing; and
2. Documentation demonstrating how the proposed development complies with the criteria of this general permit found on page 5 of the Guide for Single Family and Duplex Homeowners.

(c) Expansion of a single family home or duplex

1. Three copies of a site plan showing the following:
 - i. The mean and spring high water lines of the tidal waters in proximity to the site;
 - ii. Existing features at the site including topography and structures, roads, and utilities, and the limits of wetlands, dune areas, beach areas, flood hazard areas and vegetation;
 - iii. The existing roads and utilities immediately adjacent to the site; and
 - iv. All proposed development, including all structures, grading and clearing; and

2. Documentation demonstrating how the proposed development complies with the criteria of this general permit found on page 5 of the Guide for Single family and Duplex Homeowners.

(d) Construction of a bulkhead and associated fill on a lot located on a substantially developed manmade lagoon

1. Three copies of a site plan showing the following:
 - i. The mean and spring high water lines of the tidal waters at the site;
 - ii. Existing features at the site, including structures and the upper and lower limits of wetlands and beach areas;
 - iii. The bulkheads or other retaining structures on adjacent properties;
 - iv. All proposed structures including deadmen, tiebacks and returns; and
2. Documentation demonstrating how the proposed development complies with the general permit criteria found on page 17 of the Guide for Single Family and Duplex Homeowners.

(e) Construction of a revetment at a Single Family/Duplex lot

1. Three copies of a site plan showing the following:
 - i. The mean high, mean low and spring high water lines of the tidal waters at the site;
 - ii. Existing features at the site including topography and structures;
 - iii. The upper and lower limits of wetlands, beach areas and dune areas at the site and on adjacent waterfront properties;
 - iv. Bulkheads or other retaining structures on adjacent properties;
 - v. The location and cross sections of the proposed revetment in relationship to mean high and mean low water; and
 - vi. Evidence of Tidelands Ownership - Permit applications cannot be accepted for filing without evidence that a tidelands instrument has been previously issued or applied for. The Bureau of Tidelands Management may be reached at (609) 292-2573.
2. Documentation demonstrating how the proposed project complies with the criteria of this general permit found on page 17 of the Guide for Single Family and Duplex Homeowners.

(f) Reconstruction of a legally existing bulkhead waterward of the mean high water line

1. Three copies of a site plan showing the following:
 - i. The mean and spring high water lines of the tidal waters at the site;

- ii. Existing features at the site including, all waterfront structures, existing bulkhead, and the upper and lower limits of wetlands, beach areas and dune areas;
 - iii. Bulkheads or other retaining structures on adjacent properties;
 - iv. Proposed new bulkhead including returns and tie backs and splash pad if located within the V-zone; and
 - v. Evidence of Tidelands Ownership - Permit applications cannot be accepted for filing without evidence that a tidelands instrument has been previously issued or applied for. The Bureau of Tidelands Management may be reached at (609) 292-2573.
2. Documentation demonstrating how the proposed development complies with the criteria of this general permit found on page 18 of the Guide for Single Family and Duplex Homeowners

(g) Construction of a bulkhead and associated fill at a single family/duplex lot on a natural waterbody

1. Three copies of a site plan showing the following:
 - i. The mean high, mean low and spring high tide lines of the tidal waters at the site;
 - ii. Existing features both at the site and on adjacent waterfront sites including all waterfront structures, existing bulkhead, and the upper and lower limits of wetlands, beach areas and dune areas;
 - iii. Proposed new bulkhead including returns and tie backs and splash pad if located within the V-zone; and
 - iv. Bulkheads or other retaining structures on adjacent properties; and
 - v. Evidence of Tidelands Ownership - Permit applications cannot be accepted for filing without evidence that a tidelands instrument has been previously issued or applied for. The Bureau of Tidelands Management may be reached at (609) 292-2573.
2. Documentation demonstrating how the proposed development complies with the criteria of this general permit found on page 18 of the Guide for Single Family and Duplex Homeowners.

(h) Construction of piers, docks, pilings, and boatlifts in man-made lagoons

1. Three copies of a site plan showing the following:
 - i. The mean high and mean low water lines of the tidal waters at the site;
 - ii. The upper and lower limits of wetlands within 150 feet of the proposed limits of disturbance;
 - iii. Existing structures including all waterfront structures (docks, pilings and bulkheads) on the project site and adjacent waterfront properties;
 - iv. The opposite side of the lagoon; and
 - v. The proposed dock, pier, piling and boatlift; and
2. Documentation demonstrating how the proposed development complies with the criteria of this general permit found on page 19 of the Guide for Single Family and Duplex Homeowners
- 3.

(i) Maintenance dredging of no greater than 100 cubic yards in a man-made lagoon

1. Three copies of a site plan showing the following:
 - i. Mean high and mean low water lines of the tidal waters at the site;

- ii. The upper and lower limits of wetlands on site and on adjacent lagoonfront properties;
 - iii. The existing and proposed water depths in the area to be dredged;
 - iv. Proposed cross sections of the area to be dredged;
 - v. The location (municipal block and lot numbers, site location map and two photographs) of dredged material disposal site;
 - vi. Method of dredging; and
 - vii. Method of stabilization of dredged material;
2. Documentation demonstrating compliance with the criteria for this general permit found on page 20 of the Guide for Single Family and Duplex Homeowners.

Applications shall be submitted to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
Attn: Application Support

APPENDIX "D"

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR MODIFICATION TO COASTAL GENERAL PERMIT

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

These are the submission requirements for an administratively complete application package to modify an existing coastal general permit. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement.

- 1. A completed LURP application form;
- 2. A check or money order for \$100 (Payable to: Treasurer – State of New Jersey, Environmental Services Fund);
- 3. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation. Submit originals mounted with description and location of each view;
- 4. White certified mailing receipts or other written receipt as evidence that a complete copy of the application has been forwarded to the clerk of the municipality;
- 5. White certified mailing receipts or other written receipts as evidence that a copy of (i) the completed LURP application form, (ii) the site plan (this plan maybe on an 8.5 by 11" sheet of paper provided it generally depicts the proposed development and the site location) and (iii) the notice below, have been forwarded to the following parties:
 - a) County Planning Board
 - b) Municipal Planning Board
 - c) Municipal Environmental Commission (if one exists)
 - d) Municipal Construction Official
 - e) All property owners surrounding and sharing a property boundary at any point on the perimeter of the proposed development.

*"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Permit for **(DESCRIBE THE DEVELOPMENT SHOWN ON THE ENCLOSED PLAN)**.*

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the DEP's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter. Your comments should be sent along with a copy of this letter to:

*New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
501 East State Street
Trenton, New Jersey 08625
Attn: "(County in which the property is located) Section Chief"*

APPENDIX "E"

LAND USE REGULATION PROGRAM
INFORMATION REQUIRED FOR JURISDICTIONAL DETERMINATION

Please supply the following:

Applicant name: _____

Address: _____

Contact Person: _____

Address: _____

Telephone: _____

Project Location

Lot(s): _____ Block _____

Municipality: _____ County _____

Street Address or nearest crossroads: _____

Project Description

**PLEASE ATTACH A COPY OF THE SITE PLAN OR SURVEY FOR THE PROPOSED PROJECT
AND A LOCATION MAP IF AVAILABLE.**

SEND TO:

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
PO BOX 439
501 EAST STATE STREET TRENTON, NEW JERSEY 08625
ATTN: APPLICABILITY UNIT**

APPENDIX "F"

LURP Application Form obtained separately

APPENDIX "G"

Permit By Rule: A Guide for Construction Officials & Homeowners obtained separately