

**SENATE, No. 4096**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED NOVEMBER 12, 2021

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**Co-Sponsored by:**

**Senator Beach**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/6/2022)**

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:

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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 (DEP).

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  
6 which meets the criteria of a “qualifying municipality” pursuant to  
7 section 1 of P.L.1978, c.14 (C.52:27D-178), or which is located  
8 within the boundaries of a city of the fourth class with a population  
9 of over 30,000 persons according to the latest federal decennial  
10 census. For these municipalities, a CAFRA permit is required for  
11 development beyond 500 feet of the mean high water line, or  
12 landward limit of a beach or dune, that would result in, either solely  
13 or in conjunction with a previous development: a residential  
14 development with 75 or more units; a commercial development with  
15 150 or more parking spaces; or an industrial development or a  
16 public development.

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