

ASSEMBLY, No. 3118

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Assemblymen LeFevre, Wolfe and Corodemus

SYNOPSIS

Amends CAFRA to exempt enclosure of certain commercial developments from DEP's permitting requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/30/2001)

1 AN ACT concerning the review of coastal development, and amending
2 P.L.1993, c.190.

3

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

6

7 1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read
8 as follows:

9 7. A permit shall not be required pursuant to section 5 of P.L.1973,
10 c.185 (C.13:19-5) for:

11 a. A development which has received preliminary site plan approval
12 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
13 (C.40:55D-1 et seq.) or a final municipal building or construction
14 permit on or prior to **[the effective date of this section]** July 19, 1994,
15 or a residential development which has received preliminary
16 subdivision approval or minor subdivision approval on or prior to **[the**
17 **effective date of this section]** July 19, 1994 where no subsequent site
18 plan approval is required, provided that, in any of the cases identified
19 above, construction begins within three years of **[the effective date of**
20 **this section]** July 19, 1994, and continues to completion with no
21 lapses in construction activity of more than one year. This subsection
22 shall not apply to any development that required a permit pursuant to
23 P.L.1973, c.185 (C.13:19-1 et seq.) prior to **[the effective date of this**
24 **section]** July 19, 1994;

25 b. The reconstruction of any development that is damaged or
26 destroyed, in whole or in part, by fire, storm, natural hazard or act of
27 God, provided that such reconstruction is in compliance with existing
28 requirements or codes of municipal, State and federal law;

29 c. The enlargement of any development if the enlargement does not
30 result in:

31 (1) the enlargement of the footprint of the development; or

32 (2) an increase in the number of dwelling units within the
33 development;

34 d. The construction of a patio, deck or similar structure at a
35 residential development;

36 e. Services provided, within the existing public right-of-way, by
37 any governmental entity which involve:

38 (1) the routine reconstruction, substantially similar functional
39 replacement, or maintenance or repair of public highways;

40 (2) public highway lane widening, intersection and shoulder
41 improvement projects which do not increase the number of travel
42 lanes; or

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 (3) public highway signing, lighting, guiderail and other
2 nonintrusive safety projects; [or]

3 f. The expansion of an existing, functional amusement pier,
4 provided such expansion does not exceed the footprint of the existing,
5 functional amusement pier by more than 25 percent, and provided
6 [such] the expansion is located in the area beyond 150 feet landward
7 of the mean high water line, beach or dune, whichever is most
8 landward ; or

9 g. The enclosure of a commercial development that was in
10 operation as of December 18, 2000 and is located upon a functional
11 pier, provided the enclosure only includes an open area which was
12 actively used in the operation of the commercial development.

13 A development subject to any exemption provided in this section
14 shall be required to satisfy all other applicable requirements of law.
15 (cf: P.L.1993, c.190, s.7)

16

17 2. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill would amend the "Coastal Area Facility Review Act,"
23 P.L.1973, c.185 (C.13:19-1 et seq.), to exempt the enclosure of
24 certain commercial developments from the Department of
25 Environmental Protection's permitting regulations. Specifically, the
26 bill would allow a commercial development in operation as of
27 December 18, 2000 and located upon a pier to enclose with a roof and
28 walls or windows an open area which is actively used in the operation
29 of the commercial development. This would allow, for example, a
30 restaurant to enclose an area used for outdoor dining.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3118

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Assembly Environment Committee reports favorably Assembly Bill No. 3118.

This bill would amend the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), to exempt the enclosure of certain commercial developments from the Department of Environmental Protection's permitting regulations. Specifically, the bill would allow a commercial development in operation as of December 18, 2000 and located upon a pier to enclose with a roof and walls or windows an open area which is actively used in the operation of the commercial development. This change would allow, for example, a restaurant to enclose an area used for outdoor dining.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3118

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3118.

As amended by the committee, this bill would amend the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.) (CAFRA), to exempt the enclosure of establishments offering dining, food services and beverages from the Department of Environmental Protection's permitting regulations. Specifically, the bill would allow establishments offering dining, food services and beverages that were in operation on December 18, 2000 and located upon a pier to enclose with a roof and walls or windows an open area which is actively used in the operation of the commercial development.

The committee amended the bill to narrow the proposed exemption from CAFRA from eligible "commercial developments" to eligible "establishments offering dining, food services and beverages."

[First Reprint]

ASSEMBLY, No. 3118

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

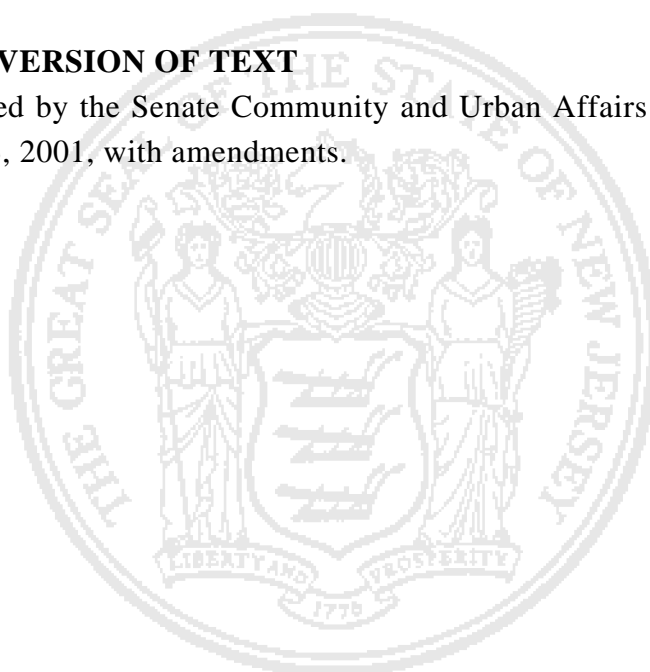
Assemblymen LeFevre, Wolfe and Corodemus

SYNOPSIS

Amends CAFRA to exempt enclosure of certain commercial developments from DEP's permitting requirements.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on December 13, 2001, with amendments.



(Sponsorship Updated As Of: 11/30/2001)

1 AN ACT concerning the review of coastal development, and amending
2 P.L.1993, c.190.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read
8 as follows:

9 7. A permit shall not be required pursuant to section 5 of P.L.1973,
10 c.185 (C.13:19-5) for:

11 a. A development which has received preliminary site plan approval
12 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
13 (C.40:55D-1 et seq.) or a final municipal building or construction
14 permit on or prior to **[the effective date of this section] July 19, 1994,**
15 or a residential development which has received preliminary
16 subdivision approval or minor subdivision approval on or prior to **[the**
17 **effective date of this section] July 19, 1994** where no subsequent site
18 plan approval is required, provided that, in any of the cases identified
19 above, construction begins within three years of **[the effective date of**
20 **this section] July 19, 1994,** and continues to completion with no
21 lapses in construction activity of more than one year. This subsection
22 shall not apply to any development that required a permit pursuant to
23 P.L.1973, c.185 (C.13:19-1 et seq.) prior to **[the effective date of this**
24 **section] July 19, 1994;**

25 b. The reconstruction of any development that is damaged or
26 destroyed, in whole or in part, by fire, storm, natural hazard or act of
27 God, provided that such reconstruction is in compliance with existing
28 requirements or codes of municipal, State and federal law;

29 c. The enlargement of any development if the enlargement does not
30 result in:

- 31 (1) the enlargement of the footprint of the development; or
32 (2) an increase in the number of dwelling units within the
33 development;

34 d. The construction of a patio, deck or similar structure at a
35 residential development;

36 e. Services provided, within the existing public right-of-way, by
37 any governmental entity which involve:

- 38 (1) the routine reconstruction, substantially similar functional
39 replacement, or maintenance or repair of public highways;
40 (2) public highway lane widening, intersection and shoulder
41 improvement projects which do not increase the number of travel

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted December 13, 2001.

1 lanes; or

2 (3) public highway signing, lighting, guiderail and other
3 nonintrusive safety projects; [or]

4 f. The expansion of an existing, functional amusement pier,
5 provided such expansion does not exceed the footprint of the existing,
6 functional amusement pier by more than 25 percent, and provided
7 [such] the expansion is located in the area beyond 150 feet landward
8 of the mean high water line, beach or dune, whichever is most
9 landward ; or

10 g. The enclosure of ¹[a commercial development]an establishment
11 offering dining, food services and beverages¹ that was in operation
12 as of December 18, 2000 and is located upon a functional pier,
13 provided the enclosure only includes an open area which was actively
14 used in the operation of the ¹[commercial development]
15 establishment¹.

16 A development subject to any exemption provided in this section
17 shall be required to satisfy all other applicable requirements of law.
18 (cf: P.L.1993, c.190, s.7)

19

20 2. This act shall take effect immediately.

SENATE, No. 2011

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 9, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Amends CAFRA to exempt enclosure of certain commercial developments from DEP's permitting requirements.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the review of coastal development, and amending
2 P.L.1993, c.190.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read
8 as follows:

9 7. A permit shall not be required pursuant to section 5 of P.L.1973,
10 c.185 (C.13:19-5) for:

11 a. A development which has received preliminary site plan approval
12 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
13 (C.40:55D-1 et seq.) or a final municipal building or construction
14 permit on or prior to **[the effective date of this section] July 19, 1994,**
15 or a residential development which has received preliminary
16 subdivision approval or minor subdivision approval on or prior to **[the**
17 **effective date of this section] July 19, 1994** where no subsequent site
18 plan approval is required, provided that, in any of the cases identified
19 above, construction begins within three years of **[the effective date of**
20 **this section] July 19, 1994** , and continues to completion with no
21 lapses in construction activity of more than one year. This subsection
22 shall not apply to any development that required a permit pursuant to
23 P.L.1973, c.185 (C.13:19-1 et seq.) prior to **[the effective date of this**
24 **section] July 19, 1994** ;

25 b. The reconstruction of any development that is damaged or
26 destroyed, in whole or in part, by fire, storm, natural hazard or act of
27 God, provided that such reconstruction is in compliance with existing
28 requirements or codes of municipal, State and federal law;

29 c. The enlargement of any development if the enlargement does not
30 result in:

- 31 (1) the enlargement of the footprint of the development; or
32 (2) an increase in the number of dwelling units within the
33 development;

34 d. The construction of a patio, deck or similar structure at a
35 residential development;

36 e. Services provided, within the existing public right-of-way, by
37 any governmental entity which involve:

- 38 (1) the routine reconstruction, substantially similar functional
39 replacement, or maintenance or repair of public highways;
40 (2) public highway lane widening, intersection and shoulder
41 improvement projects which do not increase the number of travel
42 lanes; or

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 (3) public highway signing, lighting, guiderail and other
2 nonintrusive safety projects; [or]

3 f. The expansion of an existing, functional amusement pier,
4 provided such expansion does not exceed the footprint of the existing,
5 functional amusement pier by more than 25 percent, and provided
6 [such] the expansion is located in the area beyond 150 feet landward
7 of the mean high water line, beach or dune, whichever is most
8 landward ; or

9 g. The enclosure of a commercial development that was in
10 operation as of December 18, 2000 and is located upon a functional
11 pier, provided the enclosure only includes an open area which was
12 actively used in the operation of the commercial development .

13 A development subject to any exemption provided in this section
14 shall be required to satisfy all other applicable requirements of law.
15 (cf: P.L.1993, c.190, s.7)

16

17 2. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill would amend the "Coastal Area Facility Review Act,"
23 P.L.1973, c.185 (C.13:19-1 et seq.), to exempt the enclosure of
24 certain commercial developments from the Department of
25 Environmental Protection's permitting regulations. Specifically, the
26 bill would allow a commercial development in operation as of
27 December 18, 2000 and located upon a pier to enclose with a roof and
28 walls or windows an open area which is actively used in the operation
29 of the commercial development. This would allow, for example, a
30 restaurant to enclose an area used for outdoor dining.

P.L. 2001, CHAPTER 418, *approved January 8, 2002*
Assembly, No. 3118 (*First Reprint*)

1 AN ACT concerning the review of coastal development, and amending
2 P.L.1993, c.190.

3

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

6

7 1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read
8 as follows:

9 7. A permit shall not be required pursuant to section 5 of P.L.1973,
10 c.185 (C.13:19-5) for:

11 a. A development which has received preliminary site plan approval
12 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
13 (C.40:55D-1 et seq.) or a final municipal building or construction
14 permit on or prior to **[the effective date of this section] July 19, 1994,**
15 or a residential development which has received preliminary
16 subdivision approval or minor subdivision approval on or prior to **[the**
17 **effective date of this section] July 19, 1994** where no subsequent site
18 plan approval is required, provided that, in any of the cases identified
19 above, construction begins within three years of **[the effective date of**
20 **this section] July 19, 1994,** and continues to completion with no
21 lapses in construction activity of more than one year. This subsection
22 shall not apply to any development that required a permit pursuant to
23 P.L.1973, c.185 (C.13:19-1 et seq.) prior to **[the effective date of this**
24 **section] July 19, 1994;**

25 b. The reconstruction of any development that is damaged or
26 destroyed, in whole or in part, by fire, storm, natural hazard or act of
27 God, provided that such reconstruction is in compliance with existing
28 requirements or codes of municipal, State and federal law;

29 c. The enlargement of any development if the enlargement does not
30 result in:

31 (1) the enlargement of the footprint of the development; or

32 (2) an increase in the number of dwelling units within the
33 development;

34 d. The construction of a patio, deck or similar structure at a
35 residential development;

36 e. Services provided, within the existing public right-of-way, by
37 any governmental entity which involve:

38 (1) the routine reconstruction, substantially similar functional
39 replacement, or maintenance or repair of public highways;

40 (2) public highway lane widening, intersection and shoulder

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted December 13, 2001.

1 improvement projects which do not increase the number of travel
2 lanes; or

3 (3) public highway signing, lighting, guiderail and other
4 nonintrusive safety projects; [or]

5 f. The expansion of an existing, functional amusement pier,
6 provided such expansion does not exceed the footprint of the existing,
7 functional amusement pier by more than 25 percent, and provided
8 [such] the expansion is located in the area beyond 150 feet landward
9 of the mean high water line, beach or dune, whichever is most
10 landward ; or

11 g. The enclosure of ¹[a commercial development]an establishment
12 offering dining, food services and beverages¹ that was in operation
13 as of December 18, 2000 and is located upon a functional pier,
14 provided the enclosure only includes an open area which was actively
15 used in the operation of the ¹[commercial development]
16 establishment¹.

17 A development subject to any exemption provided in this section
18 shall be required to satisfy all other applicable requirements of law.
19 (cf: P.L.1993, c.190, s.7)

20

21 2. This act shall take effect immediately.

22

23

24

25

26 Amends CAFRA to exempt enclosure of certain commercial
27 developments from DEP's permitting requirements.

CHAPTER 418

AN ACT concerning the review of coastal development, and amending P.L.1993, c.190.

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

1. Section 7 of P.L.1993, c.190 (C.13:19-5.2) is amended to read as follows:

C.13:19-5.2 Permits not required, conditions.

7. A permit shall not be required pursuant to section 5 of P.L.1973, c.185 (C.13:19-5) for:

a. A development which has received preliminary site plan approval pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or a final municipal building or construction permit on or prior to July 19, 1994, or a residential development which has received preliminary subdivision approval or minor subdivision approval on or prior to July 19, 1994 where no subsequent site plan approval is required, provided that, in any of the cases identified above, construction begins within three years of July 19, 1994, and continues to completion with no lapses in construction activity of more than one year. This subsection shall not apply to any development that required a permit pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) prior to July 19, 1994;

b. The reconstruction of any development that is damaged or destroyed, in whole or in part, by fire, storm, natural hazard or act of God, provided that such reconstruction is in compliance with existing requirements or codes of municipal, State and federal law;

c. The enlargement of any development if the enlargement does not result in:

(1) the enlargement of the footprint of the development; or

(2) an increase in the number of dwelling units within the development;

d. The construction of a patio, deck or similar structure at a residential development;

e. Services provided, within the existing public right-of-way, by any governmental entity which involve:

(1) the routine reconstruction, substantially similar functional replacement, or maintenance or repair of public highways;

(2) public highway lane widening, intersection and shoulder improvement projects which do not increase the number of travel lanes; or

(3) public highway signing, lighting, guiderail and other nonintrusive safety projects;

f. The expansion of an existing, functional amusement pier, provided such expansion does not exceed the footprint of the existing, functional amusement pier by more than 25 percent, and provided the expansion is located in the area beyond 150 feet landward of the mean high water line, beach or dune, whichever is most landward; or

g. The enclosure of an establishment offering dining, food services and beverages that was in operation as of December 18, 2000 and is located upon a functional pier, provided the enclosure only includes an open area which was actively used in the operation of the establishment

A development subject to any exemption provided in this section shall be required to satisfy all other applicable requirements of law.

2. This act shall take effect immediately.

Approved January 8, 2002.