

2017

Single-Family Homes and Duplexes: A Guide to CAFRA



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INTRODUCTION

This guide is for anyone who is planning to construct, reconstruct, relocate, or enlarge one or two single-family homes or duplexes and/or any accessory development in the CAFRA area. Accessory development includes structures such as garages, sheds, fences, pools, and driveways. Please note that any site preparation and grading, filling or excavation of a beach or dune associated with the proposed development is regulated under the Coastal Area Facility Review Act (CAFRA).

This guide will explain:

- When a CAFRA permit is required for your activity
- The type(s) of CAFRA permit(s) you will need
- All of the relevant CAFRA permit procedures and requirements, including permit fees
- The CAFRA permit application review process, including processing times

All of the procedures, conditions, and requirements for coastal permits contained in this guide are found in the Coastal Zone Management (CZM) Rules, [N.J.A.C. 7:7](#).

After reviewing this guide, if you have questions about CAFRA, whether it applies to your project, or how the process works, please feel free to contact the Division of Land Use Regulation at (609) 777-0454 or through the Online Contact Form at <http://nj.gov/dep/landuse/contact.html>.

NOTE: This guide does not apply to water-dependent structures located at or below the mean high water line, such as docks, piers, or boat ramps. It also does not apply to any shore protection structures, such as bulkheads and revetments, or to any fill associated with those structures. Any activities or structures that are located either fully or partially in water areas will require a Waterfront Development permit and possibly a CAFRA permit from the Department. For more information on building in water areas, please visit <http://nj.gov/dep/landuse/index.html>.

How to Use this Guide

This guide has been designed to help you access the information you need as quickly and efficiently as possible, allowing you to bypass, if you wish, any material that may not apply to your particular activity or situation. First-time readers are encouraged to read the background information in the first two sections of this guide. If you are reading this guide on a computer, internal and external links are provided to help you navigate effectively through the content. You can also directly access any of the sections of this guide by clicking on the section title in the Table of Contents, which you can return to at any time by clicking the link found at the bottom of each page. Numerical references and website addresses have been included for those who are utilizing a hard copy of this guide.

If you are performing multiple activities on the same site, you should apply the information in this guide to each activity individually. For example, if you are adding an addition to a house and installing a swimming pool in the backyard, you are performing two separate activities

that may require different types of permits. This does not necessarily mean you will need to apply for multiple permits (how to apply for a permit for multiple activities is covered in the [Application Procedures and Requirements](#) section), but you should apply all of the criteria contained in this guide to each of these activities in order to ensure that your application, if one is necessary, is appropriate, complete, and accurate.

Definitions

The following terms, which are defined in the CZM Rules, appear in this guide:

1. **Duplex** – A duplex is a residential structure of two attached units in which the interior living space of one unit directly abuts the interior living space of the other unit, either in a side-by-side arrangement sharing a common wall or in a lower unit-upper unit arrangement.
2. **Lagoon** – A lagoon is 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 of 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 that is altered by activities including, but not limited to, filling, channelizing, or bulkheading is not considered a lagoon. A bulkheaded boatslip is also not considered a lagoon.
3. **Beach** – A beach is a gently sloping area 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:
 - A man-made feature generally parallel to the ocean, inlet, or bay waters, such as a retaining structure, seawall, bulkhead, road, or boardwalk (except for the sandy areas that extend fully under and landward of an elevated boardwalk, which are considered beach areas)
 - The seaward or bayward foot of dunes, whichever is closest to the bay, inlet, or ocean waters
4. **Dune** – 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. The term “dune” includes the foredune, secondary or tertiary dune ridges and mounds, and all landward dune ridges and mounds, as well as man-made dunes, where they exist. Formation 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. 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 a dune.

What is CAFRA?

The Coastal Area Facility Review Act, also known as CAFRA, authorizes the Department to regulate a wide variety of residential, commercial, public, or industrial development, such as the construction, relocation, and enlargement of buildings and structures, and associated work, such as grading and excavation associated with site preparation and the installation of shore protection structures, within the CAFRA area.

Where is the CAFRA Area?

The area of the coast subject to regulation under CAFRA, known as the CAFRA area (see [Figure 1](#)), begins at the confluence of the Cheesequake Creek with Raritan Bay in Middlesex County and extends south through Monmouth, Ocean, and Atlantic counties, through a small portion of Burlington County, and through 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 line drawn primarily along public roads, and it ranges in width from a few thousand feet to 24 miles from the ocean. The CAFRA area is divided into zones with different regulatory thresholds for each zone.

If your project is not located within the CAFRA area, you will not need a CAFRA permit. However, please note that a permit or conveyance from the Division of Land Use Regulation may still be required. See the [Other Frequently Asked Questions](#) at the end of this document for information regarding other Land Use permits and conveyances that might apply to your activity or site.

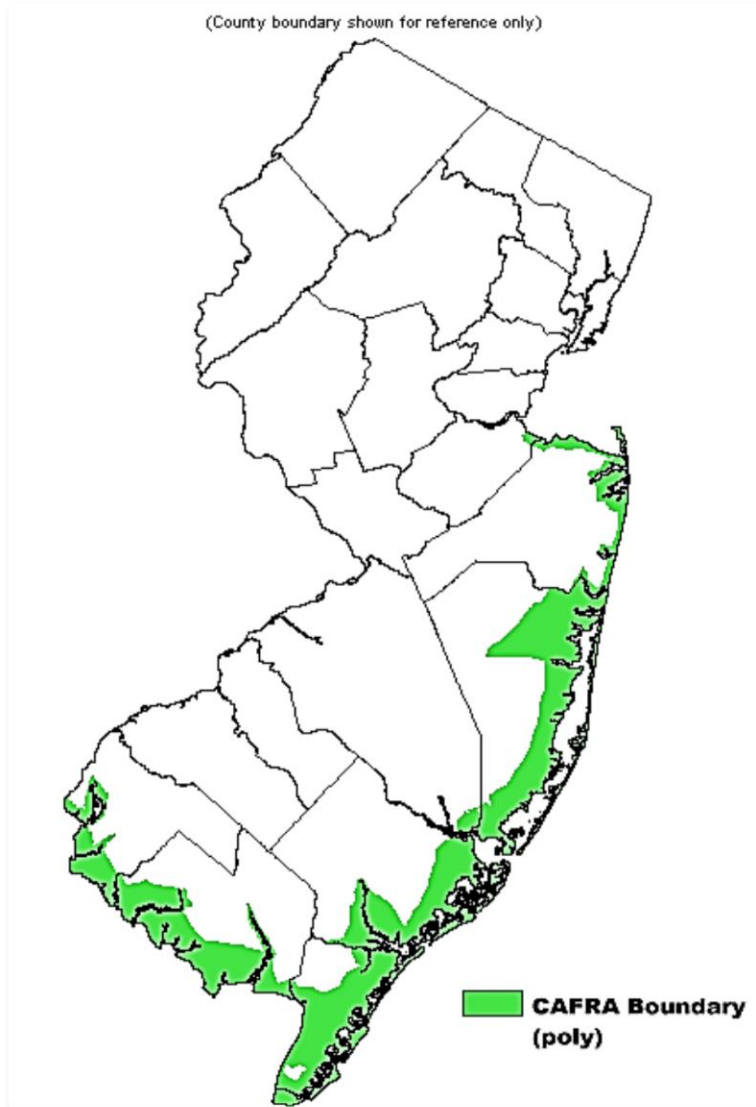


Figure 1: The CAFRA Area

(from <http://www.state.nj.us/dep/gis/stateshp.html>)

DO I NEED A CAFRA PERMIT?

If you are considering constructing, relocating, enlarging, or reconstructing (with or without enlarging) one or two single-family homes or duplexes and/or accessory development within the CAFRA area, you may need a CAFRA permit.

To help determine if a CAFRA permit is necessary for your project, begin answering the following questions:

1. Will any portion of your project be located on a beach or dune? See page 2 of this guide for the [definitions](#) of “beach” and “dune.”

- If the answer is yes, you will need a [CAFRA permit](#) unless your project is on the list of [exceptions](#) beginning on page 9 of this guide.
- If the answer is no, proceed to the next question.

2. Will your project be located within 150 feet of any of the following:
a. The mean high water line of a tidal waterbody (natural or manmade)?
b. The landward limit of a beach?
c. The landward limit of a dune?

Please use whichever option is the most landward.

- If the answer is yes (or if your activity straddles the 150-foot boundary line), proceed to the next question.
- If the answer is no, you will not need a CAFRA permit.

3. Is there an existing manmade structure(s) between the planned location of your project and the mean high water line or the landward limit of either a beach or a dune?

- If the answer is yes, proceed to the next question.
- If the answer is no, you will need a [CAFRA permit](#) unless your activity is on the list of [exceptions](#) beginning on page 9 of this guide.

4. Is the structure that exists between the planned location of your project and the mean high water line or the landward limit of the beach or dune on the following list of types of structures that could potentially qualify as intervening development?:

- houses
- garages
- cabanas or bath houses that are fully enclosed and serviced by a municipal sewer system
- commercial, industrial, or public buildings

Types of structures that **do not** qualify as intervening development include:

- shore protection structures
- seawalls
- bulkheads
- retaining walls
- gabions
- revetments
- fences
- boardwalks
- promenades
- prefabricated sheds without foundations
- patios
- decks
- seasonal or temporary structures associated with the tourism industry or constructed under the general permit for the construction of certain types of temporary and seasonal developments at hotels and motels, commercial developments, and multi-family residential developments of 75 units (see [N.J.A.C. 7:7-6.22](#))
- carports
- docks
- piers
- lifeguard stands
- gazebos
- swimming pools
- utility lines
- culverts
- railroads
- roadways
- sewage pump stations

- If the answer is yes (the structure is a type that could potentially qualify as intervening development), proceed to the next question.
- If the answer is no (the structure is not a type that could potentially qualify as intervening development), you will need a [CAFRA permit](#) unless your project is on the list of [exceptions](#) beginning on page 9 of this guide.

5. Has the structure that could potentially qualify as an intervening development received all necessary state, federal, and local approvals while also meeting **at least one** of the following criteria:

- a. The structure was completed or under active construction by July 1994.
- b. The structure was exempt from CAFRA.
- c. The structure was constructed under a CAFRA permit. (To determine if a CAFRA permit was obtained, you can review recent permitting history through the Department's online system, Data Miner, at <http://www.nj.gov/dep/opra/online.html>. To obtain older permitting history, you will need to submit an Open Public Records Act (OPRA) request form at <http://www.nj.gov/dep/opra/opraform.html>.)

- If the answer is yes, proceed to the next question.
- If the answer is no, you will need a [CAFRA permit](#) unless your activity is on the list of [exceptions](#) beginning on page 9 of this guide.

6. Extend a line landward and perpendicular to the mean high water line (or the landward limit of the beach or dune) from each of the widest points of the footprint of the existing development that are parallel to the shore (See [Figure 2](#)). The footprint of development is the area of the land that is enclosed by the exterior walls of the building. Is your proposed project located entirely within the lines you have drawn?

- If the answer is yes, will your proposed project consist of more than two dwelling units, meaning more than one duplex or two single-family homes (see [Figure 3](#))?
 - If the answer is yes, you will need a [CAFRA permit](#) unless your activity is on the list of [exceptions](#) beginning on page 9 of this guide.
 - If the answer is no, the existing structure qualifies as intervening development, and a CAFRA permit is not required.
- If the answer is no, proceed to the next question.

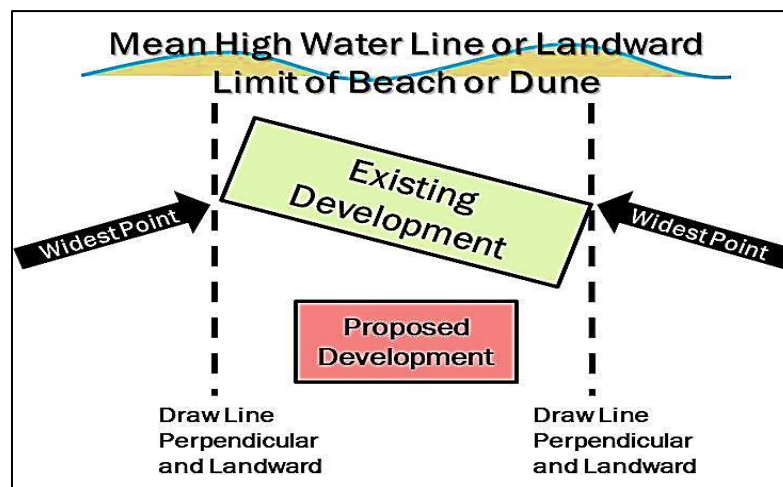


Figure 2: Determining Intervening Development

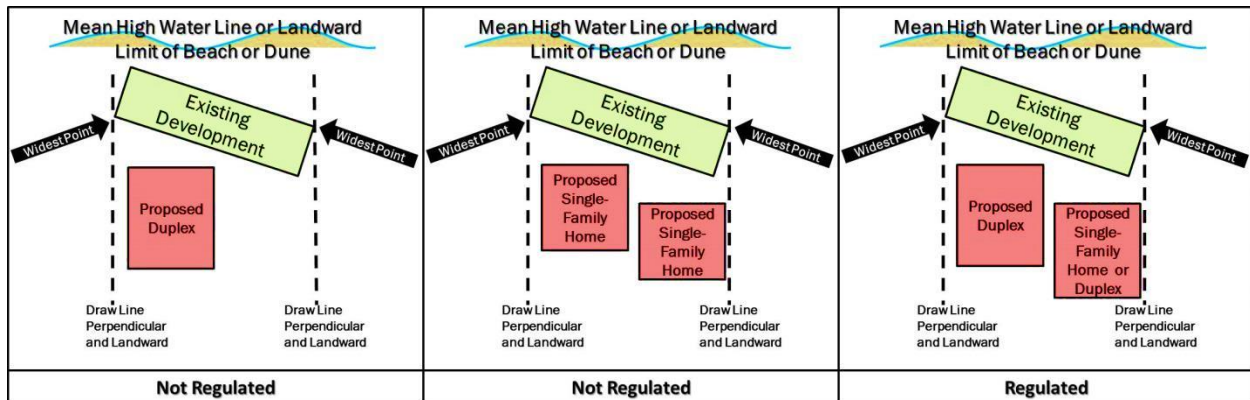


Figure 3: Determining Intervening Development with Dwelling Units

7. Does your proposed project:
 - a. Appear entirely outside the lines you drew under question 6?
 - b. Extend beyond the lines you drew under question 6 by more than 15 feet on either side (see [Figure 4](#))?
 - c. Extend beyond the lines you drew under question 6 by a cumulative total of 20 feet or more (see [Figure 4](#))?
 - If the answer to any of the above is yes, the existing structure does not qualify as intervening development, and you will need a [CAFRA permit](#) unless your activity is on the list of [exceptions](#) beginning on page 9 of this guide.
 - If the answer to all of the above is no, the existing structure qualifies as intervening development, and a CAFRA permit is not required.

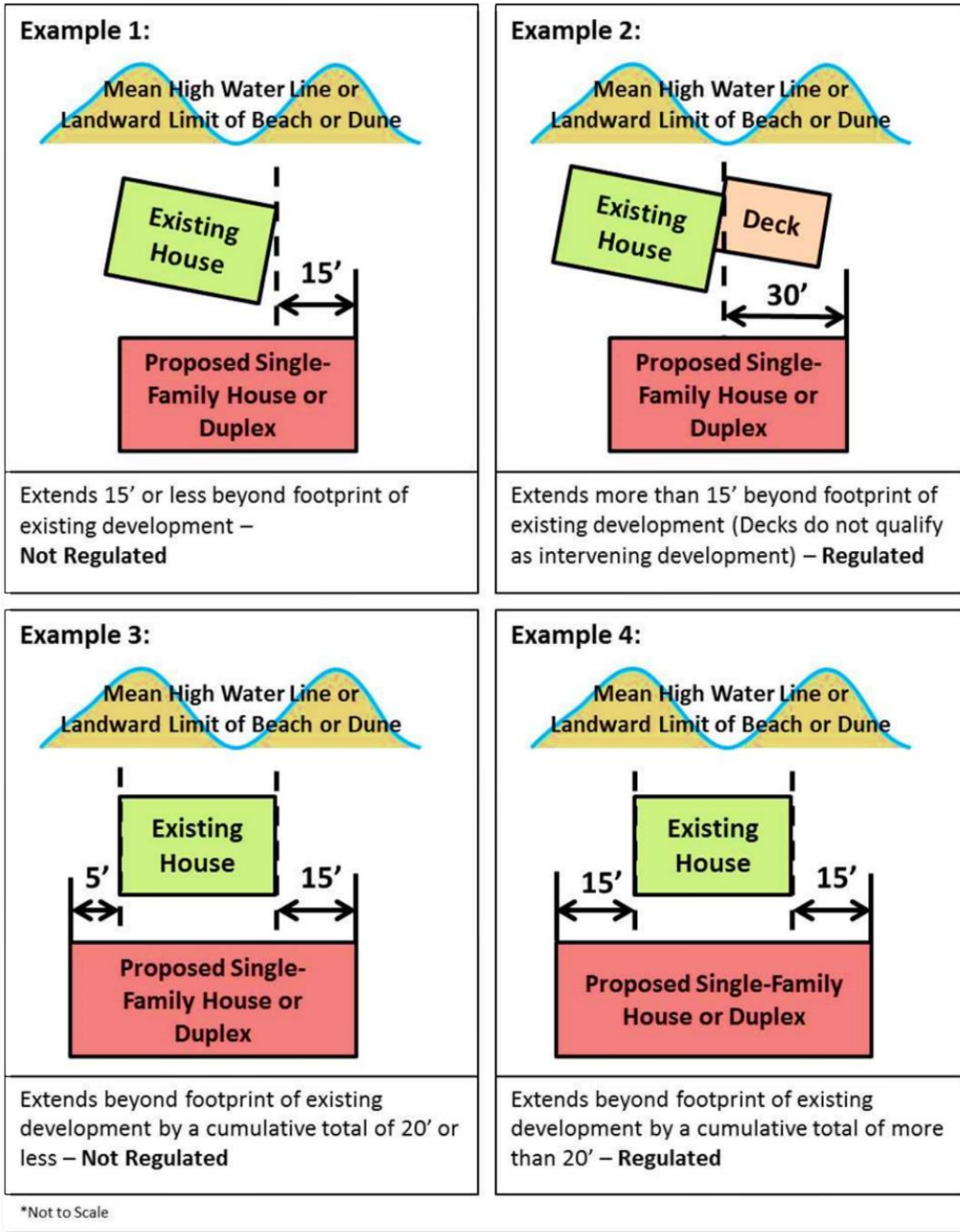


Figure 4: Intervening Development

CAFRA Permit Exceptions

In general, the construction, relocation, enlargement, or reconstruction of up to two single-family houses or duplexes and/or accessory development in the CAFRA area requires a CAFRA permit if:

- They are located on a beach or dune.
- They are located within 150 feet of the mean high water line of a tidal waterbody with no intervening development.
- They are located within 150 feet of the landward limit of a beach or dune with no intervening development.

However, even under these circumstances, a CAFRA permit is not required if your project is **one** of the following:

1. Are you constructing one of the following?

- a patio
- a deck
- a porch
- a balcony
- a veranda

You do not need a CAFRA permit for these activities unless any of the following occurs:

- 1) The construction results in the grading, excavation, or filling of a beach or dune.
- 2) You place a structure on the patio, deck, porch, balcony, or veranda, such as a pool, a roof, or an enclosure with walls or windows.

2. Are you installing one of the following?

- a fence
- a flower box
- a garden
- a landscape wall no more than one foot in height (or a series of walls that do not exceed a cumulative total of one foot in height)
- a satellite dish or antenna
- a wooden boardwalk
- a gravel or brick/paver block walkway

You do not need a CAFRA permit for these projects unless pilings or structures are placed on a beach, dune, or wetland.

3. Are you installing one of the following?

- a shed that occupies 120 square feet or less
- an open carport
- a gazebo
- a propane tank that is properly anchored
- a shower that does not discharge in surface waters or wetlands
- a spa that does not discharge in surface waters or wetlands

- a hot tub that does not discharge in surface waters or wetlands
- an above ground swimming pool that occupies 500 square feet or less and does not discharge in surface waters or wetlands

You do not need a CAFRA permit for these projects unless pilings or structures are placed on a beach, dune, wetland, or coastal bluff.

4. Are you constructing a timber dune walkover structure? You do not need a CAFRA permit for this activity provided the dune walkover meets **all** of the following requirements:

- 1) Only one walkover is allowed per residential building.
- 2) The walkover may not be more than four feet wide.
- 3) The walkover must be fenced on both sides through the use of sand fencing.
- 4) Unrolled sand fencing is the preferred base for walkovers rather than planks and boards, but if the walkover is a solid boardwalk-type, it must be elevated at least one foot above the dune.

5. Is it necessary for you to reconstruct a home that was constructed legally prior to July 19, 1994 and was habitable on that date but has since been damaged by a storm, fire, natural hazard, or other act of God? You do not need a CAFRA permit for this activity unless any of the following applies:

- 1) You relocate or enlarge the footprint of the development. (Note: Relocating landward of the existing footprint may qualify for a permit exemption if the Department determines that it would result in less environmental impact than reconstructing in the same location; see the Coastal Permitting tab at <http://nj.gov/dep/landuse/forms.html> for the application requirements for a CAFRA exemption).
- 2) You increase the number of dwelling units.
 - For example, a single-family home was recently destroyed by fire, and you would like to rebuild it as a duplex. Since you would be increasing the number of dwelling units from one to two, a permit would be required for this project.
- 3) You increase the area covered by buildings and/or asphalt or concrete pavement.
- 4) The reconstruction fails to comply with the requirements or codes of any municipal, state, or federal law.

6. Are you enlarging a single-family home or a duplex without changing its footprint and without increasing the number of dwelling units? Two common examples of this kind of activity are:

- The elevation of an existing house on pilings without increasing the footprint.
- The construction of a second story without any overhang on an existing single-family house, after which the dwelling remains a single-family house.

You do not need a CAFRA permit for this activity.

7. Are you planting any kind of vegetation? You do not need a CAFRA permit for this activity, although use of native New Jersey coastal vegetation is encouraged.

8. Are you only performing maintenance or repairs and/or making cosmetic improvements to your existing house, duplex, or accessory development? You do not need a CAFRA permit for this activity.

If your activity does not meet any of these exceptions, it likely requires a CAFRA permit. [The next section](#) of this guide will help you determine what type of permit you will need. If you are still uncertain whether or not you are required to obtain a permit, please see the [Other Frequently Asked Questions](#) section of this guide for further assistance.

WHICH CAFRA PERMIT DO I NEED?

You have determined that a CAFRA permit is necessary for your activity or activities. Now, you need to figure out which type(s) of CAFRA permit is applicable to that activity.

Permit Types

Three categories of CAFRA permits are currently available for construction, reconstruction, relocation, and enlargement activities for one or two single-family homes or duplexes and/or accessory developments. They are:

- Permits-by-Rule
- General Permits
- Individual Permits

Permits-by-rule and general permits both apply to specific activities that the Department has predetermined will have minimal individual and cumulative impacts on the environment. However, the scope of activities that may be authorized under a general permit are such that the proposed activity must be reviewed by the Department before starting, while activities that qualify for a permit-by-rule do not require Department review.

Individual permits may be issued for activities that cannot meet the requirements of the available permits-by-rule or general permits. An activity that requires an individual permit is typically subject to multiple requirements, and individual permit applications are more complex than general permit applications.

Determining the Correct Type of Permit(s) for My Project

To help you determine the type of permit needed, answer the following questions for each activity/project you plan on undertaking:

1. Are you constructing, relocating, or enlarging a single-family home or duplex and/or accessory development on a bulkheaded lagoon lot? See page 2 of this guide for the [definition](#) of “lagoon.”

- If the answer is no, proceed to [question 2](#).
- If the answer is yes, will your activity meet **all** of the following requirements?
 - Only one single-family home or duplex is located or will be located on the lot.
 - The existing bulkhead runs along the entire waterfront portion of the site.
 - The entire length of the existing bulkhead is currently functional.

- There are no wetlands located landward of the bulkhead.
- The proposed single-family home, duplex, and/or accessory development (excluding decks) will be located at least 15 feet back from the waterward face of the current bulkhead. (If this is not feasible, an engineering certification must be obtained, and a conservation restriction must be recorded with the County Clerk. Contact the Technical Support Center at (609) 777-0454 for more detailed information.)
- Before construction, a silt fence will be erected landward of the bulkhead with a 10-foot landward return on each end, and this fence will remain in place and be maintained until all construction and landscaping are complete.
- If the project includes the construction of a driveway, any new portion of that driveway will either be covered with a permeable material or will be pitched to drain all runoff onto permeable areas.
- All sub-gravel liners used for the project will be made of filter cloth or some other permeable material.
- The single-family home or duplex will be serviced by an existing municipal sewer system.
- The project is not located in a flood hazard area, or if the project is located in a flood hazard area, it meets all of the requirements for this special area. [Appendix A](#) contains information to help you determine whether or not your property is located in a flood hazard area and what to do if it is.
 - If the answer is yes (the project will meet all of the above requirements), this project qualifies for [Permit-by-Rule 2](#).
 - If the answer is no (the activity will not meet all of the above requirements), you will need to apply for an [individual permit](#).

2. Are you expanding the footprint of an existing single-family home or duplex?

- If the answer is no, proceed to [question 3](#).
- If the answer is yes, will the activity meet **all** of the following criteria?
 - The existing single-family home or duplex is legally existing and currently habitable.
 - The expansion will not take place on a beach, dune, or wetland.
 - The project is not located in a flood hazard area, or if the project is located in a flood hazard area, it meets all of the requirements for this special area. [Appendix A](#) contains information to help you determine whether or not your property is located in a flood hazard area and what to do if it is.
 - This expansion will not result in a cumulative expansion of more than 400 square feet since July 19, 1994. Here are some examples:
 - A 400-square-foot expansion is proposed. There has never been a previous expansion to the dwelling. This proposed expansion meets the requirement.

- A 400-square-foot expansion is proposed. The dwelling was previously expanded, but the expansion occurred before July 19, 1994. This proposed expansion meets the requirement.
- A 200-square-foot expansion is proposed. The dwelling was previously expanded after July 19, 1994, and that previous expansion was also 200 square feet. This proposed expansion meets the requirement.
- A 300-square-foot expansion is proposed. The dwelling was previously expanded after July 19, 1994. The previous expansion was 200 square feet. This proposed expansion does not meet the requirement because the total area of expansion since July 19, 1994 exceeds 400 square feet.
- The expansion will not take place on the waterward sides of the dwelling (see [Figure 5](#)).
 - If the answer is yes (the activity will meet all of the above requirements), this activity qualifies for [Permit-by-Rule 1](#).
 - If the answer is no (the activity will not meet **all** of the above requirements), proceed to [question 9](#).

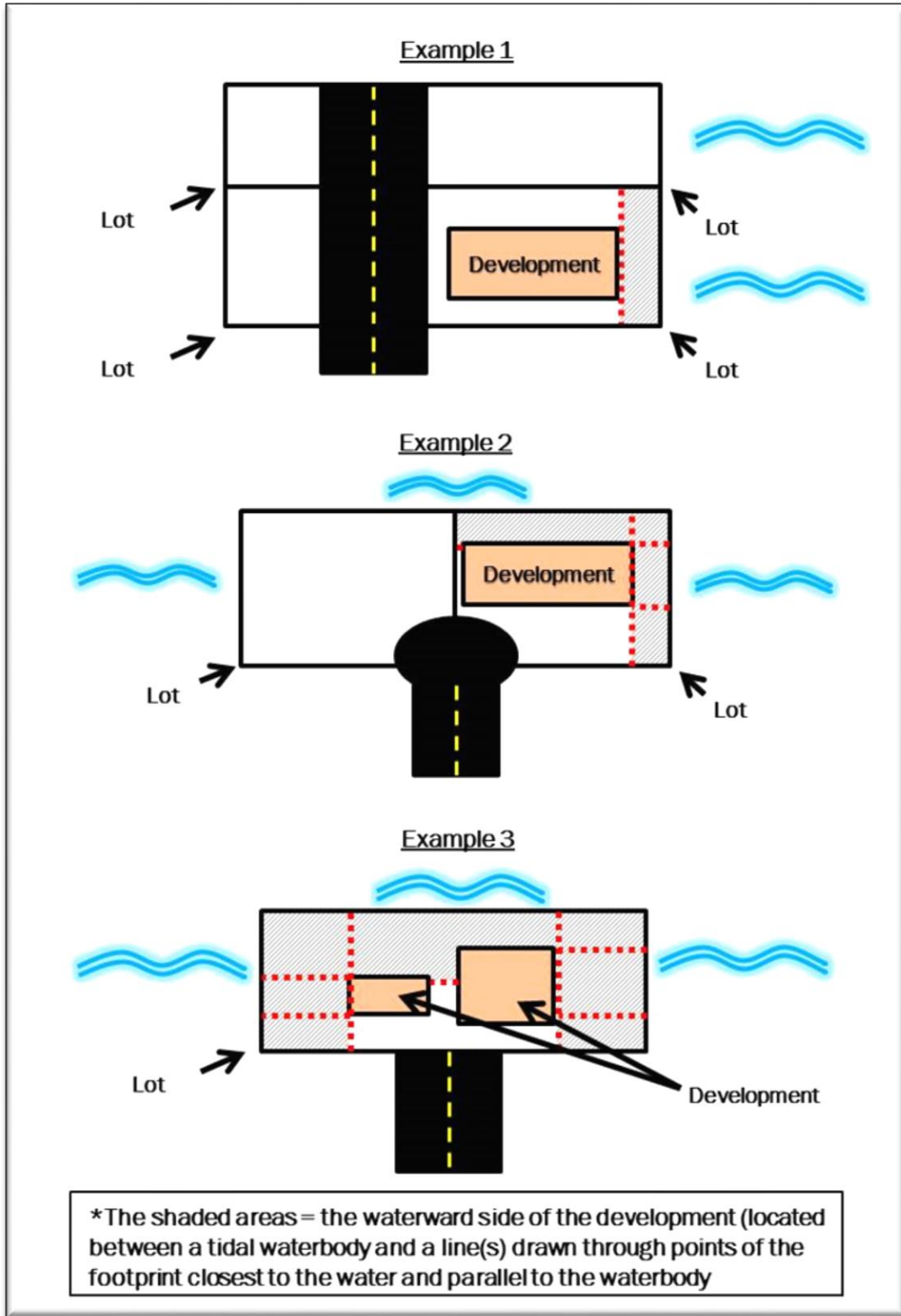


Figure 5: Waterward Side of Development

3. Are you reconstructing an existing single-family home or duplex without expanding or relocating the footprint?

- If the answer is no, proceed to [question 4](#).
- If the answer is yes, will the activity meet **all** of the following requirements?
 - The existing single-family home or duplex is legal and has been or could have been habitable in the most recent five-year period.
 - The reconstruction will be in compliance with all federal, state, and local laws.
 - The existing single-family home or duplex will not be relocated or expanded.
 - The number of dwelling units will not increase.
 - The reconstruction will not increase the area covered by buildings and/or asphalt or concrete paving.
 - The project is not located in a flood hazard area, or if the project is located in a flood hazard area, it meets all of the requirements for this special area. [Appendix A](#) contains information to help you determine whether or not your property is located in a flood hazard area and what to do if it is.
- If the answer is yes (the activity will meet all of the above criteria), the activity qualifies for [Permit-by-Rule 6](#).
- If the answer is no (the activity will not meet all of the above criteria), proceed to [question 9](#).

4. Are you performing one or more of the following activities:

- a. Expanding an existing single-family home or duplex?
- b. Relocating an existing single-family home or duplex (with or without expanding the footprint)?
- c. Expanding an accessory development?
- d. Relocating an accessory development (with or without expanding it)?

- If the answer is no, proceed to [question 5](#).
- If the answer is yes, will the activity meet **all** of the following requirements?
 - The relocation/expansion will occur either landward or parallel to the mean high water line of the existing footprint (see [Figure 5](#)).
 - If the project involves relocating an existing single-family home or duplex, the dwelling is legal and has been or could have been habitable in the most recent five-year period. Also, the number of dwelling units will not increase.
 - If the project involves expanding, it will not result in a cumulative expansion of more than 400 square feet on the property since July 19, 1994. Here are some examples:

- A 400-square-foot house expansion is proposed. There has never been a previous expansion on the property. This proposed expansion meets the requirement.
 - A 400-square-foot house expansion is proposed. There was a previous expansion to the house, but it occurred before July 19, 1994. This proposed expansion meets the requirement.
 - A 200-square-foot house expansion is proposed. There was a previous expansion to the house that occurred after July 19, 1994, and that previous expansion was also 200 square feet. This proposed expansion meets the requirement.
 - A 300-square-foot house expansion is proposed. There was a previous expansion to the house that occurred after July 19, 1994, and that previous expansion was 200 square feet. This proposed expansion does not meet the requirement because the total area of expansion since July 19, 1994 exceeds 400 square feet.
 - A 300-square foot house expansion is proposed. There has never been a previous expansion to the house, but the garage was expanded by 200 square feet after July 19, 1994. This proposed expansion does not meet the requirement because the total area of expansion on the property since July 19, 1994 exceeds 400 square feet.
- The relocation/expansion will be in compliance with all Federal, State, and local laws (for example, local construction codes).
 - The relocation/expansion will not be located on a beach, dune, or wetland. (The only exception may be a structure that is necessary to access a dwelling, such as stairs or a ramp compliant with the Americans with Disabilities Act of 1990, when the dwelling must be elevated as per the New Jersey Uniform Construction Code in accordance with the Flood Hazard Area Control Act Rules. These access structures may be constructed on a beach, dune, wetland, or other special area when there is no feasible alternative location for them.)
 - The project is not located in either a flood hazard area or a riparian zone, or if the project is located in a flood hazard area and/or a riparian zone, it meets all of the requirements for the applicable special area(s). [Appendix A](#) contains information to help you determine whether or not your property is located in these special areas and what to do if it is.
 - The relocation/expansion will not result in additional impacts to any other special areas. For information on determining if any other special areas apply to your site and what you should do if they do apply, see [Appendix A](#). Please note that this appendix only lists the coastal special areas that single-family homes and duplexes most commonly impact; for a complete list of special areas, you will need to visit <http://nj.gov/dep/landuse/specialareas.html>.
- If the answer is yes (the activity will meet **all** of the above requirements), the activity qualifies for [Permit-by-Rule 7](#).
 - If the answer is no (the activity will not meet **all** of the above requirements), proceed to [question 9](#).

5. Are you installing solar panels on a maintained lawn or landscaped area?

- If the answer is no, proceed to [question 6](#).
- If the answer is yes, will the panels meet **all** of the following requirements?
 - They will not be located in or on a dune, beach, wetland, floodway, or coastal bluff.
 - They will be set back at least 50 feet from the inland limit of any dune, beach, or wetland.
 - No previous permits require that the lawn or landscaped area on which they will be placed remain as vegetative cover.
 - They will not be located in an area mapped as threatened or endangered wildlife or plant species habitat (see [Appendix A](#) for information on how to determine this) **unless** one of the following applies:
 - 1) The panels are located on legally existing impervious cover (such as concrete).
 - 2) The panels are located within 120 feet of a building on a lawn or land area with contoured soil and/or intentionally planted flowers, grasses, trees, or other ornamental vegetation that is cut, mowed, pruned, planted, weeded and/or mulched at least once a year.
- If the answer is yes (the panels will meet **all** of the above requirements), the activity qualifies for [Permit-by-Rule 13](#).
- If the answer is no (the panels will not meet **all** of the above requirements), you will need to apply for an [individual permit](#).

6. Are you placing sand fencing in order to create or sustain a dune?

- If the answer is no, proceed to [question 7](#).
- If the answer is yes, will the fencing meet **all** of the following requirements?
 - It will be placed on the landward side of the dune.
 - It will be placed parallel to the mean high water line.
 - It will not prevent perpendicular public access to the beach.
- If the answer is yes (the fencing will meet **all** of the above requirements), the activity qualifies for [Permit-by-Rule 15](#).
- If the answer is no (the fencing will not meet **all** of the above requirements), you will need to apply for an [individual permit](#).

7. Are you constructing a swimming pool, spa, or hot tub with or without associated decking?

- If the answer is no, proceed to [question 8](#).
- If the answer is yes, does the activity meet **all** of the following requirements?
 - The lot currently has a legally existing, functioning bulkhead along the entire waterfront portion.
 - There are no wetlands landward of the bulkhead.
 - No excavation, grading, or filling of a beach or dune will be conducted.
 - The pool, spa, or hot tub will be set at least 15 feet back from the waterward face of the bulkhead.
 - The current construction in combination with any existing pool, spa, and/or hot tub constructed after July 6, 2015 does not exceed 750 square feet, including decking. Here are some examples:
 - A 750-square-foot pool is proposed. There are no existing pools, spas, or hot tubs on the property. This pool meets the requirement.
 - A 750-square-foot pool is proposed. There is an existing spa on the property, but it was constructed before July 6, 2015. This pool meets the requirement.
 - A 500-square-foot pool is proposed. There is a 250-square-foot spa on the property that was constructed after July 6, 2015. This pool meets the requirement.
 - A 600-square-foot pool is proposed. There is a 250-square-foot spa on the property that was constructed after July 6, 2015. This pool does not meet the requirement because the total area occupied by pools, spas, and/or hot tubs constructed after July 6, 2015 exceeds 750 square feet.
 - The backwash system of the pool, spa, or hot tub will not discharge to the adjacent water body.
 - Before construction, a silt fence will be erected landward of the bulkhead with a 10-foot landward return on each end, and this fence will remain in place and be maintained until all construction and landscaping are complete.
 - All subgravel liners used for the project will be made of filter cloth or some other permeable material.
- If the answer is yes (the activity will meet **all** of the above requirements), this activity qualifies for [Permit-by-Rule 22](#).
- If the answer is no (the activity will not meet **all** of the above requirements), [proceed to question 8](#) (note that your swimming pool, spa, or hot tub is considered an “accessory development”).

8. Are you constructing one or two new single-family homes or duplexes and/or accessory development?

- If the answer is no, proceed to [question 9](#).
- If the answer is yes, will the proposed project meet **all** of the following requirements?
 - The single-family home(s), duplex(es), and/or accessory development(s) will be constructed entirely landward of the mean high water line.
 - No more than two single-family homes or duplexes will result either solely from this development or in combination with any previous development on the site. See [N.J.A.C. 7:7-2.2\(b\)8](#) for a discussion of what constitutes “previous development.”
 - Plastic will not be used under landscaped or gravel areas. All subgravel liners will be made of filter cloth or some other permeable substance.
 - If the project includes the construction of a driveway, any new portion of that driveway will either be covered with a permeable material or will be pitched to drain all runoff onto permeable areas.
 - If the site is adjacent to or includes a surface water body or wetlands, a silt fence will be erected landward of the bulkhead before construction with a 10-foot landward return on each end, and this fence will remain in place and be maintained until all construction and landscaping are complete.
 - If the site is an oceanfront lot with an existing or proposed shore protection structure, the construction will be located at least 25 feet back from the waterward face or the top of the slope of the shore protection structure.
 - If the site is a non-oceanfront lot with an existing or proposed shore protection structure, the construction will be located at least 15 feet back from the waterward face or the top of the slope of the shore protection structure. (If this is not feasible, an engineering certification must be obtained, and a conservation restriction must be recorded with the County Clerk. Contact the Technical Support Center at (609) 777-0454 for more detailed information.)
 - If the site is wooded, site clearing will not take place more than 20 feet from the footprint of the single-family home or duplex and/or the areas necessary for the driveway, septic, and utility line installations.
 - If the lot fronts a tidal waterway and more than one new single-family house or duplex will exist on the site either solely as a result of this development or in combination with any previous development, public access will be provided. (See [N.J.A.C. 7:7-16.9\(n\)](#) for details and exceptions.) Public access is not required if only one new single-family home or duplex will be constructed on the site.
 - If the lot fronts a tidal waterway and only accessory development is proposed, any existing public access must be maintained. If the existing access will be impacted by the construction of the accessory development, equivalent access will be created elsewhere on the site. (If public access does not currently exist, you do not need to create any.)

- If the answer is no (the development will not meet **all** of the above requirements), you will need to apply for an [individual permit](#).
 - If the answer is yes (the project will meet **all** of the above requirements), will the construction take place on or in one of the following special areas (see [Appendix A](#) for information on how to determine this):
 - a flood hazard area
 - a riparian zone
 - an endangered or threatened wildlife or vegetation species habitat
 - a beach
 - a dune
 - a wetland
 - a wetland buffer
 - a coastal bluff
 - a filled water's edge site that has had a water dependent use at any time since July 1977; please note the following regarding this special area:
 - 1) It only applies if you are constructing two single-family homes or duplexes.
 - 2) A water dependent use is a development, such as a marina, that could not physically function without direct access to the water.
 - a coastal high hazard area
 - an erosion hazard area
 - If the answer is no (the construction will not take place on or in one of the listed special areas), the activity may be eligible for authorization under [General Permit 4](#).
 - If the answer is yes (the construction will take place on or in any of the listed special areas), see [Appendix A](#) for further guidance.
9. Are you performing one of the following activities:
- a. Expanding a single-family home, duplex, and/or accessory development where your project did not meet **all** of the requirements listed under question 2?
 - b. Reconstructing a single-family home, duplex, and/or accessory development where your project did not meet **all** of the requirements listed under question 3?
 - c. Both reconstructing and expanding a single-family home, duplex, and/or accessory development?
 - d. Relocating (with or without expanding) a single-family home, duplex, and/or accessory development where your project did not meet **all** of the requirements listed under question 4?
- If the answer is no, proceed to [question 10](#).

- If the answer is yes, will the activity meet all of the following requirements?
 - The single-family home, duplex, and/or accessory development is legally existing and currently habitable.
 - The single-family home, duplex, and/or accessory development will be entirely landward of the mean high water line.
 - No more than one single-family home or duplex will result either solely from this development or in combination with any previous development on the site.
 - Plastic will not be used under landscaped or gravel areas. All sub-gravel liners will be made of filter cloth or some other permeable substance.
 - If the project includes the construction of a driveway, any new portion of that driveway will either be covered with a permeable material or will be pitched to drain all runoff onto permeable areas.
 - If the site is adjacent to or includes a surface water body or wetlands, a silt fence will be erected landward of the bulkhead before construction with a 10-foot landward return on each end, and this fence will remain in place and be maintained until all construction and landscaping are complete.
 - If the site is an oceanfront lot with an existing or proposed shore protection structure, the construction will be located at least 25 feet back from the waterward face or the top of the slope of the shore protection structure.
 - If the site is a non-oceanfront lot with an existing or proposed shore protection structure, the construction will be located at least 15 feet back from the waterward face or the top of the slope of the shore protection structure. (If this is not feasible, an engineering certification must be obtained, and a conservation restriction must be recorded with the County Clerk. Contact the Technical Support Center at (609) 777-0454 for more detailed information.)
 - If the site is wooded, site clearing will not take place more than 20 feet from the footprint of the single-family home or duplex and/or the areas necessary for the driveway, septic, and utility line installations.
 - If the lot fronts a tidal waterway and only accessory development is proposed, any existing public access must be maintained. If the existing access will be impacted by the construction of the accessory development, equivalent access will be created elsewhere on the site. (If public access does not currently exist, you do not need to create any.)

- If the answer is no (the activity will not meet all of the above criteria), you will need to apply for an [individual permit](#).

- If the answer is yes (the activity will meet all of the above criteria), will the construction take place on or in one of the following special areas (see [Appendix A](#) for information on how to determine this):
 - a flood hazard area
 - a riparian zone

- an endangered or threatened wildlife or vegetation species habitat
 - a beach
 - a dune
 - a wetland
 - a wetland buffer
 - a coastal bluff
 - a coastal high hazard area
 - an erosion hazard area
- If the answer is no (the construction will not take place on or in one of the listed special areas), the activity may be eligible for authorization under [General Permit 5](#).
- If the answer is yes (the activity will take place on or in any of the listed special areas), see [Appendix A](#) for further guidance.

10. Is your activity one that was not described in questions 1-9, or are you still uncertain which permit is required?

- If your activity was not previously described, it is likely that you need to apply for an [individual permit](#).
- If you are still not sure which permit applies, you can contact the Division of Land Use Regulation by calling (609) 777-0454 or by filling out the Online Contact Form found at <http://nj.gov/dep/landuse/contact.html>.

WHAT ARE THE APPLICATION PROCEDURES AND REQUIREMENTS?

Now that you have determined the type(s) of permit that you need for your single-family home, duplex, and/or accessory development, you need to know what you must do to apply for that permit. The application procedures and requirements are different for each of the following:

- [Permits-by-Rule](#)
- [General Permits](#)
- [Individual Permits](#)

Permits-by-Rule

Because the precise terms and conditions of each permit-by-rule are already established in the Coastal Zone Management Rules at [N.J.A.C. 7:7-4](#), prior written approval from the Department is not necessary when an activity satisfies all of the requirements of a specific permit-by-rule. This means that you do not need to submit any fees, plans, application forms, photographs, or other written notice to the Department in order to proceed with your project.

Please note that in addition to the specific requirements of each permit-by-rule, there are additional general conditions that apply to all coastal permits. You should be aware of these conditions before undertaking your activity, particularly the condition that you must allow an authorized representative of the Department, upon the presentation of credentials, to enter the property where the activity is located. Please see [Appendix B](#) for the complete list of conditions.

If you are undertaking another activity on the site that does not qualify for a permit-by-rule, you will still need to apply for either a general permit or an individual permit for that activity. Even if all of your activities qualify for a CAFRA permit-by-rule, you may still need to obtain other State, Federal, or local permits or approvals for them, including other approvals from the Division of Land Use Regulation. See the [Other Frequently Asked Questions](#) at the end of this document for information regarding other Land Use permits and conveyances that might apply to your activity or site.

If an activity is eligible for a permit-by-rule, you may perform that activity multiple times on your site provided that you do not exceed any limits that the specific permit-by-rule may include. An example is the cumulative 400-square-foot limit for home expansions contained in Permit-by-Rule 1 and Permit-by-Rule 7. Once such limits are reached, the site is no longer eligible for the permit-by-rule even if the property is later subdivided or transferred to a new owner. An individual permit is then required.

General Permits

Before you can undertake general permit activities, prior written authorization from the Department is required. If you believe your project requires authorization under either General Permit 4 or General Permit 5, the Division of Land Use Regulation has created convenient application checklists with all of the submission requirements for each permit, which you can find at <http://nj.gov/dep/landuse/forms.html> under the coastal permitting tab. For General Permit 4, see “Development of one or two single-family homes or duplexes,” and for General Permit 5, see “Expansion or reconstruction (with or without expansion) of a single-family home or duplex.”

An application for authorization under a general permit must include all of the following:

- A completed application form, which requires basic information, including contact information, the specific location of the project, a brief description of the project, and certifications as to the truth and accuracy of the information provided and the ownership of the property (this form can be found at http://www.nj.gov/dep/landuse/download/lur_021.pdf)
- A \$1,000 application fee
- A copy of the tax map for the property
- A copy of a portion of the county road map showing the property location
- Color photographs showing the specific location of the proposed development from a minimum of four different angles mounted on 8 ½ inch by 11 inch paper and accompanied by a map showing the location and direction from which each photograph was taken with a description and location of each view
- Documentation that the [public notice requirements](#) have been met
- Three copies of site plans for the proposed development
- Three copies of a compliance statement that meets all of the requirements at [N.J.A.C. 7:7-23.5](#).

Please see the applicable checklist for the precise information that must be included on the development plans/site plans and in the compliance statement. The checklists also provide instructions for submitting your application and a list of the accepted payment methods for the application fee.

All coastal general permit applications are subject to the same [review procedures](#) and to the conditions that apply to all coastal permits, which you will find in [Appendix B](#). One of these conditions is that you must allow an authorized representative of the Department, upon the presentation of credentials, to enter the property where the project is located.

If you are performing another activity on your site that requires an individual permit, all activities can be reviewed simultaneously under one individual permit application; you do not also need to submit the general permit application.

Please note that you may also need to obtain other State, Federal, or local permits or approvals, including other approvals from the Division of Land Use Regulation. See the [Other Frequently Asked Questions](#) at the end of this document for information regarding other Land Use permits and conveyances that might apply to your activity or site.

Individual Permits

If any of your activities (either on land or in the water, such as if you are building a dock) require an individual permit, all activities can be reviewed simultaneously under one individual permit application; you do not need to submit any additional general permit or individual permit applications.

The Division of Land Use Regulation has created a checklist for the requirements for a CAFRA individual permit. This checklist can be found under the coastal permitting tab at <http://nj.gov/dep/landuse/forms.html>.

An individual permit application must include the following:

- A completed application form, which requires basic information, including contact information, the specific location of the project, a brief description of the project, and certifications as to the truth and accuracy of the information provided and the ownership of the property (this form can be found at http://www.nj.gov/dep/landuse/download/lur_021.pdf)
- A \$2,000 application fee
- Color photographs showing the specific location of the proposed development from a minimum of four different angles mounted on 8 ½ inch by 11 inch paper and accompanied by a map showing the location and direction from which each photograph was taken with a description and location of each view
- Documentation that the [public notice requirements](#) have been met
- Five copies of the site plan
- Five copies of an Environmental Impact Statement that meets all of the requirements at [N.J.A.C. 7:7-23.6\(b\)](#)

Please see the applicable checklist for more specific information about what must be included on the site plans and in the Environmental Impact Statement. The checklists also provide instructions for submitting your application and a list of the accepted payment methods for the application fee.

Since individual permit applications are more complex, the Division of Land Use Regulation suggests that you request a pre-application meeting with Division staff before you submit your application. There is no fee for a pre-application conference. Please visit the Pre-Application Conference tab at http://nj.gov/dep/landuse/coastal/cp_main.html for information on how to request a pre-application conference.

All CAFRA individual permit applications are subject to the same [review procedures](#) and to the conditions that apply to all coastal permits, which you will find in [Appendix B](#). One of these conditions is that you must allow an authorized representative of the Department, upon the presentation of credentials, to enter the property where the project is located.

Public Notice Requirements

If your project requires either authorization under a general permit or an individual permit, you must provide public notice of your application. For an application for authorization under

a general permit, items 1 and 2 below apply. For an application for an individual permit, items 1, 2 and 3 apply.

1. You must send a copy of your entire application (including all site plans, photographs, statements, forms, and/or maps) to the municipal clerk of the municipality where you will be undertaking your project. This must be sent no earlier than 30 days before you submit the application to the Department and no later than the date you submit the application. As part of your application, you must include a copy of the certified United States Postal Service white mailing receipt (or other written receipt) as evidence that this notice has been sent.
2. You must send a notice letter (see the applicable application checklist for the precise text that you must include in this letter), a brief description of the project, and a site plan that shows the location and boundaries of the project and depicts the proposed development in relation to the existing site conditions to all of the following:
 - The construction official of the municipality where you will be undertaking the project
 - The environmental commission (or other governmental agency with similar responsibilities) of the municipality where you will be undertaking the project
 - The planning board of the municipality where you will be undertaking the project
 - The planning board of the county where you will be undertaking the project
 - The local Soil Conservation District (only if your project will disturb 5,000 square feet or more)
 - All owners of real property (including easements) within 200 feet of the property boundary

These notices must be sent no earlier than 30 days before you submit the application to the Department and no later than the date you submit the application, with one exception. If you are submitting an individual permit application, the notices to the owners of property within 200 feet must be sent later, at the time of the public comment period or public hearing (see [What Happens After I Submit My Permit Application](#)). Apart from this exception for individual permit applications, you must include copies of all of the certified United States Postal Service white mailing receipts (or other written receipts) as part of your application as evidence that all of these notices have been sent.

3. If your project requires an individual permit, you must publish notice in a newspaper of general circulation in the municipality where your project will be located in the form of either a legal notice or a display advertisement. See the application checklist for CAFRA individual permits at <http://nj.gov/dep/landuse/forms.html> (under the coastal permitting tab) for the specific information that must be included in the notice. This notice must be published no more than 10 calendar days after the permit application is submitted to the Department, and you must send the Department a copy of the newspaper notice immediately after it has been published.

WHAT HAPPENS AFTER I SUBMIT MY PERMIT APPLICATION?

The Coastal Zone Management Rules establish clear procedures and timelines for reviewing coastal permit applications at [N.J.A.C. 7:7-26](#). The process differs slightly for [general permits](#) and CAFRA [individual permits](#). Since permits-by-rule do not require an application, there is no review procedure for this type of permit.

General Permits

When your application package is received, the Division of Land Use Regulation has 20 working days to determine if your application is complete for review. If they fail to make this determination within 20 working days, your application will automatically be considered complete for review. A working day means any day on which the offices of the Department are open for business.

Here is the process for determining if an application is complete for review:

1) Administrative Completeness

Your application will first be checked for administrative completeness. This means that all of the elements in the applicable application checklist have been submitted as described.

If the application is not administratively complete, the entire application package will be returned to you. You will also receive a letter detailing the required missing, incomplete, or inaccurate components.

2) Technical Completeness

Once your application is deemed administratively complete, it is forwarded to a project manager or project engineer. This individual is responsible for making sure the application is technically complete. This means ensuring that the information you have submitted is sufficient to determine whether or not the project complies with all applicable rules.

- If your application is technically complete, you will be notified in writing that it is complete for review. You will also be told the date on which that determination was made.
- If your application is not technically complete, you will be informed in writing of the specific additional information that is required. The additional information must be submitted to the Division within 90 calendar days after the request by the Department unless a different time frame is specified. The

application will be cancelled if you do not submit the requested information by the above deadlines unless you demonstrate good cause for the delay in providing the requested information. When the required information is received, the Division of Land Use Regulation has 15 calendar days to review it. Within those 15 days, you will be notified that the application is either still technically deficient or is now complete for review. You will be given the date that the application was deemed complete. If the Division does not make a determination within this 15-day period, your application is deemed complete for review.

Once your application is both administratively and technically complete, the Division of Land Use Regulation has 90 calendar days from the date the application was declared complete for review to determine whether or not the project complies with all applicable rules. Within those 90 days, the Division must issue either an authorization/permit or a denial in writing. An approval will include any conditions that may apply, and a denial will include the reasons for that denial. If the Division does not issue a decision on the application within that 90-day period, the application will be approved automatically.

In determining whether or not to approve an application for an authorization under a general permit, the Department will not hold any public hearings on that application, but it will consider any written comments that are received during the public comment period.

If your application is denied, you will have an opportunity to appeal the decision. Please see http://nj.gov/dep/landuse/download/lur_024.pdf to file an appeal.

Individual Permits

When your application package is received, the Division of Land Use Regulation has 20 working days to determine if your application is complete for public comment or public hearing. This means that the application is both administratively and technically complete. Please note that for an individual permit, you are required to publish notice of your application in the newspaper and to submit documentation of this publication to the Division. If that documentation is not submitted within 10 calendar days after you submit your application, the application will not be considered complete for public comment or public hearing until at least 20 calendar days after the newspaper notice is published and the documentation is received by the Division.

If the Division fails to determine if your application is complete for public comment or public hearing within 20 working days, it will automatically be considered complete for public comment or public hearing.

1) Administrative Completeness

Your application will first be checked for administrative completeness. This means that you have submitted everything as described on the application checklist.

If the application is not administratively complete, the entire application package will be returned to you. You will also receive a letter detailing the required missing, incomplete, or inaccurate components.

2) Technical Completeness

Once your application is deemed administratively complete, it is forwarded to a project manager or project engineer. This individual is responsible for making sure the application is technically complete for public comment or public hearing. This means ensuring that the information you have submitted is sufficient to determine whether or not the project complies with all applicable rules.

- If your application is complete, you will be notified in writing that it is ready for public comment or public hearing. You will also be told the date on which that determination was made.
- If your application is not technically complete, you will be informed in writing with the specific additional information that is required. The additional information must be submitted to the Division within 90 calendar days after the request by the Department unless a different time frame is specified. The application will be cancelled if you do not submit the information by the above deadlines unless you demonstrate good cause for the delay in providing the requested information. When the required information is received, the Division of Land Use Regulation has 15 calendar days to review it. Within those 15 days, you will be notified that the application is either still technically deficient or is now complete for public comment or public hearing. You will be given the precise date that the application was deemed complete. If the Division does not make a determination with this 15-day period, your application is deemed complete for public hearing or public comment.

Once your application is declared complete for public comment or public hearing, the Division has 15 calendar days to schedule either a public hearing or a 30-calendar day public comment period). A public hearing will be held if the Division determines that based on the public comment received on the initial newspaper notice and/or a review of the project's scope and/or environmental impact, additional information is necessary to assist the Department in its evaluation of the potential impact and that this information can only be obtained through a public hearing. If a public hearing is held, you will be required to bear all expenses associated with this hearing. The public hearing must be held within 60 calendar days of the date your application was declared complete for public hearing. Written comments will be accepted for 15 calendar days after the hearing. If the Division determines that a public hearing is not necessary, a 30-day public comment period will be held. The comment period must begin within 60 calendar days of the date your application was deemed complete for public comment.

Within 15 calendar days of the public hearing or the end of the public comment period, the Division of Land Use Regulation will either declare the application complete for review or will notify you of any additional information that may be necessary to determine if the project complies with all applicable rules. If the application is declared complete for review, the date

of completion will be the date of the public hearing or the date the public comment period ended. If additional information is needed, you must submit that information within 90 calendar days after the request unless the Department specifies a different deadline. The application will be cancelled if you do not submit the information by the above deadlines unless you demonstrate good cause for the delay in providing the requested information.

Once your application is declared complete for review, the Division has 60 calendar days to determine whether or not the project complies with all applicable rules. Within those 60 days, the Division must issue you either an authorization/permit or a denial in writing. An approval will include any conditions that may apply, and a denial will include the reasons for that denial. If the Division does not make a decision on your application within 60 calendar days, the application is approved automatically.

If your application is denied, you will have an opportunity to appeal the decision. Please see http://nj.gov/dep/landuse/download/lur_024.pdf to file an appeal. See [N.J.A.C. 7:7-28](#) (Subchapter 28 of the Coastal Zone Management Rules) for all rules concerning adjudicatory hearings to contest Department permit decisions.

OTHER FREQUENTLY ASKED QUESTIONS

- 1) I have a municipal approval, an approval from another state agency, or an approval from another Department program. Do I still need a CAFRA permit?

Yes. A municipal approval, an approval from another state agency, or an approval from another Department program does not eliminate the need for a CAFRA permit.

- 2) Do I need a written letter from the Department stating that a CAFRA permit is not required for my proposed development?

No. There is no need to obtain a letter stating that a CAFRA permit is not required for the proposed development except if it is required by other programs administered by the Department. If you wish, you may request a written determination of a development's exemption from the requirements of the Coastal Zone Management Rules. See http://www.nj.gov/dep/landuse/download/cp_003.pdf for the application requirements for an exemption.

- 3) I'm still not sure if I need a CAFRA permit. What should I do?

You can request a written applicability determination from the Department to determine the applicability of CAFRA (or the Wetlands Act of 1970 or the Waterfront Development Law) to your activity. Submit the completed coastal applicability determination checklist form found at http://www.nj.gov/dep/landuse/download/cp_006.pdf. Please note that an applicability determination does not identify what type of permit is required or indicate whether the activity is eligible for a permit.

- 4) Are there other permits that may be necessary for me to obtain prior to beginning my project?

In addition to a CAFRA permit, you may need other municipal, Federal, or State permits, including additional approvals from the Division of Land Use Regulation. Please note that the Land Use approvals described below may apply even if your project does not require a CAFRA permit:

Tidelands License:

Any portion of a development proposed on an upland area that was once flowed by the tide will likely require both a Tidelands license and an [individual permit](#) if the fill does not appear on the State's adopted tidelands claims maps and was not previously granted by the State of New Jersey. Formerly-flowed tidelands associated with single-family homes or duplexes that do appear filled on the adopted maps qualify for [Permit-by-Rule 9](#);

however, if the filling took place after the date of the claims maps (1977-78) and was not previously permitted, you will need an individual permit for the fill, even if your activity does not require one.

If you are also building something in a water area, such as a dock, you will likely need a Tidelands license unless the water area was previously granted.

You can use the Tidelands profile available for the Department's online mapping service, NJ-GeoWeb, at <http://www.nj.gov/dep/gis/geoweb splash.htm> to view the tidelands maps that are applicable to your property and to help you determine if a license might be necessary for your proposed activity. You can also contact the Technical Support Center at (609) 777-0454 for help. Further information regarding licenses can be found at http://nj.gov/dep/landuse/tl_main.html. Please note that licenses for upland fill are not described on the website but follow the same procedures as licenses for bulkhead extensions.

Other Land Use Permits and Approvals:

Other permits and approvals from the Division of Land Use Regulation that may be required include:

- Freshwater Wetlands Permits
- Flood Hazard Area Permits
- Waterfront Development Permits (only required for activities located below the mean high water line)
- Coastal Wetlands Permits

While the Division will not delay a CAFRA permit decision because other approvals have not yet been issued, you should determine as quickly as possible which other approvals are needed since permits under several Land Use programs can be processed simultaneously, saving you time and money. For information on determining which other permits may be necessary, please visit <http://nj.gov/dep/landuse/bybob.html>.

- 5) I need a CAFRA permit and another permit/approval for my activity, but I am not quite certain which applications or information to submit. What should I do?

Before you submit an application for a CAFRA permit and/or any other approvals from the Division, you may schedule a meeting with Division staff, referred to as a pre-application conference, to ensure you submit all of the appropriate information. There is no fee for a pre-application conference. Please visit the Pre-Application Conference tab at http://nj.gov/dep/landuse/coastal/cp_main.html for information on how to request a pre-application conference.

- 6) I need a CAFRA permit from the Division, but I also need approvals from other Department programs. What should I do?

You should contact the Department's Office of Permit Coordination and Environmental Review at (609) 292-3600 for assistance in coordinating the various applications.

7) Can I change my project after I get my CAFRA Permit?

If you are proposing changes to the project authorized by your permit, please contact the Division of Land Use Regulation at (609) 777-0454 to discuss the proposed changes and to determine whether the proposed changes require additional authorization.

APPENDIX A: SPECIAL AREAS

Generally, activities in special areas are discouraged unless there is no feasible alternative. Additional requirements may apply to projects involving the construction, reconstruction, relocation, or expansion of one or two single-family homes or duplexes and/or any accessory development, particularly in the following special areas:

- Flood hazard areas
- Riparian zones
- Endangered or threatened wildlife or plant species habitat
- Beaches
- Dunes
- Wetlands
- Wetland buffers
- Coastal bluffs
- Filled water's edge sites
- Coastal high hazard areas
- Erosion hazard areas

How do I determine if my property is located in a special area?

The presence or absence of special areas on your site can be determined using the Department's online mapping service, NJ-GeoWeb, at <http://www.nj.gov/dep/gis/geoweb splash.htm>.

However, the Department recommends contacting an environmental consulting firm that specializes in development within coastal areas to help you better understand your site's development opportunities and limitations.

Further resources include:

1. For endangered or threatened wildlife or plant species habitat:

In addition to using NJ-GeoWeb, the Department's Division of Fish and Wildlife, Endangered and Nongame Species Program has maps of those areas that have been designated as endangered or threatened wildlife or plant species habitat as well as listings of the particular species that have been designated as endangered or threatened in a specific area. These maps can be found at <http://www.njfishandwildlife.com/ensphome.htm>.

Please note that, in order to ensure the continued survival of species populations, this special area incorporates buffer areas that may extend beyond any mapped areas. For this reason, the additional requirements apply not only to properties that contain areas mapped

as endangered or threatened wildlife or plant species but also to those properties that are adjacent to those mapped areas.

2. For mapped coastal wetlands:

In addition to the resources provided by NJ-GeoWeb, coastal wetland maps can be obtained by submitting an OPRA (Open Public Records Act) request at <http://www.state.nj.us/opra/>.

What should I do if I suspect my property might be located in a special area?

A pre-application discussion is recommended when development is proposed in a coastal special area. There is no fee for a pre-application conference. For information on requesting a pre-application conference, visit the Pre-Application Conference tab at http://nj.gov/dep/landuse/coastal/cp_main.html.

The specific requirements that must be met for each of the coastal special areas can be found in subchapter 9 of the Coastal Zone Management Rules at [N.J.A.C. 7:7-9](#).

APPENDIX B: CONDITIONS THAT APPLY TO ALL COASTAL PERMITS

In addition to the specific conditions contained in each permit-by-rule, general permit, and individual permit, there is an additional set of conditions at [N.J.A.C. 7:7-27.2](#) that applies to all coastal permits.

Please note that when you undertake an activity that is authorized under a permit-by-rule, general permit, or individual permit, you are accepting and agreeing to abide by all of the conditions of that permit, including the conditions on this list, even when, in the case of a permit-by-rule, you do not need to receive prior written authorization from the Department.

The conditions that apply to all coastal permits are:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or development conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a coastal permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit, pursuant to [N.J.A.C. 7:7-27.7](#).
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. The permittee shall inform the Division of

Land Use Regulation by telephone at (609) 292-0060 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:

- A description of the noncompliance and its cause
 - The period of noncompliance, including exact dates and times
 - If the noncompliance has not been corrected, the anticipated length of time it is expected to continue
 - The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under [N.J.A.C. 7:7-29](#), as well as, in the appropriate case, suspension and/or termination of the permit.
 9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
 10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in [N.J.S.A. 13:1G-1](#) et seq. and [N.J.A.C. 7:29](#).
 11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
 12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
 13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit
 - Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under [N.J.A.C. 7:7-29](#)

Please note that additional conditions apply to all coastal permits except for permits-by-rule. These conditions, which will be included in your permit, can be found at [N.J.A.C. 7:7-27.2\(d\)](#).