

Norman receives 100% disability from the government of \$149.00 a month, which he has accepted, and he has performed no services for the State but he has received his full pay during that period.

My suggestion is that Sergeant Norman should be retired under the provisions of R. S. 53:5-3 for ordinary disability; that statute being applicable, as I read it, to a situation such as you described.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.

JUNE 6, 1949.

HON. CHARLES R. ERDMAN, JR., *Commissioner,*
Dept. of Conservation and Economic Development,
Trenton 7, New Jersey.

FORMAL OPINION—1949. No. 59.

DEAR MR. ERDMAN:

Your letter of June 1, 1949, concerning approval of a permit to extend a pier approximately 300 feet into the ocean on behalf of the Seaside Land and Amusement Company is at hand.

You inquire as to whether or not the Planning and Development Council, when it grants riparian rights and a permit to erect a structure oceanward over those rights, assumes any responsibility for that which may occur on the structure thus permitted.

When your Council grants a permit to erect a structure oceanward over riparian rights to the owner thereof, your Council assumes no responsibility for that which may occur on the structure thus permitted.

Under R. S. 12:5-3 plans for the development of any waterfront upon any navigable water or stream which is contemplated by any person or municipality shall be submitted to your board and no such development or improvement shall be commenced without a permit from your board.

The board would not be responsible because it is the duty of your board primarily in granting permits to ascertain whether or not the structure permitted interferes with navigation.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: ROBERT PEACOCK,
Deputy Attorney General.