

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.