

Governor Chris Christie • Lt. Governor Kim Guadagno

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION



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### NON-REGULATED OR EXEMPT ACTIVITIES

In response to Hurricane Sandy, the Division has identified certain types of activities that can be conducted without a permit in the coastal zone. NO DIVISION AUTHORIZATION IS REQUIRED prior to conducting the activities listed below. Please note that these activities may require Local or other State and/or Federal approvals, depending on the activity and the location.

#### CAFRA Area

The CAFRA area contains beaches, dunes and areas within 150 feet of the beach or dune or tidal waters from Cheesequake Creek in Middlesex County to Killehook National Wildlife Refuge in Salem County.

The following activities do not need a permit:

- The repair and maintenance of buildings such as replacing siding, windows or roofs.
- The reconstruction of any habitable or non-habitable legal structure that was destroyed in the storm as long as the structure is replaced in the same footprint and is not enlarged.
- Debris removal and clean up in areas other than beaches or dunes (See the [separate section for these special areas](#)).
- You may need a Flood Hazard Area permit if you are in the 100 year floodplain. Under the Flood Hazard Area Rules you may meet a permit by rule to elevate an existing building in accordance with N.J.A.C.7:13-7.2(a)3 without the need for a formal permit application. Similarly, you may repair (the cost of repair is less than 50% of the replacement value) your dwelling in accordance with N.J.A.C.7:13-7.2(b)4 without the need for a permit application. If you are reconstructing (the cost of repair is greater than 50% of the replacement value) the dwelling, the reconstruction will require an application for a Flood Hazard Area General Permit #6 in accordance with N.J.A.C.7:13-8.8.

#### Waterfront Areas

For areas outside of the CAFRA area above, the Waterfront Area is all areas within 500 feet of tidal water. The following activities do not need a permit:

- The repair and maintenance of buildings such as replacing siding, windows or roofs.
- The reconstruction of any structure if the structure is located more than 100 feet from the tidal water area.
- Debris removal and clean up.
- You may need a Flood Hazard Area permit if you are in the 100 year floodplain. Under the Flood Hazard Area Rules you may meet a permit by rule to elevate an existing building in accordance with N.J.A.C.7:13-7.2(a)3 without the need for a formal permit application. Similarly, you may repair (the cost of repair is less than 50% of the replacement value) your dwelling in accordance with N.J.A.C.7:13-7.2(b)4 without the need for a permit application. If you are reconstructing (the cost of repair is greater than 50% of the replacement value) the dwelling, the reconstruction will require an application for a Flood Hazard Area General Permit #6 in accordance with N.J.A.C.7:13-8.8.

#### Tidal Wetlands

The following activities do not need a permit:

- The emergency maintenance or repair of bridges, roads, highways, railroad beds or the facilities of any utility or municipality.
- You may need a Flood Hazard Area permit if you are in the 100 year floodplain. Under the Flood Hazard Area Rules you may meet a permit by rule to elevate an existing building in accordance

with N.J.A.C.7:13-7.2(a)3 without the need for a formal permit application. Similarly, you may repair (the cost of repair is less than 50% of the replacement value) your dwelling in accordance with N.J.A.C.7:13-7.2(b)4 without the need for a permit application. If you are reconstructing (the cost of repair is greater than 50% of the replacement value) the dwelling, the reconstruction will require an application for a Flood Hazard Area General Permit #6 in accordance with N.J.A.C.7:13-8.8.

### Tidal Waters

The following activities do not need a permit:

- The reconstruction or replacement of legal bulkheads, docks, boat lifts, pilings at residential properties and marinas, provided the structures are replaced in the same location (footprint) and in the same size.
- The replacement of legal homes over the water provided they are replaced in the same footprint and are not enlarged.
- You may need a Flood Hazard Area permit if you are in the 100 year floodplain. Under the Flood Hazard Area Rules you may meet a permit by rule to elevate an existing building in accordance with N.J.A.C.7:13-7.2(a)3 without the need for a formal permit application. Similarly, you may repair (the cost of repair is less than 50% of the replacement value) your dwelling in accordance with N.J.A.C.7:13-7.2(b)4 without the need for a permit application. If you are reconstructing (the cost of repair is greater than 50% of the replacement value) the dwelling, the reconstruction will require an application for a Flood Hazard Area General Permit #6 in accordance with N.J.A.C.7:13-8.8.

### Marinas

Damaged marina structures that were legally existing prior to Hurricane Sandy may be reconstructed without obtaining CAFRA and waterfront development permits, provided:

1. They are reconstructed in the same footprint without enlargement or relocation;
2. The number of dwelling units or parking spaces is not increased; and
3. the area covered by buildings, concrete or asphalt is not increased .

In addition, waterfront development structures, including bulkheads must be replaced to the previously existing elevation to qualify for the exemption from permit requirement. The citation for the CAFRA exemption from permit requirement is found at N.J.A.C. 7:7-2.1(c)3. The citation for the Waterfront Development Zane exemption is found at N.J.A.C. 7:7-2.3(d)6.

Note for Marinas: You may need a Flood Hazard Area permit if you are in the 100 year floodplain. Under the Flood Hazard Area Rules you may meet a permit by rule to elevate an existing building in accordance with N.J.A.C.7:13-7.2(a)3 without the need for a formal permit application. Similarly, you may repair (the cost of repair is less than 50% of the replacement value) your building in accordance with N.J.A.C.7:13-7.2(b)4 without the need for a permit application. If you are reconstructing (the cost of repair is greater than 50% of the replacement value) the building, the reconstruction will require an application for a Flood Hazard Area Individual Permit in accordance with N.J.A.C.7:13-11.5(i).

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