

**State of New Jersey**  
**Department of Environmental Protection**  
**Division of Parks and Forestry**  
**State Park Service**  
**Hopatcong State Park**



**Morris Canal and Banking Company**  
**Dock Construction Guidelines**

This application is for the Division of Parks and Forestry approval of lakeshore construction of dock or boat houses on Morris Canal and Banking Co. waters (Lake Hopatcong, Lake Musconetcong and Cranberry Lake). An approval does not relieve the applicant from any Municipal, County, Federal or other State approvals.

- I. Category I - Minor repairs or general maintenance to docks and boat houses will not need Division of Parks and Forestry approval when they involve the replacement of decking, stringers or other material above the mean water line (923.70 feet above mean sea level) that does not involve an expansion or shape change of the structure.
- II. Category II - Major repairs and / or construction of docks and boat houses that have a direct affect on lake water will need Division of Parks and Forestry approval.
  - A. Replacement of underwater members (pilings, cribbings, etc.)
  - B. Construction of new docks, new boat houses, the expansion or extension of any existing docks or boat houses, either above or below the mean water line (923.70 feet above mean sea level).
- III. Required Information needed to complete application.
  - A. The applicant is responsible for checking with the municipality for any municipal codes that apply to the construction and for obtaining all applicable municipal permits or approvals. All construction must meet all Municipal, County, State and Federal codes and regulations. Applicants must comply with N.J.A.C.R. 7:2-8.24 (The applicant is always the property owner). (see section IV).
  - B. Legal property owner and mailing address.
  - C. Project location.
  - D. Describe in detail the size, materials, pilings etc. (note: Use of concrete other than for pilings of cribbing members is not permitted. Concrete cribbing members and/or stone fill of cribbing structure will need a Freshwater Wetlands Open Water Fill Permit from the NJDEP, Land Use Regulation Element).

- E. The applicant must justify in great detail a request to use cribbing or dock supports greater than normal wood, steel or concrete pilings (10" diameter, 8"x 8" posts maximum).
- F. An agent is any person, other than the owner, that is preparing the plan and submitting the application for the legal owner.
- G. Attachments needed:
  - 1. Detailed project drawings must show both top and side views.
  - 2. Property survey must show the dock location as it will relate to the lake shore.
  - 3. A copy of the section of tax map showing the property in relation to other properties in the area.

Mail application and attachments to:

Hopatcong State Park  
Box 8519  
Landing, NJ 07850

Tel. # (973) 398-7010  
Fax. # (973) 398-6521

IV. Division of Parks and Forestry, State Park Service, Administrative Code Regulations pertaining to Lake Hopatcong dock construction.

N.J.A.C.R. 7:2-8.24 Lake Hopatcong Dock Restrictions

- (a) The construction of a new dock or the replacement, expansion, or extension of any existing dock in the waters of Lake Hopatcong shall, in addition to the requirement set forth in (b) below, be designed and constructed in accordance with the requirements of all Federal, State and local agencies having jurisdiction over the design and construction of the proposed new dock, replacement, expansion, or extension.
- (b) New docks and the construction of a new replacement or the expansion or extension of any dock in existence in the waters of Lake Hopatcong on the effective date of this new rule (October 7, 1991) shall not exceed more than 50 feet in length into the waters of Lake Hopatcong from the mean high water line. Any dock in existence on the effective date of this new rule that exceeds 50 feet in length from the mean high water line may be improved, maintained and repaired but shall not be replaced, expanded or extended beyond the length of the dock from the high water line. The mean high water line shall be determined at the time of the proposal of the

new dock or replacement, expansion or extension of any dock in the waters of Lake Hopatcong.

V. Other State of New Jersey agency and regulations with jurisdiction over construction of bulkheads, shoreline riprap or removal of silt.

A. Agency:

New Jersey Department of Environmental Protection  
Land Use Regulation Element  
CN 401  
Trenton, NJ 08625-0401

Tel. # (609) 292-1235

B. Regulation:

Freshwater Wetlands Protection Act N.J.A.C. 7:7A



**State of New Jersey  
Department of Environmental Protection  
Division of Parks and Forestry  
State Park Service  
Hopatcong State Park**



## Lakeshore Construction Information

Listed below are the construction types and the agencies with jurisdiction over construction along the shoreline of Lake Hopatcong.

- \* Construction of bulkheads, replacement of bulkheads, repair of bulkheads, installation of riprap along the shoreline and the removal of any dredging material from the bottom of the lake are all regulated through NJDEP, Land Use Regulation Element. Work in these areas should be requested through:

New Jersey Department of Environmental Protection  
Land Use Regulation Element  
CN 401  
Trenton, NJ 08625-0401

Tel. # (609) 292-1235

- Construction, replacement, expansion, extension, or repair of docks and boat houses on Lake Hopatcong, Lake Musconetcong, or Cranberry Lake are subject to approval from the NJDEP, Division of Parks and Forestry and the municipality you live in. Attached is the application and guidelines for the Division of Parks and Forestry dock construction approval. You will have to go to the municipal building in your town to inquire about dock construction codes.
- \* All other construction, above the high water mark, may be regulated by either state and/or local governments. Inquire at your local municipal building for appropriate codes.





**A GUIDE TO THE  
LAND USE REGULATION PROGRAM  
OF  
THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND ENERGY**

*This handout consists of:*

*A compilation of responses to frequently asked questions;  
a capsule summary of each of the permit programs;  
a summary of the fee structure of the permitting programs;  
a directory of agency personnel by geographic region;  
a flow chart of the common elements  
of the permit application review process;  
as well as a table listing the types of permits  
decisions issued by year for the period 1988-1992.*

*It is provided as a reference to improve access to the  
Department and to facilitate improved delivery of regulatory services.*

# *Frequently Asked Questions*

STATE OF NEW JERSEY • DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY  
LAND USE REGULATION PROGRAM • MARCH 1993

1. What permitting programs are administered by the Land Use Regulation Program?
  - o *The Freshwater Wetlands Permit Program*
  - o *The Stream Encroachment Permit Program*
  - o *The Coastal Zone Management Program*
  - o *The Subsurface Wastewater Disposal Program*
  
2. What specific permits and authorizations are encompassed by the above programs?
  - o *Individual Freshwater Wetlands Permit*
  - o *Statewide General Freshwater Wetlands Permit*
  - o *Freshwater Wetlands Letter of Interpretation*
  - o *Freshwater Wetlands Transition Area Waiver*
  - o *Freshwater Wetlands Exemption Determination*
  - o *Stream Encroachment Permit*
  - o *Stream Encroachment Waivers*
  - o *Waterfront Development Permit*
  - o *Waterfront Development General Permit*
  - o *Wetlands Type A & B Permits*
  - o *CAFRA Permit*
  - o *Water Quality Certificate*
  - o *Areawide Water Quality Management Plan Consistency Determinations*
  - o *Treatment Works Approvals - Alternate Design Septic Systems*
  - o *50 or more Realty Improvement Subdivision Certifications*
  
3. What do the programs have in common and what types of land uses are subject to the permitting requirements?

*Each of these permit reviews emphasizes protection of critical natural resources associated with the low-lying stream corridors and waterways throughout the State. These areas encompass wetlands, wetland buffer zones, flood hazard areas, tidal waters and land abutting tidal waters extending from 500 feet to 12 miles. In addition, the stream encroachment review focuses on*

*activities that could create or aggravate flooding conditions and the CAFRA process establishes land use, intensity and performance standards for developments seeking a coastal location. Lastly, the Subsurface Wastewater Disposal Program ensures that on-site wastewater treatment systems do not adversely impact ground or surface water quality.*

4. If a particular development project requires multiple permits, can the applications be consolidated and one decision made?

*Yes. The Land Use Regulation Program is organizationally structured on a geographic, not a statutory, basis. An application involving one or more permit approvals can be submitted as one package and every effort will be made to issue a decision document and permit that reflects all necessary Land Use Regulation Element approvals. The 90-Day Rules have recently been amended to provide for reduced fees if applications are consolidated.*

5. How does someone determine if a permit is needed?

*A jurisdictional determination pursuant to the Freshwater Wetland Protection Act is made through a "Letter of Interpretation." This could be a simple finding that wetlands are present or absent or a more detailed confirmation of the extent of wetlands and their resource value classification. Specific requirements are identified at N.J.A.C. 7:7A--8.2 et seq..*

*A jurisdictional determination under the Waterfront Development Act, the Wetlands Act of 1970 or the Coastal Area Facility Review Act is accomplished by forwarding pertinent location and project design information to the Bureau of Enforcement.*

*A jurisdictional determination under the Flood Hazard Area Control Act involves referencing flood hazard delineation maps for State delineated streams, or site-specific pre-application guidance for development proximate to non-delineated streams.*

*A jurisdictional determination under the Realty Improvement Act is made by the local administrative authority - i.e. County Health Department, County Planning Board, Municipal Health Department or Municipal Planning Board.*

*In each case potential applicants are encouraged to have a pre-application conference during which the scope of work for the proposed project can be discussed.*

6. What is involved in putting together and filing an application?

*The specific requirements are identified in the appropriate set of administrative rules: N.J.A.C. 7:7-4.2 for Coastal permits; N.J.A.C. 7:13-2.1 for Stream Encroachment permits; N.J.A.C. 7:7A-7.6 and 7:7A-11.1 for Freshwater Wetlands permits; and N.J.A.C. 7:9A-3.5 for on-site wastewater treatment systems.*

7. How long does it take to get a permit?

*For Stream Encroachment, Septic System and Coastal Permits, within 90 days of the date the application is determined to be complete. Freshwater Wetlands Permit processing time frames are summarized by action in the attached tables and average three to six months.*

8. When is a public hearing needed?

*For all CAFRA projects or whenever there is a significant level of public interest.*

9. What is the duration of a permit?

*All permits are issued for a period of five years.*

10. What is the procedure for determining the status of pending permit applications?

*A postcard, identifying the project officer, file number and phone number is mailed to every applicant within two weeks of application receipt. All information is tracked on a computer database and can be accessed by a call to either the project officer or the Application Support Group at 609/777-0456.*

11. What is a rejection letter and why does the Department reject applications.

*A rejection is a letter produced by the Program to inform the applicant of deficiencies relating to the administrative requirements of a particular permit program. All rejection letters contain specific instructions on how to correct the administrative deficiencies. Rejection letters also contain names and phone numbers of people to be contacted in case the applicant requires further assistance.*

12. What activities are exempt from the permitting requirements?

*The Freshwater Wetlands Protection Act provides for the grand parenting of certain projects. They fall into the following categories:*

- o Projects which were issued Individual Army Corps of Engineers Section 404 Permits prior to July 1, 1988;*
- o Projects for which subdivision or preliminary site plan approval was granted by a municipality between August 1976 and July 1, 1988. For purposes of this exemption, evidence documenting the scope of the project for which the municipal approval was granted must be presented;*
- o Projects for which preliminary site or subdivision applications have been approved prior to July 1, 1989 shall not require transition areas.*

# *Scope of Activities*

STATE OF NEW JERSEY • DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY  
LAND USE REGULATION PROGRAM • MARCH 1993

## A. Coastal Area Facility Review Act (CAFRA) Permit

The purpose of CAFRA is to protect all aspects of the coastal environment (air, water, water supply, living resources, public health, safety and welfare, historic and archaeological sites, and scenic and aesthetic attributes) while accommodating developments.

A CAFRA Permit is needed to construct major residential (25 or more dwelling units), industrial, transportation, utility and energy-related facilities in the coastal area. CAFRA area extends from the Atlantic Coast to the three mile limit at sea and includes that portion of the State lying inland to a line drawn in an irregular pattern beginning from the confluence of Cheesequake Creek with Raritan By, Middlesex County, south of Cape May, and then north and west along the Delaware River to Pennsville, Salem County. Included are all riparian, tideland and wetland acreage in a 1,376 square mile land area. The CAFRA area ranges in width from a few thousand feet to 24 miles. (see attachment map)

## B. Waterfront Development Permit (Riparian) - incorporates requirements under Water Quality Certification, US Clean Water Act, and some U.S. Army Corps of Engineers authorizations.

This statute seeks to protect all coastal resources defined above for water sites but is limited to protecting commerce and navigation aspects on upland sites within the CAFRA ones.

A Waterfront Development Permit is needed for projects involving the development of waterfront near or upon any tidal or navigable waterway. Waterfront development means docks, wharfs, piers, bulkheads, bridges, pipelines, cables, and pilings, dredging or removing of sand or other materials from lands under all tidal waters, and limited upland construction within 500 feet of tide flowed waters.

## C. Wetlands Permit

This statute empowers DEPE to protect coastal wetlands from inappropriate development. Limited development has been permitted in coastal wetlands.

A Coastal Wetlands Permit is needed to excavate, dredge, fill or erect structures on coastal wetlands. Coastal wetlands extend from the head of tide at Trenton, south along Delaware Bay, up the east coast to the mouth of the Raritan River, and are identified on aerial photographs. Two types of permits are issued:

Type A permit is required for minor projects including excavation of small boat mooring slips, maintenance or repair of bridges, roads, highways, and construction of catwalks, piers, docks, landings and observation decks.

Type B permit is required for projects that dredge, fill, excavate or alter the marsh contour.

#### D. Freshwater Wetlands

This statute seeks to protect freshwater wetlands and upland areas within 150 feet of wetlands from inappropriate development.

##### Freshwater Wetlands Permit

A Freshwater Wetlands Permit is needed for virtually any activity proposed within the boundaries of freshwater wetland. Activities which are regulated include dredging, excavation or removal of soil, drainage or disturbance of the water levels, filling or discharge of any materials, driving of pilings, placing of obstructions or the destruction of plant life. The boundaries of a freshwater wetland are determined by using the "Wetland Identification and Delineation Manual" prepared by the U.S. Environmental Protection Agency.

##### Statewide General Permit

Statewide General Permit allow limited types of activities to be performed in freshwater wetlands and State Open Waters, provided specific permit conditions are met. General Permit activities include maintenance of existing structures, utility lines, minor road crossings, stormwater outfalls and filling of isolated wetlands. In general no more than one acre of freshwater wetlands or State Open Waters can be disturbed. Authorization is required from the Program before proceeding with an activity permitted under a Statewide General Permit.

##### Open Water Fill Permit

An Open Water Fill Permit is required for the deposition of dredged or fill material in any State Regulated Waters. These waters are defined as those which the U.S. Army

Corps of Engineers can suspend issuance of a 404 permit or as those non-navigable waters of the State.

### Letter of Interpretation

A Letter of Interpretation available which will verify the limit of freshwater wetland on a particular site. The Program will also delineate freshwater wetland limits and issue a Letter of Interpretation for single family home owners on properties which are smaller than one acre.

### E. Stream Encroachment Permit

The Flood Hazard Area Control Act empowers DEPE to control construction within flood hazard areas to reduce flood damage, to and from new development, and protect the flood storage and ecology of flood plains.

A Stream Encroachment Permit is required for the construction, installation or alteration of any structure or permanent fill along, in, or across the channel or flood plain of any stream. A permit also is required for any alteration of the stream itself.

### F. Alternate Design Septic Systems

The Realty Improvement Act empowers the DEPE to prevent pollution of the waters of the State by establishing standards for the proper location, design, construction, installation, alteration, and maintenance of individual subsurface sewerage disposal systems.

The mechanisms for controlling harmful affects from new development under the permit programs administered by the Land Use Regulation Program include denial of permits, site redesign prior to approval, and conditions attached to permits requiring site design revisions, monitoring, mitigation and sampling. These mechanisms affect the location, use and site design of new development. Finding on permit decisions are defined in the appropriate rules; the Rules on Coastal Zone Management, the Freshwater Wetlands Transition Area Rules, the Freshwater Wetlands Protection Act Rules, and the Flood Area Regulations.

The Program's Regulatory element may visit a site during or after construction to insure that the project is constructed within the approved area, in accordance with the approved site plan and conditions of the permit.

# ***Regulatory Fee Schedule***

STATE OF NEW JERSEY • DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY  
LAND USE REGULATION PROGRAM • MARCH 1993

All fees shall be paid by check or money order; made payable "Treasurer, State of New Jersey" and submitted to:

Land Use Regulation Program  
New Jersey Department of Environmental Protection & Energy  
CN 401, Trenton, NJ 08625

The Program issues permits through specific State laws. They are:

1. The Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et.seq.)
2. The Flood Hazard Area Control Act (N.J.S.A. 58A:16A et. seq.)
3. The Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et. seq.)
4. The Waterfront Development Law (N.J.S.A. 12:5-3 et. seq.)
5. The Freshwater Wetlands Protection Act (N.J.S.A. 13:9B et. seq)
6. The Realty Improvement Act (N.J.S.A. 58:11-23 et. seq.)

For projects requiring more than one Program permit or waiver see Section 4 entitled "Multiple Permit".

## **Section 1 - Freshwater Wetlands**

A fee is required pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) of the review of permit applications, letters of interpretation and certain exemption requests.

Each check or money order must be marked to identify the nature of the submittal for which the fee is being paid and the name of the applicant.

1. **Letter of Interpretation Fees**
  - (a) To determine if wetlands are present or absent, the fee is \$100;
  - (b) To determine if wetlands or transition areas are present or absent in a footprint of land, the fee is \$200;

- (c) For verification or delineation of a wetland boundary line for a parcel of land less than one acre, the fee is \$250;
- (d) For verification of proposed wetland boundary line on a parcel of one acre or more, the fee is \$250 plus \$35 per acre or any fraction thereof, with a total not to exceed \$50,000; and
- (e) For a request for the reissuance of a letter of interpretation, the fee is 25 percent of the original fee or \$100; whichever is larger,

(Note: NJDEPE does not delineate wetlands boundaries on properties of one acre or more, but will verify proposed lines.)

## **2. Individual Freshwater Wetlands Permit Application Fees**

For any other regulated activity the fee is \$1,000 plus \$100 per one-tenth acre, or any fraction thereof, of the freshwater wetlands to be affected by the proposed activity.

## **3. Open Water Fill Permit Application Fees**

For review of an individual Open Water Fill Permit application, the fee is \$1,000 plus \$100 per one-tenth acre, or any fraction thereof, of State open water affected by the proposed discharge of dredge or fill material.

## **4. Statewide General Permit Fees**

- (a) For review of proposed activity covered by a General Permit application, the fee is \$250;
- (b) If a proposed project requires more than one type of general permit authorization, the fee shall be \$250 for the first general permit and \$100 for each additional general permit;
- (c) There is no fee for General Permit #25 (repair or alteration of malfunctioning individual subsurface sewage disposal systems)

## **5. Exemption Letter Request Fees**

For the review and processing of a request for an exemption letter certifying that a project is exempt from freshwater wetlands or open water fill permit requirements, or from transition area requirements, the fee is \$100

## 6. Transition Area Waiver Fees

Fee for the review and processing of a transition area waiver application:

- (a) Projects with a completed Letter of Interpretation, either delineating or confirming the wetlands boundary.
  - 1. For a property or right-of-way of one acre or less the fee is \$100;
  - 2. For a property or right-of-way over one acre the fee is \$250 plus \$20 per acre, or any fraction thereof, of the standard transition area proposed to be modified; and
  - 3. For review of application for more than one type of Transition Area Waiver fee shall be \$250 plus \$20 per acre, or any fraction thereof, of the standard transition area proposed to be modified, plus \$100 for each additional special activity waiver
- (b) Projects with a Letter of Interpretation identifying only the presence or absence of wetlands, State open waters and/or transition areas: the acreage figures are based on the size of the project site.
  - 1. For a property or right-of-way of one acre or less the, fee is \$350.
  - 2. For a property or right-of-way over one acre, the fee is \$450 plus \$40 per acre, or any fraction thereof, of the total property.
- (c) Projects without a Letter of Interpretation. The acreage figures are based on the size of the project site.
  - 1. For a property or right-of-way of one acre or less the fee is \$350;
  - 2. For a property or right-of-way over acre the fee is \$450 plus \$40 per acre, or any fraction thereof, of the total property; and
  - 3. For the review of application for more than one type of Transition Area Waiver, the fee shall be \$450 plus \$40 per acre, or any fraction thereof, of the total property plus \$100 for each additional special activity waiver
- (d) Special Activity Waivers for activities covered by Statewide general permits.

1. For the review of a Special Activity Waiver pursuant to N.J.A.C. 7:7A-7.4(e) the fee is \$250;
2. For the review of more than one Special Activity Waiver, the fee is \$250 for the first Special Activity Waiver and \$100 for each additional Special Activity Waiver.

#### **7. Permit Modification**

- (a) Except for minor modifications pursuant to N.J.A.C. 7:7A-13.9 for which no fee is required, the fee is 25 percent of the original permit fee.

#### **8. Inspection**

If more than one inspection by the Department is necessary because of any act or omission of the applicant, the Department may assess an additional fee for each additional visit in an amount not to exceed \$1,000. No application for a letter of interpretation, approval, certificate or permit shall be reviewed or considered until this fee has been paid.

### **Section 2 - Stream Encroachment**

The Land Use Regulation Program charges fees as established in N.J.S.C. 7:1C-1.5 for the review of permit applications according to the following schedule:

#### **1. Minor Stream Encroachment**

- (a) For headwalls, utility crossings, stream cleaning, pond dredging the fee is \$300 for each project element and includes projects within the New Jersey Flood Hazard Area that do not require the establishment of an encroachment line and all property outside the floodway, or those projects requiring the establishment of an encroachment line along a State Adopted Delineated Floodway.
- (b) For Projects of Special Concern, in addition to the fee above, the fee is \$200 including any minor stream encroachment that would constitute a Project of Special Concern. The project should be designed for the safe passage of the 100-year flood in accordance with N.J.A.C. 7:13.
- (c) There is no fee for a minor project with local approval. This includes a project with a drainage area less than 320 acres and approved by the appropriate

municipal and/or county engineer. The project should be designed for the safe passage of the 100-year flood in accordance with N.J.A.C. 7:13.

## 2. Major Stream Encroachment

- (a) For each project element including a retaining wall, bridge, culvert, channel improvement, channel relocation and other projects in or along the channel, or portion of the channel thereof, up to 1,000 feet, the fee is \$2,000. The fee includes channel work for alignment purposes only 300 feet upstream and downstream of a bridge or culvert. The fee for each succeeding thousand feet segment or part thereof is \$2,000
- (b) For major project that consists of individual driveway culverts and fill associated for one single family residence, the fee is \$1,000 for the culvert and \$400 for the fill.

No additional fee shall be charged for projects involving fill associated with bridges or culverts.

- (c) For structures and subdivisions - for each project or portion thereof up to 1,000 feet outside the channel within 100-year flood plain and requiring the establishment of an encroachment line, the fee is \$2,000 for each 1,000 feet of activity part thereof. The fee for each succeeding 1,000 feet or portion thereof is \$2000
- (d) For fill or structures requiring review for compliance with 20 percent "net fill" limitation specified in N.J.A.C. 7:13-4.7(d), the fee is \$2,000  
(Exception to the 20 percent fill review fee: The fee for all bridges and culverts with a perpendicular crossing of the stream, and a single lot subdivision for construction of a single family dwelling shall be waived)
- (e) For developments involving more than one acre in the flood plain for commercial use and subdivisions of more than 10 acres for residential use, the fee is \$2,000
- (f) For detention basin projects requiring review of storm water detention basin(s) for compliance with Stormwater Management Regulations N.J.A.C. 7:8, the fee is \$2,000 per basin.
- (g) There is no fee for a major project with local approval. This includes a project with a drainage area less than 150 acres and approved by the appropriate

municipal and/or county engineer. The project should be designed for the safe passage of the 100 year flood in accordance with N.J.A.C. 7:13.

### 3. Modifications

- (a) The fee for a request of a major modification of an approved project shall be the greater of
  - 1. One-half of the total permit fee attributable to that portion of the approved project to be modified; or
  - 2. One-quarter of the total permit fee attributable to the entire approved project
- (b) The fee for a minor modification shall be \$75

<b>Section 3 - Coastal Projects</b>
-------------------------------------

The Land Use Regulation Program charges fees as established in N.J.A.C. 7:1C-1.5 for the review of permit applications according to the following schedule:

#### 1. Waterfront Development

- (a) Waterfront Development Permits waterward of the mean high water line the fee shall be:
  - (1.) The permit fee for residential site improvements for a single private residential unit or duplex, including without limitation: shore structures, piers and docks, walkways and activities associated with a single private residential unit or duplex shall be \$250 plus one-half of one percent of the construction cost above \$10,000
  - (2.) The permit fee for all other activities requiring a waterfront development permit shall be based on the following schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$1,450 + 1/2 of one percent of construction costs
\$50,001 to \$100,000	\$1,700 + one percent of construct cost above \$50,000
\$100,001 to \$200,000	\$2,200 + 1 1/4 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$3,450 + 1 1/2 percent of construction cost above \$200,000
greater than \$350,000	\$5,700 + one percent of construction costs above \$350,000

- (b) For Waterfront Development Permits with work taking place landward of the mean high water line and do not qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:2.1, the fees are:
  - 1. Residential Facilities ...\$500 for the first dwelling unit; \$125 for each additional dwelling unit
  - 2. Non-residential facilities...\$700 plus one half of one percent of the construction costs, up to a maximum of \$4,000
- (c) The fee for Waterfront Development Permits with work taking place landward of the mean high water line and qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:2.1 shall follow the CAFRA fee schedule as noted in item 3 below of this Section.
- (d) For Waterfront Development Permits for any work requiring a general permit or consisting solely of capital repairs or reconstruction with all work taking place landward of the mean high water line or the identical structural replacement of piles or other supports in the same location, the fee is \$250

## 2. Wetlands

- (a) For a Wetlands Type "A" Permit the fee is one percent of the construction cost or a minimum of \$250 for residential dock construction associated with a single family or duplex dwelling unit and \$500 for all other regulated activities
- (b) For a Wetlands Type "B" Permit the fee is one percent of the construction cost or a minimum of \$250 for residential dock construction associated with a single family or duplex dwelling unit and \$500 for all other regulated activities

## 3. CAFRA

- (a) For a CAFRA Permit for a Residential Facility the fee is \$3000 plus
  - 1. \$50 per dwelling unit for the first 300 units,
  - 2. \$40 per dwelling unit for units 301 to 600; and
  - 3. \$30 per dwelling unit for all units in excess of 600.
- (b) For a CAFRA Permit for a Non-residential Facility the fee is \$3,500 plus \$500 per acre included in the site plan.

- (c) The fee for mixed Residential and Non-residential Facilities shall be \$3,500 plus \$500.00 per Non-Residential acre included in the site plan plus a per unit fee calculated in accordance with (a) above. If the mixed-used facility has no separate and distinct district/building designated for Non-residential use(s), then the Non-residential acreage shall be the acreage of the entire site.

#### 4. Additional Fees

Additional fees to engage essential expertise may be necessary for the processing and review of large-scale and complex projects. The applicant will be consulted before imposition of such fees. Where a public hearing is conducted, the cost of the hearing shall be borne by the applicant.

(Note: The term "construction cost" as defined at N.J.A.C. 7:1C-1.2 is the projected cost, not including financing or insurance charges, of that portion of a project which is subject to review for a construction permit.)

#### 5. Modifications

##### Modification

- (a) The fee for a request of a major modification of an approved project shall be the greater of
1. One-half of the total permit fee attributable to that portion of the approved project to be modified; or
  2. One-quarter of the total permit fee attributable to the entire approved project
- (b) The fee for a request of a minor modification to:
1. A CAFRA project or a waterfront development project qualifying as a CAFRA Facility based on size and use as defined in N.J.A.C. 7:7-2.1, the fee shall be \$200
  2. All waterfronts not qualifying as a CAFRA based on size and use, or all coastal wetlands permit, the fee shall be \$75

## Section 4 - Treatment Works Approvals

Fees for Treatment Works Approvals Applications are based on a percentage of the construction costs of the portion of the project that is to be covered by the Treatment Works Approval; however, the percentage to be used in computing the fee is linked to the Department's operating cost for implementing the Program.

All applicants shall pay one of the following fees based upon the construction cost of their project.

**Category 1:** Projects with a construction cost exceeding \$1,000,000  
Fee =  $4P(\$250,000) + 2P(\$750,000) + P(C.C. - \$1,000,000)$

**Category 2:** Projects with a construction cost exceeding \$250,000 but less than or equal to \$1,000,000  
Fee =  $4P(\$250,000) + 2P(C.C. - \$250,000)$

**Category 3:** Projects with a construction cost less than or equal to \$250,000  
Fee =  $4P(C.C.)$

For all three categories P has been calculated to be equal to .0021, and C.C. is the construction cost of the portion of the project covered by the Treatment Works Approval.

Please note that the minimum fee for a Treatment Works Approval is \$150.00 and the minimum fee for Treatment Works Approval modifications is \$100.00. All extension of time requests must be accompanied by a \$50.00 fee.

## Section 5 - Multiple Permits

1. For projects under the jurisdiction of the Freshwater Wetlands Protection Act that require both Statewide General Permit(s) and Transition Area Waiver(s), a fee will be required for both actions. For projects requiring an Individual Permit and a Transition Area Waiver, only the highest of the required fees will be charged.
  
2. For projects which require more than one of the following permits: CAFRA permits; Waterfront Development permits; Coastal Wetlands permits; Stream Encroachment permits; or Freshwater Wetlands permits (including Individual permits, General permits, and Transition Area Waivers) issued under N.J.A.C. 7:7A. The permit fee

for all the project is equal to the sum of the following if the permit applications are submitted and processed simultaneously:

- (a) The single highest fee for the above permits required for the project; and
  - (b) Seventy-five percent of the sum of the permit fees for all other permits required for the project.
3. If an applicant requests a Letter of Interpretation, separate from a Freshwater Wetlands permit or waiver, a fee based on the guidelines found in the Freshwater Wetlands Protection Act Rules will be required. If however, the Review Officer verifies a wetlands boundary in the context of a Coastal permit or a Stream Encroachment permit and an official Letter of Interpretation is not requested by the applicant, a fee will not be required.
  4. There are two fee schedules for transition area waivers, one for projects with a completed Letter of Interpretation (LOI) and a second, higher schedule for projects without a completed LOI. For projects requiring a transition area waiver in the context of a Coastal permit or a Stream Encroachment permit, the applicant will be assessed the fee for a transition area waiver with a completed LOI.
  5. Applications for Freshwater Wetlands permit require an FW-1 application form. Coastal and Stream Encroachment permits require a CP-1 application form. A project requiring permits from both Freshwater Wetlands and Coastal and/or Stream Encroachment will require both FW-1 and CP-1 application forms. Only one original CP-1 is required for any combination of Coastal and Stream Encroachment permits. However, the appropriate number of copies of this form will be required according to each program's requirements.

# Key Contacts

STATE OF NEW JERSEY • DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY  
LAND USE REGULATION PROGRAM • MARCH 1993

<b>Administrator, Land Use Regulation:</b> Robert Tudor	984-3444
<b>Wetlands Planning (Intradept. Coordination):</b> Ernest Hahn	633-6755
<b>Inland Regions (501 E. State St., Floor 1):</b> Robert Piel	633-6563
<b>Inland Region Telefax Number</b>	292-1231
<b>Receptionist</b>	292-1235
<b>Highlands Region:</b> Larry Baier - Morris	633-9277
<b>Raritan Region:</b> Richard Kantor - Somerset, Middlesex	633-6754
<b>Hudson Region:</b> Bill Neyenhouse - Eastern Bergen, Hudson, Essex, Union	633-6449
<b>Highlands Region:</b> Eugene McColligan - Western Bergen, Passaic, Sussex	984-1903
<b>Central Region:</b> Rick Brown - Mercer, Hunterdon, Warren	777-0454
<b>Engineering Support (Northeast):</b> Rick Reilly	984-0194
<b>Engineering Support (Central):</b> Steve Jacobus	633-9260
<b>Coastal Regions (501 E. State St., Floor 2):</b> Ruth Ehinger	633-2289
<b>Coastal Region Telefax Number</b>	292-8115
<b>Receptionist</b>	292-0060
<b>Monmouth Region:</b> Kurt Kalb - Monmouth	984-0184
<b>Ocean Region:</b> Mark Mauriello - Ocean	292-8262
<b>Cape/Atlantic Region:</b> Karl Braun - E. Burl., Atlantic & Cape May	984-0288
<b>Central Delaware Region:</b> Andrew Heyl - W. Burl., Camden	984-0042
<b>Southern Delaware Region:</b> Kevin Broderick - Gloucester, Salem, Cumber.	984-0266
<b>Engineering Support (South):</b> Mohammed Husain	984-0162
<b>Subsurface Disposal Unit (501 E. State St., Floor 2):</b> Joseph Reitzes	984-1909
<b>Applicability Determination Unit (501 E. State St., Floor 2):</b> Joseph Trischetti	984-1909
<b>Application Support (501 E. State St., Floor 1):</b> Mark Fedorowycz (Pre-review, Mail Processing, Database Management)	777-0456
<b>Information Systems (501 E. State St., Floor 1):</b> John Boyle	292-9761

# *Application Review Procedures and Permitting Procedures*

STATE OF NEW JERSEY • DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY  
LAND USE REGULATION PROGRAM • MARCH 1993

- o Pre-application Meeting
  - o Applicant, Consultant, NJDEPE, etc.
  - o Submission requirements and review procedures discussed
- o Submission of Permit Application Package
- o Administrative Review to determine completeness
- o Technical environmental review
- o Public hearing or fact-finding meeting (if appropriate)
- o Response to comments
- o Final decision document

# LAND USE REGULATION PROGRAM GENERIC PERMIT REVIEW PROCESS

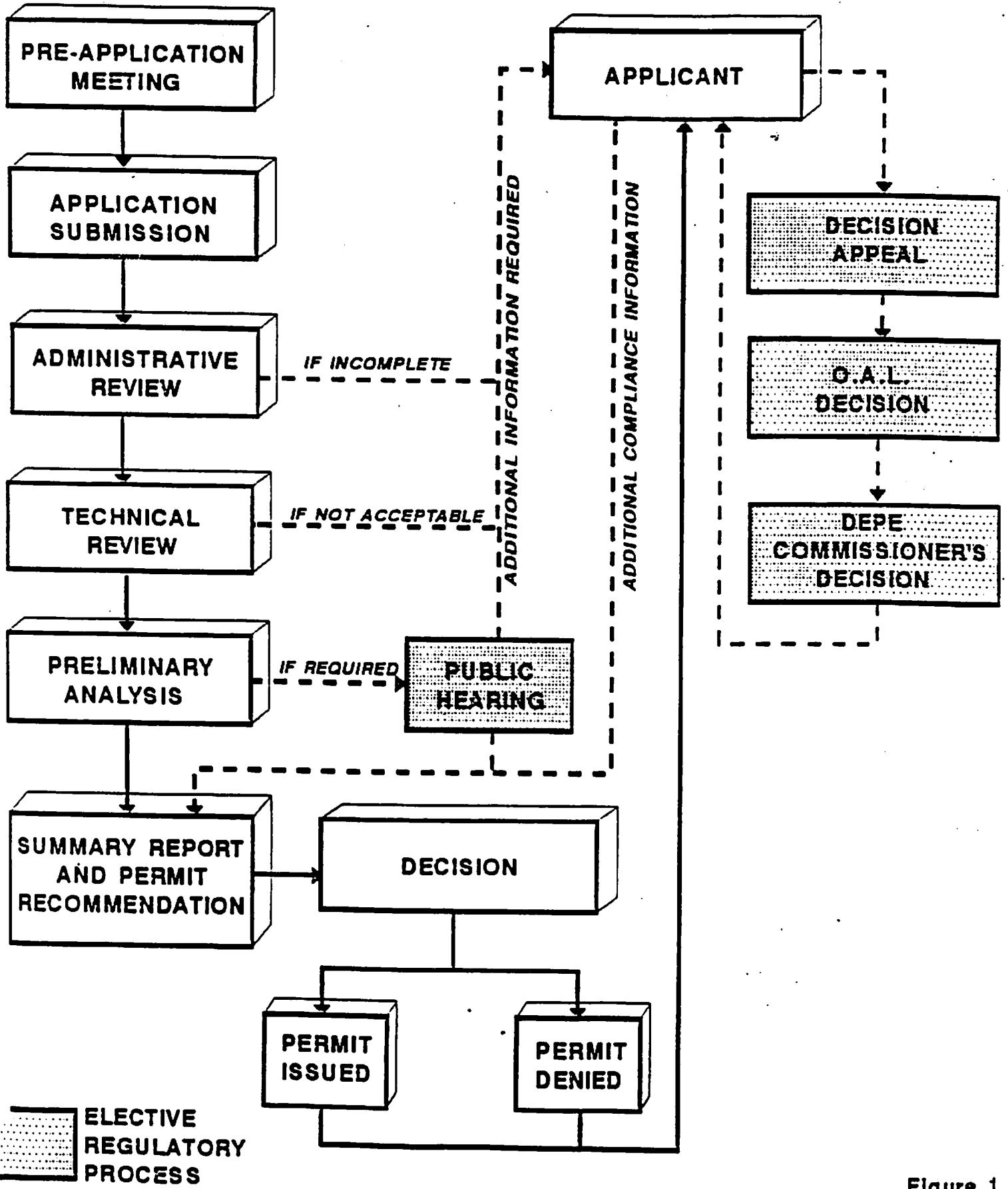












Figure 1

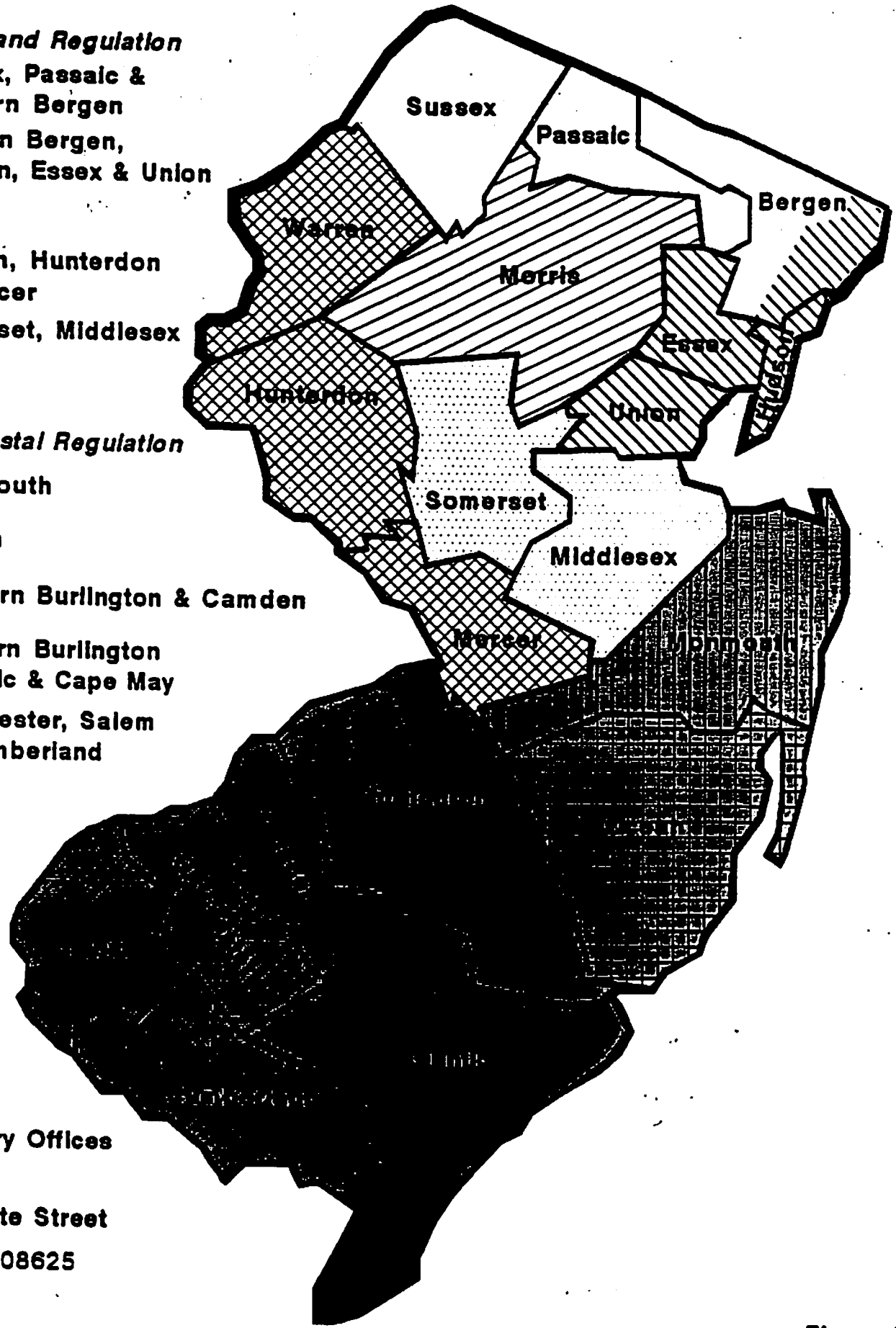
# LAND USE REGULATION PROGRAM REGULATORY REGIONS

**Bureau of Inland Regulation**

-  Sussex, Passaic & Western Bergen
-  Eastern Bergen, Hudson, Essex & Union
-  Morris
-  Warren, Hunterdon & Mercer
-  Somerset, Middlesex

**Bureau of Coastal Regulation**




-  Monmouth
-  Ocean
-  Western Burlington & Camden
-  Eastern Burlington Atlantic & Cape May
-  Gloucester, Salem & Cumberland



**Address:**  
 All Regulatory Offices  
 CN 401  
 501 East State Street  
 Trenton, NJ 08625

**Figure 2**

# LAND USE REGULATION PROGRAM ENGINEERING SUPPORT REGIONS

-  Northeast Engineering Support Region
-  Central Engineering Support Region
-  Southern Engineering Support Region

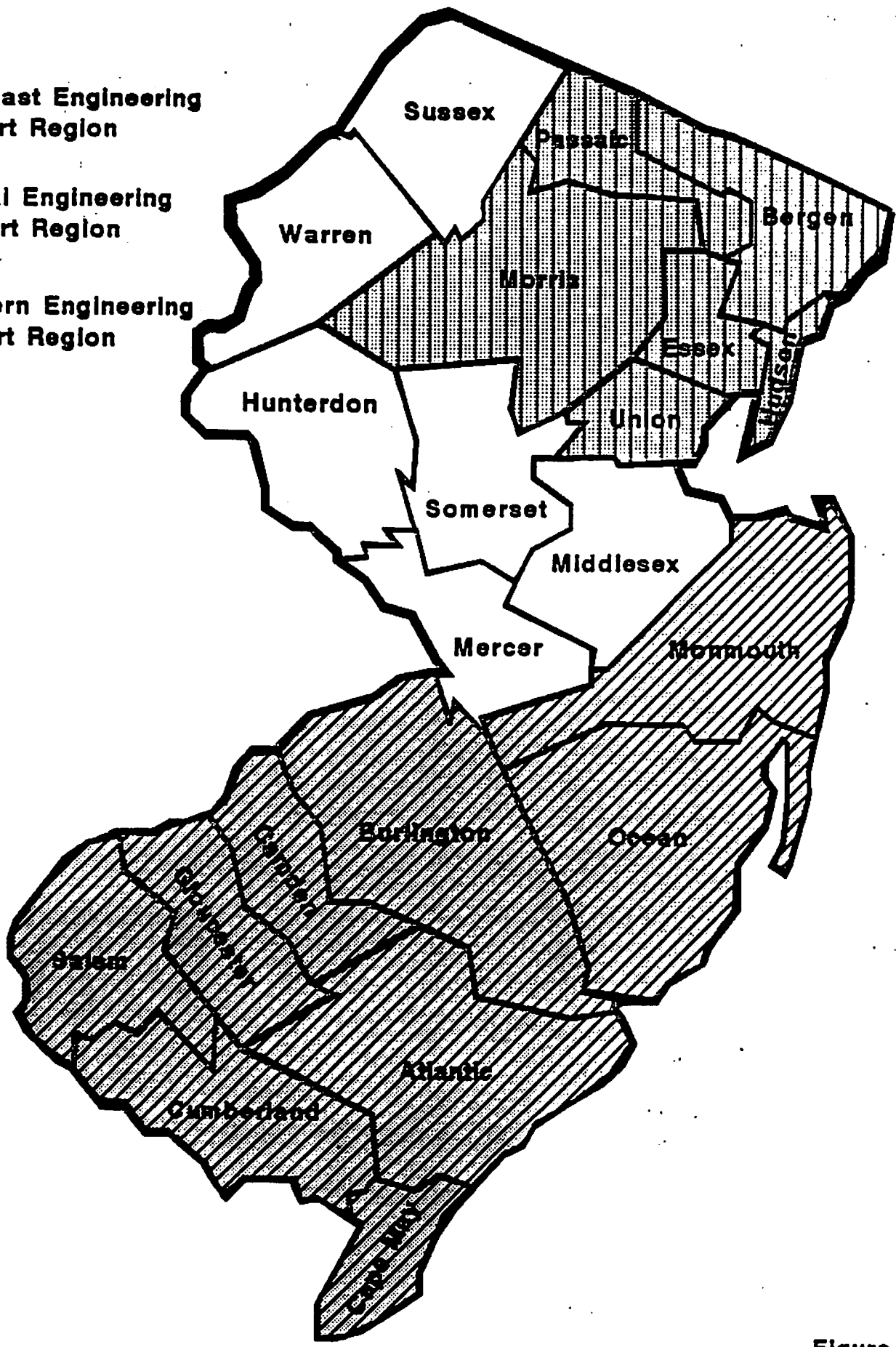


Figure 3

# Land Use Regulation Program Application Activity 1988 - 1992

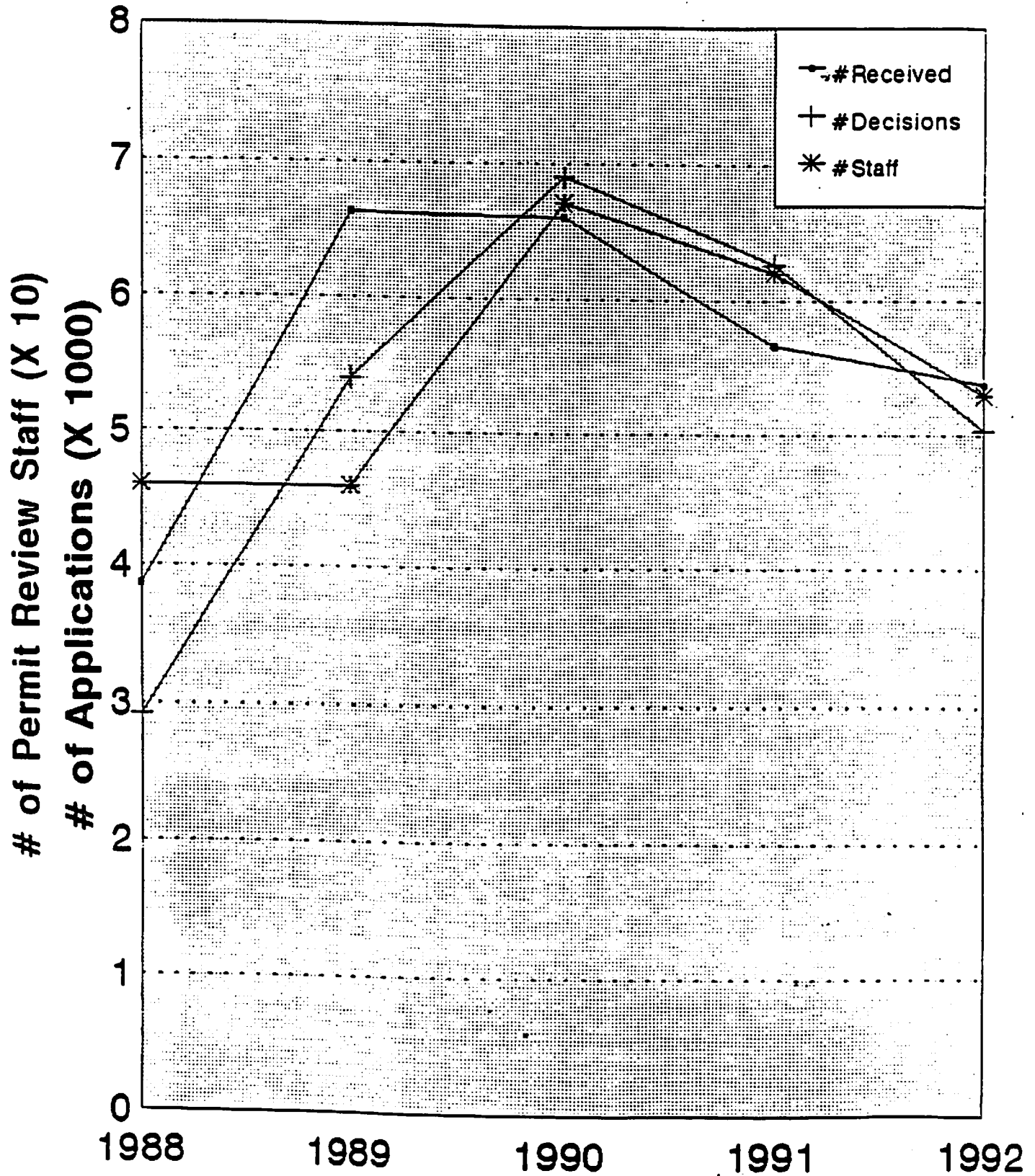


Figure 4

# Land Use Regulation Program Permit Application Productivity

Permit Program - # of Decisions Issued	1988	1989	1990	1991	1992
Freshwater Wetlands Exemptions	239	664	506	341	151
Freshwater Wetlands General Permits	42	417	834	1136	950
Freshwater Wetlands Individual Permits	1	14	67	58	50
Freshwater Wetlands Letter of Interpretation	245	1667	2619	1972	1249
Freshwater Wetlands Transition Area Waivers	0	25	334	459	413
Waterfront Development Permits	929	1359	1185	704	579
Waterfront Development General Permits	No Data	No Data	219	211	210
Waterfront Development Modifications	No Data	43	45	49	62
CAFRA Permits	93	84	72	56	49
CAFRA Modifications	No Data	No Data	14	20	17
Federal Consistency Determinations	No Data	No Data	16	25	19
<b>Subtotal of Decisions Issued</b>	<b>1549</b>	<b>4273</b>	<b>5920</b>	<b>5031</b>	<b>3749</b>
Stream Encroachment Permits (SE)	1372	1126	977	843	839
Stream Encroachment Modifications	No Data	No Data	1	36	42
Stream Encroachment Waivers	No Data	No Data	2	350	408
<b>Total # Decisions Issued by PE (SE Permits Only)</b>	<b>1372</b>	<b>1126</b>	<b>980</b>	<b>1229</b>	<b>1289</b>
<b>Total # Decisions Issued by Project Managers (PM)</b>	<b>2921</b>	<b>5399</b>	<b>6900</b>	<b>6260</b>	<b>5038</b>
Project Engineers (PE) Stream Encroachment	9	9	13	12	10
Project Managers (PM) Environmental Specialists	37	37	54	50	43
Total Review Staff (PM + PE)	46	46	67	62	53
<b>Project Engineer Productivity (# of Decisions/PE)</b>	<b>152</b>	<b>125</b>	<b>75</b>	<b>102</b>	<b>129</b>
<b>Project Manager Productivity (# of Decisions/PM)</b>	<b>79</b>	<b>146</b>	<b>128</b>	<b>125</b>	<b>117</b>

Figure 5

ANALYSIS OF CHANGES IN THE MODEL PIERS AND DOCKS ORDINANCE

The Piers and Docks Model Ordinance was originally drafted in 1974 and adopted in identical form by all four Lake Hopatcong municipalities. During the first eight years of operation of the ordinance it became apparent that certain minor changes were necessary to 1) provide greater flexibility of administration to local municipalities; 2) to close certain loopholes overlooked in the initial version; and 3) to clarify ambiguous language. The new proposal is attached as Exhibit A and the original ordinance is seen as Exhibit B.

This document presents a discussion of the changes in the two drafts and the reasons for each change. Please note that the ordinance must be incorporated into the local municipal zoning ordinance. The terms of the new proposal have been approved by the New Jersey Department of Environmental Protection. It is requested that the municipalities adopt the new ordinance without modification (except as necessary to conform to the numbering system and format of the zoning ordinance). The Lake Hopatcong Regional Planning Board will consider municipal recommendations for further changes at any future time. However we must respectfully request, that the model ordinance be adopted without substantial modification.

The changes made are as follows:

1) SECTION A

ADDITION OF PURPOSE CLAUSE

The purpose clause has been adopted from the existing Hopatcong ordinance. The purpose of this change is to provide guidance to both reviewing officials, reviewing boards and potentially reviewing judges as to the intent of the drafts of the ordinance.

2) SECTION B

DEFINITIONS

The following changes have been made:

A) CRIB - new definition. This did not appear in the original version and was an oversight. Since regulations are later provided regulating crib structures, a definition was necessitated.

B) IRREGULARLY SHAPED PIERS AND DOCKS - new definition. This definition change is mandated by the addition of provisions in section D 1.b. to now provide for irregularly shaped structures. The original ordinance provided solely for docks running perpendicular to the shore. This provision is to provide greater flexibility to both the property owner and the municipality.

C) HIGH WATER - new definition. The ordinance references the high water level of the lake. This definition adopts the point to which the state owns the right to flood the adjacent shoreline under the original deeds establishing the lake.

D) BOATHOUSE - modified definition. The change here clarifies the definition of boathouse so that it includes attached structures and overhangs. Under the old ordinance various proposals attempted to avoid the area regulations by narrowly defining boathouse to include only the actual in lake mooring structure.

E) BULKHEAD LINE - modified definition. The second sentence of this definition is added to eliminate potential filling in or modification of the shoreline. Various applicants interpreted the former definition to allow filling in of certain areas of the lake. This new definition makes it clear that in filling is prohibited. The LHRPB has aerial photographs of the lake available to assist you in establishing the bulkhead line on questionable applications.

F) DOCK - modified definition. The original definition restricted a dock to a structure used to moor boats. The applicant's characterized structures as "bridges" or "swimming facilities" to avoid the ordinance. This broader definition should eliminate the ambiguity.

G) MAINWALK - modified definition. The word "shoreline" has been changed to "bulkhead line" to be consistent with terminology in the ordinance.

H) PIERHEAD LINE - modified definition. The former definition was ambiguous and unenforceable. Under the old definition, although all docks in an area were 15 feet in length, a new dock could extend 50 feet. The modified definition requires conformity to the existing lengths of docks but in all cases prohibits docks in excess of fifty feet.

I) AREA - new definition. It should be noted that all other definitions except "area" and "repair" can be inserted into the definitional section of the zoning ordinance. These two definitions however should be inserted into only the section of the zoning ordinance dealing with piers and docks. The new definition of area is necessary so as to again provide clear guidance to reviewing officials as to how to calculate compliance with the size requirements.

J) REPAIR - new definition. (see "area" above). The ordinance exempt from the need for a permit repairs to existing docks. In the past various persons have escaped compliance by claiming they were repairing a structure removed many years previously. The five year maximum period was chosen to parallel the current drawdown schedule.

### 3) SECTION C

#### GENERAL REQUIREMENTS

This section modifies the general requirements section of the original ordinance. It should be noted that in adopting the original ordinance some communities adopted two "general" section one dealing with general requirements and the other dealing with technical requirements. The new draft combines both sections into a streamlined version.

The following changes have been made:

A) SECTION C.1 is modified to provide for notification to the Construction Official when repairs are undertaken. Repairs continue not to require a permit.

B) SECTION C.2 imposes a clear prohibition on the deposit of any fill into the lake.

C) SECTION C.3 streamlines the site plan review process for marinas. It imposes however a requirement to refer all marina applications to the LHRPB.

D) SECTION C.4 clarifies the roles of the LHRPB and the State of New Jersey in reviewing applications for permits. It makes clear that despite NJDEP approval a municipality is free to deny an application.

E) SECTION C.8 provides more realistic figures for the height of docks above the high water line. Compliance with this provision should eliminate dock washouts and navigational hazards.

F) SECTION C.9 expands the permissible maximum width of docks from five feet to ten feet. A municipal zoning board may grant variances beyond this amount. In cases where a variance of width is permitted the maximum distance to neighboring property is increased from ten feet to fourteen feet.

G) SECTION C.10 again reasserts the general prohibition against filling in the lake. Any application which could decrease flow should be referred to the LHRPB for review.

H) SECTION C.12 clarifies the right of the municipality to initiate repairs and impose a lien on the property for any actions undetectable to correct hazardous conditions.

#### 4) SECTION D

This section applies only to private piers and docks in major modification are as follows:

A) SECTION D.1.a allows for multiple docks on lots with greater than 100 feet frontage. This provision again provides increased flexibility to the property owner.

B) SECTION D.1.b accomplishes the following items:

1. a new 750 foot maximum size is imposed
2. irregularly shaped piers and docks are expressly authorized

C) SECTION D.1.c provides an alternative to the ten foot sideline requirement. In cases of extremely narrow lots, dock length is now limited to the width of the lot.

D) SECTION D.1.e now provides for regulations of minimum distance of multiple docks on one lot.

5) SECTION E

DEVELOPMENTAL CONTROLS ON BOATHOUSES

This section combines and incorporates all the existing provisions. The sole changes are as follows:

- A) A maximum square footage is now provided (500 square feet).
- B) A maximum height limit is provided (16 feet).
- C) A maximum width (30 feet) is provided.

The LHRPB reaffirms its position that living quarters should not be permitted in boathouse facilities.

6) SECTION F

DEVELOPMENTAL CONTROLS ON MARINAS

The existing provisions have been retained except:

- A) The minimum size of a mainwalk has been reduced from eight feet to six feet to provide greater flexibility.
- B) A maximum width of catwalks has been included (four feet).
- C) The distance requirement between mainwalks has been clarified as to allow ease of review.

## FINAL DRAFT - PIERS AND DOCKS ORDINANCE

## LAKE HOPATCONG REGIONAL PLANNING BOARD

1. PIERS, BOATHOUSES AND MARINAS.

**A. PURPOSE:** The purpose of these provisions is to provide for the reasonable control over the development of piers, boathouses and marinas so that the interest of the individual waterfront property owner is balanced with those of the state, community and general public and to ensure that the boundaries, area, water capacity and water flowage of the waterbodies of the Lake Hopatcong Water Basin are preserved. Further this ordinance will seek to ensure reasonable safe and unobstructed movement of water traffic as well as the most appropriate use of water resources and to ensure safety and to promote the general welfare.

**B. DEFINITIONS:** For the purpose of this section, certain terms are herewith defined and shall be construed as follows:

**AREA:** The projected area on the lake surface of any pier, dock or boathouse. This is the total projected area which includes but is not limited to overhangs, eaves, decks and balconies.

**BOATHOUSE:** Any enclosed structure over the waters of Lake Hopatcong used for the sole purpose of storing or mooring boars and/or boating equipment; any attached structure or extension to a boathouse including overhangs and footings shall be considered part of the boathouse and be subjected to all regulations herein.

**BULKHEAD LINE:** The permanent lake shoreline formed by the high water mark of 10.30 feet measured at the staff guage at the Lake Hopatcong dam (1.3 feet above the spillway) or the shoreline as established by the New Jersey Department of Environmental Protection (NJDEP). In no case shall this shoreline extend into the lake beyond that defined as of the effective date of this ordinance.

**CATWALK:** Any structure extending transversely from a main walk.

**CRIB:** Solid or semi-solid structure placed in the lake upon which a pier or dock is supported.

**DOCK:** Any structure extending lakeward of the bulkhead line.

**IRREGULARLY SHAPED PIERS AND DOCKS:** Any pier, dock or combination of piers and docks which deviates from the pattern of one main walk extending perpendicular into the lake from the bulkhead line. This configuration includes but is not limited to "L", "U" and "T" shaped patterns.

**HIGH WATER:** The height of water in the lake formed by the high water mark of 10.3 feet measured at the staff guage at the Lake Hopatcong dam (1.3 feet above the spillway).

**MAIN WALK:** Any structure extending lakeward of the bulkhead line which provides access to catwalks.

**MARINA:** Any public, semi-public or private facility capable of berthing or mooring five (5) or more boats.

**PIER:** A structure to moor boats to a dock or to which a deck, dock or other structure may be affixed.

**PIERHEAD LINE:** A line running parallel to the bulkhead line which connects the furthestmost lake point of any pier, marina or dock and in no case extending more than fifty (50) feet from said bulkhead line, beyond which no dock, pier, or marina or other structure permanent or

temporary, floating or affixed to shore or lake bottom, may be located. Where present piers, marinas or docks extend beyond the fifty (50) feet from said bulkhead line, the pierhead line is fifty (50) feet.

**REPAIR:** For the purpose of the regulations concerning piers, docks, marinas and boathouses, repair shall mean the maintenance or replacement of damaged, deteriorated, delapidated or destroyed components. Repairs shall not include any expansion of area of the pier, dock, marina or boathouse, any modification to the structure which would result in an increase in the volume of water displaced or any replacement of a structure destroyed by five (5) years or more from date of repair.

**WATERFRONT LOT:** Any lot adjoining a waterway.

**C. GENERAL REQUIREMENTS:** The following requirements are applicable to all piers, boathouses and marinas:

1. No dock, pier, boathouse or marina shall be constructed, enlarged or extended unless and until the owner secures a building permit from the Construction Official as provided under the Building Code. Normal maintenance and repair shall not require a building permit although the Construction Official shall be notified of any and all repairs.
2. No extension of the bulkhead line or the deposit of any fill material into the lake is permitted.
3. Site Plan approval shall be required from the Municipal Planning Board for the construction of a marina. The Planning Board shall review and approve a site plan showing, among other things, water and land traffic circulation, parking, moorings, landscaping, signs, sanitary facilities, and such other data as may be required to permit a competent and thorough review. Compliance with the Planning Board conditions of approval shall be made a condition for the issuance of a certificate of occupancy. The Municipal Planning Board shall refer all applications for marina development to the Lake Hopatcong Regional Planning Board for review and comment.
4. All applications which require the approval of the NJDEP must be approved before local approval is given. Further, all such applications shall be forwarded by the applicant to the Lake Hopatcong Regional Planning Board and the Lake Hopatcong office of the New Jersey Marine Police for review and comments. If the municipality has received no comments within ninety (90) days from the date of mailing, the comments are deemed to be favorable. The timetable for municipal approval under the Municipal Land Use Act (Chapter 291, Laws of New Jersey 1975) shall not begin until approval by NJDEP or the expiration of the ninety (90) day comment period.

In no case does approval by NJDEP aggregate the right of the municipality to deny an application.

5. No pier, dock or marina shall extend into any waterway beyond the pierhead line or more than fifteen (15) percent of the width of the waterway measured on a line perpendicular to the closest opposite shore, whichever is less. In no event shall any pier, dock or marina extend into any dredged channel or waterway.
6. For the purpose of determining the exterior limits of piers, docks and mainwalks, any structure (including pilings driven independently of another structure) used for the moorings of boats shall be considered to be part of the pier itself.

7. Nothing in this section shall be construed to waive the jurisdiction of the Zoning Board of Adjustment, where applicable; and additionally any pier, dock, boathouse or marina proposed to be extended beyond the pierhead line or beyond the fifteen (15) percent of the width of the waterway or any extension of the bulkhead line, shall also be approved by NJDEP.

8. The tops of all docks, walks and piers must be a minimum of three (3) inches and a maximum of twelve (12) inches above the high water level. This section does not apply to floating docks.

9. The maximum width of any pier or dock shall generally be no more than ten (10) feet. In all cases where the ten (10) foot width is exceeded, no dock, or pier shall be located within fourteen (14) of any sideline.

10. The design of any structure must provide for the free flow of water. No solid structure shall be permitted which lowers or adversely affects the capacity of the lake or the water flow except upon approval from the NJDEP. All such applications shall concurrently be submitted to the Lake Hopatcong Regional Planning Board for review and comment.

11. Crib structures may be allowed provided that their length does not exceed the width of the dock or pier. Crib structures shall not exceed one-half ( $\frac{1}{2}$ ) of the span between adjacent piling bents.

12. It shall be the responsibility of the owner of a pier, boathouse or marina to maintain said facility in good condition, free of litter and refuse. If said facility is in danger of becoming a hazard to residents, visitors, swimmers, or boats, or could adversely affect navigation by reason of structural members extending or floating into waterways, then the Construction Official shall notify and require the owner to undertake repairs. Upon failure of said owner to initiate said repairs within thirty (30) days, the Construction Official shall take any and all necessary steps to ensure the removal of said structure. All reasonable costs incurred by the municipality under this section constitute a lien upon the property.

#### D. DEVELOPMENT CONTROLS FOR PRIVATE PIERS AND DOCKS:

1. No piers or docks shall be constructed, enlarged or extended and no building permit shall be issued therefore except in compliance with the following:

a. Private piers and docks shall be permitted on waterfront lots in all zones, but there shall be not more than one (1) dock, pier or mainwalk for each lot or for each one hundred (100) feet of Lake frontage.

b. No combination of docks and boathouses shall occupy more than fifteen (15) percent of the water lot area within the pierhead line or more than seven hundred and fifty (750) square feet, whichever is less. Irregularly shaped piers and docks may be permitted but in no case may the total width measured at its widest point and measured parallel to the bulkhead line exceed thirty (30) feet.

c. No pier or dock shall be located within ten (10) feet of a side property line; the length of said pier or dock shall not exceed the width of the lot at the bulkhead line; and in no event shall a pier or dock extend beyond the pierhead line.

d. No dock, pier or mainwalk shall have a width of less than four (4) feet, exclusive of pilings or other structural members. Nor shall any pier or dock provide permanent mooring facilities for

more than four (4) boats.

- e. The distance between piers of separate docks shall be a minimum of twenty (20) feet, and twenty-four (24) feet from separate boathouses.
2. In those cases where docks and piers are covered, the requirements shall be the same as those required for boathouses.

#### E. DEVELOPMENT CONTROL FOR BOATHOUSES:

1. No boathouse shall be constructed, enlarged or extended and no building permit shall be issued therefore except in compliance with the following requirements:
  - a. Boathouses shall be permitted on waterfront lots in all zones. No boathouse shall be located within fourteen (14) feet of a side property line; nor shall any boathouse be closer than twenty-eight (28) feet from a neighboring boathouse or twenty-four (24) feet from a neighboring dock or pier.
  - b. Any combination of piers, docks, mainwalks and boathouses shall not occupy more than fifteen (15) percent of the water lot area within the pierhead line. In no case shall a boathouse alone exceed ten (10) percent of the water lot area within the pierhead line. The total area of the boathouses shall not exceed six hundred (600) square feet and the total combination shall not exceed seven hundred and fifty (750) square feet.
  - c. There shall not be more than one (1) boathouse for each lot.
  - d. Boathouses shall be located over the water and shall abut the shoreline. Ingress and egress for boats shall be perpendicular to the shoreline.
  - e. There shall be no living or sleeping accommodations nor cooking or sanitary facilities provided in any boathouse.
  - f. The maximum height of the highest point of any boathouse is sixteen (16) feet above the high water mark. The maximum width of any boathouse shall be thirty (30) feet measured along the bulkhead line.

#### F. DEVELOPMENT CONTROLS FOR MARINAS:

1. No marina shall be constructed, enlarged or extended and no building permit nor site plan approval shall be granted therefore except in compliance with the following requirements:
  - a. Marinas shall be permitted only in those zones where said use is a permitted use.
  - b. No dock, pier or mainwalk which is part of a marina shall be located within sixteen (16) feet of a side property line, nor shall a pier within a marina be located closer than thirty (30) feet from a private pier, dock or boathouse.
  - c. No marina shall occupy more than twenty-five (25) percent of the water lot area within the pierhead line.
  - d. No mainwalks shall be less than six (6) feet in width and no catwalks shall be less than two (2) feet nor more than four (4) feet in width.
  - e. More than one mainwalk or pier is permitted, provided that the clear distance between one mainwalk and its catwalks and the adjacent catwalks or mainwalks is the maximum of:
    - (1) Four (4) times the maximum width between adjacent catwalks connected by a common mainwalk, or

(2) Twice the maximum catwalk length.  
f. In cases where piers, docks or mainwalks are covered, the maximum height shall not exceed sixteen (16) feet above the high water mark.

UPDATED: as of 2/25/82

---

CHAIRMAN - LHRPB

---

CHAIRMAN - PIERS AND DOCKS COMMITTEE

---

COMMITTEE MEMBER

---

COMMITTEE MEMBER

PROPOSED ZONING REGULATIONS  
STANDARDS FOR PIERS, BOATHOUSES AND MARINAS

(June 3, 1974)

A. Definitions

- A. Boathouse - any enclosed structure over the waters of Lake Hopatcong used for the sole purpose of storing and mooring boats and boating equipment.
- B. Bulkhead Line - the highwater mark of 10.30 above the dam as recorded at Lake Hopatcong State Park or the line established by the Bureau of Navigation, State Department of Environmental Protection, defining the Lake's permanent shoreline.
- C. Catwalk - any structure extending transversely from the main walk.
- D. Docks - any structure extending lakeward of the bulkhead line for the purpose of mooring boats or for gaining access to moored boats.
- E. Main Walk - any structure extending into the Lake from the shoreline, which is used for access to moored boats.
- F. Marina - any public, semi-public or private facility capable of berthing or mooring five or more boats.
- G. Pier - a structure to moor boats to a dock; something to which a deck or dock or other structure may be affixed.

H. Pierhead Line - the line established by this Ordinance and approved by the Natural Resources Council and Bureau of Navigation, State Department of Environmental Protection, beyond which no dock, pier or marina or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

I. Waterfront Lot - any lot adjoining a waterway.

For the purpose of determining the exterior limits of piers, docks and main walks, any structure (including pilings driven independently of another structure) used for the mooring of boats shall be considered to be a part of the pier itself.

G. Development Controls for Private Piers and Docks

- A. Private piers and docks shall be permitted in all zones where lots have water frontage.
- B. No dock or pier shall be located within ten (10) feet of a side property line.
- C. The length of a pier shall not exceed the width of the lot at the mean waterline but in no event shall a pier extend beyond the pierhead line.
- D. No combination of docks and boathouses shall occupy more than fifteen (15) percent of the water lot area within the pierhead line.
- E. No dock, main walk or pier shall have a width of less than four (4) feet exclusive of pilings or other structural members.
- F. There shall be not more than one (1) dock, pier or main walk for each lot or for each 100 feet of frontage.
- G. The distance between piers shall be a minimum of twenty-one (21) feet.

- H. No dock, pier or main walk shall provide permanent mooring facilities for more than four (4) boats.
- I. In cases where docks or piers are covered, the requirements shall be the same as those required for boathouses.

C. Development Controls for Boathouses

- A. Boathouses shall be permitted in all zones where lots have water frontage.
- B. No boathouse shall be located within fourteen (14) feet of a side property line.
- C. No boathouses shall be closer than twenty-eight (28) feet from a neighboring pier or boathouse.
- D. Any combination of piers, docks, main walks and boathouses shall not occupy more than fifteen (15) percent of the water lot area within the pierhead line. In no case shall a boathouse alone exceed ten (10) percent of the water lot area within the pierhead line.
- E. There shall not be more than one (1) boathouse for each lot.
- F. Boathouses shall be located over the water and shall abut the lake shoreline.
- G. Ingress and egress for boats shall be perpendicular to the shoreline.
- H. There shall be no sleeping accommodations or toilet facilities provided in any boathouse.

D. Development Controls for Marinas

- A. Marinas shall be permitted only in those zones allowing these uses.
- B. No docks, pier or main walk (as part of a marina) shall be located within sixteen (16) feet of a side property line, nor shall a pier within a marina be located closer than thirty (30) feet from a private pier.
- C. No marina shall occupy more than twenty-five (25) percent of the water lot area within the pierhead line.

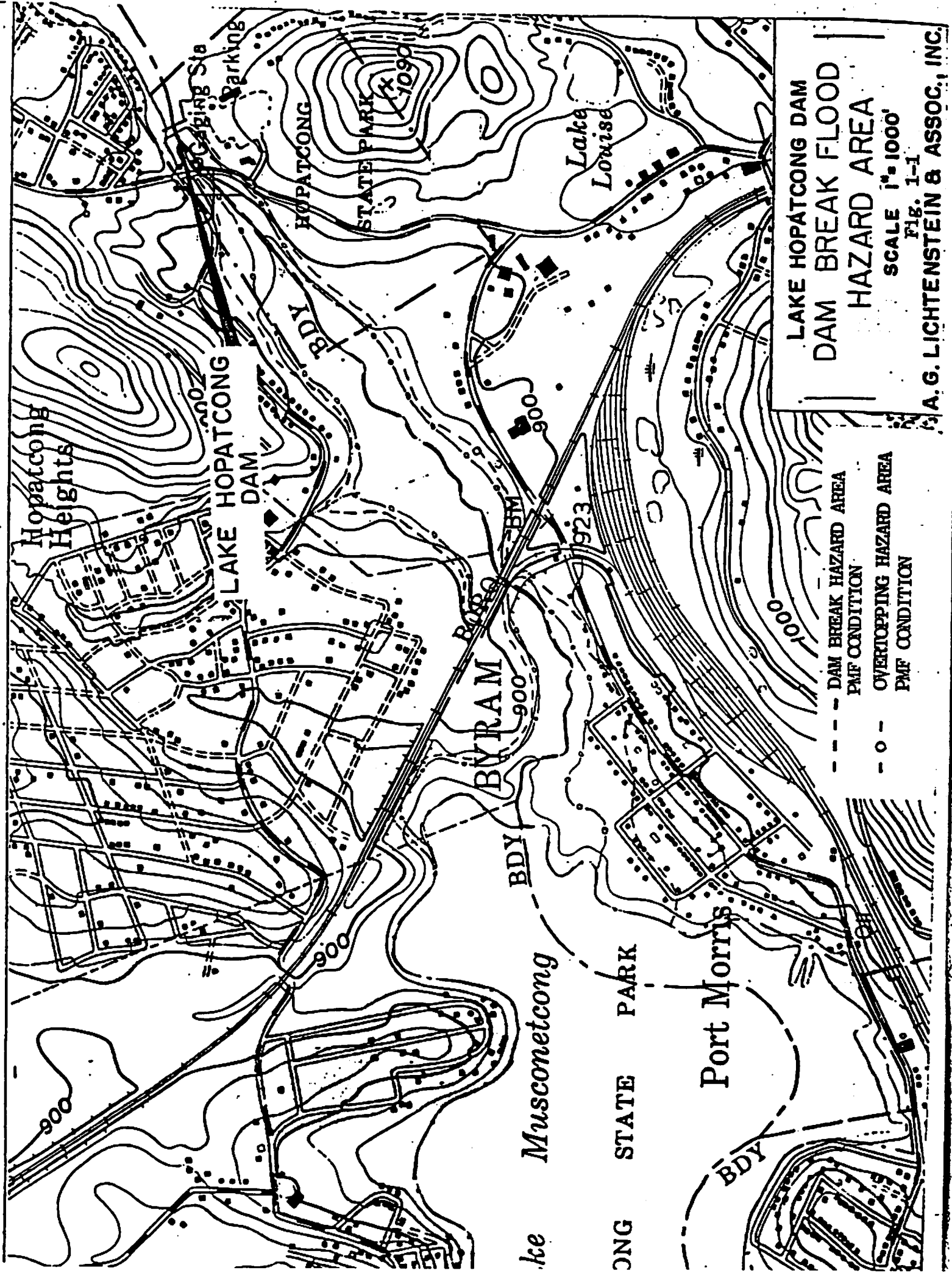
- D. No main walks shall be less than eight (8) feet in width and no catwalks shall be less than two (2) feet in width.
- E. There shall be permitted more than one main walk or pier providing that the following requirements are met:
  - 1. The channel to open water shall be not less than four (4) times the width of the widest boat moored in the marina.
  - 2. The clearance in berthing and maneuvering areas within the marina shall be not less than twice the length of the longest boat moored in the marina.
- F. In cases where piers are covered, the maximum height shall not exceed sixteen (16) feet above the high water mark.

General Regulations Applicable to All Piers, Boathouses and Marinas

- A. No dock, pier, boathouse or marina may be constructed or enlarged unless the owner secures from the building inspector a building permit as provided under the building code. Normal maintenance and repair shall not require any permit.
- B. Prior to the issuance of a building permit for a marina, the Planning Board shall review and approve a site plan showing, among other things, water and land circulation, parking, moorings, landscaping, signs and such other data as may be required to permit a competent and thorough review. Compliance with Planning Board conditions of approval shall be made a condition for the issuance of a certificate of occupancy.
- C. Permit applications shall be referred to the Marine Police for any comments and suggestions as part of site plan review.
- D. No pier, dock or marina shall extend into any waterway more than fifteen (15) percent of the width of the waterway measured on a line perpendicular

to the closest opposite shore or 100 feet, whichever is lesser. In no event shall any pier, dock or marina extend into any dredged channel or waterway.

- E. The top of any pier, dock or catwalk shall not be less than 14 inches from the high water elevation.
- F. It shall be the responsibility of the owner of a pier, boathouse or marina to maintain said facility in good condition, free of litter and refuse. If said facility is in danger of becoming a hazard to residents, visitors, swimmers or boats, or could adversely affect navigation by reason of structural members extending or floating into waterways, then the building inspector shall require the owner to undertake repairs to correct the hazardous situation. If the owner fails to undertake repairs after proper notification by the building inspector, the Governing Body may authorize repairs to be made at the owner's expense.
- G. The provisions of this amendment shall be subject to variance by the board of adjustment as prescribed by law except that any pier, dock, boathouse or marina proposed to be extended beyond the pierhead line or beyond fifteen (15) percent of the width of the waterway shall also be approved by the State Department of Environmental Protection.
- H. Amendments to this amendment shall be subject to review of the State Natural Resources Council who shall have 30 days to respond to any proposed amendment.
- I. The following technical details shall apply to all waterfront development:
  - 1. The maximum width of private docks would be no more than five (5) feet except upon authorization of the Planning Board under site plan approval where it can be demonstrated that additional width is



LAKE HOPATCONG DAM  
 DAM BREAK FLOOD  
 HAZARD AREA

SCALE 1"=1000'

FIG. 1-1

A. G. LICHTENSTEIN & ASSOC., INC.

--- DAM BREAK HAZARD AREA  
 PMF CONDITION  
 -o- OVERLAPPING HAZARD AREA  
 PMF CONDITION

**Lake Musconetcong Water Level**  
**8/12/00 - 8/22/00**

<u>Date</u>	<u>Time</u>	<u>Water Level</u>
8/12/00	8:00AM	+1.15'
8/13/00	8:00AM	+1.80'
8/14/00	8:00AM	+1.46'
8/15/00	8:00AM	+1.10'
8/16/00	8:00AM	+0.95'
8/17/00	8:00AM	+0.88'
8/18/00	8:00AM	+0.74'
8/19/00	8:00AM	+0.54'
8/20/00	8:00AM	+0.48'
8/21/00	8:00AM	+0.42'
8/22/00	8:00AM	+0.30'

## APPENDIX I

**Lake Hopatcong Water Level**  
**8/12/00 - 8/22/00**

<u>Date</u>	<u>Time</u>	<u>Lake Gage</u>	<u>Water Level</u>
8/12/00	8:00AM	9.32'	+0.32'
	1:30PM	9.66'	+0.66'
	3:00PM	10.40'	+1.40'
	6:00PM	10.96'	+1.96'
	8:00PM	11.28'	+2.28'
	10:00PM	11.50'	+2.50'
8/13/00	12:00AM	11.70'	+2.70'
	2:00AM	11.74'	+2.74'
	4:00AM	11.76'	+2.76'
	6:00AM	11.80'	+2.80'
	8:00AM	11.72'	+2.72'
	10:00AM	11.70'	+2.70'
	12:00PM	11.68'	+2.68'
	5:00PM	11.56'	+2.56'
8/14/00	7:00AM	11.26'	+2.26'
	1:00PM	11.14'	+2.14'
8/15/00	7:00AM	10.90'	+1.90'
8/16/00	7:00AM	10.60'	+1.60'
8/17/00	7:00AM	10.32'	+1.32'
8/18/00	7:00AM	10.10'	+1.10'
8/19/00	7:00AM	9.96'	+0.96'
8/20/00	7:00AM	9.82'	+0.82'
8/21/00	7:00AM	9.70'	+0.70'
8/22/00	7:00AM	9.60'	+0.60'

**From:** Donna Macalle-Holly <dmhlhc@optonline.net>  
**To:** <Ken.Klipstein@dep.state.nj.us>  
**Date:** 5/5/06 2:27PM  
**Subject:** precipitation

Hi Ken,

According to the records Helen's staff keeps, here the precip level for 2006

Jan - 7.12"

Feb - 3.13"

Mar - .85

Apr - 3.91"

Keep in mind that the Park did not begin to raise the lake level until March 15 because the lake was still frozen. So between March 15 and end of April there was only 4.14" of rain.

I will fax you the daily precip records for this year and the May lake levels for 2001-2005.

Donna

Donna Macalle-Holly

Administrator

Lake Hopatcong Commission

Phone: 973-601-1070

Fax: 973-601-1071

[www.lakehopatcong.org](http://www.lakehopatcong.org)