

1. A site plan of the Green Acres project site identifying:

- i. All tidal waterways and their shores located on or adjacent to the Green Acres project site;
- ii. All existing and proposed public accessways to tidal waterways and their shores including streets, paths, trails, easements, paper streets, dune walkovers/walkways, piers and other dedicated public rights-of-way located on the Green Acres project site;
- iii. All existing and proposed restrooms and parking for the public to access tidal waterways and their shores on the Green Acres project site;

2. Copies of all existing and proposed conservation restrictions required pursuant to N.J.A.C. 7:7E-8.11(q)10;

3. For an applicant that is a county, a draft ordinance required pursuant to N.J.A.C. 7:7E-8.11(q)1; and

4. A compliance statement demonstrating how the county or nonprofit organization and the proposed project comply with N.J.A.C. 7:7E-8.11(q).

#### **7:7E-8A.4 Conservation restriction form and recording requirements**

(a) A conservation restriction required at N.J.A.C. 7:7E-8.11(n), (p) or (q) shall be recorded in the chain of title for all properties affected by the restriction.

(b) A conservation restriction shall:

1. Be in the appropriate form and terms as specified and approved by the Department and in accordance with the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq.;

2. Be recorded in accordance with the New Jersey Recording Act, N.J.S.A. 46:15-1.1 et seq.; and

3. Run with the property and be binding upon the property owner and the successors in interest in the property or in any part thereof.

(c) A conservation restriction required pursuant to N.J.A.C. 7:7E-8.11(n), (p) and (q) shall be recorded within the time frames specified therein and prior to any Department permit becoming effective.

(d) Proof that a conservation restriction required in (c) above has been recorded in the office of the clerk of the county or the registrar of deeds and mortgages of the county in which the development, project, or project site is located shall be submitted to the Department prior to the commencement of site preparation or construction, or permit effectiveness except as provided at (d)1 and 2 below:

1. For developments receiving Green Acres funding that do not require a coastal permit, proof that the conservation restriction has been recorded shall be submitted

within 90 days of the disbursement of Green Acres funding; and

2. For acquisitions receiving Green Acres funding, proof that the conservation restriction has been recorded shall be submitted within 90 days of the disbursement of Green Acres funding.

(e) Authorizations and approvals issued by the Department shall not be valid authority to begin site preparation or construction until the Department approved conservation restriction is recorded, except as provided at (d)1 above.

#### **7:7E-8A.5 Public Access Instrument requirements**

(a) A Public Access Instrument required pursuant to N.J.A.C. 7:7E-8.11(p)1i and (q)5i is a conservation restriction recorded by a municipality that transfers to the Department the municipality's right to vacate, dispose of, or divert the lands listed and identified in (b) below to a use that precludes public access to tidal waterways and their shores at those lands.

(b) The Public Access Instrument shall list and identify by name all streets, roads, paper streets, easements, or other dedicated public rights-of-way held by the municipality that lead to tidal waterways and their shores. These shall be listed by block, lot and property owner on which the street, road, paper street, easement, or other dedicated public right-of-way is located and the lot, block and property owner of the lots that abut the street, road, paper street, easement, or other dedicated public right-of-way.

1. The portion of the street, road, paper street, easement, or other dedicated public right-of-way subject to the Public Access Instrument is:

i. Where a beach or dune is present:

(1) The portion of a street, road, paper street, easement, or other dedicated public right-of-way located on the beach or dune; and

(2) The portion of a street, road, paper street, easement, or other dedicated public right-of-way extending landward of the beach or dune to the first cross street or for a distance of one-quarter mile whichever is less; or

ii. Where no beach or dune is present:

(1) The portion of a street, road, paper street, easement, or other dedicated public right-of-way extending landward of the mean high water line to the first cross street or for a distance of one-quarter mile whichever is less.

2. To be eligible for Green Acres funding, all lands held by a municipality for recreation and conservation purposes also must be listed on the Recreation and Open Space Inventory required by Green

Acres as a condition of funding pursuant to N.J.A.C. 7:36.

(c) The Public Access Instrument is a conservation restriction and shall comply with N.J.A.C. 7:7E-8A.4.

## APPENDIX 1

### DESIGN STANDARDS AND SPECIFICATIONS

(OAL NOTE: None of the figures comprising N.J.A.C. 7:7E Appendix 1 are reproducible in the New Jersey Administrative Code, but may be reviewed or a copy obtained by contacting the Office of Administrative Law, PO Box 049, Trenton, NJ 08625-0049.)

Amended by R.2000 d.45, effective February 7, 2000.  
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).  
Amended by R.2007 d.340, effective November 5, 2007.  
See: 38 N.J.R. 3950(a), 39 N.J.R. 4573(a).  
Repealed Figure 6.  
Amended by R.2008 d.82, effective April 7, 2008.  
See: 39 N.J.R. 725(a), 40 N.J.R. 1836(a).  
Repealed Figure 11.

## APPENDIX 2

### (RESERVED)

New Rule, R.2000 d.45, effective February 7, 2000.  
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).  
Administrative change.  
See: 32 N.J.R. 1803(b).  
Administrative change.  
See: 32 N.J.R. 3828(a).  
Petition for Rulemaking.  
See: 33 N.J.R. 329(b), 33 N.J.R. 590(b).  
Amended by R.2001 d.81, effective March 5, 2001.  
See: 32 N.J.R. 352(a), 32 N.J.R. 682(a), 33 N.J.R. 843(a).  
Rewrote the section.  
Amended by R.2001 d.152, effective May 7, 2001.  
See: 33 N.J.R. 156(a), 33 N.J.R. 1371(a).  
Rewrote the section.  
Petition for Rulemaking.  
See: 33 N.J.R. 1475(a).  
Administrative change.  
See: 34 N.J.R. 1421(b).  
Administrative change.  
See: 34 N.J.R. 4196(a).  
Petition for Rulemaking.  
See: 35 N.J.R. 3720(a), 4786(a).  
Administrative change.  
See: 36 N.J.R. 5674(a).  
Amended by R.2006 d.46, effective February 6, 2006.  
See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).  
Heading was "Boundaries of Coastal Centers in the CAFRA Area Not Located on Barrier Islands, Oceanfront Spits, or Peninsulas"; rewrote the section.  
Administrative changes.  
See: 38 N.J.R. 1669(a).  
Administrative change (effective March 5, 2007 and operative April 4, 2007).  
See: 39 N.J.R. 768(b).  
Administrative change. (Administrative notice that Appendix 2 expired.)  
See: 39 N.J.R. 2018(b).

## APPENDIX 3

### BOUNDARIES OF NON-MAINLAND COASTAL CENTERS IN THE CAFRA AREA

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of the non-mainland coastal centers in the CAFRA area.

In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the non-mainland coastal centers are listed alphabetically.

I. Atlantic County coastal centers on barrier islands, spits, and peninsulas

#### A. Brigantine coastal town

1. The coastal town boundary follows the municipal boundary of the City of Brigantine, but does not include any bay islands or the Absecon Wildlife Management Area.

II. Cape May County coastal centers on barrier islands, spits and peninsulas

#### A. Lower Township coastal centers

##### 1. Diamond Beach coastal town

a. The coastal town boundary extends from the intersection of the Wildwood Crest/Lower Township municipal boundary and Park Boulevard thence southwest on Park Boulevard to North Station Avenue, thence southeast on North Station Avenue to Ocean Drive (County route 621), thence southwest on Ocean Drive (County route 621) to Madison Avenue, thence southeast on Madison Avenue to its end, thence southeast on the same bearing to the water's edge, thence northeast along the water's edge to the municipal boundary, and thence northwest along the municipal boundary to Park Boulevard.

#### B. Ocean City coastal regional center

1. The coastal regional center boundary follows the municipal boundary of Ocean City, but does not include any bay islands or Corson's Inlet State Park.

#### C. Sea Isle City coastal town

1. The coastal town boundary follows the municipal boundary of Sea Isle City, but does not include the area north of a line that extends along 22nd Street and along the same bearing from either end of 22nd Street to the mean high water line.

III. Monmouth County coastal centers on barrier islands, spits and peninsulas

A. Monmouth Beach coastal town

1. The coastal town boundary follows the municipal boundary of the Borough of Monmouth Beach, but does not include any bay islands.

B. Sea Bright coastal town

1. The coastal town boundary follows the municipal boundary of the Borough of Sea Bright, but does not include any bay islands.

IV. Ocean County coastal centers on barrier islands, spits and peninsulas

A. Barnegat Light coastal village

1. The coastal village boundary follows the municipal boundary of Barnegat Light Borough, but does not include any bay islands or Barnegat Light State Park.

B. Bay Head coastal town

1. The coastal town boundary follows the municipal boundary of Bay Head Borough.

C. Beach Haven Borough coastal town

1. The coastal town boundary follows the municipal boundary of Beach Haven Borough, but does not include any bay islands.

D. Berkeley Township coastal town

1. The coastal town boundary circumscribes that part of Berkeley Township that is east of Barnegat Bay, north of Island Beach State Park and south of Seaside Park Borough.

E. Brick Township coastal centers

1. South Mantoloking coastal village

a. The coastal village boundary circumscribes that part of Brick Township that is east of Barnegat Bay, north of Toms River Township, and south of Mantoloking Borough, but does not include any bay islands.

F. Toms River Township coastal centers

1. Normandy Beach/Chadwick coastal town

a. The coastal town boundary circumscribes that part of Toms River Township that is east of Barnegat Bay, north of Lavallette Borough and south of Brick Township, but does not include any bay islands.

2. Ortleigh Beach coastal town

a. The coastal town boundary circumscribes that part of Toms River Township that is east of Barnegat Bay, north of Seaside Heights Borough, and south of Lavallette Borough, but does not include any bay islands.

G. Harvey Cedars coastal town

1. The coastal town boundary follows the municipal boundary of Harvey Cedars Borough, but does not include any bay islands.

H. Lavallette coastal town

1. The coastal town boundary follows the municipal boundary of Lavallette Borough, but does not include any bay islands.

I. Long Beach coastal town

1. The coastal town boundary circumscribes those non-contiguous parts of Long Beach Township that are east of Barnegat Bay, but does not include any bay islands or the Holgate Unit of the Edwin B. Forsythe National Wildlife Refuge.

J. Mantoloking coastal village

1. The coastal town boundary follows the municipal boundary of Mantoloking Borough, but does not include any bay islands.

K. Seaside Park coastal town

1. The coastal town boundary follows the municipal boundary of Seaside Park Borough, but does not include any bay islands.

L. Ship Bottom coastal town

1. The coastal town boundary follows the municipal boundary of Ship Bottom Borough, but does not include any bay islands.

M. Surf City coastal village

1. The coastal village boundary follows the municipal boundary of Surf City, but does not include any bay islands.

New Rule, R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Administrative change.

See: 32 N.J.R. 1803(b).

Administrative change.

See: 36 N.J.R. 5674(a).

Amended by R.2006 d.46, effective February 6, 2006.

See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).

Heading was "Boundaries of Coastal Centers in the CAFRA Area Located on Barrier Islands, Oceanfront Spits, or Peninsulas"; rewrote the introductory paragraph.

Administrative change.

See: 39 N.J.R. 2018(b).

#### APPENDIX 4

##### (RESERVED)

New Rule by R.2006 d.46, effective February 6, 2006.

See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).

Former N.J.A.C. 7:7E Appendix 4, CAFRA Centers, recodified as N.J.A.C. 7:7E Appendix 5.

Administrative changes.

See: 38 N.J.R. 1669(a).

Amended by R.2006 d.363, effective October 2, 2006.

See: 38 N.J.R. 1921(a), 38 N.J.R. 4214(a).

Added the second paragraph; and inserted asterisks following multiple entries in the list of coastal centers with expired boundaries.

Administrative change. (Administrative notice that Appendix 4 expired.)

See: 39 N.J.R. 2018(b).

#### APPENDIX 5

##### CAFRA CENTERS

This non-regulatory appendix contains the list of CAFRA centers the boundaries of which have been accepted by the Department under N.J.A.C. 7:7E-5B.3(b), and which are incorporated into and shown on the CAFRA Planning Map. As required under N.J.A.C. 7:7E-5B.4(b), an applicant shall refer to the CAFRA Planning Map in order to determine the location of a site for the purposes of determining the applicable impervious cover limits under this chapter.

The Department will update the list of CAFRA centers, in this Appendix by notice of administrative change as part of

the New Jersey Register notice required in N.J.A.C. 7:7E-5B.3(b). The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the CAFRA centers are listed alphabetically.

##### I. Atlantic County CAFRA centers and CAFRA cores

###### A. Atlantic City

###### 1. Atlantic City CAFRA urban center

###### B. Galloway Township CAFRA centers and CAFRA cores

###### 1. Galloway Downtown CAFRA core

###### 2. Oceanville CAFRA village

###### 3. Smithville CAFRA core

###### 4. Smithville CAFRA town

###### 5. Wrangleboro CAFRA town

##### II. Cape May County CAFRA centers

###### A. Avalon Borough

###### 1. Avalon Borough CAFRA town

###### B. Cape May City

###### 1. Cape May City CAFRA town

###### C. Cape May Point Borough

###### 1. Cape May Point CAFRA village

###### D. Stone Harbor Borough

###### 1. Stone Harbor Borough CAFRA town

###### E. Upper Township

###### 1. Seaville CAFRA Town

###### 2. Marmora CAFRA Town

###### 3. Petersburg CAFRA Village

###### 4. Tuckahoe CAFRA Village

###### F. Wildwood City/North Wildwood City/Wildwood Crest Borough/West Wildwood Borough

###### 1. The Wildwoods CAFRA regional center

##### III. Cumberland County CAFRA centers

###### A. Bridgeton City

###### 1. Bridgeton CAFRA Regional Center

###### B. Commercial Township CAFRA centers

###### 1. Mauricetown-Haleyville CAFRA village

###### C. Lawrence Township

###### 1. Cedarville CAFRA Village

- D. Maurice River Township
  - 1. Mauricetown Station CAFRA hamlet
- E. Millville City/Vineland City
  - 1. Millville-Vineland CAFRA regional center
- IV. Monmouth County CAFRA centers
  - A. Asbury Park City
    - 1. Asbury Park CAFRA urban center
  - B. Atlantic Highlands Borough
    - 1. Atlantic Highlands Borough CAFRA town
  - C. Long Branch City
    - 1. Long Branch CAFRA regional center
  - D. Manasquan Borough
    - 1. Manasquan Borough CAFRA town
  - E. Red Bank Borough
    - 1. Red Bank CAFRA regional center
- V. Ocean County CAFRA centers
  - A. Brick Township
    - 1. Brick CAFRA town
  - B. Little Egg Harbor Township
    - 1. Mystic Island CAFRA town
    - 2. Parkertown CAFRA village
  - C. Little Egg Harbor Township/Tuckerton Borough
    - 1. Tuckerton CAFRA town
  - D. Ocean Township
    - 1. Waretown CAFRA Town Center
  - E. Seaside Heights Borough
    - 1. Seaside Heights CAFRA Town
  - F. Stafford Township
    - 1. Stafford/Manahawkin CAFRA regional center
- VI. Salem County CAFRA centers and CAFRA nodes
  - A. Lower Alloways Township CAFRA centers
    - 1. PSE & G Energy Facility node
  - B. Salem City
    - 1. Salem City CAFRA regional center

New Rule, R.2001 d.81, effective March 5, 2001.  
 See: 32 N.J.R. 352(a), 32 N.J.R. 682(a), 33 N.J.R. 843(a).  
 Administrative change.  
 See: 34 N.J.R. 1421(b).  
 Administrative change.  
 See: 34 N.J.R. 4196(a).  
 Administrative change.  
 See: 36 N.J.R. 5674(a).  
 Administrative change.  
 See: 37 N.J.R. 4435(a).  
 Recodified from N.J.A.C. 7:7E Appendix 4 by R.2006 d.46, effective February 6, 2006.  
 See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).  
 Administrative change (effective March 5, 2007 and operative April 4, 2007).  
 See: 39 N.J.R. 768(b).  
 Administrative correction.  
 See: 39 N.J.R. 2536(a).  
 Administrative change (effective March 3, 2008 and operative April 2, 2008).  
 See: 40 N.J.R. 1085(a), 1088(a).  
 Administrative correction.  
 See: 40 N.J.R. 4320(a).  
 Administrative change (effective September 8, 2009 and operative October 8, 2009).  
 See: 41 N.J.R. 3245(a).

## APPENDIX 6

### PUBLIC ACCESS REQUIREMENTS FOR MARINAS THROUGH DECEMBER 31, 2010

(a) Public access to the waterfront is the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.

(b) Coastal development adjacent to all coastal waters, including both natural and developed waterfront areas, shall provide permanent perpendicular and linear access to the waterfront to the maximum extent practicable, including both visual and physical access. Development that limits public access and the diversity of the waterfront experiences is discouraged.

1. All development adjacent to water shall, to the maximum extent practicable, provide, within its site boundary, a linear waterfront strip accessible to the public. If there is a linear waterfront accessway on either side of the site and the continuation of which is not feasible within the boundaries of the site, a pathway around the site connecting to the adjacent parts, or potential parts of the waterfront path system in adjacent parcels shall be provided.

2. Municipalities that do not currently provide, or have active plans to provide, access to the water will not be eligible for Green Acres or Shore Protection funding.

3. Public access must be clearly marked, provide parking where appropriate, be designed to encourage the public to take advantage of the waterfront setting, and must be barrier free where practicable.