

**TOWNSHIP OF
STAFFORD**

OCEAN COUNTY
260 EAST BAY AVE •
MANAHAWKIN, NJ • 08050-3329

ATTENTION

Please be advised that in accordance with NJAC 7:7-5.6 to qualify for Permit-by-Certification 6 a pool on a bulkheaded lagoon lot is required to be a minimum of 15 feet from the waterward side of the bulkhead. The pool is permitted to be installed within 10 feet of the waterward side of the bulkhead if additional documentation is submitted including:

- 1) An engineering certification demonstrating that, after the proposed development has been constructed, the shore protection structure can be replaced within 18 inches of the existing bulkhead; and
- 2) A conservation restriction is recorded for the property which states that any reconstruction of a bulkhead shall be within 18 inches of the existing bulkhead.

The text of the applicable code section is printed below and a sample Conservation Restriction and Engineering Certification are attached. These documents must be submitted for prior to final inspection for all existing pool permits. New permit applications will not be accepted without this required documentation.

7:7-5.6 Permit-by-Certification 6 (Formerly 7:7-4.2 Permit-by-rule 2 which was discontinued by NJDEP) – development of a single-family home or duplex and/or accessory development on a bulkheaded lagoon lot

(a) This general permit-by-certification authorizes the development (including expansion or reconstruction and expansion) of a single-family home or duplex and/or accessory development (such as garages, sheds, pools, driveways, grading, excavation, and clearing excluding shore protection structures) provided the single-family home or duplex and accessory development are located on a bulkheaded lagoon lot and provided the proposed single-family home or duplex and/or accessory structures comply with all of the following:

1. Development pursuant to this general permit-by-certification shall not result in development of more than one single-family home or duplex either solely or in conjunction with a previous development as defined at N.J.A.C. 7:7-2.2(b)8;
2. The site is located on a man-made lagoon lot, with an existing bulkhead along the entire waterfront portion of the site;
3. All waterfront portions of the site are protected by a currently serviceable bulkhead;
4. There are no wetlands on the site landward of the bulkhead;
5. The proposed single-family home or duplex and accessory structures, excluding decks, are set back a minimum of 15 feet from the waterward face of the bulkhead. If there is no alternative to locating the proposed single-family home or duplex and accessory structures at least 15 feet

landward of the bulkhead, the setback shall be reduced if an engineering certification is provided demonstrating that, after the proposed development has been constructed, the shore protection structure can be replaced within 18 inches of the existing bulkhead and a conservation restriction is recorded for the property which states that any reconstruction of a bulkhead shall be within 18 inches of the existing bulkhead;

6. A silt fence is erected landward of the bulkhead with a 10-foot landward return on each end prior to construction. This fence shall be maintained and remain in place until all construction and landscaping activities are completed;
7. If the development includes the construction of a driveway, any newly constructed portion of the driveway shall be covered with a permeable material or shall be pitched to drain all runoff onto permeable areas of the site;
8. The development shall meet the requirements at N.J.A.C. 7:7-9.25;
9. The single-family home or duplex shall be serviced by an existing municipal sewer system; and
10. All sub-gravel liners must be made of filter cloth or other permeable material.

Please note that Stafford Township will permit swimming pools on man-made lagoon lots to be a minimum of 10 feet from the waterward face of the bulkhead only with the submission of the documents supporting the permit by rule as stated above to include a copy of the NJDEP permit by Certification 6. All development on a natural waterway will require the proper authorization or permit from the New Jersey DEP/CAFRA.

Thank you for your understanding and cooperation.

DECLARATION OF CONSERVATION RESTRICTION

(Shore Protection Structure Reconstruction within 18")

THIS GRANT OF CONSERVATION RESTRICTION/EASEMENT is made this ____ day of _____, 20____, by _____, its heirs, successors and assigns and all legal and equitable owners, and any and all current or successor holders of any interest in and to the property whose address is _____, Borough/Township, County of _____, State of New Jersey, hereinafter referred to as the "Grantor," in favor of and to the New Jersey Department of Environmental Protection, its successors and assigns, hereinafter referred to as the "Grantee".

WITNESSETH

WHEREAS, the Grantor is the owner in fee simple of certain real property located in the Township/Borough of _____, County of _____, New Jersey, designated as Lot(s) _____, Block(s) _____ on the official Tax Map of the Township/Borough of _____; County Clerk or Recorder's Deed Book Number _____, Page Number _____ (hereinafter "the Property"); and

WHEREAS, the Grantor's development, located at the above referenced site, qualifies for a Permit-by-Certification 6 pursuant to N.J.A.C. 7:7-5.6 for development of a single-family home or duplex and/or accessory development on a bulkheaded lagoon lot or the Grantor has obtained a General Permit 4 for development of one or two single-family homes or duplexes or General Permit 5 for expansion, or reconstruction (with or without expansion), of a single-family home or duplex, a CAFRA Individual Permit or a Waterfront Development Individual Permit, NJDEP File No. _____ (Permit) pursuant to the Waterfront Development Act, N.J.S.A. 12:5-3, and the Coastal Zone Management Rules, N.J.A.C. 7:7, for a land use development, attached hereto as Exhibit A; and

WHEREAS, the Permit is conditioned upon the Grantor's recording of a Grantee approved Conservation Restriction/Easement, pursuant to N.J.A.C. 7:7-18, for future reconstruction of the bulkhead shown on the approved plan(s), entitled _____, prepared(s) by _____ dated _____, last revised date _____, attached hereto as Exhibit B; and

WHEREAS, the covenants, terms, conditions and restrictions of this Conservation Restriction/Easement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.

NOW THEREFORE, in consideration for the issuance of the Permit and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee:

1) Pursuant to Permit-by-Rule 2 at N.J.A.C. 7:7-5.6(a)5, General Permit 4 at N.J.A.C. 7:7-6.4(n)3, General Permit 5 at N.J.A.C. 7:7-6.5(j)3, Housing Use at N.J.A.C. 7:7-15.2(e)13, and Commercial Facility at N.J.A.C. 7:7-15.10(c)3 (as applicable), and as provided in the required engineering certification, the shore protection structure can be replaced within 18 inches of the existing or proposed shore protection structure shown in Exhibit B provided such reconstruction is consistent with all regulations. This conservation restriction does not preclude the Grantor from obtaining the appropriate permit(s) prior to reconstruction the shore protection structure.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written and directs that this instrument be recorded in the office of the _____ County Clerk.

_____ (Grantor)

By: _____ (Signature names and title)

ATTEST:

_____, Secretary

(Seal)

STATE OF _____

COUNTY OF _____

Be it remembered that on this ____ day of _____, 20__, before me, the subscriber, a Notary Public of New Jersey, personally appeared:

and he thereupon acknowledged that he signed the foregoing instrument (in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation), and that said instrument is the voluntary act and deed of said person (or corporation, made by virtue of authority from its Board of Directors).

A Notary Public of _____

My Commission Expires: _____

Attachments required: NJDEP Approved Permit, Exhibit A

Revision-1/28/26

NJDEP Approved Plan(s), Exhibit B

SAMPLE

New Jersey Department of Environmental Protection
Land Use Regulation, Bureau of Coastal Regulation
PO Box 439
Trenton, N.J. 08625-0439

RE: Bulkhead Certification – Residential In-ground pool

Block ____ Lot ____

Stafford Township, Ocean County, N.J.

Dear NJDEP,

This letter is to certify the addition of an in-ground swimming pool setback a distance of 10 feet from the pre-existing bulkhead as per the attached plan. In the future, the new and existing vinyl bulkhead will be able to be constructed in line with the pool closer than 15 feet from the bulkhead,

Please do not hesitate to contact this office with any questions or comments.

Very Truly Yours,

P.E.

N.J. License No. _____

IMPORTANT UPDATE – NJDEP REAL RULE (Effective January 20, 2026)

The New Jersey Department of Environmental Protection (NJDEP) REAL rule adopted on January 20, 2026 discontinued Permit-by-Rule 2 (N.J.A.C. 7:7-5.6). Applications previously processed under Permit-by-Rule 2 are now regulated under Permit-by-Certification 6 pursuant to N.J.A.C. 7:7-5.6.

Revision-1/28/26

