

SPECIAL ANNOUNCEMENT

The New Jersey Dept. of Agriculture, State Soil Conservation Committee has approved the following interpretation of the Soil Erosion and Sediment Control Act (“Act”) regarding the Single Family Exemption:

Effective immediately, soil disturbance in excess of 5,000 square feet on existing single family residential property shall require a soil erosion and sediment control plan certification.

The disturbance activity must **also** fall within one or more of the following enumerated categories:

1. The accommodation of construction for which the State Uniform Construction Code (“UCC”) requires a construction permit;
2. Demolition of one or more structures;
3. Construction of a parking lot;
4. Construction of a public facility;
5. Operation of any mining or quarrying activity; or
6. Clearing or grading of any land for other than agricultural or horticultural purposes.

Items 3, 4 and 5 are improbable on a residential lot.

However, single family dwelling reconstruction, additions, alterations, garages, pool houses, sheds, clearing, grading, demolition and combinations thereof **resulting in soil disturbance greater than 5,000 sq. ft.** should be directed to the District for a soil erosion and sediment control plan certification (A District review may be required on a case by case basis to determine applicability).

The interpretation also addresses the Single Family Exemption in the Act where the construction of a **new** single family dwelling will **result in soil disturbance in excess of 5000 sq. ft.** as follows:

For lots created by a subdivision approved after January 1, 1976: The construction of a single family dwelling unit is **not** exempt from the Act if the subdivision created two or more single-family dwelling lots. The Act applies regardless of whether all the subdivided lots have been or are being built upon at the time of application.

For lots created by a subdivision approved prior to January 1, 1976: The construction of a single family dwelling unit **is** exempt unless it is part of the concurrent construction of two or more contiguous or non-contiguous single family dwelling units by a common entity within the same subdivision.

In summary, the Single Family Exemption is limited to the construction of an individual single family dwelling unit on an existing single family dwelling lot created before the effective date of the Act, January 1, 1976, that is not part of a larger development by a common entity and involves no demolition activity.