



Medford Lakes Colony

79 Tecumseh Trail
Medford Lakes, NJ 08055
(609) 654-7747 / office@mlcolony.org

DOCK OR PEIR PERMIT APPLICATION

COLONIST:

**** PLEASE RETURN FOR REVIEW BY THE BOARD OF DIRECTORS:**

- => Page 1 and 2 of “Dock or pier Permit Application” – completed and signed
- => “Dock and Dock or pier Permit Checklist” – dated and initialed
- => Drawings and/or plans detailing proposed work – see paragraph B, page 3 of *General Terms and Conditions*
- => A copy of your property survey – marking where the dock is with an “X”
- => A \$25.00 check made payable to “Medford Lakes Colony”

Please read carefully and keep for your records the *General Terms and Conditions* (page 3 – 6) and a copy of the “Dock and Dock or pier Permit Checklist.”

Please be advised that the Board of Directors meets the 2nd Monday of each month. If all your paperwork is complete, your application will be approved that night. You will also be notified of your application’s approval.

If you have any questions or concerns about the matter above, please contact the Colony Office at either (609) 654-7747 or office@mlcolony.org.

Thank you!!

DOCK AND PIER PERMIT APPLICATION

Date of Applications: _____

This Permit Application shall be completed for any proposed construction, reconstruction, replacement or repair of a dock or pier where such dock or pier enters onto, into or otherwise comes into contact with real property owned by the Medford Lakes Colony (MLC). In the Borough of Medford Lakes, MLC is the record owner of all lakebeds up to the high-water mark. You must be a member in good standing to apply for, and be eligible to receive, a permit; MLC will not issue a permit to any household that is not a member in good standing. The issuance of a permit from MLC is conditioned upon the property owner obtaining all necessary regulatory approvals for the proposed work.

A non-refundable application fee of Twenty-Five Dollars (\$25.00) shall be paid upon submission of this Dock or pier Application.

I. This Permit applications is for (CIRCLE ALL THAT APPLY):

- A. **Minor repair of an existing dock or pier:** defined as reconstruction and/or replacement of one or more planks or other structures and other similar work that does not require digging into or otherwise temporarily or permanently displacing the lakebed.
- B. **Major repair/reconstruction of an existing dock or pier:** defined as work to an existing dock or pier that would require digging into otherwise temporarily or permanently displacing the lakebed.
- C. **Replacement of an existing dock or pier with a new dock or pier:** defined as a complete or partial reconstruction of a new dock or pier in the same location as the prior existing dock or pier structure. Partial reconstruction includes the replacement of existing piles or the addition of the number of piles.
- D. **Construction of a new dock or pier:** defined as the building of a dock or pier structure where one did not previously exist.

II.

A. Name of Homeowner(s) Applicant: _____

B. Address of Applicant: _____

C. Phone No. _____ E-mail _____

D. Name of Lake/other MLC property affected: _____

E. Name/address of party completing application (if different than above):

F. Name/address/phone number of Contractor:

G. Name/address/phone number of Engineer:

III. By signing and delivering this Permit Application, the above-identified homeowner/applicant acknowledges and agrees to be legally bound by the terms, condition, limitations and restrictions of the permit, if and when issued by the Medford Lakes Colony. The homeowner/applicant acknowledges and agrees that if he/she breaches the terms of the permit that MLC shall have the right to seek injunctive relief, require the removal of any nonconforming structures, and other legal and equitable relief.

I have read, understand and agree to be bound by the Dock or pier Permit General Terms and Conditions.

(All owners of the property must sign below):

By: _____, Homeowner/Applicant

By: _____, Homeowner/Applicant

NOTE: HOMEOWNER/APPLICANT MUST PROVIDE A DUMPSTER FOR THE REMOVAL OF ALL DEBRIS ASSOCIATED WITH THE REPAIR OR REPLACEMENT OF YOUR DOCK OR PIER.

IV. Dock or pier Permit General Terms and Conditions

- A. Purpose and Scope: The Medford Lakes Colony (MLC) owns and/or maintains the lakes and lakebeds in the Borough of Medford Lakes for the benefit and enjoyment of its members. MLC is committed to fostering healthy lake ecosystems and the environment, and facilitating the recreational use of the lakes by its members. The regulation of design, construction and installation of dock or piers is vital to ensure healthy lake environment and the continued unimpeded use by the membership of these important natural resources. This Dock or Pier Specification is prospective, and shall apply to all designs, construction and installation of dock or piers abutting MLC property as of the effective date above, and shall include any and all repair to existing structures, conforming and nonconforming. Members with existing non-conforming dock or pier structures will not be required to conform to these regulations, except to the extent that the member makes repairs to, alterations to, or replacement (in whole or in part) of any such non-conforming structure. Where a dock or pier did not exist as of the date of adoption of this rule, a member owning lake or water front property is not eligible to obtain a permit for dock or pier construction and installation, unless and until the member has obtained all applicable regulatory approvals of the State of New Jersey. MLC's objective is to eliminate, over time, all non-conforming dock or pier structures abutting its property so that such structures to the extent possible are aesthetically consistent throughout the Borough and otherwise compliant with the environmental goals and objectives of MLC and the regulatory requirements of the State of New Jersey.
- B. Plans and Drawings: Except for minor repairs to an existing dock or pier (as defined in section 1.A above), the applicant shall provide as part of its application an engineers' or contractor's drawing and/or plans detailing the proposed work, including, by way of example, the exact location, type of construction, size, appearance of, and materials for the proposed structure. Such engineer and contractor shall be registered to do business, and licensed, in accordance with the laws of the State of New Jersey.
- C. Requirement of Membership: Constructing and maintaining dock or piers are privileges afforded only to members of MLC. In the event the owner of a property with an existing dock or pier declines to become a MLC member, or to maintain membership in MLC, MLC shall have the right to withdraw permission to maintain the dock or pier, and take such action as MLC deems necessary to protect its property. The property owner agrees that MLC shall have the right to assess any and all costs related to the property owner's breach of MLC rules.
- D. Maintenance Obligation: Property owners must properly maintain their dock or pier. Any lack of maintenance affecting the safety or appearance of the structure, or that poses a potential threat to MLC property, is sufficient cause for MLC to take such action, as it deems necessary or desirable to remedy such lack of maintenance, provided, MLC has given the property owner ten (10) days prior

written notice by certified mail and the property owner does not show good faith effort to remedy such lack of maintenance. Sealants and stains used on dock or piers must not contain environmentally damaging chemicals that are determined to be a danger to the health, safety and welfare of the public and damaging to the environment as noticed by the USEPA or NJDEP. If the MLC incurs costs as a result of non-conforming structure, the property owner agrees that MLC shall have the right to assess such costs to the property owner.

- E. Term and Transferability: A permit issued by MLC is not transferable to another party, and shall automatically expire one year from the date of issuance.
- F. Specification and Configuration: All dock or piers constructed within or upon the lakebed and property of the MLC shall conform to the specifications and configuration detailed below. The purpose of these minimum requirements is to allow MLC to maintain compliance with *de minimis* parameters established by the United States Army Corps of Engineers (“COE”) and New Jersey Department of Environmental Protection (“NJDEP”).
 1. General Prohibitions: The design, construction and installation of docks and piers shall be prohibited where:
 - (a) pilings are so closely spaced that sedimentation rates will be increased;
 - (b) pilings themselves effectively would replace the bottom of a water body;
 - (c) placement of pilings would reduce the reach or impair the flow or circulation of waters;
 - (d) placement of pilings would result in the adverse alteration or elimination of aquatic functions;
 - (e) pilings are intended to be used for structural support of a building such as a commercial or residential structure;
 - (f) structures(s) are constructed using earth fill, block walls, or mass concrete that would otherwise replace the natural lakebed substrate or reduce the open water volume of the lake;
 - (g) structure(s) or any portion thereof would be a floating structure, not otherwise connected to the shoreline of a member’s property;
 - (h) structure(s) or any portion thereof would contain a diving platform; or
 - (i) structure(s) would have a roof or similar covering, UNLESS the proposed structure is replacing or repairing a pre-existing structure containing such covering.
 2. Docks and piers specification: The design, construction and installation of docks and piers shall conform to all of the following requirements:

- (a) All proposed or replacement docks and piers shall conform to the latest release of BOCA or IBC as amended by local construction codes;
- (b) With the exception of pilings, ladders and steps, no components of a dock or pier shall extend below the lake normal water's surface, and must allow for: (i) at least a twelve (12) inch vertical distance between the water surface and the lowest structural or non-structural member of the dock or pier and (ii) the floor to be no more than an eighteen (18) inch vertical distance from the normal high water level;
- (c) The number of pilings used for support of docks and piers shall be the minimum necessary to support the structure, and their spacing shall be the greatest extent practicable;
- (d) All pilings shall be circular or square in cross section with a maximum dimension of ten (10) inches;
- (e) The dock or pier shall obtain its lateral stability via the driven or jetted pile, with the pile driven or jetted to a sufficient depth so as to provide the appropriate support for all anticipated dead and live loads, including but not limited to the dock or pier itself, anticipated live loads (people, boats, rafts, furniture, etc.) and ice loading. Additionally, the pile shall be driven or jetted to sufficient depth to provide lateral stability of the dock or pier without the need for diagonal cross bracing; only horizontal beams shall be used in the structure.
- (f) All pilings shall be placed into the lakebed substrate without the use of poured or pre-cast (i.e. block) concrete footings, but shall be placed to a depth into the substrate that would allow for a structural stability of the dock or pier as required in subpart (e) above;
- (g) All dock and pier materials, including, for example, pilings, beams, stringers and planks shall be constructed of non-environmentally damaging materials and shall not be treated with environmentally damaging chemicals. Such chemical treatments that are explicitly prohibited include arsenic or creosote, or any other treatments or material components that are determined to be a danger to the health, safety and welfare of the public and damaging to the environment as noticed by the United States Environmental Protection Agency ("USEPA") or NJDEP.
All materials that are above the water line must be wood or of a wood-like appearance that maintains such appearance over the useful life of the structure;
- (h) A minimum of eight (8) feet of open water shall be provided between all docks and docks shall not be placed closer than four (4) feet from any property line;
- (i) The space between horizontal planking is maximized and the width or horizontal planking is minimized to the maximum extent practicable. A minimum of 3/8 inch, 1/2 inch, 3/4 inch or one inch space is to be

provided for four inch, six inch, eight to 10 inch, or 12 inch plus wide planks, respectively;

- (j) Except as provided in subpart (k) herein-below, the maximum dimension of each dock and pier shall be 12 feet extending out from, the property line x 20 feet parallel with the property line; with (i) a maximum of one dock and/or pier per 200 feet of lake frontage, (11) a minimum of one dock and/or pier allowed per single family residential lot, and (iii) a maximum height of any installed protective railing of thirty-six (36) inches vertical distance from the flooring of the structure to the top of such railing;
- (k) Where one property owner owns more than 200 feet of frontage on any lake, MLC may, in its sole discretion, by a majority vote of the Board of Directors: (1) permit the construction and installation of one additional dock or pier with dimensions as set forth in subpart (j) herein-above in each 200 feet or fraction thereof of lake frontage, OR (2) permit the construction and installation of one dock or pier, where the total square feet of the single structure may exceed by no more than thirty percent (30%) the dimensions as set forth in subpart (j) herein-above, PROVIDED, however, that the dimension extending out from the property line shall not exceed twelve feet.

G. Waiver of strict compliance: Where the member has demonstrated that strict compliance with any of the above specification cannot be met due to property specific circumstances, the MLC, by a majority vote of its Board of Directors, may grant a waiver, provided all of the following requirements are satisfied:

- (a) the member shall appear at a meeting of the Board of Directors and demonstrate that the requirement(s) creates an undue burden and hardship that outweighs an benefit derived by compliance with the requirement(s); and
- (b) the member shall provide such information, as reasonably requested by the Board of Directors, the Vice President of Property, or MLC's engineering consultant, including, without limitation, reports, calculations or testimony prepared and presented by a NJ licensed Professional Engineer, at the member's sole expense; and
- (c) the member shall provide proof of notice by certified mail, return receipt requested to all lake or water front property owners within 200 feet of the member's property of the date and time of the meeting during which the member intends to seek a waiver to afford such owners the opportunity to provide comment on the member's request for waiver at such meeting; and
- (d) the member shall provide proof through a licensed professional engineer that the member's request for a waiver of strict compliance to construct their dock or pier does not necessitate the member obtaining regulatory approval of the NJDEP or other authorities; or alternatively, that the member has applied for such regulatory approval(s), in which

event, MLC, may, in its sole discretion, either (i) issue a permit subject to the member's receipt of such approval(s), or (ii) deny the request for waiver; and

(e) a waiver shall not be granted if such waiver would cause MLC to significantly deviate from its requirements to comply with the exemption criteria for permitting as determined by the COE and NJDEP.

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H. MLC may, in its sole discretion, amend the foregoing specifications, to include additional limitations and restrictions, when upon a majority vote of the Board of Directors at a regularly scheduled or special meeting, the Board determines that the interests of MLC are best served by such amendment, which shall apply to all structures from and after the date of publication of the amendment to the membership.

Medford Lakes Colony
Dock & Dock or pier Permit Checklist

The Medford Lakes Colony owns, maintains and is responsible for the lakebeds underlying the waters in our lakes and waterways. We are committed to being responsible stewards of the lakebeds and the water that flows into and through our community, and onward to other users downstream. There are a variety of regulatory agencies that govern our activity, and it is our objective to be compliant with these ever-changing requirements. The interface between the commonly held property of the Colony and the property of homeowners is of special interest and deserves careful attention when homeowners are planning waterfront improvements adjacent to our lakes. Careful review of this checklist will help to make the permit approval for docks and dock or piers a simple process.

- Existing dock or piers must be removed before new dock or piers can be constructed. The Colony cannot be responsible for existing illegally constructed docks or dock or piers that are built upon private or community property of the Colony.
- Homeowners must provide a metes and bounds survey showing the property lines and original lake shorelines.
- Dock or piers may not be constructed in the lakebed property of the Medford Lakes Colony.
- Permits must be submitted and approved by the Colony. This process requires that complete permit applications are presented to the Colony office prior to the regular membership meetings on the 2nd Monday of each month.
- Emergency repairs may be authorized for acts of god by contacting the Colony office and completing a permit application for expedited approvals. Emergency repairs do not apply to homeowner deferred maintenance issues.
- Permit applications must be accompanied by a drawing or sketch that indicates the location and type of new construction, including centerline of dock or pier relative to the property lines, sections through docks and dock or piers, dimensions, materials, etc.
- The Colony does not maintain control over the actual lowering of lakes. This process is tightly regulated by state agencies, the Borough of Medford Lakes and the Colony for reasons related to lake biology, common aesthetic enjoyment of the lake, embankment protection and downstream property rights. Allowable lowering may occur between mid-October and mid-April, and only by special permit and advance notice. Homeowners should not expect lake lowering for dock, dock or pier construction or repair, or for seasonal lakebed maintenance.
- Sand, rocks or other material may not be placed into the lakebed.
- The preferred lake shoreline is a stabilized bank consisting of native plantings. This allows for natural interaction of lake organisms and creatures. Dock or piers create a channelized shoreline that inhibits the natural biology of the lake environment. Dock or piers are costly addition to homeowner shorelines that require maintenance, and should be a last resort over natural stabilized embankments.

- Homeowners are responsible for any engineering required for dock or piers and docks. Dock or piers that retain or restrain more than 4' of earth as measured vertically from the lakebed shall be engineered, and reinforced and tied back to existing earth.
- Excavation of any kind in the lakebed is prohibited. This includes dock or pier footings, dock piers or the like. The preferred method of creating foundations and piers, when necessary, is through the use of water-jetted posts or boards.
- Placement of any type of cast-in-place concrete into the lakebed is prohibited.
- The use of paints, coatings and sealants should be planned carefully to ensure that no material is deposited into or on the water surface of the lake during construction, repair, or maintenance of docks and dock or piers.
- Floating docks or devices are prohibited, as are any floatation devices that are not permanently attached to the homeowner's property by way of approved permit.
- Materials should be selected that are of wood. The use of wood preservative treatments shall be those that limit leaching of preservative into the water.
- Sizes of docks are limited by the bylaws of the Medford Lakes Colony based upon the dimension of the homeowner's shoreline.
- Docks are allowed as part of the privileges of membership in the Medford Lakes Colony. Docks which are in disrepair, or which create a nuisance to others, will be removed. Failure to maintain membership in the Colony will result in the loss of dock privileges and the removal of the dock.
- Colonists and their contractors and engineers are solely responsible for the design and integrity of the structures that they submit for permits.

Date: _____

Initial: _____

— First copy to be turned in/Second copy for the Homeowner

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