

Medford Lakes Colony
79 Tecumseh Trail
Medford Lakes, NJ 08055
Phone: 609.654.7747
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BULKHEAD PERMIT APPLICATION

Date of Applications: _____

This Permit Application shall be completed for any proposed construction, reconstruction, replacement or repair of a bulkhead where such bulkhead 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 Bulkhead Application.

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

- A. **Minor repair of an existing bulkhead:** defined as reconstruction and/or replacement of one or more headboards 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 bulkhead:** defined as work to an existing bulkhead **that would require digging into otherwise temporarily or permanently displacing the lakebed or relocating or extending all or a portion of the existing bulkhead.**
- C. **Replacement of an existing bulkhead with a new bulkhead:** defined as a complete reconstruction of a new bulkhead in the same location as the prior existing bulkhead structure.
- D. **Construction of a new bulkhead:** defined as the building of a bulkhead 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 Bulkhead 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 BULKHEAD.

IV. Bulkhead 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 bulkheads is vital to ensure healthy lake environment and the continued unimpeded use by the membership of these important natural resources. This Bulkhead Specification is prospective, and shall apply to all designs, construction and installation of bulkheads 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 bulkhead structures will not be required to conform to this 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 bulkhead 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 bulkhead 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 bulkhead 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 bulkhead (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 bulkheads are privileges afforded only to members of MLC. In the event the owner of a property with an existing bulkhead declines to become a MLC member, or to maintain membership in MLC, MLC shall have the right to withdraw permission to maintain the bulkhead, 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 bulkhead. 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 bulkheads 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 on year from the date of issuance.

F. Specification and Configuration: All bulkheads constructed within 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 protect its lake and water bed property, maintain compliance with applicable laws and regulations of the State of New Jersey, and promote the aesthetic goals of Medford Lakes.

1. Bulkhead specifications: The design, construction and installation of bulkheads shall conform to all of the following requirements:

- (a) All proposed or replacement bulkheads shall conform to the latest release of IBC as amended by local construction codes;
- (b) All bulkheads shall be designed as earth retaining structures and if proposed to be four (4) feet or greater in height (as measured from 12" below the existing lake substrate) shall be designed by a Professional Engineer licensed in the State of New Jersey;
- (c) All bulkhead materials, including, for example, sheet piling, walers, block 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 bulkhead;

- (d) For existing bulkhead repairs or replacements, these structures must be placed at the location of the existing bulkhead or landward. No bulkheads shall extend further into the lakebed than the existing structure placed at a location of the existing bulkhead or landward. No bulkheads shall extend further into the lakebed than the existing structure;
 - (e) New bulkheads shall be placed so as not to reduce the existing lakebed area, and to the maximum extent, placed at the existing shoreline or landward;
 - (f) Bulkheads shall be placed so as not to interfere with adjacent properties; including but not limited to redirection of water to a neighboring property;
 - (g) If a proposed bulkhead repair or replacement will impact a neighboring bulkhead, or a new bulkhead will connect to an adjacent property's bulkhead, then a letter from the adjacent property owner must be provided authorizing such work to impact or connect to their property;
 - (h) For all bulkhead work defined under Section I.B,C, or D, in addition to obtaining a permit from MLC, the property owner shall be solely responsible for obtaining all other regulatory approvals, including, without limitation, any permits from the NJ Department of Environmental Protection, Land Use Regulation Program, or if the property owner is an entity other than a homeowner, any approval from the Pinelands Commission.
- G. General Liability: The member, upon making application to MLC for a permit, agrees to indemnify, defend and hold MLC harmless from and against any claims, costs (including reasonable attorney's fees), damages, fines, losses and penalties incurred in connection with the member/owner's failure to comply with any and all regulatory requirements pertaining to the bulkhead.
- H. 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, a waiver by the Board of Directors may be granted upon a majority vote, provided all of the following requirements are satisfied:
- 1.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 any benefit derived by compliance with the requirement(s); and
 - 2.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

3. 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 to the Board at such meeting.
4. the member shall provide proof through a licensed professional engineer that the member's request for a waiver of strict compliance to construct their bulkhead 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 conditioned upon the member's receipt of such approval(s), (ii) deny the request for waiver; and, in any event, the member by requesting the waiver hereunder hereby agrees to indemnify, defend and hold MLC harmless from and against any claims, costs (including reasonable attorney's fees), damages, fines, losses and penalties incurred in connection with the member/owner's failure to comply with any and all regulatory requirements.

The granting of a waiver hereunder, shall not limit or otherwise be deemed a waiver by MLC of its rights under subsection G, General Indemnity.

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I. 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.