

# **Village of Loch Arbour** **Municipal Public Access Plan**

**Submitted by:** Village of Loch Arbour

**Date of Current Submittal:** **Date**

**Approved by the New Jersey Department of Environmental Protection:**

**Date of NJDEP approval**

**Adoption by the City:**

**Date will be added upon adoption**

**Prepared By:**

**Marilyn Simons, RMC**

**Village of Loch Arbour**

**550 Main Street**

**Loch Arbour, New Jersey 07711**

## **Index**

Introduction	3
I. Municipal Public Access Vision	4
II. Existing Public Access	5
III. Community Needs Assessment	6
IV. Implementation Plan	6
V. Resolution of Incorporation	8
Appendix 1 Resolution for Incorporating MPAP into Master Plan	9
Appendix 2 Tables	10
Appendix 3 Recreation and Open Space Inventory	11

**xx**

## Introduction

This document is intended to provide a comprehensive public access plan for the Village of Loch Arbour which lays out a vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with the Coastal Zone Management Rules at N.J.A.C. 7:7-16.9. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility.

The Public Trust Doctrine, first set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, establishes the public's right to full use of the seashore. The Public Trust Doctrine states that natural resources, including, but not limited to, tidal waterways and their shores, air and wildlife in the State of New Jersey are held by the State in trust for the benefit of all of the people. Further, the Public Trust Doctrine establishes the right of the public to fully utilize these natural resources for a variety of public uses.

The original purpose of the doctrine was to assure public access to waters for navigation, commerce and fishing. In the past two centuries, State and Federal courts in New Jersey have recognized that public uses guaranteed by the Public Trust Doctrine also include public recreational uses such as swimming, sunbathing, fishing, surfing, sport diving, bird watching, walking and boating along the various tidal shores.

Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey. The New Jersey Department of Environmental Protection (DEP) adopted new rules governing public access on November 5, 2012 that enable municipalities to develop and adopt MPAPs to govern public access within their municipality. This MPAP consists of an inventory of public access locations and plans to preserve and enhance access based on community needs and State standards.

This plan has been developed in collaboration with the DEP, Board of Commissioners and the Village Administration Officials and presented to the Planning Board on **date** and approved for submission to the DEP on **date**. Upon receiving approval from the DEP on **date**, the MPAP was incorporated into the **specify element** Element of the Master Plan by resolution on **date**, (see Appendix 1). All public access decisions made within the Village of Loch Arbour after this date will be consistent with this plan.

## Importance of Municipal Public Access Plans

The premise of the authorization of MPAPs is that public access to tidal waters is fundamentally linked to local conditions. The development of a MPAP enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. It also informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

The Village of Loch Arbour is responsible for ensuring that public access to the tidal waters within the municipality is in accordance with this plan as approved by DEP and adopted as part of the municipal Master Plan. For each new project that is required to provide public access through a DEP issued Coastal Area Review Act or Waterfront Development permit, Village of Loch Arbour will provide DEP with a letter confirming its consistency with this MPAP. Upon adoption of this MPAP into the municipal Master Plan, the DEP public access requirement shall be satisfied in accordance with this plan. The Village of Loch Arbour will submit a progress report documenting plan implementation to DEP every five (5) years after the date of plan adoption.

## **I. Municipal Public Access Vision**

### **A. Overview of Municipality**

The Village of Loch Arbour has historically been a community of detached single family dwellings. The municipality is a homogeneous neighborhood within the overall complex of the surrounding municipalities of Asbury Park to the south, Interlaken and Ocean Township to the west and Allenhurst to the north. There is a small commercially zoned area at the western boundary of the Village located along Main Street.

The Village of Loch Arbour lies in the coastal plain area of New Jersey. There are no unusual topographical features, as the area is relatively level with natural drainage into Deal Lake. Considerable portions of the ocean front at the eastern perimeter of the Village and the lake front extending from the southeast along the southern boundary with Deal Lake to the southwest perimeter of the Village are in the flood hazard area as determined by FEMA.

One of the major assets of the Village is its oceanfront location and beach. Public access is provided to the beach area on a year-round basis. Seasonally, the beach area offers a wide range of recreational activities, such as bathing, surfing and fishing activities to residents and visitors.

#### **1. Map 1. Village of Loch Arbour Tidal Waterways and Lands**

Map 1 shows all the tidal waterways within the municipality and all lands held by the municipality.

## Village of Loch Arbour, NJ - Tidal Waterways and Lands



### B. Municipal Public Access Goals and Objectives

## 1. Goals & Objectives

- i. Provide public improvements to maximize public access.

In addition to those goals outlined within the Master Plan, The Village of Loch Arbour affirms the following State required goals specifically for public access:

- ii. All existing public access shall be maintained to the maximum extent practicable.
- iii. Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- iv. Provide clear informative signage for access locations.

The Village of Loch Arbour Municipal Public Access Plan embraces and reflects these goals and will help preserve, protect, and enhance the public's ability to access the Public Trust lands which surround the municipality. The previous goals are compliant with the New Jersey Coastal Zone Management Rules broad set of coastal protection goals (see N.J.A.C 7:7-1.1 (c)).

## 2. Municipal Master Plan Consistency

The goals and objectives provided in this Municipal Public Access Plan have been reviewed and are consistent with the Village of Loch Arbour Master Plan.

# II. Public Access

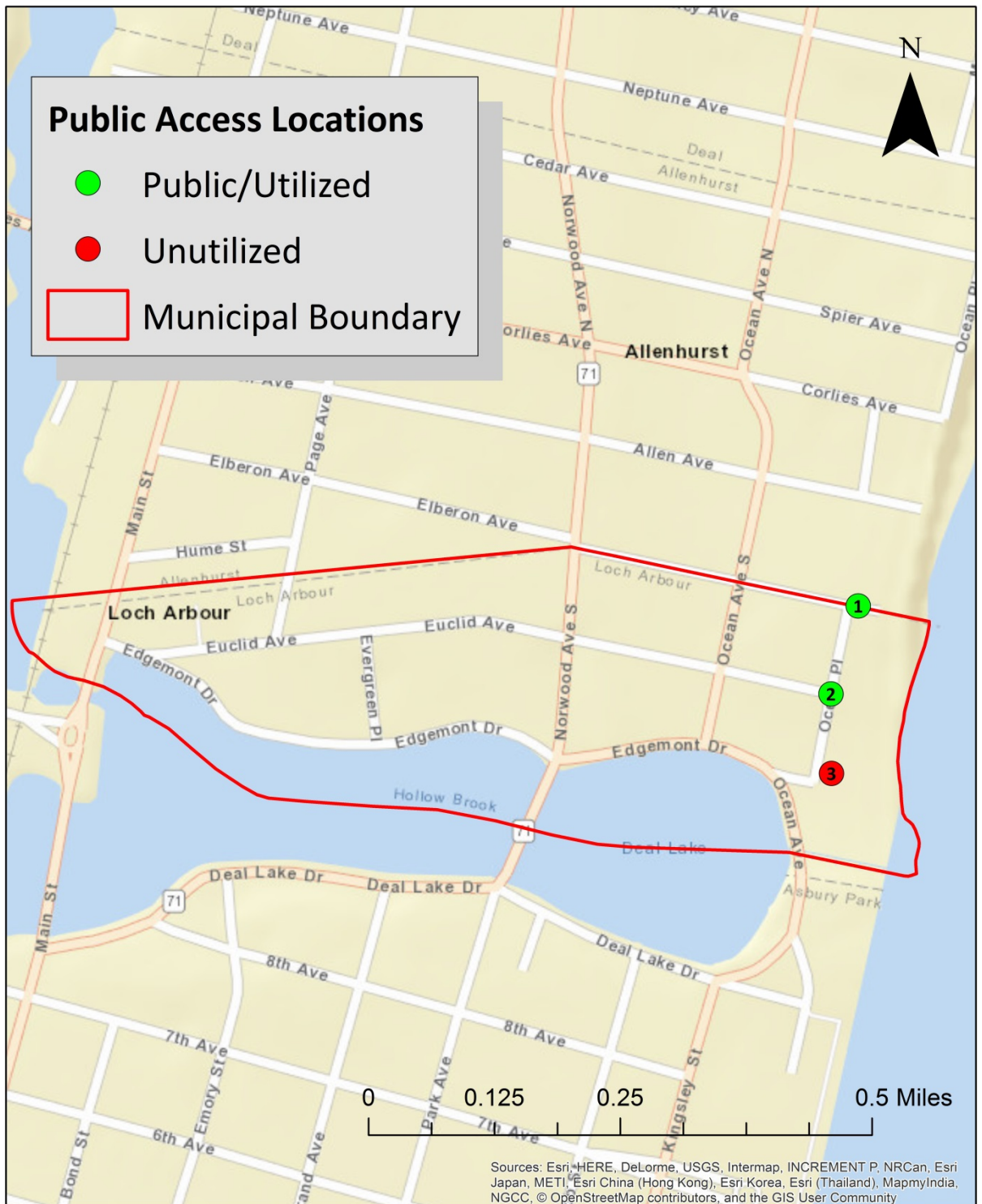
Public Access in The Village of Loch Arbour is provided by the municipality and consists of a variety of access points and facilities discussed below....including pavilion, bathroom facilities, lifeguarded beaches, beach walkways.

## A. Public Access Locations

**Map 2 The Village of Loch Arbour Public Access Locations**, identifies an inventory of all public access locations within the Village of Loch Arbour, whether they are currently Utilized, Un-utilized, or Restricted to the public, along with their attributes of improvements and activities. See Table 1, located in the Appendix, for detailed information for each location.

Map 2: Village of Loch Arbour Public Access Locations

### Village of Loch Arbour, NJ - Public Access Locations



### Village of Loch Arbour, NJ - Public Parking



### B. Improved Public Access Locations



**Map 3 Village of Loch Arbour Improved Public Access Locations**, provides an inventory of the existing public access locations that currently provide access to public trust lands and waters. See Table 1, located in the Appendix, for detailed information this location.

### Village of Loch Arbour, NJ - Handicap Accessibility



Map 3: The Village of Loch Arbour Enhanced Public Access Locations

### **C. Limitations to Public Access**

The following limitations to public access currently exist:

#### **1. Temporary Restrictions**

There are currently no temporary public access restrictions.

#### **2. Permanent Restrictions**

There are currently no permanent public access restrictions.

## **III. Community Needs Assessment**

The Village of Loch Arbour has performed a community needs assessment. The methods and results are described in the following section:

The Board of Commissioners continue to receive public comments regarding possible improvements. Beach goers recently asked for walkways for easier access to the beach. The Village has made improvements and purchased temporary mats to install during the summer months.

## **IV. Implementation Plan**

The Village of Loch Arbour has created an Implementation Plan composed of Priorities, Preservation of Public Access Locations, Signage, Proposed Access Improvements and Facilities, and Municipal Tools for Implementation as described in the following section:

### **A. Priorities**

The Village of Loch Arbour developed the following priorities:

#### **1. Maintain Existing Public Access**

The Village of Loch Arbour Staff as well as the Borough of Deal Department of Public Works, which the Village has a shared service agreement with, routinely check access points to ensure they are free from debris, barriers and remain safe and for users.

##### **a. Tools**

The Village of Loch Arbour will determine the maintenance schedule and routine checks.

##### **b. Cost and Funding**

The cost to maintain the public access points will vary between the Village of Loch Arbour's annual budget and capital budget.

#### **2. Preserving Public Access**

The Village of Loch Arbour will continue to reserve the current public access points.

##### **a. Tools**

The Village of Loch Arbour owns all of the sites that are utilized for public access. These sites areas existing beach access points.

**b. Cost and Funding**

Funding for preserving public access will be included in the general annual operating budget or capital budget.

**3. Proposed Locations and Facilities**

The Village of Loch Arbour does not have any proposed public access locations.

**a. Tools**

There are currently no plans at this time.

**a. Cost and Funding**

There are currently no funding required at this time.

**4. Other**

[Click here to enter text.](#)

**B. Signage**

The Village of Loch Arbour has provided the following signage:

Signs will be posted at each beach access point. The signs shall list beach access and rules pertaining to their use. Sign will be added as sites are improved or improvements replaced.

**C. Army Corps of Engineers Requirements for Shore Protection Projects**

The Village of Loch Arbour has met the ACOE Requirements as follows:

The Village of Loch Arbour is the recipient of a Federal Shore Projection project in 2015 through 2017. The Village complies with the applicable Federal and states laws and regulations regarding public ownership and use of the shore and continues to provide and maintain access open and available to all on equal terms.

**D. Additional Steps**

The Village of Loch Arbour has taken additional steps to implement the MPAP as follows:

[Click here to enter text.](#)

**V. Relationship to the Other Regional and State Plans**

The Village of Loch Arbour MPAP has been reviewed for consistency and has the following relationship to other Regional and State Plans:

[Click here to enter text.](#)

**VI. Resolution of Incorporation**

The Village of Loch Arbour has approved a resolution for the incorporation of the MPAP. See Appendix 1 for the resolution.

[Click here to enter text.](#)

Approval of this plan does not eliminate the need for any Federal, State, County or municipal permits, certifications, authorizations or other approvals that may be required by the Applicant, nor shall the approval of this plan obligate the Department to issue any permits, certifications, authorizations or other approvals required for any project described in this plan.

**APPENDIX 1**

**Model Resolution for Incorporating MPAP into Master Plan**

(upon adoption the final resolution will replace this model)

Resolution # \_\_\_\_\_

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the *{Village of Loch Arbour }* Municipal Public Access Plan (MPAP) was submitted to the Township Council and reviewed at the regular meeting of *{date}*, and

WHEREAS, the governing body has approved the plan as submitted, and

WHEREAS, the governing body recognizes the need to make the MPAP an authorized component of municipal decision-making by incorporating it into the municipal master plan,

NOW, THEREFORE, BE IT RESOLVED by the *{municipality governing body}* of *{municipality name}*, the "*{municipality name}* Municipal Public Access Plan," a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan within *{element}*.

FURTHER RESOLVED a copy of the plan shall be sent to the New Jersey Department of Environmental Protection for review and approval in accordance with N.J.A.C.7.7.

I hereby certify the foregoing to be a resolution adopted by the *{governing body}* at a meeting held on *{date}*.

\_\_\_\_\_  
Municipal Clerk

**Appendix 2**  
**Public Access Table 1**  
**Village of Loch Arbour Public Access Location Amenities**

ID	Sign	Parking	St	Cross St	Badge	Swim	Fish	Surf	Play-ground	Park	Pier	Boat Launch	Marina	Food/ Drink	Rest-room	H/C	Shore	Type	Review
1	Yes	Street, Free	Elberon Ave	Ocean Pl	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Ocean	Beach/ Fish	Utilized
2	Yes	Street, Pay	Euclid Ave	Ocean Pl	Yes	N/A	Yes	Yes	No	No	No	No	No	No	No	Parking	Ocean	Beach/ Fish	Utilized
3	-	-	Ocean Pl	Edgemont Ave	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Unutilized

**Explanation of table:**

**SIGNS:** Does the location provide signage identifying the location as a point of public access? Yes or No

**PARKING:** Is parking for the location/facility provided on the street or in a lot and is it free or do you have to pay? Street, free; Street, pay; Lot, free, Lot, pay

**STREET:** On what street is the public access located?

**CROSS STREET:** What is the cross street where this location is located?

**BADGE:** Are there times when a badge is required to use this location? Yes or No

**SWIMMING:** Is swimming permitted at this location? Yes or No (Limitations on swimming, such as hours, lifeguards, etc., are discussed in Section II.B and C)

**FISHING and SURFING:** Is fishing/surfing permitted at this location? Yes or No (Limitations/restrictions are discussed in the Section II.B and C)

**PLAYGRD, PARK, PIER, BOATLNCH, MARINA, RESTRMS:** Does this location include these amenities? Yes or No

**H/C:** What amenities are handicap accessible at this location/facility? (Not necessarily ADA Compliant) None, Parking reserved, Ramp provided, and/or Restrooms accessible

**SHORELINE:** What shoreline does this location inhabit? Ocean, Bay, River and/or inlet

**ACCESS TYPE:** Describe the type of access: Beach, Fishing, Boat, and/or Visual

[This imbedded Excel spread sheet should be used for the table described in Section II (Public Access). The title of each column should not be changed. The information about each public access location should be filled in using one of the options listed. This table will also be used to populate the information for each public access location in GIS. Additional information about each public access location can be included in the narrative portion of Section II. Please contact DEP with any questions or concerns about these options. ]

**APPENDIX 3**

**Recreation and Open Space Inventory**

[include here if applicable]

**APPENDIX 4**

**Sign Ordinance**

[include here if applicable]

**APPENDIX 5**

**Public Access Trust Fund Resolution**

(upon adoption the final resolution will replace this model)

[include here if applicable]