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# **Borough of Beach Haven** **Municipal Public Access Plan**



**Submitted by: The Borough of Beach Haven**

**Date of Current Submittal: 8/26/2016**

**Approved by the New Jersey Department of Environmental Protection:  
To be determined**

**Adoption by the Borough:  
Date will be added upon adoption**

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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.

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## **Introduction**

The intent of this document is to provide a comprehensive public access plan for the Borough of Beach Haven which lays out their 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. 7:7E-8.11. This MPAP was developed in collaboration with the New Jersey Department of Environmental Protection (NJDEP), and approved by the NJDEP on <date>. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility and potential funding opportunities for Beach Haven Borough.

Public rights of access to, and use of, the tidal shorelines and waters, including the ocean, bays, and tidal rivers, in New Jersey are founded in the Public Trust Doctrine. First set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, the Public Trust Doctrine establishes the public's right to full use of the seashore.

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 NJDEP 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.

In 2015, representatives from Beach Haven Borough met with NJDEP staff to begin the public access planning process. This plan was then developed in collaboration with the NJDEP, various departments within Beach Haven Borough and their planning consultant, Owen, Little & Associates, Inc. and was distributed for courtesy review to the Land Use Board and was submitted to the NJDEP on August 26, 2016. Upon receiving approval from the NJDEP on <date>, the MPAP was incorporated into the Recreation/Open Space Element of the Master Plan by resolution on <date>, see Appendix 2. All public access decisions made within Beach Haven Borough after this date will be consistent with this plan.

## **Authority for Municipal Public Access Plans**

The premise of the authorization of MPAPs is that public access to tidal waters is fundamentally linked to local conditions. Municipalities have a better awareness and are more responsive to these conditions than a broader State "one size fits all" mandated public access plan.

The voluntary development of a MPAP by Beach Haven Borough enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. Also, it informs and/or identifies public access requirements associated with any proposed development or redevelopment project. The MPAP was incorporated into the Recreation/Open Space Element of the municipality's Master Plan, in accordance with the Municipal Land Use Law (N.J.S.A 40:55D).

Upon approval of the MPAP by the NJDEP and incorporation into the Master Plan, Beach Haven Borough will be responsible for ensuring that public access to tidal waterways along the municipality's shorelines is provided in accordance with this plan. For each new public access project, Beach Haven Borough will provide NJDEP with a letter confirming its consistency with this MPAP. Any permit issued by the NJDEP will reflect, and ensure that public access requirements are satisfied in accordance with, this plan. Per N.J.A.C. 7:7E-8.11(j)4, Beach Haven Borough is required to submit a progress report on plan implementation to NJDEP within five (5) years from date of plan adoption.

The sections of this plan as indicated below are prescribed by the Coastal Zone Management Rules, N.J.A.C. 7:7E-8.11. See Appendix 1.

# **I. Municipal Public Access Vision**

## **A. Overview of Municipality**

The Borough of Beach Haven is located on Long Beach Island in Southern Ocean County. Long Beach Island is a barrier island community with shoreline along Barnegat Bay Watershed and the Atlantic Ocean. The Borough has a year round population of 1170 (2010 Census), however, the population increases dramatically in the summer months and can reach 20,000 people. With a total area of 2.320 square miles, of which 1.342 square miles is water, the Borough is situated geographically to enjoy the benefits of the associated oceanfront and bayfront shorelines. Beach Haven Borough is void of any major industry or farmland and is considered full developed with the exception of small infill lots or new lots created by subdivision. Given the dense population during the summer months, maintenance of existing public access locations along the Little Egg Harbor Bay (Barnegat Bay Watershed) and the Atlantic Ocean is paramount.

### **1. Public Access Description**

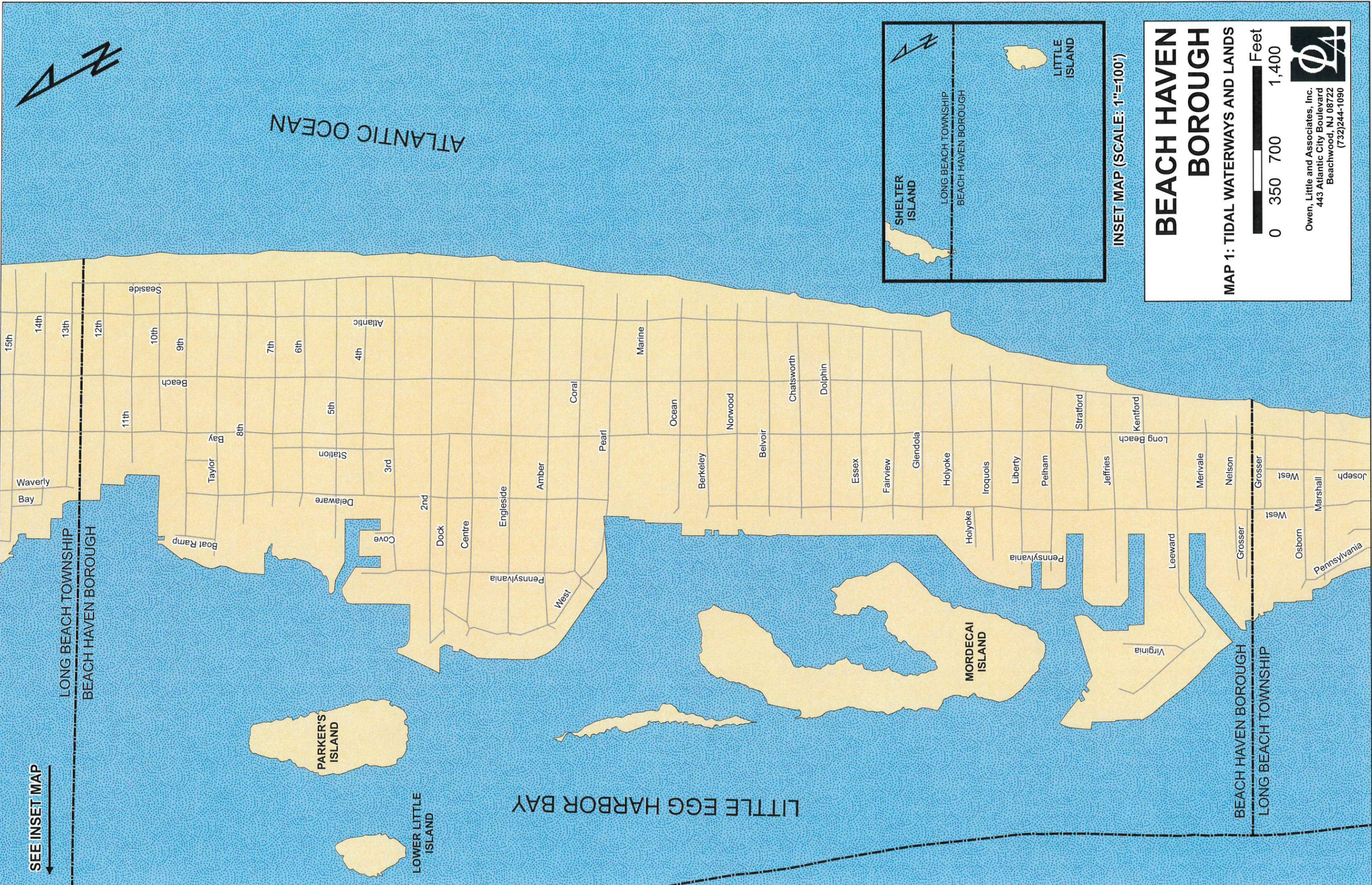
Public Access in Beach Haven Borough is provided by the municipality and consists of a variety access points and facilities including beach walkways, bathroom facilities, lifeguarded beaches, surfing and fishing beaches as well as parks, playgrounds and docks. The Borough protects and ensures public access through ordinances and beach fees. For example, many of the open spaces or areas that provide access to tidal water are regulated by the New Jersey Department of Environmental Protection's Green Acres Program and additional ordinances are in effect to guide the use of these parcels. Also, the ordinances assist in guiding development of particular parcels unregulated by the Green Acres Program and provide regulation for same. Beach fees are collected for beach users at a daily, weekly or seasonal rate and the type of tag purchased is the decision of the purchaser, not the Borough.

The overall goal of this MPAP is to establish Beach Haven Borough's plan to maintain and enhance all existing public access locations to and along tidal waterways and their shores.

### **2. Map 1. Beach Haven Borough Tidal Waterways and Lands**

Map 1 shows all the tidal waterways within the municipality and all lands held by the municipality. More specifically, Beach Haven's tidal waterways consist of the Atlantic Ocean to its east and the Barnegat Bay Watershed to its west. In this area of the Barnegat Bay, the waters are delineated into specific bays which can be referenced through NOAA Marine Navigational Charts. The adjacent bay is called specifically the Little Egg Harbor Bay and although the Beach Haven Inlet is farther south and actually adjacent to Holgate (Long Beach Township), a significant portion of the Borough's recreational and economic activities are dependent upon this inlet.

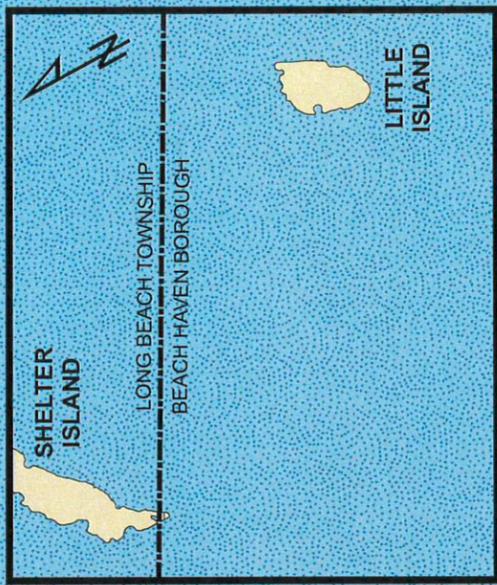




SEE INSET MAP

LONG BEACH TOWNSHIP  
BEACH HAVEN BOROUGH

BEACH HAVEN BOROUGH  
LONG BEACH TOWNSHIP



INSET MAP (SCALE: 1"=100')

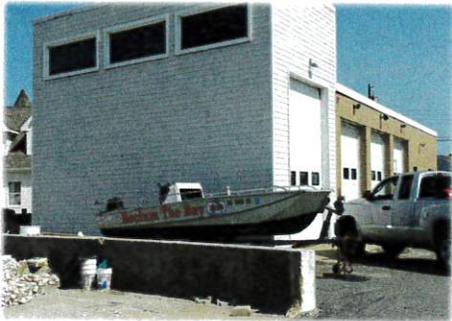
# BEACH HAVEN BOROUGH

MAP 1: TIDAL WATERWAYS AND LANDS



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For example, the local, non-profit environmental organization, ReClam the Bay promotes environmental involvement and education about the estuary's water quality and the importance of shellfish. This organization is based out of the municipal dock located at 420 Pelham Avenue and frequently conducts research and restoration projects at Mordecai Island.



*BEACH HAVEN  
BOROUGH  
REPRESENTS A  
BARRIER ISLAND  
COMMUNITY THAT  
RELIES HEAVILY ON  
THE SURROUNDING  
WATERWAYS FOR  
TOURISM AND  
COMMERCE AND  
PRIDES ITSELF ON  
OFFERING MORE THAN  
60 WAYS OF ACCESS  
TO THESE DESIRABLE  
SHORES*



The Miss Beach Haven, a charter fishing boat, and the Black Pearl Pirate Tour Ship both depend exclusively on access to the tidal waters of the Little Egg Harbor Bay in the spring, summer and fall months for conducting business. These businesses also attract

vistors from outside the Borough thereby increasing tourism to the area. A number of other individuals within the Borough whom offer private sailing trips and charter boat trips depend on this access from their home port.

Besides three off-shore islands including Mordecai Island, Parker Island and Little Island, various lagoons also mark the bayfront shorelines of the barrier island where homeowners utilize these tidal waters for recreational water-dependent uses such as motor boating, sailing and kayaking.

## **B. Municipal Public Access Goals and Objectives**

### **1. Goals & Objectives**

- a. Participate in programs, both federal and state, that preserve environmentally critical, sensitive or beneficial parcels of land
- b. Promote the continued balance of land uses while ensuring adequate open space and unrestricted access remains.
- c. Maintain and continue to promote a visually pleasing aesthetic along the waterfront areas

- d. Upgrade existing municipal park facilities
- e. Remain motivated to increase and improve public access locations
- f. Utilize native plantings when restoring areas adjacent to tidal water
- g. Remain cognizant of stormwater runoff and its effect on the estuary; consider requiring recharge systems and decreased impervious coverage limits.
- h. Establish an Ordinance that promotes the installation of Public Access signage where appropriate.
- i. Prioritize the reconstruction of vulnerable bulkheads and ensure shoreline stabilization for public safety and access.

In addition to those goals outlined within the Master Plan, Beach Haven Borough establishes the following State required goals specifically for public access:

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

Beach Haven’s 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 community. The previous goals are compliant with the New Jersey Coastal Zone Management Rules (see N.J.A.C 7:7E-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 Beach Haven Borough Master Plan. The Borough is currently developing a new Master Plan and goals and objectives related to recreation and public access to the Borough’s tidal waterways have been paramount in planning discussions.

Specifically, the draft Recreation and Open Space Element sets the following Goals, Focuses and Priority Actions related to public access:

***Goal: The Borough shall provide adequate sustainable park, open space and recreational facilities and land areas which offer access, quality improvements, programs and passive recreation opportunities to compliment the year-round and seasonal population’s desire for achievement in personal health, entertainment and effective use of leisure time.***

**Focus: To maintain existing parkland and support the acquisition of additional parcels to be used for open spaces**

### Priority Actions

- Encourage acquisition of parcels that promote public access to and utilization of tidal waters
- To maximize the potential of each parcel to serve the community of Beach Haven to the greatest extent practicable

**Focus:** To encourage continued recreational opportunities through progressive park programs and appropriate events that will support the year-round population and attract interest from the seasonal population.

**Priority Actions**

- Encourage eco-tourism by capitalizing on the Little Egg Harbor Bay and potential "Water Trail" to attract kayakers, paddleboarders, etc.

**Focus:** To encourage the revitalization of the existing parks system while specifically enhancing the natural features of each and support the development of park-specific improvement plans that are cost effective and achievable within a reasonable time period.

**Priority Actions**

- Explore the feasibility and benefits of Park Leasing by non-Borough entities as a means of revitalizing each park consistent with the Borough provided design plans.

## II. Public Access

### A. Public Access Locations

Map 2, Beach Haven Borough Public Access Locations, identifies an inventory of all public access locations within the Borough, and further describes the type of access provided as well as the shoreline condition. For the purpose of this plan, the access points have been defined as follows:

|                  |  |
|------------------|--|
| Physical Access: | A location point in which a user can access and physically enter the tidal water for the purposes of swimming, fishing, kayaking or the like.  |
| Visual Access:   | A location point in which a user can not physically access the tidal water but still utilize the water way for fishing, birdwatching, photography or sightseeing. In many cases, these locations may be hindered by bulkheads or permanent barriers to alert vehicles of the street ends and intersecting waterways. |
| Water Access:    | A location point which is reserved for islands within the municipal boundary that is accessible only by watercraft.  |

### B. Enhanced Public Access Locations

Map 3, Beach Haven Borough's Enhanced Public Access Locations, provides an inventory of the existing public access locations that currently provide access to public trust lands and waters. See Appendix 3 for detailed information.

Beach Haven is unique in that it has several access locations which are open to the public and presented accordingly but are considered to many as hidden gems due to their infrequent use by the general public. One example of this type of access is located on Pearl Street adjacent to the bay where there is a small vehicle parking lot, a maintained crushed shell surface and informational signage associated with Mordecai Island.





ATLANTIC OCEAN

LITTLE EGG HARBOR BAY



**LEGEND**

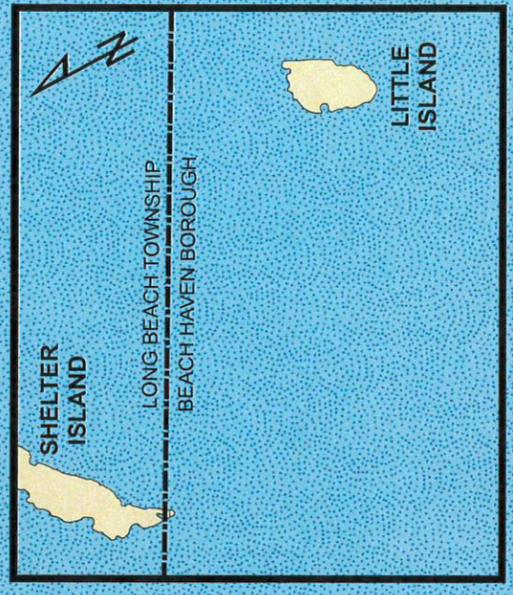
**ACCESS POINTS**

- PHYSICAL (Red circle)
- VISUAL (Purple circle)
- WATER (Blue circle)

**SHORELINE TYPE**

- BEACH/NATURAL SHORE (Yellow square)
- BULKHEAD (Green square)
- ROCK REVETMENT (Grey square)
- WATER (Blue square)

NOTE:  
ALL OCEANSIDE ACCESS POINTS  
PROVIDE ACCESS TO BEACH



INSET MAP (SCALE: 1"=100')

**BEACH HAVEN  
BOROUGH**

**MAP 2: PUBLIC ACCESS LOCATIONS**

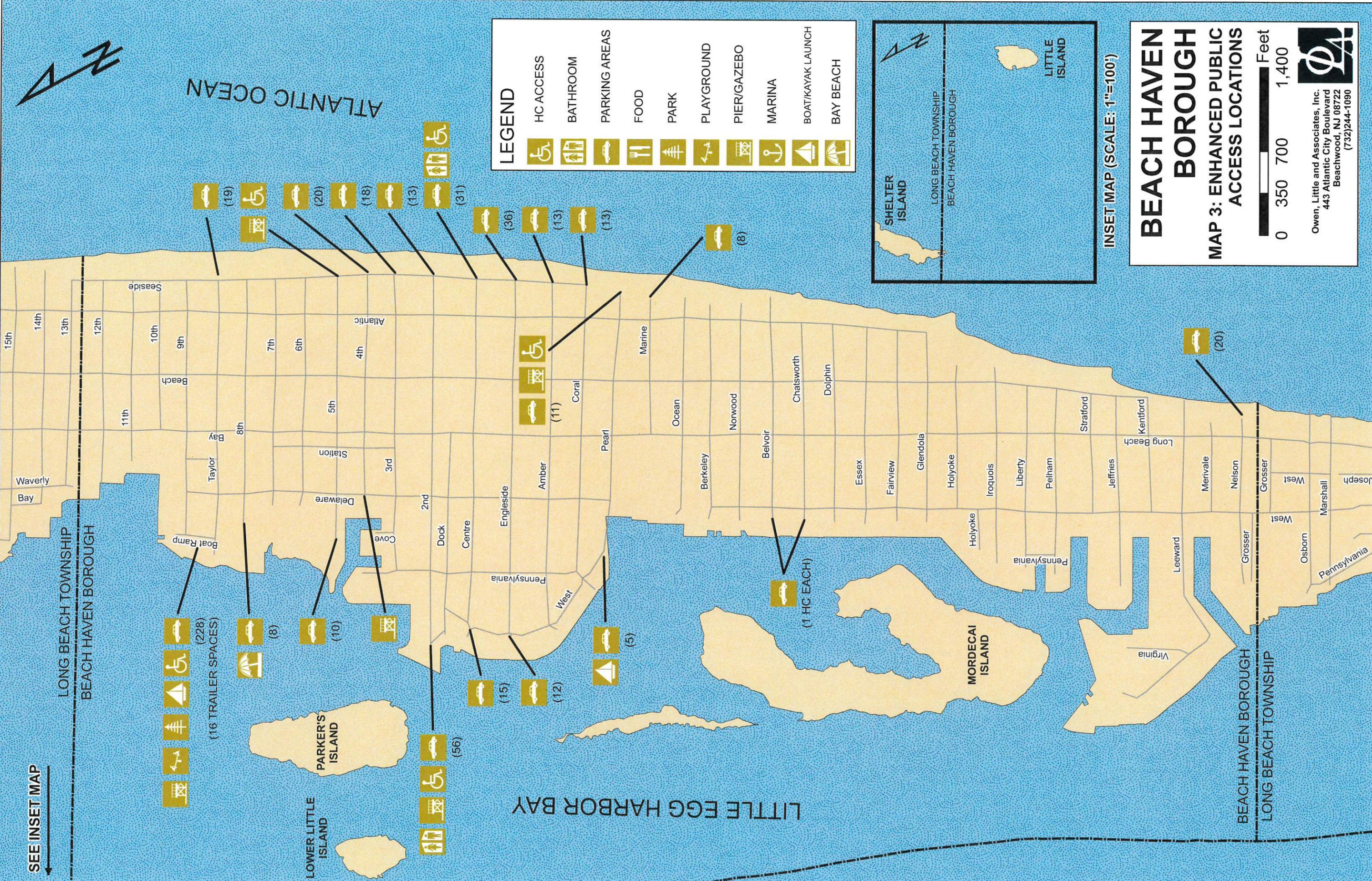
0 350 700 1,400 Feet

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SEE INSET MAP

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LONG BEACH TOWNSHIP  
BEACH HAVEN BOROUGH

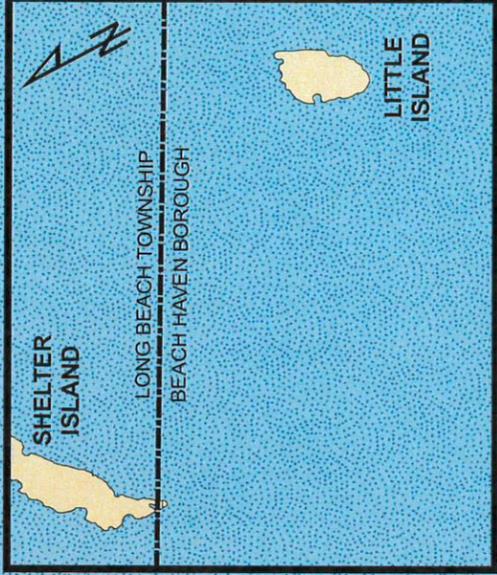


ATLANTIC OCEAN

LITTLE EGG HARBOR BAY

**LEGEND**

- HC ACCESS
- BATHROOM
- PARKING AREAS
- FOOD
- PARK
- PLAYGROUND
- PIER/GAZEBO
- MARINA
- BOAT/KAYAK LAUNCH
- BAY BEACH



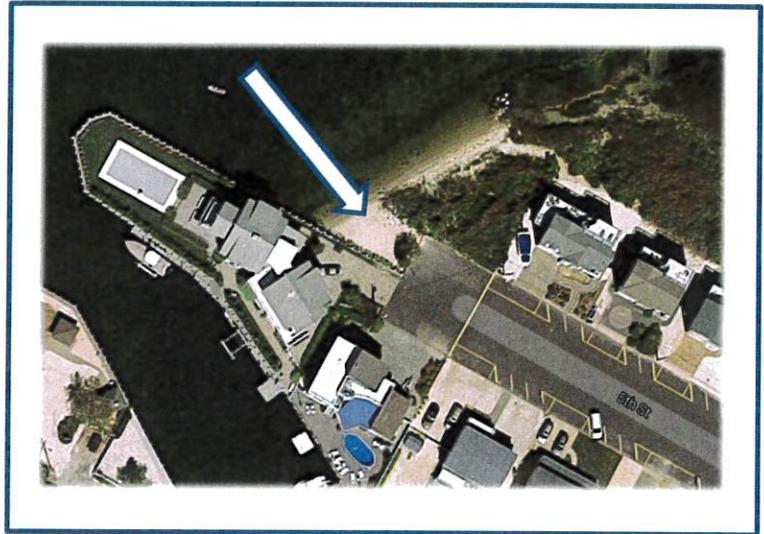
**BEACH HAVEN  
BOROUGH**

**MAP 3: ENHANCED PUBLIC  
ACCESS LOCATIONS**

0 350 700 1,400 Feet

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Another access point which is available to the public but often under-utilized is located at the bayside of 5<sup>th</sup> Street and offers on-street parking, though it is not designated for park use. This location is an ideal launch site for kayakers and paddleboards as it has a soft sand ground surface but is barricaded so no motor launches or large vessel launches are possible.



Many of the Borough's ocean front and bay front street ends include gazebos for shade or docks and benches for the enjoyment of the views and may include designated handicap parking stalls.



**Visit Beach Haven**  
 May 27 at 1:13pm

Beach Haven has started their annual official auction of public boat slips on Dock Road. If you have any questions, please call the Borough Clerk at 609-492-0111  
<https://www.govdeals.com/index.cfm>

**Results for 'beach haven' - GovDeals.com**  
 GovDeals is the place to bid on government surplus and unclaimed property including heavy equipment, cars, trucks, buses, airplanes, and so much more.  
 GOVDEALS.COM

Each year, the Borough offers 13 boat slips for lease, on a yearly term, at the public dock located on Dock Road. These slips are auctioned off via the website [www.govdeals.com](http://www.govdeals.com) and the auction occurs in May.

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

The following limitations to public access currently exist:

The Borough established places of resort, beaches, bathing, and recreation safeguards and equipment for the purposes of public health, recreation and entertainment. Places of resort shall be located at the ocean front, upon all lands owned by the Borough fronting on the Atlantic Ocean, in those portions of a tract of land known as "Beach/Seaside Avenues," together with the lands east of and adjacent hereto in the Borough wherein it has ownership and or control, easement rights or the right to occupy and use the same. Such places of resort shall further include the improved portions of the easterly ends of all public streets running in a generally east and west direction to the mean high water mark of the Atlantic Ocean.

### **1. Temporary Restrictions**

Beach Haven provides 64 access points to its tidal waters and the vast majority of access points are located on bayfront street ends or ocean blocks while other access points are provided via public parks or access easements.

#### **a. Hours**

Places of resort shall be kept open from 10:00 am until 5:00 pm during the bathing season from the fourth Saturday in June until Labor Day. The council reserves the right to determine, by resolution, the period during each year when each of the paid bathing beaches shall be opened and closed.

#### **b. Beach Badges**

Beach Haven Borough does utilize beach badges, commonly referred to as 'beach tags', to monitor beach access and establish regulation to ensure continued effectiveness of the beach and dune system as a line of defense from coastal storms. More specifically, beach badges are required to be worn from the fourth Saturday in June through Labor Day during the hours of 10:00 am until 5:00 pm. This is typically the time all beaches are also lifeguarded. Children under the age of 12 do not require a badge nor do adults age of 65 or older however, these adults will be provided a specially designated beach badge by the municipality free of charge.

No beach badge fee will be collected from any person in active military service in any of the Armed Forces of the United States and any persons who are active members of the New Jersey National Guard who have completed Initial Active Duty training, as well as their spouses and children over the age of 12. In addition, no fee is collected from any person who has served in any of the Armed Forces of the United States and who were discharged or released thereof under conditions other than dishonorable and who have served at least 90 days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability.

Fees are also not collected from any individual attired in street clothing and not using beaches, bathing or recreational areas for swimming, sunbathing or other recreational purposes.

c. Swimming/Bathing

Bathing in the surf is prohibited during periods of storm, high wind or dangerous conditions. Swim distance is determined by the Beach Patrol Supervisor according to daily ocean and wind conditions. No person is permitted to enter or remain in the surf beyond the northerly or southerly boundaries of bathing districts as designated by red/yellow flag markers posted by lifeguards.

d. Surfing

Surfing is prohibited between the hours of 10:00 am and 5:00 pm when lifeguards are on duty except within any area designated for surfing by the placement of quartered black/white flags on the beach which are placed at the discretion of the lifeguard captain.

All kayaks, canoes, inflatable boats and any type of equipment utilizing paddles or oars, windsurfers, jet skis, boats of any kind and fishing tackle are prohibited in areas designated for surfing while surfers are utilizing said area.

e. Beach Buggies

All motor vehicles must be registered with the Chief of Police prior to utilizing the ocean beach. Only four wheel drive motor vehicles registered to operate on the highways of the United States will be issued permits. This excludes all terrain vehicles and vehicles designed for sleeping or living such as campers. A fee is \$25 is required at time of application for permit and the permit will expire on December 31<sup>st</sup> of the year it was issued. No vehicles shall be operated on ocean front between May 15<sup>th</sup> and September 15<sup>th</sup>.

f. Jet Skis and Boat Launching

Jet-skis are only permitted to be launched at the public boat ramp located at Bay Avenue and Ninth Street. No launches are permitted at street ends or any other municipal waterfront location.

The following fees are required for use of the Municipal Boat Ramp located at Bay Avenue and Ninth Street:

|  |          |
|--|----------|
| Daily Fee.....   | \$20.00  |
| Weekly Fee.....  | \$75.00  |
| Season Fee (Between June 15 and September 15) .....          | \$100.00 |
| Commercial Ramp Pass (Between June 15 and September 15)..... | \$250.00 |

g. Fishing from Beaches

Fishing from beaches or launching or landing any boat from the beach within the protected bathing beach areas or within 50 yards of the boundaries of any such protected bathing beach. Is prohibited.

h. Horseback Riding

Horseback riding is prohibited at all times on the beach, strand or dune area.

i. Kite Flying

Kite flying is permitted on the beach only before 10:00am and after 5:00pm.

j. Ball Playing and Like Activities

Ball playing, ball throwing, quoits, horsehoes and like activities will be permitted at the discretion of the lifeguard captain, Chief of Police, or their designees. These activities are prohibited from 10:00am to 5:00pm in areas between flags to designate swimming areas. These restrictions are in effect from the fourth Saturday in June until Labor Day.

Additional temporary restrictions may come by way of dangerous or hazardous water conditions when lifeguards determine there is a risk to public safety and therefore prohibit bathing on particular beaches.

As Beach Haven continues its participation in the Long Beach Island Storm Damage Reduction and Beach Replenishment Project, restrictions to public access on the oceanfront may occur but will be minor in nature and only last a few days.



## **2. Permanent Restrictions**

There are no known restrictions to established public access points in Beach Haven Borough.

### **III. Community Needs Assessment**

Beach Haven has performed a community needs assessment. The methods and results are described in the following section:

Analysis of the collected data including interviews with residents and stakeholders, site inspections and deed research indicates that adequate public access is provided to the tidal waters adjacent to Beach Haven Borough. In addition, in the past five (5) years, Beach Haven has initiated and completed numerous bulkhead projects at street ends to ensure shoreline stability and a safe point of access to the waterfront as well as rehabilitated or reconstructed bayside and oceanfront facilities to provide additional services to those utilizing them. In particular, a project was recently completed at Taylor Avenue Park which was significantly impacted by Superstorm Sandy. This project included installation of a rock revetment for shoreline stabilization as well as community led planting and revitalization initiatives. The Borough is always looking for ways to increase and improve public access.

The Borough has embraced a vision of providing increased passive recreational opportunities as well as waterfront access for different age groups at its Borough-owned park facilities. Improvements such as adding playground equipment, park benches and expanding beach areas where appropriate would help improve the local recreational facility offerings. The increase in seasonal population has warranted an expansion of current facilities throughout the community. Unlike other municipalities in the state, Beach Haven is unique in that all recreational facilities can be accessed via different types of pedestrian oriented modes such as cycling or walking. In turn, this maximizes the potential use of the facilities by the local population. Municipal stakeholders feel its important to continue park and access point rehabilitation projects to avoid a deterioration in the existing infrastructure.

## **IV. Implementation Plan**

Beach Haven Borough 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**

Beach Haven Borough has developed the following priorities:

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

The Borough Department of Public Works routinely checks access points to ensure that they are free from barriers and remain safe for users however, a Municipal Access Maintenance Plan should be developed. Additional signage may be installed at particular access points to advise the general public of their availability.

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

A schedule of events promoting activities with the Barnegat Bay and the Atlantic Ocean available throughout Beach Haven Borough and is also available online.

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

Funding is appropriated at time of budget each year.

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

The Borough has been consistently seeking cooperation with the Federal Government Office of Homeland Security to potentially purchase the Emergency Operations Center located at 420 Pelham Avenue. This building has housed the Borough Administrative Offices since November 2012 when Superstorm Sandy destroyed the Municipal Building at 300 Engleside Avenue. A municipal building is currently under construction at that site and it is expected that the building will be fully operational by the end of 2017. At this time, the Borough has a 100 year lease agreement with the United States Federal Government in the amount of \$1.00 to utilize the building for Emergency Operations or Essential Services only. The Borough proposes to acquire this building and the associated land for fair market value, based upon a real estate appraisal, and use it in perpetuity as a Nature Interpretive Center with educational classrooms and other uses that incorporate the surrounding waters of the Borough. It is likely that the Not-For-Profit Group, Re-Clam the Bay, would utilize space within this building. The Borough is currently seeking

funding opportunities for the acquisition of this building to further enhance public access to the Little Egg Harbor Bay.

The Borough's Master Plan addresses parks and recreational facilities and includes recommendations for the enhancement of these facilities.

The geographic location of Beach Haven on the barrier island makes many oceanfront and bayside pavilions or gazebos sought after wedding ceremony locations for the beautiful sunrise and sunset views. With the demand increasing exponentially for these venues, the Borough is initiating a Gathering Permit Requirement for the use of these locations for a special event such as a wedding. The fee is expected to be minimal but is anticipated that this will relieve the securing of gazebos and pavilions by one party for an entire day and instead will allow several events to occur at set times in the day. Proper signage will be displayed.

**a. Tools**

1) **Completed Projects**

a) **2<sup>nd</sup> Street Bayfront**

- *This area was recently rehabilitated with a new fishing dock, fish filet stations, lighting, 58 space parking lot, ADA compliant bathroom facilities. Thirteen (13) public boat slips are also located onsite and available by public auction.*

b) **Lifeguard Station at Centre Street**

- *This lifeguard building was reconstructed after Superstorm Sandy and was ready to operate for the public in early summer 2014. Beach badge sales are also conducted from this office.*

c) **Taylor Avenue Park**

- *Taylor Avenue Park has received a series of updates in the past two years including new walkways, a rock revetment, the installation of additional park benches and a native vegetative garden that offers educational opportunities explaining the various native plantings and shells found in the area.*

2) **Proposed Projects**

- a) Acquisition of the Emergency Operations Center at 420 Pelham Avenue for use as a Nature Interpretative Center and home for the not-for-profit group, Re-Clam the Bay.
- b) Taylor Avenue Park renovations to include exercise equipment and a large gazebo would also be added to hosts weddings and other ceremonies or events.
- c) 8<sup>th</sup> Street Bay Beach – The recent Army Corp of Engineers Beach Replenishment was a long awaited necessity to provide storm protection along the oceanfront, however, it left the beaches with a new surf pattern and varying shore breaks which, under certain circumstances, is not conducive for swimming by young children or those who have physical ailments. As a result, the Borough quickly devised a plan mid-summer 2016 to ensure all those who wanted to enjoy the waters in Beach Haven could do so. The Borough will be designating the 8<sup>th</sup> Street beach as a Bayfront bathing beach.

**b. Cost and Funding**

Initial research by the Borough has been completed to locate a suitable a funding source for the acquisition of the Emergency Operations Center, however, costs nor applications for funding have been finalized.

**2. Proposed Locations and Facilities**

No proposed access points are presently proposed.

## B. Signage

The Borough provides signage throughout the community at each of its public access points to clearly direct users to the appropriate entrance locations. Examples of the signage is provided below:



## C. Municipal Public Access Fund

At this time, Beach Haven Borough does not have a Municipal Public Access Fund in place.

## **D. Army Corps of Engineers Requirements for Shore Protection Projects**

Long Beach Island is an 18-mile barrier island in southern Ocean County, New Jersey. The area regularly suffers damages from coastal storms, hurricanes and nor'easters. The Barnegat Inlet to Little Egg Inlet Coastal Storm Risk Management project, also known as the Long Beach Island beachfill or beach nourishment program, is designed to reduce erosion and property damages associated with these events. It is a joint effort of the Army Corps and the New Jersey Department of Environmental Protection.

A Feasibility Report Completed in September of 1999 recommended beachfill with periodic nourishment to reduce potential hurricane and storm damages for the island. The project involves the construction of a dune with a top elevation 22 feet above sea level with a 300-400 foot wide berm, depending on the location of the beach on the island, at an elevation of 8 feet above sea level.

The Long Beach Island Coastal Storm Damage Reduction project was only partially completed when Hurricane Sandy hit the New Jersey shore. The Army Corps completed the initial construction of the project at Surf City in 2006; Harvey Cedars in 2010; and Brant Beach between 31st and 57th Streets in Long Beach Township in 2012. The Army Corps repaired beaches in Surf City and Harvey Cedars in 2012 after Hurricane Irene, and fully restored the beaches within all three communities after Hurricane Sandy in 2013. The restoration and repair work was funded 100 percent through the Army Corps' Flood Control and Coastal Emergencies program. On December 5, 2014 the U.S. Army Corps of Engineers awarded a contract to the Great Lakes Dredge and Dock Company, for \$128 million to complete initial construction of the Long Beach Island project. This project is a joint effort of the Army Corps and the New Jersey Department of Environmental Protection.

The current construction is funded entirely by the federal government through the 2013 Disaster Relief Appropriations Act (PL113-2), commonly known as the Hurricane Sandy Relief Bill. Following the completion of initial construction, the project is eligible for continued periodic nourishment.

Crews will close no more than 1000 feet of beach as work progresses along the island (closed sections are "rolling" and advance as the beachfill progresses along the island). Residents and visitors should not have to walk more than several blocks to access an open section of beach. The operation is 24 hours a day and 7 days per week because of the cost associated with mobilizing a dredge to the location.

Great Lakes Dredge & Dock Company completed beachfill operations in Beach Haven the night of June 12/13, 2016.

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

Beach Haven Borough's MPAP has been reviewed for consistency and has the following relationship to the New Jersey State Development and Redevelopment Plan, prepared by the New Jersey State Planning Commission and Adopted March 1, 2001:

- Coastal Resource Planning Policy #5 promotes *“well-planned and revitalized coastal communities that sustain economies, are compatible with the natural environment, minimize the risks from natural hazards and provide access to coastal resources for the public use and enjoyment.”*

Beach Haven Borough supports this policy and has initiated a Coastal Vulnerability Assessment Study of its public access points and various critical facilities to ensure community leaders and decision makers have a clear understanding of potential future hazard risk to its access locations and to provide a resource which can be utilized to develop future resiliency projects.

- Coastal Resource Planning Policy #11 seeks to *“promote recreational opportunities and public access, and encourage tourism along the oceanfront, bay front and rivers of the coastal area by protecting public access rights.”*

*Its estimated that as many as 20,000 people are within the boundaries of Beach Haven Borough on a given day in the summer months. These people are comprised of year round residents, seasonal residents, day trippers and vacationers and most all seek to enjoy the amenities associated with coastal living. Beach Haven has established a reputation for hosting various programs focusing on its tidal waters such as a Junior Lifeguard program amongst others.*

## **VI. Resolution of Incorporation**

Upon approval of this plan by the New Jersey Department of Environmental Protection, Beach Haven Borough will approve a final resolution to incorporate this Municipal Public Access Plan into the Recreation/Open Space Element of the Beach Haven Borough Master Plan. The Final Resolution will mimic the draft Resolution provided in Appendix 2 of this plan.

**APPENDIX 1**  
**Municipal Public Access Plans**  
**Required Sections per NJAC 8.11 (e)**

1. (e) 1 Statement describing overall **goal of the MPAP** and the **administrative mechanisms** (for example, conservation restrictions, easements, ordinances) that either are already in place, or that shall be put in place to ensure that the municipality will meet public access goals
2. (e) 2 Statement of **Consistency with...Master Plan**
3. (e) 3 Public access **needs assessment** that evaluates:
  - existing access locations and capacities
  - practical limitations (esp. parking and bathrooms)
  - alternatives to address any limitations determined to exist
  - need for additional locations
4. (e) 4 **Digital Map and Inventory** identifying...:
  - tidal waterways within municipality and adjacent lands held by municipality
  - existing and proposed public access ways
  - proposed public access facilities
  - identified facilities compliant with ADA
5. (e) 5 **Implementation strategy**
  - forms of proposed public access responsive to needs assessment (i)
  - comprehensive list of specific public access projects and initiatives with implementation schedule (ii)
  - proposed tools to implement the plan, including (iii)
    - i. adoption or amendment of muni ordinances
    - ii. uses of monetary compensation (Public Access Fund), if any
  - proposed modifications to existing plans, ordinances & programs to implement MPAP (iv)
  - proposed compliance with ACOE requirements for shore protection projects [see 8.11(r)] (v)
  - cost of implementing, constructing and maintaining the access facilities proposed in the plan and specifies how this cost will be funded (vi)
  - implementation schedule (vii)
  - ordinances in place/to be adopted re signage requirements (viii)
  - measures to permanently protect public access per MPAP (ix)
  - examples/models of easements/restrictions for permanent protections (x)
  - draft resolution incorporating DEP-approved MPAP into a MP element (xi)

**APPENDIX 2**  
**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 *Beach Haven Borough* Municipal Public Access Plan (MPAP) was submitted to the Municipal 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 Municipal Council of *the Borough of Beach Haven*, the "*Beach Haven Borough* Municipal Public Access Plan," a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the Municipal Public Access Plan shall be incorporated into the municipal master plan within the Conservation 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 and 7.7E.

I hereby certify the foregoing to be a resolution adopted by the *Municipal Council of the Borough of Beach Haven* at a meeting held on {date}.

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

**Appendix 3**  
**Public Access Tables**

**Part A : Beach Haven Borough Ocean Access**

**Part B: Beach Haven Borough Bay Access**

**Part C: Beach Haven Borough Island Access**

**PART A: Borough Of Beach Haven Ocean Access**

| ID | Signs | Parking | # of Parking Spaces | Street                     | Badge Req'd | Swim | Fish | Surf | Playg'd | Park | Pier / Gazebo | Boat Launch | Yacht Club | Marina | Food & Drink Super Market | Rest room | Seats | H/C | Shoreline Type (Ocean, Bay, Beach, Bulkhead) | Access Type (Physical, Visual, Water) |
|----|-------|---------|---------------------|----------------------------|-------------|------|------|------|---------|------|---------------|-------------|------------|--------|---------------------------|-----------|-------|-----|--|---------------------------------------|
| 1  |       |         |                     | Twelfth Street             | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 2  |       |         |                     | Eleventh Street            | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 3  |       |         |                     | Tenth Street               | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 4  |       |         |                     | Ninth Street (Walkover)    | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 5  |       | x       | 19                  | Taylor Avenue              | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 6  |       |         |                     | Eighth Street              | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 7  |       |         |                     | Seventh Street (Walkover)  | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 8  |       |         |                     | Sixth Street               | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 9  |       |         |                     | Fifth Street (Walkover)    | x           | x G  | x    | x    |         |      | Gazebo        |             |            |        |                           |           | x     | x   | Beach  | Physical                              |
| 10 |       | x       | 20                  | Fourth Street              | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 11 |       | x       | 18                  | Third Street (Walkover)    | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 12 |       | x       | 13                  | Second Street              | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 13 |       | x       | 31                  | Centre Street              | x           | x G  | x    | x    |         |      |               |             |            |        |                           | x         | x     | x   | Beach  | Physical                              |
| 14 |       | x       | 36                  | Engleside Avenue           | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 15 |       | x       | 13                  | Amber Street               | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 16 |       | x       | 13                  | Coral Street               | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 17 |       | x       | 11                  | Pearl Street               | x           | x G  | x    | x    |         |      | Gazebo        |             |            |        |                           |           | x     | x   | Beach  | Physical                              |
| 18 |       | x       | 8                   | Marine Street              | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 19 |       |         |                     | Ocean Street               | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 20 |       |         |                     | Berkeley Avenue            | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 21 |       |         |                     | Norwood Avenue             | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 22 |       |         |                     | Belvoir Avenue             | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 23 |       |         |                     | Chatsworth Avenue          | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 24 |       |         |                     | Dolphin Avenue             | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 25 |       |         |                     | Essex Avenue               | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 26 |       |         |                     | Fairview Avenue            | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 27 |       |         |                     | Glendola Avenue            | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 28 |       |         |                     | Holyoke Avenue             | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 29 |       |         |                     | Iroquois Avenue (Walkover) | x           | x    | x    | x    |         |      |               |             |            |        |                           |           | x     |     | Beach  | Physical                              |
| 30 |       |         |                     | Liberty Avenue (Walkover)  | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 31 |       |         |                     | Pelham Avenue (Walkover)   | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 32 |       |         |                     | Stratford Avenue           | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 33 |       |         |                     | Jefferis Avenue (Walkover) | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 34 |       |         |                     | Kentford Avenue            | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 35 |       |         |                     | Leeward Avenue             | x           | x G  | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 36 |       |         |                     | Merivale Avenue            | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 37 |       |         |                     | Nelson Avenue              | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |
| 38 |       | x       | 20                  | Nelson Avenue Parking Lot  | x           | x    | x    | x    |         |      |               |             |            |        |                           |           |       |     | Beach  | Physical                              |

**PART B: Borough Of Beach Haven Bay Access**

| ID | Signs | Parking / # of Spaces | Street                     | Badge Req'd | Swim | Fish | Surf | Playg'd | Park | Pier / Gazebo/ Dock/ Walk | Boat/ Kayak Launch | Yacht Club | Marina        | Food & Drink Super Market | Rest room | Seats | H/C | Shoreline Type (Ocean, Bay, Beach, Bulkhead) | Access Type (Physical, Visual, Water) |
|----|-------|-----------------------|----------------------------|-------------|------|------|------|---------|------|---------------------------|--------------------|------------|---------------|---------------------------|-----------|-------|-----|--|---------------------------------------|
| 39 | X     |                       | Twelfth Street             |             |      | x    |      |         |      | Walk                      |                    |            |               |                           |           |       | x   | Bulkhead                                     | Physical                              |
| 40 | X     | 228/16 Trailer Spaces | Ninth St./Taylor Ave. Park |             |      | x    |      | x       | x    | G, D, W                   | Boat               | x          |               |                           | x         | x     | x   | Bulkhead                                     | Physical                              |
| 41 | X     | 8                     | Eighth Street              |             | x    | x    |      |         |      | Walk                      | Kayak              |            |               |                           |           |       |     | Beach  | Physical                              |
| 42 | X     | 10                    | Fifth Street               |             | x    | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Beach  | Physical                              |
| 43 | X     |                       | Fourth Street (Easement)   |             |      |      |      |         |      | Dock                      |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 44 | X     | 56                    | Second Street/Dock Road    |             |      | x    |      |         |      | Walk,Dock                 |                    |            | Lottery Slips |                           | x         | x     | x   | Bulkhead                                     | Physical                              |
| 45 |       | 15                    | Centre Street              |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 46 |       | 12                    | Engleside Avenue           |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 47 |       |                       | Amber Street               |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 48 |       |                       | Coral Street               |             |      | x    |      |         |      |                           |                    |            |               |                           |           | x     |     | bulkhead                                     | Physical                              |
| 49 |       | 5                     | Pearl Street               |             |      | x    |      |         |      |                           | Kayak              |            |               |                           |           | x     |     | Bulkhead                                     | Physical                              |
| 50 |       |                       | Berkeley Avenue            |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 51 |       |                       | Norwood Avenue             |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 52 |       | 1 HC                  | Belvoir Avenue             |             |      | x    |      |         |      | Walk                      |                    |            |               |                           |           | x     | x   | Bulkhead                                     | Physical                              |
| 53 |       | 1 HC                  | Chatsworth Avenue          |             |      | x    |      |         |      | Walk                      |                    |            |               |                           |           | x     | x   | Bulkhead                                     | Physical                              |
| 54 |       |                       | Dolphin Avenue             |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 55 |       |                       | Essex Avenue               |             |      | x    |      |         |      | Walk                      |                    |            |               |                           |           | x     | x   | Bulkhead                                     | Physical                              |
| 56 |       |                       | Fairview Avenue            |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 57 |       |                       | Glendola Avenue            |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 58 |       |                       | Holyoke Avenue             |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 59 |       |                       | Iroquios Avenue            |             |      | x    |      |         |      |                           |                    |            |               |                           |           |       |     | Bulkhead                                     | Physical                              |
| 60 |       |                       | Liberty Avenue             |             |      | x    |      |         |      | Walk                      |                    |            |               |                           |           | x     | x   | Bulkhead                                     | Physical                              |
| 61 |       |                       | Pelham Avenue              |             |      | x    |      |         |      |                           |                    |            |               |                           |           | x     |     | Bulkhead                                     | Physical                              |

**PART C: Borough Of Beach Haven Island Access**

| ID | Signs | Parking | # of Parking Spaces | Street          | Badge Req'd | Swim | Fish | Surf | Playg'd | Park | Pier / Gazebo | Boat Launch | Yacht Club | Marina | Food & Drink Super Market | Rest room | Seats | H/C | Shoreline Type (Ocean, Bay, Beach, Bulkhead) | Access Type (Physical, Visual, Water) |
|----|-------|---------|---------------------|-----------------|-------------|------|------|------|---------|------|---------------|-------------|------------|--------|---------------------------|-----------|-------|-----|--|---------------------------------------|
| 1  |       |         |                     | Parker Island   |             |      |      |      |         |      |               |             |            |        |                           |           |       |     | Beach  | Water                                 |
| 2  |       |         |                     | Little Island   |             |      |      |      |         |      |               |             |            |        |                           |           |       |     | Beach  | Water                                 |
| 3  |       |         |                     | Mordecai Island |             |      |      |      |         |      |               |             |            |        |                           |           |       |     | Beach  | Water                                 |

## APPENDIX 4 Recreation and Open Space Inventory

### Open Space Database

**Facility Name:** If followed by - DIV = parcel was entirely diverted; if followed by - P/DIV = parcel was partially diverted; and if followed by - COMP = parcel was a compensation piece for previous diversion.

**Interest:** CR: Conservation Restriction; Fee: Fee Simple; Lease: Leased land

**Type:** M - Municipal; C - County; N - Non Profit

County: OCEAN

Municipality: BEACH HAVEN BORO

| Block  | Lot   | Facility Name                     | Interest | Type |
|--------|-------|-----------------------------------|----------|------|
| 110    | 4     | PUBLIC BEACH                      | FEE      | M    |
| 113    | 1     | PUBLIC PARK PLAYGROUND            | FEE      | M    |
| 114    | 1     | WALSH FIELD                       | FEE      | M    |
| 123    | 7     | PUBLIC BEACH                      | FEE      | M    |
| 124    | 3     | BEACH PAVILLION                   | FEE      | M    |
| 125    | 4.01  | PUBLIC BEACH                      | FEE      | M    |
| 137    | 1     | VETERANS MEMORIAL PARK            | FEE      | M    |
| 15     | 1     | NELSON AVENUE                     | FEE      | M    |
| 15     | 6     | BORO BALLFIELD                    | FEE      | M    |
| 179    | 11    | PUBLIC BEACH                      | FEE      | M    |
| 179    | 12    | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 18     | 21    | PUBLIC BEACH                      | FEE      | M    |
| 18     | 3     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 18     | 4     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 181    | 1     | PUBLIC BEACH                      | FEE      | M    |
| 187.01 | 9     | TAYLOR AVENUE WATERFRONT          | FEE      | M    |
| 188.01 | 1     | TAYLOR AVENUE WATERFRONT          | FEE      | M    |
| 19     | 10    | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 19     | 9     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 20     | 10.01 | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 20     | 11.01 | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 20     | 12.01 | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 20     | 13    | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 20     | 14.01 | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 202    | 11    | TAYLOR AVENUE WATERFRONT          | FEE      | M    |
| 21     | 8.01  | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 221    | 1     | BIRD SANCTUARY/PARKER ISLAND      | FEE      | M    |
| 224    | 1     | BIRD SANCTUARY/PARKER ISLAND      | FEE      | M    |
| 42     | 13    | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 67     | 10    | PUBLIC BEACH                      | FEE      | M    |
| 71     | 1     | PUBLIC BEACH                      | FEE      | M    |
| 71     | 2     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 71     | 3     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 71     | 4     | ATLANTIC OCEAN BEACHFRONT         | FEE      | M    |
| 88     | 1     | PUBLIC BEACH                      | FEE      | M    |
| 89     | 2     | PUBLIC BEACH                      | FEE      | M    |
| 90     | 3     | PUBLIC BEACH                      | FEE      | M    |
| ROW    |       | OCEAN FRONT PAVILIONS - CENTRE ST | ROW      | M    |
| ROW    |       | PUBLIC DOCK                       | ROW      | M    |
| ROW    |       | OCEAN FRONT PAVILIONS - FIFTH ST  | ROW      | M    |
| ROW    |       | OCEAN FRONT PAVILIONS - PEARL ST  | ROW      | M    |

The above information is the Recreation and Open Space Inventory (ROSI) on file with Green Acres. Please note that Green Acres relies on the accuracy of the information provided to us by the Local Unit(s) in maintaining the accuracy of our database. Since it is the responsibility of the Local Unit(s) to ensure compliance with Green Acres rules, it is strongly recommended that you confirm this information with the Local Unit(s).

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required in order for the United States Army Corps of Engineers to undertake its beach protection and restoration program on Beach Haven's oceanfront. In such cases, the owner of such lot shall only be permitted to install and utilize a rollover beach access walkway between the first of April and the first of November of any year. Such rollover walkways shall be rolled up and safely and securely stored during the period November 1 through March 31 of each year. Such rollover walkways shall be constructed only pursuant to the provisions of this chapter.

(b) Dune Walkways

1. Permit required. Commercial/Multi-Family units (over two units) only are required to obtain written approval from the NJ DEP Division of Land Use Regulation in prior to obtaining a zoning permit from the Borough of Beach Haven. All applicants for a single family/duplex walkways must, before any work of the type described in this section may begin, obtain a zoning permit after submission of plans, including location and dimensions, and a survey to ensure compliance with the provisions hereof; and the work and progress shall be subject to inspection by the Director of Public Works to assure compliance therewith.

2. Permit Fee. Each application for a permit under the provisions thereof shall be accompanied by a fee of \$100, which sum shall include payment for inspection by the Director of Public Works and the processing of the application for a permit. Each permit holder shall be subject to an annual re-inspection fee of \$75.

3. Construction specifications. After the effective date of this ordinance, *Editor's Note: "this ordinance" refers to Ord. 2016-13C*, all dune walkways shall be constructed of prefabricated rollaway decking or unrolled sand fencing. Such walkways may extend over the complete dune area to the flat beach. No grading, excavating or filling of the dune or beach are allowed. Single family/duplex walkways shall not be greater than four (4) feet in width. Commercial/Multi-Family (over two units) walkways shall not exceed twelve (12) feet in width, however, this width is subject to the written approval from DLUR. In addition to the prefabricated rollaway decking or unrolled sand fencing, signs shall be placed on posts of treated lumber or cedar measuring four (4) inches by four (4) inches extending at least three (3) feet below the surface of the dune at least four (4) feet above the surface of the dune on which the signs shall be placed stating "Cross the dune only on this walkway. No trespassing on the dune." The posts shall be placed on the flat beach end of the walkway with the required signs facing away from the walkway. The flat surface of the sign shall be as close as possible to a ninety-degree angle from the surface of the walkway. Where walkways exist, it shall be suitably bordered on both sides with fences to prevent damage to the dunes or berms which they cross. The walkway fences shall be constructed of materials matching, similar to, or the same as, such materials existing at a public access point which the walkway intersects, touches, or approaches.

4. Any dune walkways which are required to be removed pursuant to the United States Army Corps of Engineers Beach Storm Damage Reduction Project may only be replaced pursuant to the construction standards hereinabove set forth in Subsection 3 and in compliance with any regulations adopted by the State of New Jersey Department of Environmental Protection and the United States Army Corps of Engineers in connection with such restoration and protection program.

## SECTION II

Section 57-4(D) shall be amended to read:

Except as otherwise permitted by Section 57-4(C)(2) of the Code of the Borough of Beach Haven, access to the open beach in this zone shall be obtained only across street ends. Where boardwalks and steps are constructed on street end extensions, access shall be across such boardwalks and steps only.

## SECTION III

Section 57-11 shall be added as follows:

§ 57-11. Violations and Penalties. Any person, firm, corporation or public agency that shall be convicted of a violation of a provision of this ordinance shall, upon conviction whereof by any court of competent jurisdiction, be subject to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

In addition to the above penalties, the Beach Haven Beach Patrol, Code Enforcement Officer, Zoning Officer, Police Department or other duly authorized officers or employees are hereby empowered to pursue such legal and equitable relief as may be necessary to abate any violation or enforce any condition of this ordinance.

## SECTION IV

**Repealer.** All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

## SECTION V

**Severability.** If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

## SECTION VI

**Effective Date.** This Ordinance shall take effect upon publication thereof after final passage according to law.

### NOTICE

Public notice is hereby given that the foregoing ordinance was introduced and passed on first reading at the regular meeting of the Municipal Council of the Borough of Beach Haven, County of Ocean and State of New Jersey on Monday, June 13, 2016.

Further notice is given that said ordinance will be considered for final passage and adoption at a regular meeting of the said Municipal Council of the Borough of Beach Haven to be held Monday, July 11, 2016 at the Municipal Building, 420 Pelham Avenue, Beach Haven, NJ.

Sherry Mason, RMC, Municipal Clerk

### CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on first reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 13<sup>th</sup> day of June, 2016, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 13<sup>th</sup> day of June, 2016.

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Sherry Mason, RMC, Municipal Clerk

***First Reading:***      ***June 13, 2016***  
***Publication:***      ***June 23, 2016***  
***Passage:***            ***July 11, 2016***  
***Final Publication:*** ***July 21, 2016***  
***Effective:***            ***August 10, 2016***