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# Stone Harbor

## Municipal Public Access Plan

Submitted by: Borough of Stone Harbor

Date of Current Submittal: June 17, 2015

Approved by the New Jersey Department of Environmental Protection:

*{Date of NJDEP Approval}*

Adoption by the City

*{Date of Municipal 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 Stone Harbor which lays out the vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with N.J.A.C. 7:7E-8.11 and in collaboration with the New Jersey Department of Environmental Protection (NJDEP), and has been approved by the NJDEP. 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 the Borough of Stone Harbor.

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 as declared in the following quotation from Book II of the Institutes of Justinian:

“By the law of nature these things are common to all mankind – the air, running water, the sea, and consequently the shores of the sea. No one, therefore, is forbidden to approach the seashore, provided that he respects habitations, monuments, and the buildings, which are not, like the sea, subject only to the law of nations.”

Influenced by Roman civil law, the tenets of public trust were maintained through English common Law and adopted by the original 13 colonies. Following the American Revolution, the royal right to tidelands was vested to the 13 new states, then to each subsequent state, and has remained a part of public policy into the present time. 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 2, 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, plus plans to preserve and enhance access based on community needs and State standards.

On **{date}** representatives from the Borough of Stone Harbor met with NJDEP staff to begin the public access planning process. This plan was then developed in collaboration with the NJDEP, Planning Board and was presented to the Planning Board on 8/10/15 and was approved for submission to the NJDEP on 11/3/15. Upon receiving approval from the NJDEP on **{date}**, the MPAP was incorporated **as Addendum No. X** in the Master Plan by resolution on **{date}**. Incorporation into the Master Plan, and final approval of this MPAP by the NJDEP, was recognized by Public Notice in the NJDEP Bulletin. All public access decisions made within the Borough of Stone Harbor will be consistent with this plan.

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

The authority for a municipality to develop a MPAP is derived from the Coastal Zone Management Rules, N.J.A.C. 7:7E, adopted by NJDEP on November 2, 2012. The premise of the authorization of Municipal Public Access Plans 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 the Borough of Stone Harbor enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. The MPAP will be incorporated into the municipality’s Master Plan, in accordance with the Municipal Land Use Law (N.J.S.A 40:55D). The MPAP, as an official component of the municipal Master Plan, informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

Upon approval of the MPAP by the Department and incorporation into the Master Plan, the Borough of Stone Harbor will be responsible for ensuring that public access to tidal waterways along the municipality’s shorelines is provided in accordance to this plan. For each new public access project, the Borough of Stone Harbor will provide NJDEP with a letter confirming its consistency with this MPAP. Any permit issued by the NJDEP will reflect this and ensure that public access requirements are satisfied in accordance to this plan. Per N.J.A.C. 7:7E -8.11(j)4, the Borough of Stone Harbor 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, adopted by NJDEP on November 2, 2012. See Appendix 1.

## **State of New Jersey Public Access Goals**

Through the New Jersey Coastal Zone Management Rules (see N.J.A.C 7:7E-1.1 (c)), the State of New Jersey establishes a broad set of coastal protection goals, including the following specifically addressing public access

- Effectively manage ocean and estuarine resources through sustainable recreational and commercial fisheries, as well as through the safe and environmentally sound use of coastal waters and beaches.
- Provide meaningful public access to and use of tidal waterways and their shores.
- Preserve public trust rights to tidal waterways and their shores.
- Preserve and enhance views of the coastal landscape to enrich aesthetic and cultural values and vital communities.
- The enhancement of public access by promoting adequate affordable public facilities and services.
- Create and enhance opportunities for public access to tidal waterways and their shores, on a non-discriminatory basis.
- Maintain all existing public access to, and along tidal waterways and their shores.

- Provide opportunities for public access to tidal waterways and their shores through new development.
- Provide public access that does not create conditions that may be reasonably expected to endanger public health and safety, damage the environment, or create significant homeland security vulnerability.

The Borough of Stone Harbor'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 Borough.

## I. Municipal Public Access Vision

### A. Overview of Municipality

#### 1. *Municipal Description*

The Borough of Stone Harbor is a coastal resort community that proudly integrates an abundance of natural resources, residential neighborhoods and a thriving downtown business district with tourism (Map 1). Originally a fishing and hunting village, Stone Harbor was developed as a visitor destination in the late 1800's. The Borough's pristine beachfront property was purchased by a wealthy Philadelphia investor and soon thereafter it flourished as an upscale getaway for wealthy vacationers from Philadelphia and New York. The Borough of Stone Harbor was incorporated in 1914. Stone Harbor is located on the southern 1.6 square miles of Seven Mile Beach Island situated between The Wildwoods and Ludlum Island in Cape May County. The north-south reach of the Borough stretches from 80<sup>th</sup> Street to Stone Harbor Point (south of 122<sup>nd</sup> Street). The Borough of Avalon comprises the northern portion of the barrier island from 80<sup>th</sup> Street to Townsends Inlet.

The Borough experiences extreme fluctuations in population between seasonal and non-seasonal months. The year-round population is about 866 persons and that increases nearly twenty times in the summer months to more than 23,000. Recently, the Borough is experiencing a decrease in the number of permanent residents and rental housing units, and an increase in the number of second-home owners. These second-home owners spend considerably less time in the Borough than permanent residents, resulting in a shorter, less dense seasonal population. This is the second time in the Borough's history that there has been a decennial decline in year-round population. The summer increased population is welcomed by businesses and the Borough is successful in managing the challenges brought by the increased visitors on the natural resources such as the dunes and coastal wetlands. The Borough maintains significant public access to its ocean and bayside waterways and those areas are presented in this plan.

## **2. Public Access Description**

Public access in the Borough of Stone Harbor is provided by the municipality and consists of a variety of physical and visual access points and facilities including beach walkways, lifeguarded beaches, handicapped access, restroom and shower facilities, boat and kayak launches, nature trails, and public parks (Appendix 3).

The Borough of Stone Harbor protects and ensures public access through ordinances, beach tag fees, community clean-ups, and daily inspections. The overall goal of this MPAP is to establish the Borough of Stone Harbor's plan to maintain and enhance all existing public access locations to and along tidal waterways and their shores.

## **3. Map 1, Borough of Stone Harbor Tidal Waterways and Lands**

Map 1 shows the location of all the tidal waterways within the municipality and all lands held by the municipality (Appendix 3).

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

As part of the planning process, this MPAP has been reviewed and is consistent with the following goals/elements/policies established in the Borough of Stone Harbor's Master Plan:

- 1. Goals**
- 2. Elements**
- 3. Policies**
- 4. *The Borough of Stone Harbor adopted its Master Plan in 2009. Public Access to the bay (including walking and activity areas) is highlighted in Part 2. Public Outreach, Vision and Objectives. This section notes the Borough's desire for the development of the Marina District Plan to take advantage of the existing municipal marina area along the Borough's back barrier waterfront. In 20XX the Borough completed improvements to this section of the shoreline between 80<sup>th</sup> and 83<sup>rd</sup> Streets. The Master Plan also notes the creation of the Waterfront District in areas along the bayshore and lagoons that are underutilized and publically inaccessible. In these areas, the Coastal Area Facility Review Act (CAFRA), NJSA 13:19-1 may require a public access easement and walkways. The Master Plan requires that any permitted walkway be of a compatible design as other existing bayshore walkways. In Addition the Master Plan requires that views to the bay should be provided to the greatest extent possible in any new or redevelopment projects.***

In addition to those goals outlined within the Master Plan and the three State required goals below, the Borough of Stone Harbor establishes the following as goals specifically for public access:

1. All existing public access shall be maintained to the maximum extent practicable.
2. Maintain safe and adequate access locations for fishing.
3. Provide clear informative signage for access locations.
4. Protect the Borough's natural resources.

5. Provide opportunity for public access in areas where new development adjoins tidal waters and shores.
6. Present areas that may be restricted, in part, either seasonally, hourly, or in extent, or where use will create conditions that may be reasonably expected to endanger the health or safety of the public or environment, or will create a significant security vulnerability, consistent with federal law.
7. Present areas that may be prohibited for public access where it is inconsistent with federal law or where it is not practicable based on the risk of injury from hazardous operations or substantial permanent obstructions, and no measures can be taken to avert these risks.
8. Maintain consistency with the land use planning objectives outlined and adopted in the Stone Harbor Master Plan (2009), the Stone Harbor Point Conservation Plan (2008), the Beach Bird Nesting Plan (2008), the Cape May County Master Plan (2002) and the New Jersey State Development and Re-development Plan (2001).

## II. Existing Public Access

### A. Public Access Locations

The Borough of Stone Harbor is bordered by the Atlantic Ocean to the east and the Great Channel, New Jersey Intracoastal Waterway (NJIWW), and coastal wetlands to the west. There is abundant public access to the beaches, bays and lagoons, as well as to other recreational and natural features such as the Stone Harbor Bird Sanctuary. Map 2, Borough of Stone Harbor Public Access Locations, identifies an inventory of all public access locations within the Borough of Stone Harbor.

Table 1 provides detailed information regarding each ocean and bay access location. All locations listed are considered “utilized” accessways (meaning that the location is used by the public and provides official or unofficial public access). The table and public access maps (2 and 3) may be found in Appendix 3.

All public access locations are identified by street names to indicate the precise location of the access point. The only “restricted” access (meaning the location poses known or likely public health and safety or environmental damage concerns) is the beach itself south of the Stone Harbor Point ocean access location. The beaches south of this location may be restricted to the public due to feeding or nesting endangered or threatened species. All closures must follow the approved *Stone Harbor Point Conservation Plan (2008)* and the *Beach Bird Nesting Plan (2008)*.

The shoreline at the Yacht Club of Stone Harbor at 90<sup>th</sup> Street along the bay is considered “un-utilized” (meaning the location contains no improvements and receives little or no use by the public). This access point within the Borough of Stone Harbor is considered private property and only accessible by members.



The Borough has more than three miles of Atlantic Ocean beachfront with 42 access points. The Borough maintains the beach and dune system, and provides lifeguards at 22 beaches. Beach badges are required, and are available on a seasonal, weekly and daily basis at the Stone Harbor Beach Tag Office located at 95<sup>th</sup> Street and 1<sup>st</sup> Avenue. Active-duty military staff, active-duty NJ National Guard staff, and their dependents may use the Borough's beaches free of charge, but must show identification at the Stone Harbor Beach Tag Office.

Effective 3/4/14 any persons who has served in any of the Armed Forces of the United States and has obtained Veteran Status can obtain a beach badge with no fee imposed. Veterans can receive a free specialty beach tag by providing required documentation. Fees are listed on the Borough's website at <http://www.stone-harbor.nj.us/general.asp>.

Along the approximately three miles of bay shoreline, the Borough of Stone Harbor operates a municipal marina at 81<sup>st</sup> Street with seasonal slip rentals and boat ramp for daily users (seasonal fee). Other Marina District amenities are located at the bay shorefront at 80<sup>th</sup> to 83<sup>rd</sup> Street and the NJIWW. There is also physical access and some street parking at 114<sup>th</sup> Street and the NJIWW. In addition to the Marina District access locations there are 20 street ends that offer street-end parking, visual and fishing access to the bay.

## **B. Improved Public Access Locations**

Map 2 shows the Borough of Stone Harbor inventory of the preferred and existing public access locations that provide access to public trust lands and waters along both the ocean and bay shorelines. Public access signs are posted at all ocean street ends and provide the regulations for public protection and safety. New Signs will be added to existing Bayfront access points in 2016.

Table 1 provides detailed information on each location including the list of amenities. Map 3 shows the handicapped accessible locations. The maps and table are found in Appendix 3 and are available on the NJDEP website at: <http://www.state.nj.us/dep/cmp/access/mapindex.htm>

The Borough operates public restrooms at many locations along the ocean coast and bay shoreline, including accessible facilities. There is a comfort station located at the 95<sup>th</sup> Street parking lot, the 80<sup>th</sup> Street Recreation Building and on Second Avenue across from Borough Hall within the business district. All of the beaches, street ends, pavilions, marina and restrooms are operated and maintained by the Borough of Stone Harbor Department of Public Works. The lifeguards are overseen by the Borough's Beach Patrol.

Ample, free ocean access parking lot facilities are located at the Borough recreational area at 80<sup>th</sup> to 83<sup>rd</sup> and 1<sup>st</sup> Avenue and at Stone Harbor Point south of 122<sup>nd</sup> Street. Other ocean parking sites are provided along the ocean blocks and at the oceanfront street ends and are usually angled to the roadway. There is no municipal time limit for occupying the parking sites.

ADA compliant/handicapped parking spaces are provided at 80<sup>th</sup>, 81<sup>st</sup>, 83<sup>rd</sup>, 88<sup>th</sup>, 92<sup>nd</sup>, 93<sup>rd</sup>, 95<sup>th</sup>, 99<sup>th</sup>, 101<sup>st</sup>, 103<sup>rd</sup>, 105<sup>th</sup>, 111<sup>th</sup>, 114<sup>th</sup>, 119<sup>th</sup>, and at Stone Harbor Point. Ramps from the street to the beach are located at 83<sup>rd</sup>, 88<sup>th</sup>, 92<sup>nd</sup>, 95<sup>th</sup>, 101<sup>st</sup>, 103<sup>rd</sup>, 105<sup>th</sup>, 111<sup>th</sup>, 114<sup>th</sup>, and 119<sup>th</sup>. The municipality uses “hard pack” I-5 and infield mix for on-beach handicapped access routes to the high tide line. In addition, Surf Chairs are available free of charge from the Borough to allow those with disabilities to use on the beach. The Borough owns six Surf Chairs and those must be reserved through the Stone Harbor Beach Tag Office (609/368-6805).

The Borough maintains pavilions at 88<sup>th</sup>, 95<sup>th</sup>, and 101<sup>st</sup> Streets. Here, visitors can view the ocean without walking on the beach. All of the pavilions are handicapped-accessible. Saturday evening services are held during the summer season at the 101<sup>st</sup> Street pavilion.

Portable rest rooms with accessible stalls are located near the oceanfront street ends at 80<sup>th</sup> Street and at the Stone Harbor Point parking facility. Additional Portable rest rooms can be found at 82<sup>nd</sup> Street Recreation Building on both First and Second Avenues. A restroom facility is under construction at 82<sup>nd</sup> Street and is expected to be completed by Spring of 2016.

All of the facilities are within walking distance from the ocean shoreline. Water stations (foot rinse and shower rinse) are available at the beach and 95<sup>th</sup> Street and at the Marina location.

The Borough provides daily beach raking (seasonal) and trash and recycle containers. The Borough also provides free ambulance service to local area hospitals for the injured. A summary of access amenities is listed in Table 1 of Appendix 3.

The Borough provides seasonal catamaran slips on the ocean beach at Stone Harbor Point Park at 123<sup>rd</sup> Street to the terminal groin to the south. These slips are available for a small fee and can be reserved through the Borough Clerk’s Office.

A permit is required to drive on the ocean beach south of the terminal groin within Stone Harbor Point. This section of the beach is closed to driving by the New Jersey Department of Environmental Protection – Division of Fish and Wildlife (F&W) to protect nesting shorebird species. The seasonal closures occur approximately April 1 to October 30. Specific dates are announced on the F&W website at <http://www.state.nj.us/dep/fgw/ensp/beachclozmap.htm>.

The Borough’s bay shoreline access parking lot facilities are located at 80<sup>th</sup>, 81<sup>st</sup>, 83<sup>rd</sup>, and 114<sup>th</sup> Streets. Handicap spaces are available at each of these locations. All other bay shoreline access points are provided at the bay shorefront or basin channel street ends and are parallel to the roadway. All bay shorefront access points are open for public fishing though fish cleaning stations are available only at 81<sup>st</sup> and 83<sup>rd</sup> Street facilities. For bay shorefront access, ADA-compliant portable rest rooms are available at 81<sup>st</sup> Street. Table 1 in Appendix 3 provides the list of amenities associated with bay shorefront access.

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

There are very few limitations to public access in Borough of Stone Harbor. Waterfront accessibility is highly regarded by the Borough as a way for local residents and visitors to enjoy the natural resources of the community. The Borough is proud of its Marina District facilities and its popularity as a community destination. The public facilities include a marina, fishing piers and public boat ramp.

Because elevations within the Borough are less than ten feet above sea level, the most common local constraint that could limit public access is flooding during extreme weather conditions and this may produce a minimal and temporary constraint for waterfront access.

Complaints are rare regarding the Borough's public access availability, signage, or facilities. Noise or safety complaints are promptly addressed by the Stone Harbor Police Department.

The Stone Harbor Master Plan (2009) ensures that the Borough will maintain the cleanliness and utilization of the waterways. The master plan identifies items that may constrain present waterfront access such as the need for way finding signs and streetscape furniture.

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

There are no seasonal or hourly restrictions for fishing at the bay shorefront access points. Fishing is also allowed on the ocean beaches within 20 feet of the jetty and after bathing hours established. Driving on the beach is not allowed at night because the beach is unlit and is a safety risk.

Swimming is allowed at the guarded ocean beaches during the summer season between 10 a.m. and 5 p.m. After that time and in the off season, swimming is at your own risk. Surfing is popular at 83<sup>rd</sup>, 111<sup>th</sup> and 123<sup>nd</sup> Streets but is allowed at all ocean beaches from 5pm to 10am during the summer and "at own risk" off season (Table 1).

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

Public access is only permanently restricted at private residential properties along the bay shorefront and at the Yacht Club of Stone Harbor as this is a private club. The temporary restrictions on the beach at Stone Harbor Point are to protect endangered species.

## **III. Community Needs Assessment**

The Borough of Stone Harbor is built to capacity and the basic public access needs are believed to be adequately met through existing locations and facilities. Future demands for additional access are not expected at this time. Assessments of the conditions of the access areas are first conducted by the Borough's Public Works Department. Upgrades to access, parking, and facilities must be initiated by the Borough Planning Board and approved by the Borough Council.

The Borough of Stone Harbor provides ample public access to its ocean beaches and bay shoreline for the enjoyment of all of its residents and visitors. There are 41 shore-perpendicular access points along the approximately three miles of Atlantic shoreline and 25 access points along the approximately three miles along the bay shoreline within the municipality's two square miles.

This serves the needs of nearly all types of water-dependent or water-oriented users (e.g., beach and swimming, fishing, boating, etc.) The existing facilities provide access opportunities for the entire community. There are community "pay" parking areas and free street parking along all public streets. The "pay" parking areas provide restrooms and sand rinsing stations. In general, the access points with free parking do not provide restrooms or additional facilities. The free street parking does not have a time limit to the stay unless it is a metered spot. At this time, there is no need for new or additional perpendicular access to the ocean or bay shorelines. The temporary restrictions to access that are noted in section C.1. (Access at night and swimming) are required for public safety within the community and do not affect the overall commitment to public access. The Borough appropriately addresses complaints by the public regarding the restrictions, and there been limited requests for more public access in the community. At this time, the only future needs identified by the community are to renovate existing access to meet ADA specifications. Access point amenities are presented in Table 1 of Appendix 3.

Though not waterfront access, the Borough proudly hosts a bird sanctuary for birders and eco-tourists. Established in 1947 and designated by the National Park Service as a Registered National Landmark, this site is located between 111<sup>th</sup> and 117<sup>th</sup> Streets and 2<sup>nd</sup> and 3<sup>rd</sup> Avenues. The sanctuary is free and open to the public from dawn to dusk. Parking is available for access to the site on the street and in a free lot. Stone Harbor Point is a municipally-run park located on the spit of land that extends from 122<sup>nd</sup> Street to Hereford Inlet. Visitors to the park must have beach tags during the summer season. There may also be restrictions to access during the nesting season and any restrictions follow the approved *Stone Harbor Point Conservation Plan (2008)* and the *Beach Bird Nesting Plan (2008)*. The free parking lot is closed from 2:30 am to 5:30 am for public safety reasons.

While there is available visual access to the NJIWW and bayside waterfront, there may be a need for additional access for passive and active recreation, but since most of the waterfront is private and built land, there are no plans for future access.

## IV. Implementation Plan

The Borough of Stone Harbor 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 Borough of Stone Harbor developed the following priorities:

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

There are 66 public access locations along the ocean and bay shorefront within the Borough of Stone Harbor. The Borough's Department of Public Works is responsible for the maintenance and cleanliness at each location. The Stone Harbor Municipal Public Access Plan does not present new or different elements that would change the Borough's maintenance of public waterfront access ways. Existing maintenance procedures include trash pickup, restroom facilities, and parking.

#### 2. *Planned Enhancement to Public Access Locations and/or Facilities*

The Borough of Stone Harbor completed new ADA amenities at 90<sup>th</sup> Street (ocean-side) and renovations are underway at 88<sup>th</sup>, 95<sup>th</sup>, and 101<sup>st</sup> Streets. To enhance alongshore access, the Borough began removing the stormwater outfall pipes from the ocean beaches in 2010. Three more removal projects are proposed at 83<sup>rd</sup>, 86<sup>th</sup>, and 88<sup>th</sup> Streets. These projects should be complete by the end of 2015.

### B. Preservation of Public Access Locations

The Borough of Stone Harbor developed the following preservation and conservation measures:

#### 1. *Preservation Measures*

Public access to the ocean and bay shorelines is preserved through the Borough's general ordinances (Chapter 156, Beaches) and public use of the beaches is included in the Stone Harbor Master Plan (2009) and in the Zoning District Designation (2011) ([http://stone-harbor-nj.com/pdfs/Zoning\\_12-6-2011.pdf](http://stone-harbor-nj.com/pdfs/Zoning_12-6-2011.pdf)). Street-end access is protected in perpetuity.

#### 2. *Conservation Easements*

The Stone Harbor Point Natural Conservation Area (The Point) extends from 123<sup>rd</sup> Street south to the southern end of the island and public use activities are identified in the Stone Harbor Point Conservation Plan (2008). The Borough administers the conservation plan in consultation with state and federal regulators. Public access may be affected along this stretch of the shoreline if there is adverse impacts to shorebirds, colonial waterbirds, or federally and state-listed plant species. **List birds**

## C. Signage

The Borough posts signs at all ocean beach access points that provide information for the public's protection and safety (Figure 1). For bay shorefront access Department-approved public access signs will be installed at each public access way, public access area and/or public parking area and will be maintained in perpetuity by the Borough.



Figure 1. Sample beach access sign in the Borough of Stone Harbor.

## D. Proposed Access Improvements and Facilities

The Borough plans to enhance several existing crossovers along the ocean beaches for greater ADA access. The Borough has made significant improvements to the 83<sup>rd</sup> Street Fishing Pier (located on the island's bay side) in 2014. Plans to reconstruct the 95<sup>th</sup> Street access ramp providing wider access and eliminating many switchbacks as well as adding a large deck area with pergola were completed in 2015. Both projects provide better access to both the ocean and bay front locations and are both ADA accessible.

## E. Municipal Tools for Implementation

The Borough of Stone Harbor has the following tools for the maintenance, enhancement and development of public access locations:

### 1. *Maintenance, Enhancement, & Development Tools*

Rules and regulations for managing the beachfront and adjacent waters in the Borough can be found in Chapter 156: Beaches of the Borough's Administrative Code.

## F. Municipal Public Access Fund (if applicable)

At this time, the Borough does not intend to create a municipal public access fund. If one is proposed for improvements to public access, then the Borough will present the NJDEP with details on the structure and management of the fund.

## **G. Implementation**

The Borough of Stone Harbor has created an Implementation Schedule as follows:

### **1. Existing Maintenance**

The Borough's Department of Public Works is responsible for maintaining the existing access locations and facilities. Funding for these activities comes from the Borough's General fund and annual costs of maintenance were \$70,253 for 2014.

### **2. Enhancements to Existing Locations**

The Borough plans to enhance several existing crossovers along the ocean beaches for greater ADA access.

### **3. Proposed Locations and Facilities**

The Borough does not anticipate new public access locations with new facilities at this time. The Borough's Department of Public Works is responsible for maintaining the existing access locations and facilities. Funding for these activities comes from the Borough's General fund and annual costs of maintenance were \$70,253 for 2014.

## **H. Army Corps of Engineers Requirements for Shore Protection Projects (if applicable)**

The Borough of Stone Harbor is the recipient of a Federal shore protection project and has met the US Army Corps of Engineers (USACE) requirements for public access as follows:

The Borough complies with the applicable Federal and state laws and regulations regarding public ownership and use of the shore and continues to provide and maintain access roads, parking areas, and other public use facilities open and available to all on equal terms. All lands, easements and rights-of-way are provided for access and maintenance or repair of the Federal shore protection project. And, all existing oceanfront access remains open unless there are temporary restrictions for beach nourishment maintenance. In that case, for security and public safety reasons, temporary fencing along with signage will limit public use of the beach. The Borough and USACE work with the contractors to minimize the impacts to the public's use of the shoreline.

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

The Borough of Stone Harbor MPAP has been reviewed for consistency and has the following relationship to other Regional and State Plans:

The Stone Harbor Municipal Access Plan provides elements that are consistent with the land use planning objectives outlined and adopted in the Stone Harbor Master Plan (2009), the Stone Harbor Point Conservation Plan (2008), the Cape May County Master Plan (2002), and the New Jersey State Development and Redevelopment Plan (2001). Under the state plan, Stone Harbor is a designated

Town Center as well as a CAFRA Town Center.

## VI. Resolution of Incorporation

The Borough of Stone Harbor has approved a resolution for the incorporation of the MPAP. See Appendix 2 for the *draft* resolution.



**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**

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

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the *Borough of Stone Harbor* Municipal Public Access Plan 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,

NOW, THEREFORE, BE IT RESOLVED by the *Borough of Stone Harbor*, the “Stone Harbor Municipal Public Access Plan,” a copy of which is attached, is hereby approved.

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 *{governing body}* at a meeting held on *{date}*.

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

APPENDIX 3  
Maps and Table

Map 1 Borough of Stone Harbor Tidal Waterways and Lands



Map 2 Borough of Stone Harbor Public Access Locations



Map 3 Borough of Stone Harbor Handicapped Accessible Public Access Locations (green stars)



Table 1 Borough of Stone Harbor Public Access Location Amenities (ocean)

OBJECTID	SIGNS	PRKING_ FEE	AMT_PRK ING	STREET	BADGE	SWIM- MING	FISHING	SURFING	PLAY- GRD	PARK	PIER_B KHD	BOAT__ RAMP	MARINA	FOOD	REST- RM	SEATS	H_ACCESS	H_PARKING	SHORE LINE	ACCESS _TYPE
1	Yes	No Fee		94	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
2	Yes	No Fee		93	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No		1 Ocean	Physical
3	Yes	No Fee		92	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	Yes		1 Ocean	Physical
4	Yes	No Fee		91	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
5	Yes	No Fee		90	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
6	Yes	No Fee		89	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
7	Yes	No Fee		88	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	pavilion	Yes		1 Ocean	Physical
8	Yes	No Fee		87	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	unspecifi	Not Desig	Ocean	Physical
9	Yes	No Fee		86	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
10	Yes	No Fee		85	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
11	Yes	No Fee		84	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
12	Yes	No Fee		83	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	Yes	Yes		2 Ocean	Physical
13	Yes	No Fee		First Ave/81st	Yes	Guard	Restricted	Restricted	Yes	Yes	No	No	No	Yes	Yes	Yes	No		2 Ocean	Physical
14	Yes	No Fee		80th/First Ave	Yes	Guard	Restricted	Restricted	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes		2 Ocean	Physical
15	Yes	No Fee		122	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	Yes	No	Yes	Not Desig	Ocean	Physical
16	Yes	No Fee		121	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
17	Yes	No Fee		120	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
18	Yes	No Fee		119	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	Yes	Yes		1 Ocean	Physical
19	Yes	No Fee		118	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
20	Yes	No Fee		117	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
21	Yes	No Fee		116	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
22	Yes	No Fee		115	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
23	Yes	No Fee		114	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	Yes		1 Ocean	Physical
24	Yes	No Fee		113	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
25	Yes	No Fee		111	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	Yes	Yes		1 Ocean	Physical
26	Yes	No Fee		110	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
27	Yes	No Fee		109	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
28	Yes	No Fee		108	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	unspecifi	Not Desig	Ocean	Physical
29	Yes	No Fee		107	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
30	Yes	No Fee		106	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
31	No	No Fee		105	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	Yes		1 Ocean	Physical
32	Yes	No Fee		104	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
33	Yes	No Fee		103	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	Yes		1 Ocean	Physical
34	Yes	No Fee		102	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
35	Yes	No Fee		101	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	pavilion	Yes		1 Ocean	Physical
36	Yes	No Fee		100	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
37	Yes	No Fee		99	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No		1 Ocean	Physical
38	Yes	No Fee		98	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	No	No	No	Not Desig	Ocean	Physical
39	Yes	No Fee		97	Yes	Guard	Restricted	Restricted	Yes	Yes	No	No	No	No	Yes	No	No	Not Desig	Ocean	Physical
40	Yes	No Fee		96	Yes	Guard	Restricted	Restricted	No	No	No	No	No	No	Yes	No	No	Not Desig	Ocean	Physical
41	Yes	Fee		95	Yes	Guard	Restricted	Restricted	No	No	No	No	No	Yes	Yes	Yes	Yes		8 Ocean	Physical

Table 1 continued Borough of Stone Harbor Public Access Location Amenities (bay)

OBJECTID	SIGNS	PRKING_ FEE	AMT_ PRK ING	STREET	BADGE	SWIM- MING	FISHING	SURFING	PLAY- GRD	PARK	PIER_ B KHD	BOAT_ RAMP	MARINA	FOOD	REST- RM	SEATS	H_ ACCESS	H_ PARKING	SHORE LINE	ACCESS _TYPE
42		No Fee		80	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	Yes	Yes		2 Bay	Physical
43		No Fee		81	No	No	Unrestrict	n/a	No	Yes	Bulkhe	Yes/fee	Yes	No	Portabl	gazebo	Yes		2 Bay	Physical
44		No Fee		82	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
45		No Fee		83	No	No	Unrestrict	n/a	No	No	Pier	No	Yes/gas	Nearby	No	Yes	Yes	No	Bay	Physical
46		No Fee		84	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
47		No Fee		86	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
48		No Fee		88	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
49	Private	No		90	No	Private	Private	n/a	n/a	Private	n/a	No	Private	Private	Private	Private	Private	Private	Bay	Physical
50		No Fee		93	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
51		No Fee		94	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
52		No Fee		95	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
53		Yes		96	No	No	Unrestrict	n/a	No	No	Pier_Br	No	No	Nearby	No	No	No	No	Bay	Physical
54		No Fee		99	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
55		No Fee		Sunset/Berkley	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
56		No Fee		Corinthian/Berkley	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
57		No Fee		Sunset/104	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
58		No Fee		Corinthian/104	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
59		No Fee		105	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
60		No Fee		106	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
61		No Fee		107	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
62		No Fee		110	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
63		No Fee		Sunset/111	No	No	Unrestrict	n/a	No	No	Bulkhe	No	No	No	No	No	No	No	Bay	Physical
64		No Fee		114	No	No	Unrestrict	n/a	No	No	Bulkhe	kayk onl	No	No	No	No	No	No	Bay	Physical
65		No Fee		Paradise Dr	No	No	Unrestrict	n/a	No	No	Bridge	kayk onl	No	No	No	No	No	No	Bay	Physical
66		No Fee		Stone Harbor Pt	Yes	Guard	Restricted	n/a	No	No	No	catamar	No	No	Portabl	No	Yes		5 Bay	Physical
67		No Fee		3rd and 122nd	No	No	Restricted	n/a	No	No	No	No	No	No	No	No	No	No	Bay	Physical

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

PARKING: Is there parking, and if so, is there a charge? Charge = there is a charge for public parking; No Charge = there is no charge for public parking; No = no public parking provided

AMT: How many parking spots are available? Provide a number

STREET: At what street end is the public access located? For parallel access, cross streets can be provided. Examples: 1<sup>st</sup> St; Ocean Ave/3<sup>rd</sup>; 45<sup>th</sup> St

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

SWIMMING: Can you swim at this location? Guard= a guard is provided at times; At Own Risk= No guard is provided; No= Swimming is not allowed

FISHING and SURFING: Is fishing/surfing allowed at this location? Unrestricted= Fishing/surfing is allowed at all times with no restrictions; Restricted= There exists a form of restriction of fishing/surfing, examples include time of day, seasonally, etc. These restrictions should be discussed in the Section II, C. (Limitations to Public Access).

PLAYGRD, PARK, PIER, BOATLNCH, MARINA, FOOD\_DRINK, RESTRMS, SEATS: Does this location include these amenities? Yes/No

H\_C: Is this location handicap accessible? (Not necessarily ADA Compliant) Yes/No. The type of accessibility should be expanded upon in Section II, B (Improved Public Access Locations).

SHORELINE: What shoreline does this location inhabit? The Beach, Bay, or River?

TYPE: Describe the type of access-physical, visual only, water

Reference Section 1  
Municipal Goals, Elements and Policies

**40:55D-2. Purpose of the act**

It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.



#### Master Plan Elements - Required

- Statement of Purpose C.40:55D-28B(1)
- Land Use Element C.40:55D-28B(2)
- Housing Plan Element C.52:27D-310 (Addendum to C.40:55D-28B(3))
- Relationship with Other Plans C.40:55D-28D

#### Master Plan Elements – Optional C.40:55D-28B

- Circulation Plan (including Bicycle/Pedestrian Plan)
- Utility Service Plan
- Community Facilities Plan
- Recreation Plan ( sometimes combined with Open Space)
- Conservation Plan ( sometimes combined with Open Space)
- Economic Plan
- Historic Preservation Plan
- Recycling Plan
- Farmland Preservation Plan
- Sustainability Plan
- Tourism Plan

Reference Section 2  
Potential Needs Assessment Approaches

**Simple Process**

Create committee to handle needs assessment (temporary planning board sub-committee)

Review Inventory of existing facilities

Prepare list of local and regional stakeholders

Engage stakeholders and request input on potential needs being addressed and not being addressed

Compare needs with existing facilities

Hold public review of comparison at Planning Board meeting for general public input.

Record and review input at mtg.

Review opportunities for municipal improvements, non-municipal improvements and existing facilities in surrounding communities.

Prepare report on needs assessment for use in MPAP with suggestions on possible solutions.

**Extended Process**

Create committee to handle needs assessment (MPAP committee with members of Planning Board and or other municipal boards, residents, non-residents and associations)

Review Inventory of existing facilities

Prepare list of local and regional stakeholders

Expand committee as needed to incorporate critical stakeholder groups

Hold public forum and engage stakeholders for input on potential needs being addressed or not being addressed

Consider online survey of needs through survey monkey or constant contact distributions

Compare needs with existing facilities

Hold public review of comparison at Planning Board meeting for general public input.

Record and review input at mtg.

Review opportunities for municipal improvements, non-municipal improvements and existing facilities in surrounding communities.

Prepare report on needs assessment for use in MPAP with suggestions on possible solutions

NOAA Coastal Service Center

Conducting Needs Assessment s, <http://www.csc.noaa.gov/training/needs-assessment.html>

Online self-guided course for conducting needs assessments