Borough of Tuckerton Municipal Public Access Plan



Submitted by: The Borough of Tuckerton

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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 Tuckerton 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 Tuckerton 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, Tuckerton Borough's Consultant, Owen, Little & Associates, Inc., met with New Jersey Department of Environmental Protection staff to begin the public access planning process. This plan was then developed in collaboration with the NJDEP, various departments within Tuckerton Borough and their Planning Consultant, Owen, Little & Associates, Inc., was distributed for courtesy review by 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 Land Use Element of the Master Plan by resolution on <date, see Appendix 2. All public access decisions made within Tuckerton 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 Tuckerton 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 Land Use 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, Tuckerton 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, Tuckerton 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, Tuckerton 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. <u>Municipal Public Access Vision</u>

A. Overview of Municipality

The Borough of Tuckerton is located in Southern Ocean County and has a year round population of 3,347 (2010 Census). With a total area of 3.804 square miles, of which 0.440 square miles is water, the Borough is situated geographically to enjoy the benefits of the associated Bayfront and creek shorelines. The waterfront section of Tuckerton Borough is void of any major industry or farmland and is considered fully developed with the exception of small infill lots or new lots that may be created by subdivision.

1. Public Access Description

Public Access in Tuckerton Borough is provided by the municipality and consists of a variety of access points and facilities including open space areas, parks and playgrounds. Tuckerton Borough protects and ensures public access. 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.

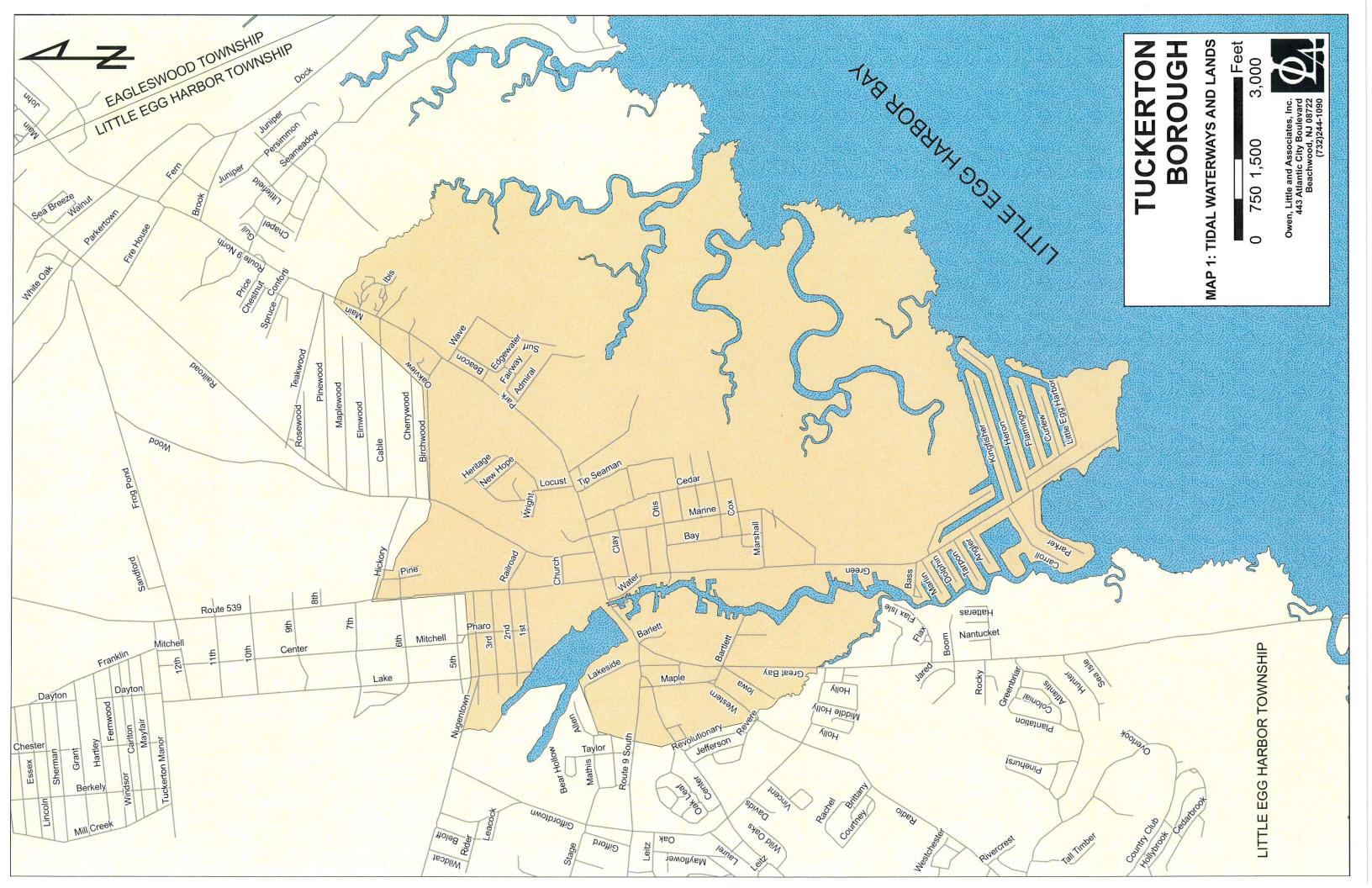
The overall goal of this MPAP is to establish the Borough of Tuckerton's commitment to maintain and enhance all existing public access locations to and along tidal waterways and their shores.

2. Tuckerton Borough Tidal Waterways and Lands

Map 1 shows all the tidal waterways within the municipality and all lands held by the municipality. More specifically, Tuckerton's tidal waterways consist of the Barnegat Bay Watershed to its east and the Tuckerton Creek. 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, a significant portion of the Borough's recreational and economic activities are dependent upon this inlet.



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. Continue to 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
- 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



TUCKERTON BOROUGH
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WAYS OF ACCESS TO
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SHORES

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

- j. All existing public access shall be maintained to the maximum extent practical.
- 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.

Tuckerton'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 Tuckerton Borough Master Plan.

II. Public Access

A. Public Access Locations

Map 2, Tuckerton 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. Improved Public Access Locations

Map 3, Tuckerton 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 Table 1, located in Appendix 3, for detailed information.

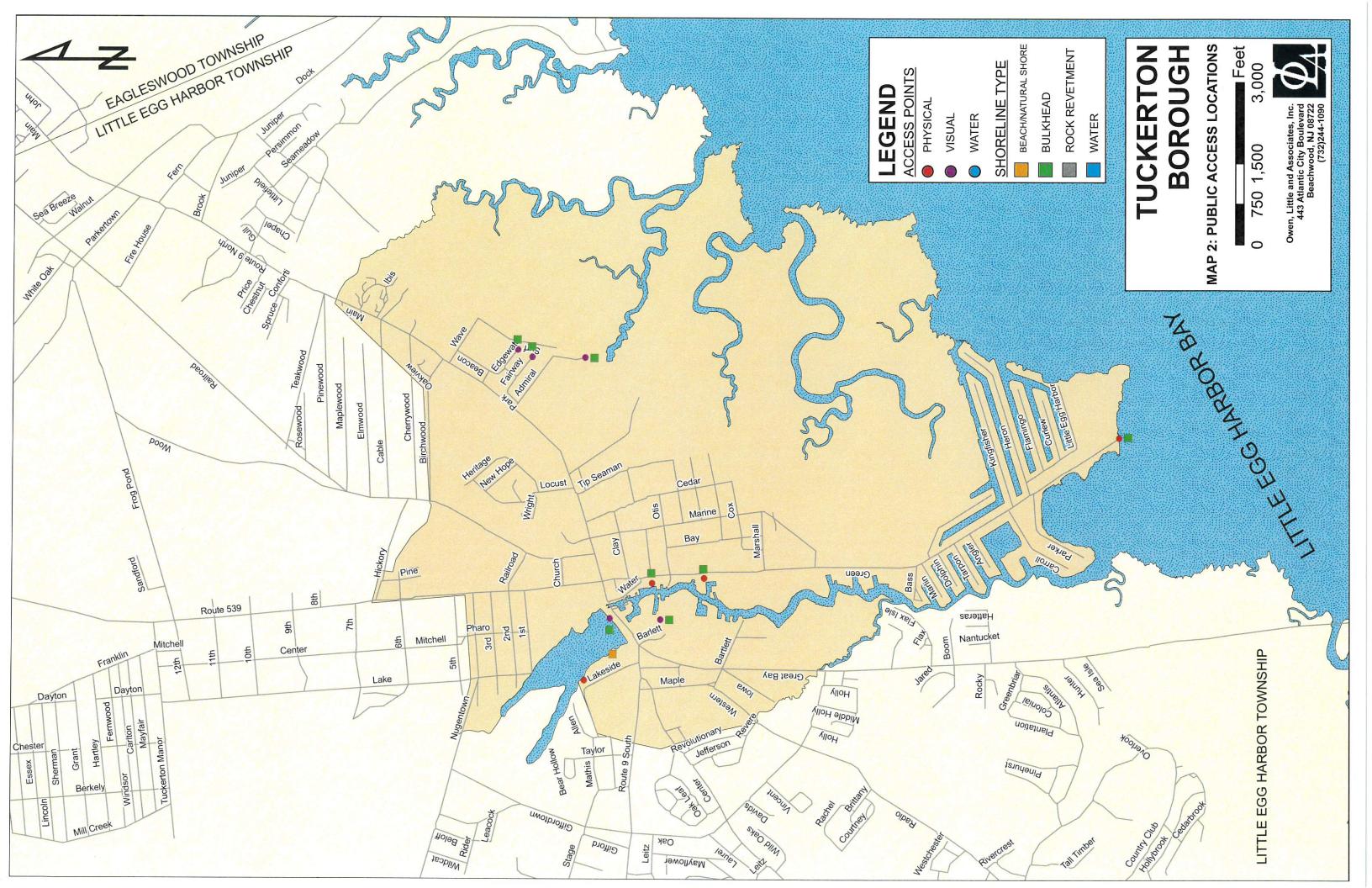
It is evident when surveying Tuckerton that the community values and prioritizes public access to it waterfront and strives to

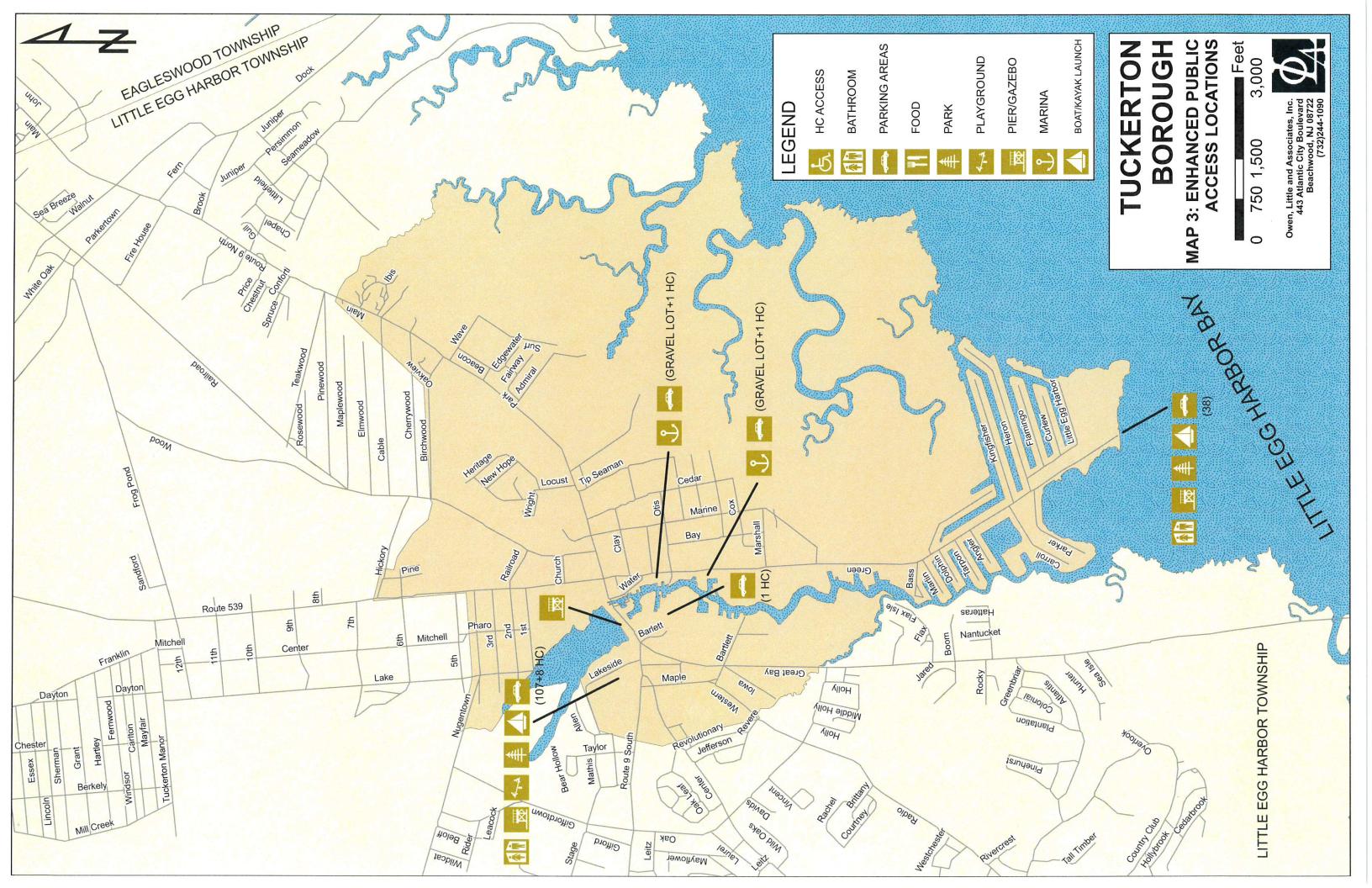




provide ample opportunity for residents and visitors to have access to the water ways. For example, South Greet Street Park offers a popular fishing and crabbing location, with portable bathroom facilities, gazebos and benches as well as a bulkheaded area and an area of natural

shoreline, which is an ideal location for kayak launching from the small beach. This park was heavily damaged during Superstorm Sandy and although functioning at this time as a recreational park, a grant has been awarded by the New Jersey Economic Development Authority to completely rehabilitate this park.





A complete description of the proposed design is provided within the Community Needs Assessment and the Implementation Plan sections of this plan.

Historic Scow and Willow Landings are other valuable assets to Tuckerton's Open Space. These Revolutionary War





landmarks located on South Green Street are now the site of a bulkheaded marina offering municipal boat slips for rent on an annual basis. Parking spaces are also available that allow nonboat owners to enjoy the park for picnicking or

sightseeing.

Stanley H. "Tip" Seaman County Park is another example of the ways Tuckerton provides access to its waterways. Located on the shores of Lake Pohatcong, Tip Seaman Park offers

fishing, an open play area, playground, picnic area, A.D.A. accessible restrooms, small boat launch, baseball and softball fields, walking paths, tennis and basketball courts. The park provides ample parking for the various recreational facilities.





C. Limitations to Public Access

Tuckerton Borough, especially the Tuckerton Beach Section was hard hit by Superstorm Sandy in 2012. In the Tuckerton Beach area of the Borough, of the 660 homes, 100 were condemned after the storm. This neighborhood is also the home to South Green Street Park which suffered tremendous loss of its facilities in the storm. Since that time, the Borough has worked tirelessly to provide not only access to the Tuckerton Creek and Little Egg Harbor Bay but also recreational opportunities to residents and visitors. In 2014, the Borough was awarded a \$1,397,220 grant through the New Jersey Economic Development Authority's (NJEDA) Neighborhood Community Revitalization Program Streetscape Grant for the rehabilitation of the existing park facilities including new bulkheading, playground equipment, benches, parking and portable restroom facilities that can be moved to higher ground during an anticipated flooding event. A fishing pier is also proposed and is presently under review for final approval by the NJEDA and NJDEP.

In addition, the following limitations to public access currently exist:

1. Temporary Restrictions

Tuckerton provides 10 access points to its tidal waters. Several access points are located on bayfront street ends while other access points are provided via public parks or access easements.

a. Hours

Stanley H. "Tip" Seaman County Park shall be open from 7:00 a.m. until 10:00 p.m. daily. The Community Center Office shall be open Tuesday through Thursday from 8:00 a.m. until 3:30 p.m. No other restrictions by hour is provided for other access points.

b. Access

Access may be restricted at any time due in part to hazardous weather conditions or coastal flooding at any access point.

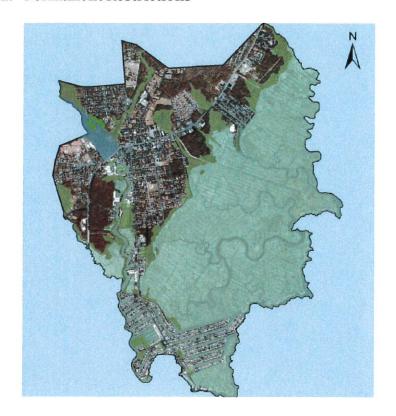
c. Boat/Kayak Launching

- Stanley H. "Tip" Seaman County Park offers a small boat launch for non motorized, "car top" watercraft.
- Non-Commercial Kayak Launching Area All street ends that are not encumbered by private property are designated as non-commercial kayak launching areas.

d. Use of Docks

No person shall dock a boat at the public dock stalls known as "Scow Landing Public Dock" or "Willow Landing Public Dock" in the Borough of Tuckerton without first having obtained a permit for such privilege. Any person desiring to obtain the privilege of docking or renting a boat stall or space may do so by applying and making application with the Borough Clerk for a permit for said dock stall or space. The annual fee for the issuance of each permit shall be \$425 for the period of one year commencing January 1 through December 31, inclusive.

2. Permanent Restrictions



The Borough of Tuckerton consists of 2,360 acres and contains approximately 125 acres of tidal water, 1,037 acres of saline marsh and 20 acres of Atlantic White Cedar Wetlands according to the Natural Resource Inventory prepared by the Borough of Tuckerton Environmental Commission. The Edwin B. Forsythe National Wildlife Preserve includes more than 43,000 acres in southern Ocean County and covers approximately 60% of the Borough's land area. The preserve protects a significant portion of the Borough's wetlands, the coastal habitats of migratory birds and provides wildlife viewing. The environmental make-up of this community precludes further development and the presence of wetlands makes utilizing these areas unsafe or impossible. So although Tuckerton is rather large in area and has an extensive shoreline, much of it is not accessible.

III. Community Needs Assessment

Tuckerton has performed a Community Needs Assessment. The methods and results are described in the following section:

Analysis of the collected data including conversations with residents and stakeholders, site inspections and deed research indicates that adequate public access is provided to the tidal waters adjacent to Tuckerton Borough. Tuckerton Borough is a historic maritime community with deep roots to the interests supporting Little Egg Harbor Bay and Atlantic Ocean. Today, residents and visitors continue to enjoy all the water-related activities the town offers such as bay fishing, clamming, duck hunting, boating, kayaking or canoeing and swimming. Many also take time to visit the Tuckerton Seaport and Baymen's Museum, a working maritime village and museum located on West Main Street. The 40 acre site includes 17 historic and recreated buildings which are connected by a wetlands nature trail, boardwalk and maritime forest. Here, visitors can enjoy costumed trade and craftsmen demonstrate the daily life of a boat builder, oystermen or clammer, whaler, lighthouse keeper, ship captain and more. This site also includes the New Jersey Surf Museum, the only surfing museum in the State.

With the Borough still in a state of rebuilding after damage inflicted by Superstorm Sandy, it has been an ideal time for officials to closely evaluate public access opportunities. For example, design of South Green Street Park is underway and initial planning included the construction of a boat ramp. However, a feasibility study of the site indicated that adequate parking would not be available for the parking of trucks with trailers thereby limiting the potential use of this tract. In an effort to provide access and accommodate as much of the population as possible, Borough Officials have decided to construct a fishing pier instead. This will allow a larger group of people to the amenity and will not cause any parking issues. The park rehabilitation project is anticipated to be completed by June 2017.

IV. Implementation Plan

Tuckerton 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

Tuckerton 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 at Green Street Park where kayak launching is available.

a. Tools

A schedule of events promoting activities with the Borough of Tuckerton available online and throughout the Borough. Some of these events include summer concerts by the Tuckerton Creek, the Triple Crown Fishing Tournament and Baymen's Seafood & Music Festival at Tuckerton Seaport.

b. Cost and Funding

Funding is appropriated at time of budget each year.

2. Preserving Public Access

In an effort to preserve public access, Tuckerton Borough is continuously seeking funding opportunities to assist with off-setting the cost of access point and recreational park projects.

a. Tools

The NJEDA Neighborhood Community Revitalization Program has been a valuable tool to the Borough in terms of funding assistance for the reconstruction of South Green Street Park. Specifically, the Borough was awarded \$1,397,220 in grant from this program to complete all repairs to this property and also make this public area more resilient to future storm events and sea level rise by

incorporating a new vinyl non-polluting bulkhead around to replace the existing which is in a state of disrepair as well as provide portable bathroom facilities which can be relocated offsite at times of above normal tides or storm events.

1) Proposed and Ongoing Projects

South Green Street Park - Post Sandy Rehabilitation Project

Proposed boat ramp is to be replaced with a fishing pier. Final design and permitting is underway.

a). Cost and Funding

NJEDA Neighborhood Community Revitalization Grant \$1,397,220.

3. Proposed Locations and Facilities

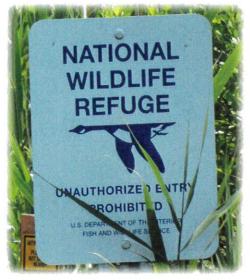
No proposed access points are presently proposed.

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:





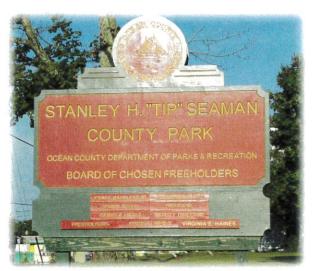












C. Municipal Public Access Fund

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

D. Army Corps of Engineers Requirements for Shore Protection Projects

No ACOE requirements are in place for Shore Protection Projects.

v. Relationship to the Other Regional and State Plans

Tuckerton'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."

Tuckerton 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."

It is estimated that as many as 10,000 people are within the boundaries of Tuckerton 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. Tuckerton has established a reputation for hosting various programs focusing on its tidal waters such as the annual Ocean County Decoy and Gunning Show which features more than 300 exhibitors and draws more than 20,000 visitors.

VI. Resolution of Incorporation

Upon approval of this plan by the New Jersey Department of Environmental Protection, Tuckerton Borough will approve a final resolution to incorporate this Municipal Public Access Plan into the Land Use Element of the Tuckerton 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 Tuckerton 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 <i>the Borough of Tuckerton</i> , the " <i>Tuckerton Borough</i> 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 Recreation/Open Space 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 <i>Municipal Council of the Borough of Tuckerton</i> at a meeting held on <i>{date}</i> .
Municipal Clerk
Municipal Clerk

Appendix 3 Public Access Tables

Part A: Tuckerton Borough Bay Access

PART B: Borough Of Tuckerton Bay Access

ID	Signs	Parking	# of Parking Spaces	Street	Swim	Fish	Playg'd	Park	Pier / Gazebo/ Dock/ Walk	Boat Launch	Marina	Rest room	Seats	н/с	Shoreline Type (Ocean, Bay, Beach, Bulkhead)	Access Type (Physical, Visual, Water)
1				Admiral Drive		х									Bulkhead	Visual
2				Park Way		х									Bulkhead	Visual
3				Shore Way											Bulkhead	Visual
4				Edgewater Drive		х									Bulkhead	Visual
5		х	38, none HC specific	South Green Street Park		х		х	G	K		х	х	х	Bulkhead	Visual/Physical
6	х	х	8 HC, 107 regular	Tip Seaman County Park		х	Х	х	All	х		х	х	х	Natural Shorl	Physical/Visual
7		х	1 HC, gravel regular	Scow Landing							х		х		Bulkhead	Visual/Physical
8		х	1 HC, gravel regular	Willow Landing							х		х		Bulkhead	Visual/Physical
9		х	1 HC	Bartlett Avenue	1) V	х									Bulkhead	Visual
10				Main Street @ Lake Pohatcong		х			Walk							Visual

APPENDIX 4 Recreation and Open Space Inventory

County: OCEAN

Municipality: TUCKERTON BORO

Block	Lot	Facility Name
13	26	TIP SEAMAN PARK
13	27	TIP SEAMAN PARK
15	14	TIP SEAMAN PARK
15	26	TIP SEAMAN PARK
15	3	TIP SEAMAN PARK
15	4.01	TIP SEAMAN PARK
15	5	TIP SEAMAN PARK
26	10	BARNEGAT BAY INTERPRETIVE CENTER
26	10.01	BARNEGAT BAY INTERPRETIVE CENTER
26	12	BARNEGAT BAY INTERPRETIVE CENTER
26	13	BARNEGAT BAY INTERPRETIVE CENTER
26	14	BARNEGAT BAY INTERPRETIVE CENTER
26	15	BARNEGAT BAY INTERPRETIVE CENTER
26	17	BARNEGAT BAY INTERPRETIVE CENTER
26	19	BARNEGAT BAY INTERPRETIVE CENTER
26	20	BARNEGAT BAY INTERPRETIVE CENTER
26	21	BARNEGAT BAY INTERPRETIVE CENTER
26	6	BARNEGAT BAY DECOY MUSEUM
26	7	BARNEGAT BAY INTERPRETIVE CENTER
45	15	SO. GREEN ST PARK

APPENDIX 5 Sign Ordinance

The Borough of Tuckerton does not have an Ordinance that regulates signage on property adjacent to tidal waters, however, as evident in the examples of signage provided within this document, the Borough effectively advertises public access at designated locations.