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# **Allenhurst**

# **Municipal Public Access Plan**

Submitted by: Allenhurst

Date of Current Submittal: 03/16/2020

Approved by the New Jersey Department of Environmental Protection:  
Date of NJDEP approval

Adoption by the Borough of Bradley Beach:  
Date will be added upon adoption

Prepared By:

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## **Introduction**

The intent of this document is to provide a comprehensive public access plan for the Borough of Allenhurst (“Borough”) which lays out a vision for providing access to tidal waters and shorelines within the municipal boundary. The development and implementation of this Municipal Public Access Plan (“MPAP”) supports the policy of local determination of public access locations and facilities.

The Public Trust Doctrine, first set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, establishes the public’s right to full use of the seashore. The Public Trust Doctrine states that natural resources, including, but not limited to, tidal waterways and their shores, air and wildlife in the State of New Jersey are held by the State in trust for the benefit of all of the people. Further, the Public Trust Doctrine establishes the right of the public to fully utilize these natural resources for a variety of public uses. The original purpose of the doctrine was to assure public access to waters for navigation, commerce and fishing. In the past two centuries, State and Federal courts in New Jersey have recognized that public uses guaranteed by the Public Trust Doctrine also include public recreational uses such as swimming, sunbathing, fishing, surfing, sport diving, bird watching, walking and boating along the various tidal shores.

Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey. The New Jersey Department of Environmental Protection (NJDEP) encourages 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.

## **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. The development of a MPAP enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. Also, it informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

The Borough is responsible for ensuring that public access to the tidal waters within the municipality is in accordance with this plan as adopted as part of the municipal Master Plan.

# **I. Municipal Public Access Vision**

## **A. Overview of Allenhurst**

### **1. Municipal Description**

The Borough of Allenhurst is located in southeastern Monmouth County, New Jersey. It lies along a string of communities between Long Branch and Asbury Park. Many homes are historic in nature with construction dating back to the late 19th and early 20th centuries. It is a small community with a limited beachfront, some of which is subject to private ownership.

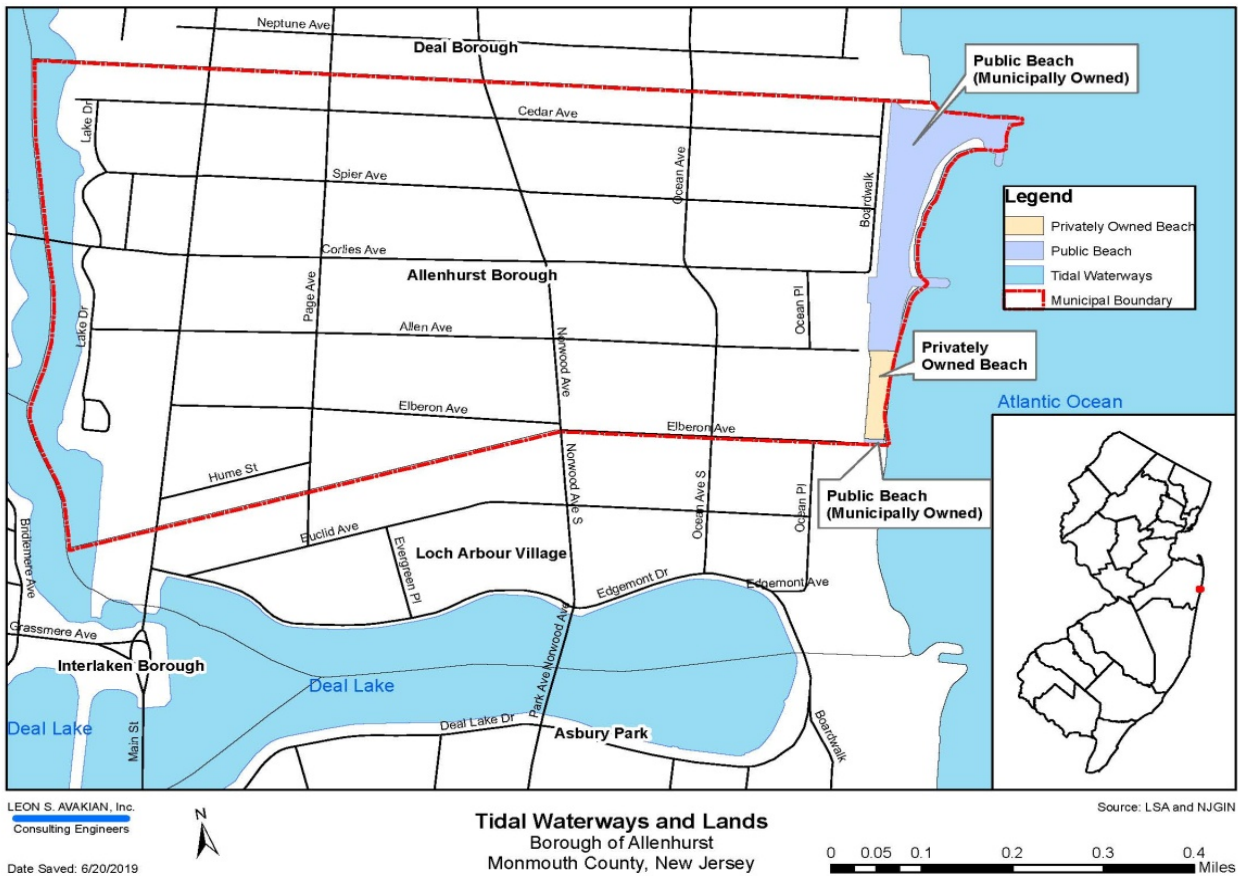
Norwood Avenue (NJ State Route 71) is the primary north-south connector road. One block east of Norwood Avenue is Ocean Avenue that allows visitors and locals to take a "beach ride" along the Jersey Shore. The Borough is bordered by the Atlantic Ocean to the east and Deal Lake to the west. The commercial district is located along Main Street, which is the primary north-south local roadway at the Borough's western edge. Main Street runs parallel with the NJ Transit Rail Road tracks and one-half block east of said tracks. The Borough of Deal borders Allenhurst to the north. The Village of Lock Arbour abuts the Borough's south boundary.

The Borough is named after Abner Allen and was incorporated as a borough by act of New Jersey Legislature on April 26, 1897. Prior to its incorporation, it was part of Ocean Township. According to the 2010 US Census, The Borough's population is 496 representing a 31% decline from the 2000 Census. The Borough of Allenhurst is entirely comprised of 0.283 square miles. Single family residential lots make up the vast majority of the land use. The Allenhurst Beach Club and Restaurant at Allen Avenue is a social hub for residents. Shopping, additional eateries and other commercial establishments are limited to the Main Street corridor, 4 blocks to the west of the beach.

Providing public access to New Jersey's sandy beaches is of primary value and importance to the Borough. The Borough takes pride in its beautiful natural beach. The Borough provides the public access to its beach through improvements made at the north and south ends of the beach.

Additionally, the Borough prioritizes providing access to the (historically tidal) Deal Lake. The public can access Deal Lake, on the western side of town, through Railroad Park, which is located between Corlies Avenue and Spier Avenue, adjacent to the east side of the Lake. Although the lake is no longer tidally influenced, the Borough continues to maintain the lakeside park by providing a parking area including handicap parking. It also includes a playground (tot-lot), gazebo and benches. Deal Lake is currently undergoing a beautification and redevelopment process that spans several municipalities, including the Borough.

**2. Map 1. Borough of Allenhurst - Tidal Waterways and Lands** identifies all the tidal waterways within the municipality and all lands held by the municipality.



## 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 according to Allenhurst Borough:

### 1. Goals

- Provide public improvements and/or maintain existing access points to maximize public access to the waterfront.

### 2. Objectives

- Participate in State and Federal programs that support the development and creation of public access sites; or improvement of the Borough's infrastructure; or that improve the Borough's quality of life with new, expanded or rehabilitated facilities, parks, and openspace.
- Encourage municipal actions that will guide the long-range appropriate

use and management of lands within the Borough in a manner that will promote public health, safety, morals, engagement, and general welfare of present and future residents.

- Promote a desirable visual environment.
- Establish new recreation facilities and upgrade those that are existing.
- Prevent the degradation of the environment through improper land use.

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

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

The Borough'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 municipality.

### **3. Municipal Master Plan Consistency**

The goals and objectives provided in this Municipal Public Access Plan have been reviewed and are consistent with Allenhurst Master Plan.

## **II. Public Access**

Public access in the Borough is provided by the municipality and consists of a variety of access points and facilities as discussed below.

### **A. Public Access Locations**

Public access in the Borough is provided by the municipality and consists of a boardwalk along the eastern coastline and the street ends by which the public can access the boardwalk. The boardwalk is situated between Corlies Avenue (to the south) to slightly beyond Cedar Avenue (to the north), providing views of the ocean, and is accessible from eastern ends of Corlies Avenue, Spier Avenue and Cedar Avenue. Because of the Borough's small size, points of beach access are obviously found by heading to the east end of the five east/west streets in the Borough. Because of the fact that there is extremely limited public parking near the beach, due to the private property ownership in place since the

Borough's inception in 1897, the Borough does not provide signs directing traffic to the beachfront, as there is simply no place for visitors to park vehicles if they were so directed. In the Borough's opinion, directing traffic to the eastern ends of its streets would be detrimental to Beach Access and a hindrance to public use of its beach. However, once at the Beach, public access locations are clearly marked by signage in compliance with N.J.A.C. 7:7-16.9(d). Benches are provided along the boardwalk and are available for public use. Twenty-five benches are on the boardwalk north of the Allenhurst Beach Club and two more are available south of the beach club at the eastern end of Allen Avenue. Each bench provides a clear vista of the beach and of the Atlantic Ocean.

The public can access the Beach at the northern end of the Boardwalk (just north of the intersection of Cedar Avenue and Ocean Place) and at the eastern end of Allen Avenue. In order to accommodate persons with disabilities and provide them with direct access to the Borough's beach, an ADA approved ramp is provided for access to the boardwalk at the eastern end of Allen Avenue. The ADA ramp has a companion ramp that allows access from the boardwalk, down to the dry beach sand.

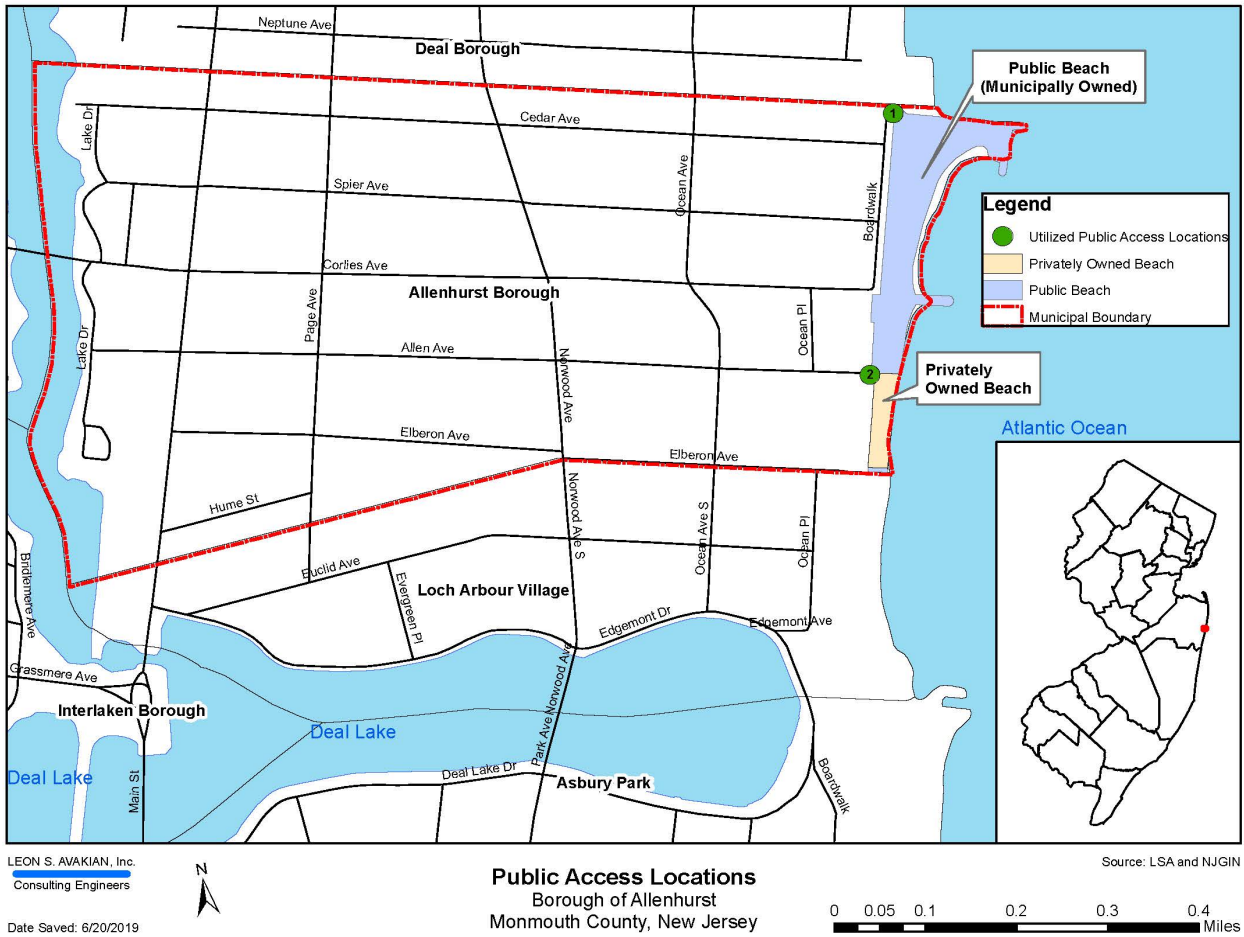
Lifeguards are on duty for the entire length of the Borough's beach during the summer season from 9 am – 7 pm. Swimming is not prohibited after lifeguard hours nor is it encouraged at unguarded times for obvious safety reasons. Swimming is '*at your own risk*' after hours. Fishing and surfing are allowed along the entire beach area and controlled so as not to conflict with swimmers. No reasonable recreation activities are "prohibited" after hours, so the public can fish, swim, use watercraft such as kayaks or paddle boards, etc., as well as snorkeling or scuba diving. All such activities are "*at their own risk.*" For those who come to the beach for purposes of fishing only during beach hours, beach badges are not required, nor are badges required after hours. Kayakers and scuba divers who walk directly to the ocean will not require badges.

Beach badges are required from the day the beach opens on the Friday before Memorial Day in May, until the day the Beach closes for the season in September (typically the second [or third] Sunday of September, but the date varies each year). For the 2020 beach season, those dates are Friday, May 22 through Sunday, September 20th, with hours of operation (following the Friday before Father's Day, 7 days per week) of 9 am to 7 pm. Beach badges are available for sale at either the Cedar Avenue entrance or Allen Avenue entrance. Note that between Memorial Day and the Friday before Father's Day (June 19, 2020) the Beach Club is only open on weekends. However, the public can still access the beach on those weekdays between Memorial Day and the Friday before Father's Day.

What very limited public parking there is consists of free street side parking on the east side of town, as well as, a small free parking lot located next to the Allenhurst Beach Club at the eastern end of Corlies Avenue, at its intersection with Ocean Place. Please note that parking spaces are very limited and fill up quickly in the summer season. For the convenience of the public, restrooms are available for public use at the northern end of the Borough's Beach, adjacent to the boardwalk. Signage clearly identifies the location of the public bathrooms.

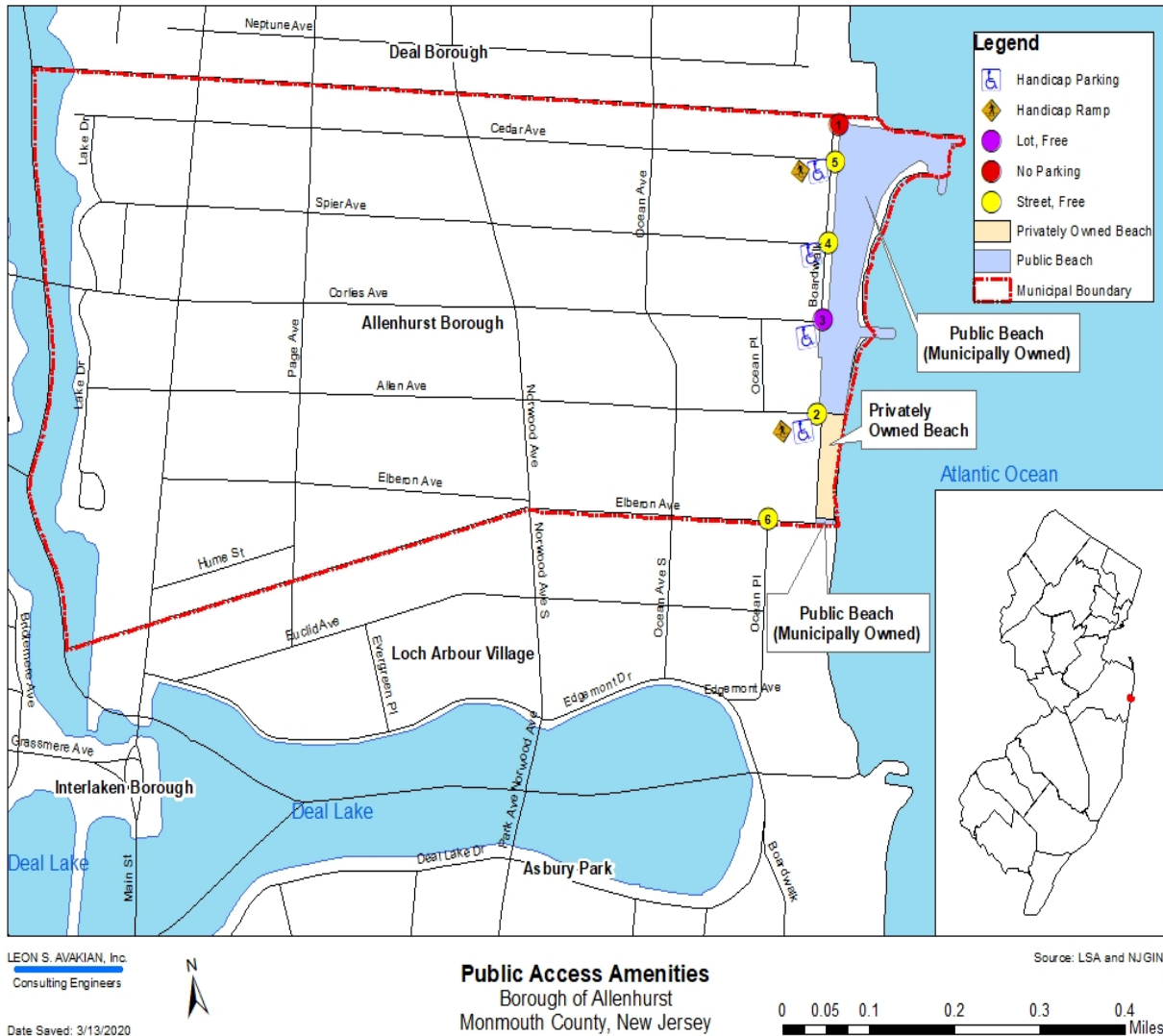
The Borough created a small public park at the eastern end of Allen Avenue, which offers additional public open space. The park offers paver areas with seat walls, plantings, decorative lighting, benches and an extension of the boardwalk across the Allen Avenue Right-of-way, at which point it reaches its southern end, as the property immediately to the south thereof is privately owned, inclusive of riparian rights. The new construction provides for free, unobstructed ADA access from handicap parking spaces through the park onto the boardwalk and down to the dry beach sand. No overhead shade structures were included in the park, as the Borough wanted to promote unobstructed views from the public space.





**Map 2: Borough of Allenhurst - Public Access Locations** identifies an inventory of all public access locations within Allenhurst. See Table 1, located in Appendix 2, for detailed information for each

\* The public is welcome to access the beach using access at the end of Elberon Avenue. However, this location is maintained by the Village of Loch Arbour, so a badge must be purchased from them to access the beach at that location.



**Map 3: Borough of Allenhurst – Public Access Amenities**, 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 2, for detailed information on this location

**B. Limitations to Public Access**

Based on existing conditions within Allenhurst Borough the following limitations to public access currently exist:

**1. Temporary Restrictions**

- The use of the ocean front is open all year-round; however, it may be closed for inclement/severe weather.

- Dogs are permitted on the beach during the off-season, but they are not allowed on the boardwalk at any time. The off-season is typically defined as being after Labor Day Weekend and before Memorial Day Weekend. The exact dates change with the calendar each year.
- No motor-powered boats can be launched from the beach, and any and all other motorized vehicles are prohibited from entering the beach area.
- Sports and related activities are permitted on the beach so long as the same do not disturb other members of the public using the beach.
- There is no public vehicular access permitted to the Borough's beach. There is a vehicular access ramp for use by authorized vehicles only off of Cedar Ave. which is intended only as access for large motorized vehicles including emergency (first responder) vehicles, lifeguard vehicles and maintenance vehicles.

## **2. Permanent Restrictions**

The access point at the end of Elberon Avenue is a gate that is maintained by the Village of Loch Arbour, the public entity immediately to the south of the Borough. Although this street is shared by both municipalities, the gate and accompanying access point are property of Loch Arbor. The Village of Loch Arbor controls access at that point to its beach. Please refer to Loch Arbor for its MPAP for access details.

## **III. Community Needs Assessment**

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

A community needs assessment was conducted to evaluate Allenhurst's available public access to the Atlantic Ocean. Site visits were conducted at each public access location, which evaluated the following characteristics:

1. Parking
2. Badge Requirement
3. Perpendicular Access
4. Existing water dependent and water-oriented activities
5. Enhancements
  - a. Handicap/ADA Access
  - b. Restroom facilities
  - c. Parks

The Borough provides 2 public access locations, of which 1 is enhanced by the Borough (Allen Avenue), and provides water-oriented activities and perpendicular access to tidal waterways and their shores.

The boardwalk is accessible from the eastern ends of Corlies, Spier and Cedar Avenues and provides access to the beach at the northern end of the boardwalk (just north of the intersection of Cedar Avenue and Ocean Place). Benches are provided throughout most of the length of the boardwalk at an average spacing of approximately twenty-four feet from center to center. No additional benches are proposed at this time. Additional improvements to the boardwalk are not being proposed because the Borough does not wish to change the existing character of the boardwalk with additional enhancements, in keeping with the historic nature of the venue.

The Borough provides ADA compliant handicap access at both the northern end of the boardwalk and at the eastern end of Allen Avenue. The Borough currently lacks sufficient available funding or space to create additional public restrooms at its access points along the oceanfront. The Borough acknowledges that it would be beneficial to provide additional restrooms along the oceanfront to accommodate the large influx of visitors during the summer season, and it will continue to look for potential solutions to the problem in the future.

Parking is extremely limited, due to the way the Borough developed in the early 20<sup>th</sup> century, leaving no available land to address the issue. The Borough has one small group of parking spaces at the eastern terminus of Corlies Avenue, and angled parking along the eastern sideline of Ocean Place between Allen Avenue and Corlies Avenue. Unfortunately, due to the size of Allenhurst and the existing use of all adjacent property, the Borough is not able to suggest adding more parking availability at this time or for the foreseeable future. The Borough is, frankly, 'built-out' with no undeveloped land that could be used for additional parking available anywhere in the Borough. The Borough has made every effort to maximize the available street parking, but it is limited by how the Borough was historically developed.

Ocean swimmers, as a standard safety precaution, are typically separated from fishermen and surfers during daytime beach hours in the season, in order to avoid physical conflicts. Allenhurst maintains this separation. Visitors and residents who purchase beach badges are not limited in their usage of the beach

during the day. All other beach related activities are permitted after hours, but is “AT YOUR OWN RISK.”

## **IV. Implementation Plan**

Allenhurst 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**

Allenhurst developed the following priorities:

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

Full beach access exists now for public use and the Borough's priority is to NOT allow that policy to change. The Borough Public Works department provides all maintenance activities related to beach access and to the beach itself. Funding is by beach badge collection and by the Borough

The Borough has ordinances in affect that mostly pertain to rules and regulations for the residents' use of the Beach Club and beach including funding, expenses, cost of beach badges, beach club fees and cabana fees. However, no ordinances are active that deal expressly with public access or the maintenance thereof. The Borough believes that additional ordinances are unnecessary, as the Public Use Doctrine is the law of the State, requiring the Borough to continue to provide the public with access to the ocean. Moreover, the Borough has provided two (2) public access conservation easements to the State covering both public access points. Moreover, the Borough has provided the State with a public access easement over the entire length of its beach, which was a pre-requisite to beach replenishment. Said Easement guarantees the Beach remain available for public use.

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

All points of public access are on Borough-owned property or within public Right-of-ways. The residents live here because of the close proximity to the beach. The local economy of the Borough is based upon revenues directly and indirectly associated with tourism, beach use and access to the ocean. These public lands shall remain open to the public. The Borough previously provided to the State of New Jersey an easement over all of its beach, pursuant to which public access must be maintained, related to post Sandy beach replenishment. That easement is already recorded. Moreover, the Borough has provided two specific public access conservation easements (which are awaiting approval from the State before being recorded) which will further protect the public's access to the Beach, in perpetuity. In light of the multiple easements, the Borough has taken affirmative steps to guarantee

public access to its beach. Additional ordinances at this point would only be redundant.

**a. Tools**

The Borough will consider implementation of a Recreation and Open Space Inventory (ROSI) in the future to address this issue.

**b. Cost and Funding**

Revenues from the beach badge sales and Beach Club membership/use are the primary funding mechanism to maintain the beach and related beach access structures.

**3. Proposed Locations and Facilities**

The Borough currently provides beach access points where feasible, protected in perpetuity by easements. Respectfully, the Borough's Points of access have been maximized. Unfortunately, there are no other locations where beach access points could be added. Therefore, no additional points of access or facilities are proposed by the Borough at this time.

**a. Tools**

No new projects are proposed at this time. Therefore, any discussion of 'tools' is not applicable.

**b. Cost and Funding**

No projects are proposed. Therefore, any discussion of 'cost and funding' is not applicable at this time.

**B. Signage**

The Borough has provided the following signage:

The Borough has adopted an Ordinance on February 26, 2019 to provide Signage in compliance with N.J.A.C. 7:7-16.9(d) identifying the public access sites at the beach. See Appendix 3. Because of the fact that there is extremely limited public parking near the beach, due to the private property ownership in place since the Borough's inception in 1897, the Borough does not provide signs directing traffic to the beachfront, as there is simply no place for visitors to park vehicles if they were so directed. In the Borough's opinion, directing traffic to the eastern termini of its streets would be detrimental to Beach Access and a hindrance to public use of its public beach.

**C. United States Army Corps of Engineers (USACE) Requirements for Shore Protection Projects**

Allenhurst has met the USACE Requirements as follows:

The beaches in Allenhurst have been replenished by the US Army Corps of Engineers in the past several years. Sea walls that are in place, provide adequate protection against wave run-up and erosion. The elevation of the beach sand has been raised by 8-10 feet. Additionally, all of the replenished sand was sifted to remove any military ordinances (explosive weapons/devices) that were dumped in the sand 'donor' areas on the seabed, that were the source of the replenishment sand. All of the replenishment area has been protected for public access in perpetuity via duly recorded Easement.

## **V. Resolution of Incorporation**

The Borough has approved a resolution for the incorporation of the MPAP. See Appendix 1 for the resolution.

See Appendix 1.

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

**APPENDIX 1**  
**Model Resolution for Incorporating**  
**MPAP into Master Plan** (upon  
adoption the final resolution will  
replace this model) **Borough of**  
**Allenhurst**

Resolution # \_\_\_\_\_, 2020

**A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN**

**Offered By:** \_\_\_\_\_ **Seconded By:** \_\_\_\_\_

**WHEREAS**, the Borough of Allenhurst Municipal Public Access Plan (MPAP) was submitted to the Borough Council and reviewed at the regular meeting of \_\_\_\_\_, 2020, 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 Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated as if set forth herein at length, and it is further

**RESOLVED** that the "Allenhurst Municipal Public Access Plan," a copy of which is attached hereto and made a part hereof by reference, be and is hereby approved. And it is further

**RESOLVED**, the MPAP shall be incorporated into the municipal master plan within {element}. And it is further

**RESOLVED** that 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.

VOTE: Comm. McLoughlin-\_\_\_\_; Comm. Bolan-\_\_\_\_; Mayor McLaughlin-\_\_\_\_

I certify the above to be a true copy of the Resolution adopted at a public hearing held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Donna M. Campagna, R.M.C., Clerk /  
Administrator



## Appendix 2 Public Access Table

ID	SIGN	PARKING	STREET	CROSS ST	BADGE	SWIMMING	FISHING	SURFING	PLAYGROUND	PARK	PIER	BOAT LNCH	MARINA	FOOD & DRINK	RESTRM	HC	SHORELINE ACCESS TYPE
1	YES	NO PARKING	OCEAN PLACE	CEDAR AVE	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	OCEAN, BEACH FISHING
2	YES	LIMITED, STREET, FREE	ALLEN AVENUE	OCEAN PLACE	YES	YES	YES	YES	NO	YES	NO	NO	NO	YES	NO	PRKING RESERVED	OCEAN, BEACH FISHING
3	YES	SMALL LOT, FREE	OCEAN PLACE	CORLIES AVE	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	NO	PRKING RESERVED W/RAMP	OCEAN, BEACH FISHING
4	YES	LIMITED STREET, FREE	OCEAN PLACE	SPIER AVE	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	PRKING RESERVED	OCEAN, BEACH FISHING
5	YES	LIMITED STREET, FREE	OCEAN PLACE	CEDAR AVE	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	PRKING RESERVED W/RAMP	OCEAN, BEACH FISHING
6	YES	LIMITED STREET, FREE	OCEAN PLACE	ELBERON AVE	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	NO	PRKING RESERVED W/RAMP	OCEAN, BEACH FISHING

**Table 1 Allenhurst Public Access Location Amenities**

Explanation of table:

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

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

Street, free; Street, pay; Lot, free, Lot, pay

STREET: On what street is the public access located?

CROSS\_STREET: What is the cross street where this location is located?

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

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

FISHING and SURFING: Is fishing/surfing permitted at this location? Yes or No (Limitations/restrictions are discussed in the Section II.B and C) PLAYGRD, PARK, PIER, BOATLNCH, MARINA, RESTRMS: Does this location include these amenities? Yes or No

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

SHORELINE: What shoreline does this location inhabit? Ocean, Bay,

River and/or inlet ACCESS\_TYPE: Describe the type of access: Beach,

Fishing, Boat, and/or Visual

**Appendix 3 Sign Ordinance**

(ORDINANCE #2019-03)

**ORDINANCE #2019-03  
AN ORDINANCE DIRECTING THE ALLENHURST  
DEPARTMENT OF PUBLIC WORKS TO INSTALL AND  
MAINTAIN ALL SIGNS ASSOCIATED WITH THE  
MUNICIPAL PUBLIC ACCESS PLAN.**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

**WHEREAS**, existing and future signage for public access is required at all public access locations identified in the Borough of Allenhurst's Municipal Public Access Plan; and

**WHEREAS**, installation and maintenance of signage is a requirement of N.J.A.C. 7:7E-8.11(t).

**NOW THEREFORE, BE IT ORDAINED** by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that:

1. The Allenhurst Department of Public Works is named as the entity to install and maintain all signage in accordance with the Municipal Public Access Plan in the Borough of Allenhurst, and

2. The Allenhurst Department of Public Works be and is hereby directed to create the required "Public Access Sign(s)" and to post the same at appropriate locations so as to identify the Public Access points in accordance with the Municipal Public Access Plan, which shall also set forth any "restrictions" that may apply, and

3. Such signs shall be posted at the entrance of the designated beach access points as set forth in the Municipal Public Access Plan, and

4. This Ordinance shall take effect in accordance with applicable law.

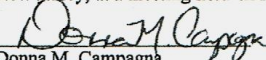
VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**APPROVED:** February 12, 2019

**ADOPTED:** February 26, 2019

**CERTIFICATION**

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on February 26, 2019.

  
Donna M. Campagna  
Borough Clerk/Administrator

## Appendix 4 Public Access Easements

**RESOLUTION #2019-70  
RESOLUTION AUTHORIZING EASEMENT TO STATE OF  
NEW JERSEY IN COMPLIANCE WITH THE MUNICIPAL  
PUBLIC ACCESS PLAN**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Borough of Allenhurst is required by the State of New Jersey to provide a Municipal Public Access Plan (AMPAP) consistent with the Coastal Zone Management Rules established in N.J.A.C. 7:7-16.9; and

**WHEREAS**, the Borough, in consultation with the Borough Engineer, has determined where to locate the MPAP access points and associated Easement.

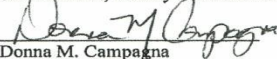
**NOW THEREFORE, BE IT RESOLVED** by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

**BE IT FURTHER RESOLVED** by the Borough of Allenhurst that the Mayor be and is hereby authorized to execute an Easement to the benefit of the State of New Jersey to provide for MPAP location as set forth in the descriptions prepared by the Borough Engineer. A copy of said Easement is attached hereto and made a part hereof by reference.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**CERTIFICATION**

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Resolution adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on February 26, 2019.

  
Donna M. Campagna  
Borough Clerk/Administrator

**DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT**

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

is made this 19<sup>th</sup> day of March, 2019

**BY AND BETWEEN**      **THE BOROUGH OF ALLENHURST**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 125 Corlies Avenue, Allenhurst, New Jersey 07711,

hereinafter referred to as "Grantor,"

**AND**                      **THE BOROUGH OF ALLENHURST**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 125 Corlies Avenue, Allenhurst, New Jersey 07711, **AND THE STATE OF NEW JERSEY**,

hereinafter referred to as the "Grantees."

**WITNESSETH**

**WHEREAS**, Grantor is the owner of that certain tract of land, located in the Borough of Allenhurst, County of Monmouth and State of New Jersey, and identified as located at the eastern most end of Allen Avenue, as more particularly described in Schedule A attached hereto and made a part hereof by reference, and identified as located at the eastern most end of Cedar Avenue, as more particularly described in Schedule B attached hereto and made a part hereof by reference, hereinafter the "Property(s)," and Grantor holds the requisite interest to grant this Deed of Easement; and

**WHEREAS**, the Grantees recognize that tidal waterways and their coastlines at Borough of Allenhurst, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

**WHEREAS**, access to tidal waterways at Borough of Allenhurst, New Jersey is a right provided to the public under the Public Trust Doctrine; and

**WHEREAS**, in order for the public to access tidal waterways, perpendicular access to these areas must be secured for public use; and

**WHEREAS**, in order to ensure public access, Grantees need a Perpetual Public Access Easement on portions of said Property(s) herein described; and

**WHEREAS**, the Borough of Allenhurst shall consider this Deed of Easement in establishing the assessed value of any lands subject to such restrictions; and

**WHEREAS**, this Deed of Dedication and Perpetual Public Access Easement shall be subject to and consistent with any existing public access agreement or easement entered into by the Municipality with the United States Army Corps of Engineers; and

**WHEREAS**, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of tidal waterways and their shores.

**NOW, THEREFORE**, the Grantor grants and conveys to Grantees an irrevocable, assignable, perpetual and permanent easement as set forth herein:

**GRANT OF EASEMENT:** A perpetual and assignable easement and right-of-way across that land of the Property(ies) as specifically described by the metes and bounds descriptions set forth in Schedule A and Schedule B attached hereto and made a part hereof by reference, hereinafter the "Property(ies)," and Grantor holds the requisite interest to grant this Deed of Easement listed above for use by the State of New Jersey and the Borough of Allenhurst, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public access area to allow the public access to tidal waterways;
- b. Post signs;

The easement reserves to the Grantor, the Grantor's, successors and assigns the right and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets.

**Duration of Easement:** The easement granted hereby shall be in perpetuity, and in the event that the Borough of Allenhurst or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective representatives, successors and assigns and shall continue as a servitude running in perpetuity with the land.

**Municipality to Maintain Public Access:** The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to preserve, cause and ensure the public access areas to be maintained, consistent with all applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey.

**Character of Property(s):** Notwithstanding the foregoing, nothing herein is intended or shall be deemed to grant the Grantees or otherwise permit the Grantee to any other person to cross over or use any part of the Property(ies) which is not within the Easement

Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property(ies).

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Property(ies) burdened by the easement herein described shall not be excluded from the calculations of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

Miscellaneous:

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent violation or of any of Grantees rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.
2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
3. If any provisions of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Easement or the application of such provisions to person or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocation party shall notify the other, in writing.
5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.
6. This Easement does not permit Grantees to place any structures on any part of the Easement; Grantor retains the right to reasonable use and occupancy of the property so long as the same does not interfere with the rights conveyed herein.

*BALANCE OF PAGE INTENTIONALLY LEFT BLANK*



Accepted by the  
GRANTEE, The State of New Jersey

Witnessed by:

BY: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Date: \_\_\_\_\_



**Schedule A (Allen Avenue Public Access Easement) - Was originally approved under this resolution, however it has since been revised to expand the overall size and reach of the public access easement at Allen Avenue.**

**A new easement at Allen Avenue has been prepared and adopted under THE NEW RESOLUTION #2019-248 and is presented herewith, following the easement description and sketch included in Schedule B, below.**

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
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JENNIFER C. BEAHM, P.P., AICP

**SCHEDULE B**


**DESCRIPTION OF  
PUBLIC ACCESS EASEMENT  
PORTION OF OCEAN PLACE  
BOROUGH OF ALLENHURST  
MONMOUTH COUNTY, NEW JERSEY**

Beginning at the end of the following courses:

- A. Southeasterly along the Northerly Right of Way Line of Cedar Avenue extended, a municipally owned public roadway (60' Right of Way), on a course of S 65°00'00" E a distance of 40' (T.M.) to a point in the easterly right of way line of Ocean Place, and running thence;
- B. Northeasterly along the easterly right of way line of Ocean Place, municipally owned public roadway (40' Right of Way), on a course of N 25°00'00" E a distance of 90'± to a point, said point being THE POINT AND PLACE OF BEGINNING, and running thence;
1. Northwesterly on a course of N 65°00'00" W a distance of 15.00' to a point, and running thence;
  2. Northeasterly on a course of S 25°00'00" W a distance of 20.00' to a point, and running thence;
  3. Southeasterly on a course of S 65°00'00" E a distance of 15.00' to a point, and running thence;
  4. Southwesterly on a course of S 25°00'00" W a distance of 20.00' to a point, said point being the POINT AND PLACE OF BEGINNING.

Containing 300 Square Feet± 0.006 Acres±

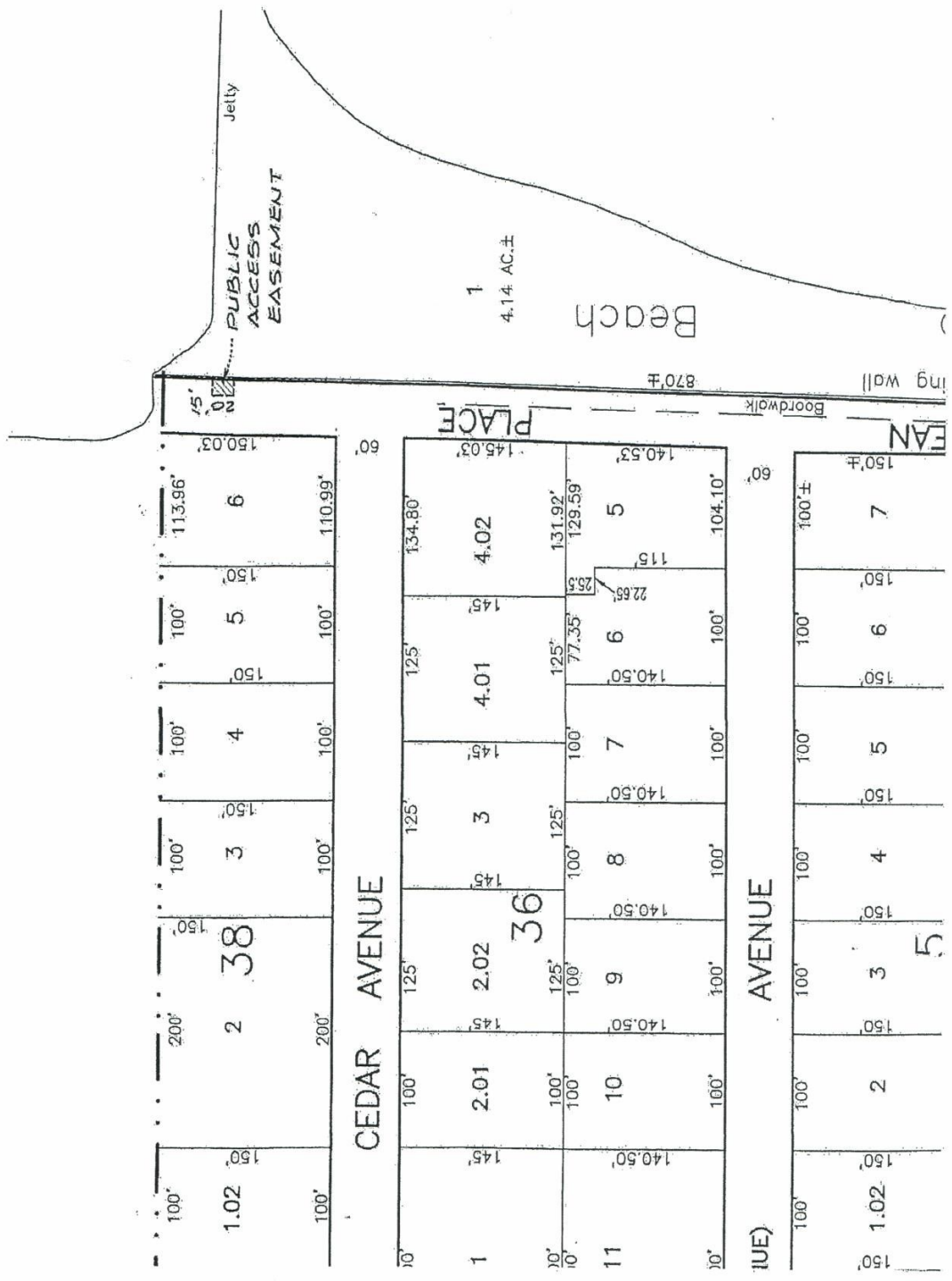
This description has been prepared in accordance with the "Allenhurst Municipal Public Access Plan" in the Borough of Allenhurst, Monmouth County, New Jersey."



Peter R. Avakian, P.E., P.P., P.L.S.  
NJ License No. 28142

PHONE (732) 922-9229

FAX (732) 922-0044



**RESOLUTION #2019-248**  
**RESOLUTION AUTHORIZING EASEMENT TO STATE OF**  
**NEW JERSEY IN COMPLIANCE WITH THE MUNICIPAL**  
**PUBLIC ACCESS PLAN**

Offered By: Comm. McLoughlin                      Seconded By: Mayor McLaughlin

**WHEREAS**, the Borough of Allenhurst is required by the State of New Jersey to provide a Municipal Public Access Plan (MPAP) consistent with the Coastal Zone Management Rules established in N.J.A.C. 7:7-16.9; and

**WHEREAS**, the Borough, in consultation with the Borough Engineer, has determined where to locate the MPAP access points and associated Easement.

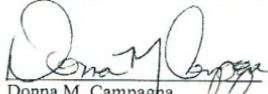
**NOW THEREFORE, BE IT RESOLVED** by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

**BE IT FURTHER RESOLVED** by the Borough of Allenhurst that the Mayor be and is hereby authorized to execute an Easement to the benefit of the State of New Jersey to provide for MPAP location as set forth in the description prepared by the Borough Engineer at the eastern most end of Allen Avenue. A copy of said Easement is on file in the Borough Clerk's Office.

VOTE: Comm. McLoughlin-AYE; Mayor McLaughlin-AYE

**CERTIFICATION**

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Resolution adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on November 26, 2019.

  
Donna M. Campagna  
Borough Clerk/Administrator

**DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT**

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

is made this 26 day of November, 2019

**BY AND BETWEEN**        **THE BOROUGH OF ALLENHURST**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 125 Corlies Avenue, Allenhurst, New Jersey 07711,

hereinafter referred to as "Grantor,"

**AND**                        **THE BOROUGH OF ALLENHURST**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 125 Corlies Avenue, Allenhurst, New Jersey 07711, **AND THE STATE OF NEW JERSEY**,

hereinafter referred to as the "Grantees."

**WITNESSETH**

**WHEREAS**, Grantor is the owner of that certain tract of land, located in the Borough of Allenhurst, County of Monmouth and State of New Jersey, and identified as located at the eastern most end of Allen Avenue, as more particularly described in Schedule A attached hereto and made a part hereof by reference, hereinafter the "Property," and Grantor holds the requisite interest to grant this Deed of Easement; and

**WHEREAS**, the Grantees recognize that tidal waterways and their coastlines at Borough of Allenhurst, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

**WHEREAS**, access to tidal waterways at Borough of Allenhurst, New Jersey is a right provided to the public under the Public Trust Doctrine; and

**WHEREAS**, in order for the public to access tidal waterways, perpendicular access to these areas must be secured for public use; and

**WHEREAS**, in order to ensure public access, Grantees need a Perpetual Public Access Easement on portions of said Property(s) herein described; and

**WHEREAS**, the Borough of Allenhurst shall consider this Deed of Easement in establishing the assessed value of any lands subject to such restrictions; and

**WHEREAS**, this Deed of Dedication and Perpetual Public Access Easement shall be subject to and consistent with any existing public access agreement or easement entered into by the Municipality with the United States Army Corps of Engineers; and

**WHEREAS**, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of tidal waterways and their shores.

**NOW, THEREFORE**, the Grantor grants and conveys to Grantees an irrevocable, assignable, perpetual and permanent easement as set forth herein:

**GRANT OF EASEMENT:** A perpetual and assignable easement and right-of-way across that land of the Property as specifically described by the metes and bounds description set forth in Schedule A attached hereto and made a part hereof by reference, hereinafter the "Property," and Grantor holds the requisite interest to grant this Deed of Easement listed above for use by the State of New Jersey and the Borough of Allenhurst, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public access area to allow the public access to tidal waterways;
- b. Post signs;

The easement reserves to the Grantor, the Grantor's, successors and assigns the right and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets.

**Duration of Easement:** The easement granted hereby shall be in perpetuity, and in the event that the Borough of Allenhurst or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective representatives, successors and assigns and shall continue as a servitude running in perpetuity with the land.

**Municipality to Maintain Public Access:** The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to preserve, cause and ensure the public access areas to be maintained, consistent with all applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey.

**Character of Property(s):** Notwithstanding the foregoing, nothing herein is intended or shall be deemed to grant the Grantees or otherwise permit the Grantee to any other

person to cross over or use any part of the Property which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property.

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Property burdened by the easement herein described shall not be excluded from the calculations of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

Miscellaneous:

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent violation or of any of Grantees rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.
2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
3. If any provisions of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Easement or the application of such provisions to person or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocation party shall notify the other, in writing.
5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.
6. This Easement does not permit Grantees to place any structures on any part of the Easement; Grantor retains the right to reasonable use and occupancy of the property so long as the same does not interfere with the rights conveyed herein.

*BALANCE OF PAGE INTENTIONALLY LEFT BLANK*





Accepted by the  
GRANTEE, The State of New Jersey

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by:

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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JENNIFER C. BEAHM, P.P., AICP

**SCHEDULE A**

**DESCRIPTION OF  
PUBLIC ACCESS EASEMENT  
PORTION OF ALLEN AVENUE  
BOROUGH OF ALLENHURST  
MONMOUTH COUNTY, NEW JERSEY**

Beginning at a point, said point being the intersection of the Easterly property line of Lot 5 in Block 2 and the Westerly property line of Lot 6 in Block 2 and the Southerly R.O.W. line of Allen Avenue (50' R.O.W.), and running thence;

1. Northeasterly on a course of N 20°30'00" E a distance of 10'± to a point in the right of way line of Allen Avenue, and running thence;
2. Southeasterly on a course of S 69°30'00" E a distance of 192'± to a point, and running thence;
3. Northeasterly on a course of N 20°30'00" E a distance of 50'± to a point in the Northerly right of way line of Allen Avenue, and running thence;
4. Southeasterly along the Northerly right of way line of Allen Avenue on a course of S 69°30'00" E a distance of 65'± to a point, and running thence;
5. Southwesterly along the Easterly R.O.W. line of Allen Avenue on a course of S 22°24'33" W a distance of 60'± to a point, and running thence;
6. Northwesterly along the Southerly R.O.W. line of Allen Avenue on a course of N 69°30'00" W a distance of 255'± to a point, said point being the Point and Place of Beginning.

Containing 5250 Square Feet± 0.12 Acres±

This description has been prepared in accordance with the "Allenhurst Municipal Public Access Plan" in the Borough of Allenhurst, Monmouth County, New Jersey."



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