
Borough of Lavallette

Municipal Public Access Plan

Submitted by: Borough of Lavallette

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Approved by the New Jersey Department of Environmental Protection:

Adoption by the Borough of Lavallette:

TBD

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Introduction

This document is intended to provide a comprehensive public access plan for the Borough of Lavallette (Borough) which lays out a vision for providing access to tidal waters and shorelines within the municipal boundary. For each project that is required to provide public access through a NJDEP issued Coastal Area Facility Review Act (CAFRA) or Waterfront Development permit, the Borough will provide NJDEP with a letter confirming its consistency with this MPAP. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory provisions.

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 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 Public Trust 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 tidal shores.

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

Importance of Municipal Public Access Plans

The concept of MPAP is derived from the notion that public access to tidal waters is fundamentally linked to local conditions. The development of a MPAP enables a municipality to plan, implement, maintain, and improve the provision of public access for its residents and visitors based on its own unique conditions and needs. It also informs decision making for public access requirements associated with future development projects.

The Borough is responsible for ensuring that public access to the tidal waters within the municipality is in accordance with this plan as approved by NJDEP and adopted as part of the municipal Master Plan. For each new project that is required to provide public access through a NJDEP issued Coastal Area Review Act (CAFRA) or Waterfront Development permit, the Borough will provide NJDEP with a letter confirming its consistency with this MPAP. Upon adoption of this MPAP into the municipal Master Plan, NJDEP public access requirements shall be satisfied in accordance with this plan.

I. Municipal Public Access Vision

A. Overview of Municipality

The Borough of Lavellette (Borough) is a barrier island community, incorporated in 1887, and located in northeastern Ocean County between Barnegat Bay and the Atlantic Ocean. The Borough is both a seasonal resort destination and year-round community.



Map 1: Proximity to Waterways

The Borough population of approximately 1,875 peaks at approximately 30,000 in the summer months.¹ As the local economy is closely tied to the tourism industry, fostering and encouraging development of supportive amenities and businesses is a priority.

With coastlines along the Atlantic Ocean and Barnegat Bay, extensive opportunities are available for public access to the bayfront and oceanfront for fishing and recreation. The Borough places tremendous value on its waterfront amenities and is committed to preserving, maintaining, and improving public access to its shores for its seasonal population and year-round residents.

Historically, the Borough has developed with its central business district located along the Route 35 Corridor and with residential and municipal land uses occupying the majority of its land areas to the east and west of Route 35. This land use pattern continues today, with no major commercial uses directly abutting either the oceanfront or bayfront. West Point Island, constructed in Barnegat Bay on filled land, has developed with residential land uses and private recreation areas.

B. Municipal Public Access Goals and Objectives

i. Goals & Objectives

The Municipal Master Plan (Master Plan) was originally adopted in 1977 and most recently reexamined in 2016. The Master Plan establishes the following goals and objectives:

- a. Promote the preservation of natural resources and environmentally sensitive areas; particularly coastal views and access, flood hazard areas, and natural barriers or buffers.*
- b. Upgrade and replace park amenities as needed.*
- c. Maintain pedestrian access to the Bayfront Park.*
- d. Clean up and maintain Bayfront Park.*

The Borough affirms the following State required goals specifically for public access through this MPAP:

- a. Maintain existing public access to the maximum extent practicable.*
- b. Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.*
- c. Provide clear, informative signage for access locations.*

The Borough MPAP embraces and reflects these goals and will help preserve, protect, and enhance the public's ability to access the public trust lands which surround the municipality. The Master Plan goals are consistent with the broad set of coastal protection goals set forth in the New Jersey Coastal Zone Management Rules at N.J.A.C. 7:7-1.1 (c).

¹ The 2010 census (www.census.gov) identifies the total population as 1,875. Estimated population in 2016 was 1,832. The Borough of Lavallette Master Plan, last updated in June 2016, indicates that based on utility usage and solid waste volumes, the summer population is estimated to peak at 30,000.

ii. Municipal Master Plan Consistency

The goals and objectives of this MPAP have been reviewed and are consistent with the Master Plan. As discussed in detail in the Master Plan, tourism related to the waterfront is critical to the local economy and to its residents. As such, the Borough has memorialized through its Master Plan that maintaining and preserving access to its natural amenities is a high priority. In particular, the following examples illustrate the importance of waterfront access to the Borough:

- In the Historical Background section, the Master Plan notes that the Borough beaches are its greatest natural asset that *need to be protected and nourished for the benefit of the economy and the enjoyment of its residents.*
- The Community Facilities Element of the Master Plan notes the prevalence of existing beach areas, bay areas, and marinas that provide recreational opportunities and further elaborates that these areas should be both preserved and enhanced wherever possible. Specifically, this section indicates that: *All oceanfront areas, including beach dunes, should be preserved to continue to provide access to this extremely important community facility and natural feature for Lavallette residents and visitors. Bayfront recreational areas should be improved to provide more amenities such as boardwalks, exercise stations, and bicycle paths, particularly in underutilized areas along the Bayfront.*
- As noted in the Recreation and Conservation Element, the Master Plan indicates that *it is critical now more than ever that Lavallette continue to take the appropriate measures to ensure that the community protects and maintains its beach and dune system, which acts as the Borough's first line of defense against coastal storms and flooding.* Specific recommendations are provided within the Recreation and Conservation Element to meet its goals and objectives, including reviewing potential to improve the Bayfront with a boardwalk, benches, plantings, and walking path.

II. Existing Public Access

A. Inventory of Public Access Locations

Public access to the oceanfront and bayfront is widely available within the Borough. An oceanfront boardwalk is accessible from each public street end starting at Dover Avenue at the south and extending to Ortle Avenue at the north. Direct ocean beach access is via dune crossovers accessed from the boardwalk. For the northern portion of the oceanfront where there is no public boardwalk, ocean beach access is from dune crossovers at the eastern street ends of Westmont Avenue, Haddonfield Avenue, and Bryn Mawr Avenue. A significant portion of the bayfront is also publicly accessible. Existing public access locations along the oceanfront and bayfront are highlighted on Map 2 below. For a summary of the amenities and facilities associated with each public access location highlighted on Map 2, refer to Sections II.A.i. and II.A.ii. of this MPAP as well as to Appendix 2.



Map 2: Existing Public Access Locations

i. **Oceanfront – Existing Access and Amenities**

Boardwalk. A public boardwalk parallels the ocean and is directly west of the primary dune. The boardwalk extends from Dover Avenue at the south to Ortley Avenue at the north. Private property is located along the west side of the boardwalk except where interrupted by public street ends.



Public boardwalk between primary dune and private property

Beach access. Beach access is via dune crossovers from the boardwalk and from the Bryn Mawr Avenue, Haddonfield Avenue and Westfield street ends. The locations of dune crossovers, including ADA accessible crossovers, are represented on Map 2. Beach badges are required during the summer season and may be purchased from badge checkers or at the municipal building. The rates for beach badges during the 2020 summer season were \$50 for a seasonal badge and \$12 for a daily badge. There is no beach access fee for children under the age of 12 years. Discounts are available for persons with disabilities, veterans, and active duty military personnel.



Dune crossover from public boardwalk

Parking. Free on-street parking is available at every street end between and including Dover Avenue and Bryn Mawr Avenue.

ADA parking. ADA parking spaces are located at the following street ends near the boardwalk: Trenton Avenue, Princeton Avenue, Jersey City Avenue, New Jersey Avenue, New York Avenue, Pennsylvania Avenue, Philadelphia Avenue, Brown Avenue, Vance Avenue, President Avenue, and Guyer Avenue.

Bicycle parking. Bicycle racks are located at every street end between and including Dover Avenue and Bryn Mawr Avenue.

Swimming. Bathing is permitted in protected areas only. Lifeguards are on duty from 10 am to 5 pm on weekdays and from 10 am to 6 pm on weekends and holidays during the bathing season. Swimming is permitted while lifeguards are on duty. Swimming is at your own risk when lifeguards are not on duty.

Fishing and vehicular beach access.

Surf fishing is permitted on the beach in all seasons with no restrictions on hours. Those engaged in fishing during the summer season are encouraged to stay close to the jetties to avoid conflicts with swimmers. Vehicles are permitted on the beach on both weekdays and weekends between October 1st and April 30th and on weekdays from September 16th – 30th. A permit is required to operate a vehicle on the beach and may be obtained at the municipal building.



Surfing. The designated surfing beaches are at Dover Avenue, Brown Avenue, and Bryn Mawr Avenue.

ADA Ramps. ADA accessible dune crossover ramps are located on the boardwalk at New York Avenue, Philadelphia Avenue, President Avenue, and Trenton Avenue.

ii. **Bayfront – Existing Access and Amenities**

The publicly accessible bayfront includes a contiguous land area west of Bay Boulevard, extending from Kerr Avenue at the north to New Brunswick Avenue at the south. According to the Master Plan, this bayfront recreation area is collectively known as Bayfront Park, occupies approximately 16.3 acres, and is owned by the Borough. The various passive and active park areas of Bayfront Park are described in detail below. Also refer to Appendix 2.

Jacobsen Park (Map ID #29). Located at the north end of Bayfront Park, Jacobsen Park includes a playground and bay beach. Direct access to this area is from the sidewalk along Bay Boulevard. The Borough rents 60 mooring posts located on the beach and intended for small, non-motorized vessels such as kayaks, rowboats, and sailboats. The seasonal registration fee to use a mooring post is \$100 as set forth in Section 7-9 of the Borough Code. Vessels are permitted to be stored from May 1 to October 31 of each year.



Boat storage area and beach at Jacobsen Park

Bay Beach (Map ID #30). Beaches, playgrounds, parking, athletic courts, and two (2) fishing and crabbing piers are located within the area extending from Reese Avenue at the north to Brooklyn Avenue at the south.

Beaches: The beach between Philadelphia Avenue and Brooklyn Avenue is open for swimming from 10 am to 5 pm on weekdays and from 10 am to 6 pm on weekends and holidays. Beach badges are required.

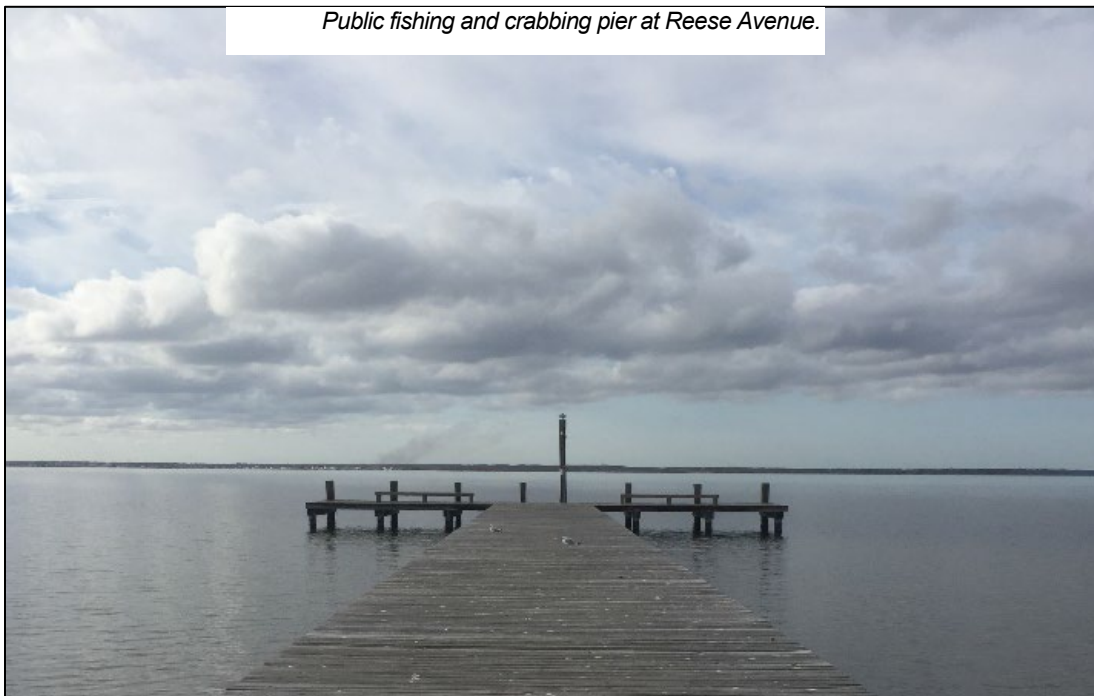


Bay beach between Philadelphia Avenue and Brooklyn Avenue

Playgrounds: Playgrounds are located at Kerr Avenue, Reese Avenue, and Washington Avenue.

Parking: Parking lots are in the following bayfront locations west of Bay Boulevard: (1) just northwest of Reese Avenue; (2) between Philadelphia Avenue and Brooklyn Avenue; and (3) at New Brunswick Avenue. Limited on-street parking is available along Vance Avenue/Magee Avenue west of Bay Boulevard. Reserved handicap parking is available in each of the parking areas except for the parking lot at New Brunswick Avenue. A permit is required to park vehicles and trailers and may be obtained at the municipal building.

Fishing and Crabbing piers: Two (2) T-shaped crabbing piers are available for public use. The piers are located at Reese Avenue and at Magee Avenue. Covered pavilions are located next to each of the piers. Each fishing and crabbing pier is at similar grade as the abutting parking or sidewalk area and is thereby accessible for wheelchairs.



Athletic courts: Basketball courts and beach volleyball courts known as the George Memorial Courts are located at Magee Avenue and Bay Boulevard. Tennis courts are also located in this area.

Public restrooms: Portable restrooms are provided throughout the year next to the tennis courts on Vance/Magee Avenues. Public restrooms, including ADA accessible restrooms, are available 24 hours a day during the summer season at the firehouse located at Washington Avenue and Bay Boulevard. Public restrooms are also located at Borough Hall during business hours, Monday through Friday.

Charles M. Hankins Park & Centennial Gazebo and Garden (Map ID #31). Passive parks, or parks that provide facilities such as benches or trails but are not intended to accommodate exercise or athletic recreation, are located along the bayfront. Charles M. Hankins Park is located at Camden Avenue and Bay Boulevard and provides benches in a shaded, landscaped setting. Centennial Gazebo and Garden is located at Philadelphia Avenue and Bay Boulevard and includes a larger area of benches and a gazebo. Centennial Gazebo and Garden is frequently used by the Borough for event programming, particularly in the summer season.

Boat ramp & Memorial Park (Map ID #32). The public boat ramp is located just southwest of Memorial Park, a passive park located at Brooklyn Avenue and Bay Boulevard. Use of the boat ramp is available for a daily fee. Vehicle and boat trailer parking is located adjacent to the boat ramp.

Jersey City Avenue boat slips (Map ID #33). Municipal owned piers are located in Barnegat Bay at the western street end of Jersey City Avenue. Six (6) boat slips on these piers are available to permanent residents and property owners for a seasonal rental fee of \$1,100. Boats are permitted to be moored in the rented slips from May 1 to October 31 of each year.

iii. **ADA Amenities**

Beach wheelchairs are available at Lifeguard Headquarters located at Philadelphia Avenue and the ocean boardwalk during the summer season. In the off season, beach wheelchairs are available at the public works building (120 Washington Avenue). ADA accessible parking is available along both the oceanfront and bayfront as detailed above.

iv. **Special Events and Programs**

The Borough sponsors and facilitates free events and activities that expand public access and utilize the waterfront amenities.²

- **Movies on the Bay.** In the summer months, movies are shown at the Gazebo and Centennial Gardens on the bayfront, located at Philadelphia Avenue and Bay Boulevard. During the 2019 season, movies were shown in July and August on Tuesday evenings, starting at sunset (approximately 8:30 pm).
- **Summer Concert Series.** In the summer months, free concerts are also held at the Gazebo and Centennial Gardens on the bayfront. During the 2019 season, concerts were held on Sunday evenings in July and August starting at 7 pm.
- **Kites and Castles.** The Lavallette Business Association sponsors a weekly evening event involving kite making and sand castle building. During the 2019 season, this event was held on the oceanfront beach at Philadelphia Avenue on Thursday evenings from 6-7 pm.
- **Children's Treasure Hunt.** The Lavallette Business Association also sponsors a weekly children's treasure hunt. During the 2019 season, this event was held on the oceanfront beach at President Avenue on Monday evenings from 6-7 pm.

² For a complete list of special events and to confirm dates and times, refer to the official Borough of Lavallette website (<http://www.lavallette.org/>).

B. Limitations to Public Access

i. Permanent Restrictions

Physical limitations to public access within the Borough are primarily on portions of the bayfront and West Point Island where the waterfront land is under private ownership. For all intents and purposes, such restrictions may be considered permanent restrictions on public access.

ii. Temporary Restrictions

Temporary restrictions on public access stem from regulatory limitations on hours or types of activities that may occur in waterfront and/or beach areas. One such temporary restriction is on beach access between the hours of midnight and 5:00 am. As set forth in Borough Code Section 7-16, *No person, other than one actually engaged in fishing, shall be upon any municipal beach at any time between the hours of 12:00 midnight and 5:00 a.m. of any day.* Similarly, Section 7-17 of the Borough Code indicates that swimming is not permitted on any municipal beach during hours of darkness. Additionally, there are seasonal restrictions on vehicular access to the oceanfront beach. These and other similar regulatory temporary restrictions do not pose undue hardship on the public and do not meaningfully diminish public access as they are temporary restrictions in the interest of the public health, safety, and welfare.

III. Community Needs Assessment

As detailed in Section II of this MPAP, the Borough provides extensive opportunities for public access to its oceanfront and bayfront. The entire oceanfront beach is under Borough ownership. Beach access is from a public boardwalk paralleling the ocean, west of the primary dune. Where there is no public boardwalk, direct oceanfront beach access is available from the public street ends. The approximately 16.3-acre Bayfront Park offers recreation areas for swimming, fishing, and watercraft launching. Numerous amenities, including parking, playgrounds, passive parks, and event programming space are publicly accessible on the bayfront.

Like many waterfront communities in Ocean County, the Borough experienced extensive damage to its waterfront resources and physical infrastructure in October of 2012 from Superstorm Sandy. As documented in the Borough's *Strategic Recovery Planning Report, Post Sandy Planning Assistance Grant Program* dated October 2, 2014, considerable damage occurred to bayfront parks, accessory park buildings, playground equipment, athletic fields/courts, fishing docks, and boat launches. The lifeguard headquarters located at Philadelphia Avenue and the oceanfront boardwalk was destroyed but has since been reconstructed.

In addition to structural and recreational facility damage, Superstorm Sandy significantly eroded and overtopped the primary and secondary dune system along the oceanfront. The height of the dunes was variable and the damage to uplands and structures west of the dune system ranged from minor to catastrophic.

Superstorm Sandy highlighted that a well-established and reinforced dune system is critical to maintaining and preserving the oceanfront as well as structures and infrastructure behind it. Therefore, preserving and

maintaining the dune system is also critical to preserving public access. This finding is echoed in the Recreation and Conservation Element of the Master Plan.

This community needs assessment concludes that unobstructed public access is widely available in the Borough. Preservation and maintenance of the oceanfront dune system as well as existing facilities and access points are the greatest community needs pertaining to public access.

IV. Implementation Plan

The Borough has created an Implementation Plan as described in the following section.

A. Priorities

The Borough has developed the following priorities:

i. Maintain Existing Public Access

a. US Army Corps of Engineers Beachfill and Dune Reconstruction Project

Hurricane Sandy significantly damaged the oceanfront beach, primary dune, private property, and physical infrastructure in the Borough. As part of future storm mitigation efforts and long-term maintenance of its oceanfront, the Borough participated in a large-scale storm mitigation project known as the Beachfill Project led by the US Army Corps of Engineers and extending along the oceanfront in Ocean County.

As part of the Beachfill Project, the primary dune along the oceanfront was reconstructed from its variable height to a consistent height of Elevation 22 (NAVD 88). Dune crossovers were constructed at each public street end along the oceanfront. Four (4) of the crossovers are ADA compliant: New York Avenue, Philadelphia Avenue, President Avenue, and Trenton Avenue.

As a result of the Beachfill Project, the number of direct beach access locations increased from 13 to 28. Not only does this project serve as long-term preservation of the oceanfront, it has improved the public access conditions.

ii. Preserve Existing Public Access

a. Publicly Owned Parcels

The Borough owns the numerous oceanfront and bayfront parcels that make up the public access points described in Section II.A above. Public ownership of waterfront land facilitates preservation of public access in accordance with the Public Access Rule at N.J.A.C. 7:7-16.9 and this MPAP. By virtue of public ownership, these parcels will be preserved for public access. The following parcels are under Borough, fee simple ownership as reflected on the Borough tax maps:

Block	Lot	Description/Location	Map ID ³
69	1	Boat ramp, Memorial Park, south bay beach	32
70	1	Bay beach	31/32
70	2.01 & 2.02	Bay beach	31/32
70	3	Bay beach, Centennial Gazebo and Gardens	31
70	4.01 & 4.02	Centennial Gazebo and Gardens	31
70	5	Centennial Gazebo and Gardens	31
70	6.01 & 6.02	Bayfront Park between Camden Avenue and Philadelphia Avenue	31
70	7	Bayfront Park between Camden Avenue and Philadelphia Avenue	31
70	8.01 & 8.02	Bayfront Park between Camden Avenue and Philadelphia Avenue	31
70	9	Charles M. Hankins Park and land extending to Barnegat Bay	31
70	10.01 & 10.02	Bayfront Park basketball and beach volleyball courts	30
70	11	Bayfront Park tennis courts	30
70	12.01 & 12.02	Bayfront Park tennis courts	30
70	13	Jacobsen Park	29
72	1	Oceanfront beach from Dover Avenue to Ortlely Avenue	1-25
952.04	22	Oceanfront beach from Westmont Avenue to Bryn Mawr Avenue	26-28

With the exception of Lot 22 in Block 952.04, all of the publicly owned waterfront parcels identified above are included in the State of New Jersey Green Acres Open Space Database and therefore subject to preservation requirements of the Green Acres Program. An excerpt of the Green Acres Open Space Database is enclosed as Appendix 3. The ocean beach parcel known as Lot 22 in Block 952.04 is subject to a *Deed of Dedication and Perpetual Storm Damage Reduction Easement* recorded in the Ocean County public records, the purpose of which includes ensuring permanent public access, use, and enjoyment of the beach and ocean.⁴

iii. Plan for Future Projects

Future planning and priorities are most likely to involve improvements to existing facilities or parcels. The following future projects are contemplated in the Master Plan:

- **Boat ramp and bulkhead.** The existing public boat ramp located at Bay Boulevard and New Brunswick Avenue is subject to a high degree of shoaling from sediment accumulation and down drift. In addition, the existing bulkhead needs repair. Design and permitting for dredging of the boat ramp and replacement of the existing bulkhead are currently underway.
- **Bayfront improvements.** Potential future improvements to the bayfront include construction of a boardwalk with benches, landscaping, and walking path with aerobic exercise stations.
- **Shoreline management plan.** The development of a shoreline management plan would enable the Borough to efficiently manage and maintain the oceanfront and bayfront shorelines, furthering the goal of public access preservation.

³ Refer to Map 2, Public Access Locations.

⁴ The *Deed of Dedication and Perpetual Storm Damage Reduction Easement* is recorded at Official Records Book 15522, Page 1500.

B. Signage

The Borough is in process of adopting a public access ordinance memorializing the provision of public access signage at public access points and designating responsibility for installation and maintenance. A copy of the draft ordinance is attached as Appendix 4.

Informational signage is provided on the public boardwalk outside the Lifeguard Headquarters building at Philadelphia Avenue.



Informational signage at Lifeguard Headquarters.

As described in the Inventory of Public Access above in Section II.A., several recreation areas make up the approximately 16.3-acre Bayfront Park. Park name signage identifies these areas as publicly accessible. Informational signage is also provided. Examples of existing signage at some of the recreational areas of Bayfront Park include:



Jacobsen Park



Charles M. Hankins Park



Boat ramp informational signage



Centennial Gazebo and Garden

V. Relationship to Regional and State Plans

This MPAP has been reviewed for consistency with and has the following relationship to other Regional and State Plans:

A. Ocean County Master Plan

The Ocean County Master Plan (County Master Plan), last updated in December of 2011, sets forth the guiding principles for physical development of Ocean County. As described in Chapter 7 (Land Use) of the County Master Plan, tourism related to the beaches, marinas and other waterfront amenities is vital to the economy in Ocean County and its municipalities. The Barnegat Bay Estuary as well as the Atlantic Ocean are important commercial and recreational resources. The County Master Plan notes that Ocean County has been supportive of efforts by NJDEP and the US Army Corps of Engineers to protect and preserve the shoreline through beach and dune replenishment. The Borough MPAP, which serves to protect and preserve its shoreline amenities and public access thereto, is consistent with the County Master Plan which identifies similar goals for preservation of recreational and economic assets.

B. State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (State Plan) guides planning decisions and priorities throughout the State of New Jersey. Included among the State Plan statewide policies related to open lands and natural systems is the policy to *maintain and improve public access to coastal and waterfront areas of recreational, aesthetic, cultural or ecological value, provided such access does not degrade the function or value of the natural resource system*. As it seeks to preserve and maintain public access and waterfront amenities, the Borough MPAP is consistent with the State Plan.

VI. Resolution of Incorporation

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

Appendix I

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 Borough of Lavallette Municipal Public Access Plan (MPAP) was submitted to the Borough Planning Board and reviewed at the regular meeting of *{date}*, and

WHEREAS, the Planning Board has approved the plan as submitted, and

WHEREAS, the Planning Board 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 Planning Board of the Borough of Lavallette the "Borough of Lavallette Municipal Public Access Plan," a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan.

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

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

Municipal Clerk

APPENDIX 2

Borough of Lavallette Public Access Locations

Map ID ¹	SIGNS	PARKING	STREET	CROSS STREET	BADGE	SWIMMING	FISHING	SURFING	PLAYGRD	PARK	PIER	BOATLUNCH	MARINA	RESTRM ⁴	H/C	SHORE-LINE	ACCESS_TYPE
1	Yes	Yes	Dover Ave	Boardwalk	Yes	Yes	Yes	Yes	No	No	No	No	No	No	None	ocean	beach
2	Yes	Yes	Trenton Ave	Boardwalk	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Parking, ramp	ocean	beach
3	Yes	Yes	Newark Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
4	Yes	Yes	Elizabeth Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
5	Yes	Yes	Princeton Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
6	Yes	Yes	Jersey City Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
7	Yes	Yes	New Jersey Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
8	Yes	Yes	New York Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking, ramp	ocean	beach
9	Yes	Yes	Pennsylvania Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
10	Yes	Yes	Virginia Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
11	Yes	Yes	New Brunswick Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
12	Yes	Yes	Brooklyn Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
13	Yes	Yes	Washington Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
14	Yes	Yes	Philadelphia Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking, ramp	ocean	beach
15	Yes	Yes	Camden Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
16	Yes	Yes	Brown Ave	Boardwalk	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Parking	ocean	beach
17	Yes	Yes	Magee Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
18	Yes	Yes	Vance Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
19	Yes	Yes	Reese Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
20	Yes	Yes	President Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking, ramp	ocean	beach
21	Yes	Yes	Guyver Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	Parking	ocean	beach
22	Yes	Yes	Bond Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
23	Yes	Yes	Kerr Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
24	Yes	Yes	White Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
25	Yes	Yes	Ortley Ave	Boardwalk	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
26	Yes	Yes	Westmont Ave	none	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
27	Yes	Yes	Haddonfield Ave	none	Yes	Yes	Yes	No	No	No	No	No	No	No	None	ocean	beach
28	Yes	Yes	Bryn Mawr Ave	none	Yes	Yes	Yes	Yes	No	No	No	No	No	No	None	ocean	beach
29	Yes	N	Bay Blvd	Kerr Ave	No	No	Yes	No	Yes	Yes	No	Yes ²	No	No	None	bay	beach, boat
30	Yes	Yes	Bay Blvd	Reese-Brooklyn Ave	Yes ³	No	Yes	No	Yes	Yes	Yes	No	No	Yes	Piers, parking	bay	beach
31	Yes	Yes	Bay Blvd	Camden-Philadelphia	No	No	Yes	No	No	Yes	No	No	No	Yes	None	bay	visual/passive
32	Yes	Yes	Bay Blvd	New Brunswick Ave	No	No	Yes	No	No	Yes	No	Yes	No	Yes	None	bay	boat
33	No	Yes	Bay Blvd	Jersey City Ave	No	No	Yes	No	No	No	Yes	No	No	No	None	bay	boat

¹ See Map 2: Public Access Locations for Map ID numbers cross referenced to locations.

² Small, non-motorized watercraft may be launched from beach. No boat ramp in this location.

³ A beach badge is required for the swimming beach located between Philadelphia Avenue and Brooklyn Avenue.

⁴ Public restrooms are available 24 hours a day during the summer season at the Firehouse located at Washington Avenue and Bay Boulevard across from Bayfront Park. Public restrooms are also available at Borough Hall located at 1306 Grand Central Avenue during buring business hours, Monday – Friday.



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Open Space Database

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

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

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


County: OCEAN

Municipality: LAVALLETTE BORO

Block	Lot	Facility Name	Interest	Type
47.02	18	PART OF AREA - p/DIV	FEE	M
47	18	BORO BALL FIELD	FEE	M
48	18	BORO BALL FIELD	FEE	M
63	23	MUNICIPAL REC AREA - COMP	FEE	M
69	1	BAYFRONT PARK	FEE	M
70	1	BAYFRONT PARK	FEE	M
70	10	BAYFRONT PARK	FEE	M
70	11	BAYFRONT PARK	FEE	M
70	12	BAYFRONT PARK	FEE	M
70	13	BAYFRONT PARK	FEE	M
70	2	BAYFRONT PARK	FEE	M
70	3	BAYFRONT PARK	FEE	M
70	4	BAYFRONT PARK	FEE	M
70	5	BAYFRONT PARK	FEE	M
70	6	BAYFRONT PARK	FEE	M
70	7	BAYFRONT PARK	FEE	M
70	8	BAYFRONT PARK	FEE	M
70	9	BAYFRONT PARK	FEE	M
72	1	OCEAN FRONT BEACH	FEE	M

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

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 Department of Environmental Protection
 P. O. Box 402
 Trenton, NJ 08625-0402

DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT is made this 23rd day of September, 2020, BY AND

BETWEEN

THE BOROUGH OF LAVALLETTE, a Municipal Corporation whose address is 1306 Grand Central Ave, Lavallette, NJ 08735

Referred to herein as Grantor,

AND THE BOROUGH OF LAVALLETTE, a Municipal Corporation of the State of New Jersey whose address is 1306 Grand Central Ave., Lavallette, NJ 08735 AND THE STATE OF NEW JERSEY both of whom are referred to herein collectively as the "Grantees",

WITNESSETH

WHEREAS, Grantor is the owner of that certain tract of land, located in the Borough of Lavallette County of Ocean, State of New Jersey, and/or identified as public street ends located at Westmont Avenue, Haddonfield Avenue, and Bryn Mawr Avenue as identified in Addendum A (Street End Descriptions) and Addendum B (Map) Block 952.04 / Lot 22 on the official tax map of the Borough of Lavallette 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 Lavallette, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

WHEREAS, access to tidal waterways at Lot 22, Block 952.04, Borough of Lavallette, 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 Lavallette 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 Grantee 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(s) described as public street ends located at Westmont Avenue, Haddonfield Avenue, and Bryn Mawr Avenue as identified in Addendum A (Approximate Street End Descriptions) and Addendum B (Map) Block 952.04 / Lot 22 on the official 2012 tax map of the Borough of Lavallette, hereinafter the "Property(s)," 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 Lavallette, 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 Lavallette 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(s) 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(s).

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Property(s) 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. Structures no part of the project are not authorized.

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signature on the date at the top of the first page.

Accepted by the Property Owner, GRANTOR

[Signature] - Borough Administrator

Date: 9/24/2020

Witnessed by:

[Signature]

JOYCE A. HORNUNG
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 12/17/2022

NOTARY PUBLIC OF THE STATE OF NEW JERSEY

Accepted by the Borough of Lavallette, GRANTEE

By: *[Signature]*

Date: 9-24-2020

Witnessed by:

[Signature]

JOYCE A. HORNUNG
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 12/17/2022

NOTARY PUBLIC OF THE STATE OF NEW JERSEY

Accepted by the State of New Jersey, GRANTEE

By: _____

Date: _____

Witnessed by:

NOTARY PUBLIC OF THE STATE OF NEW JERSEY

STATE OF NEW JERSEY, COUNTY OF OCEAN SS.:

I CERTIFY that on September 23, 2020, Mayor Walter LaCicero personally came before me and this person acknowledged under oath, to my satisfaction that this person (or if more than one, each person);

- 1) Is named in and personally signed this Deed of Easement;
- 2) Signed, sealed and delivered this Deed of Easement as his or her act and deed;
- 3) Holds the requisite ownership interest and authority to execute this Deed of Easement; and
- 4) Made this Deed of Easement for the full and actual consideration as set forth herein.

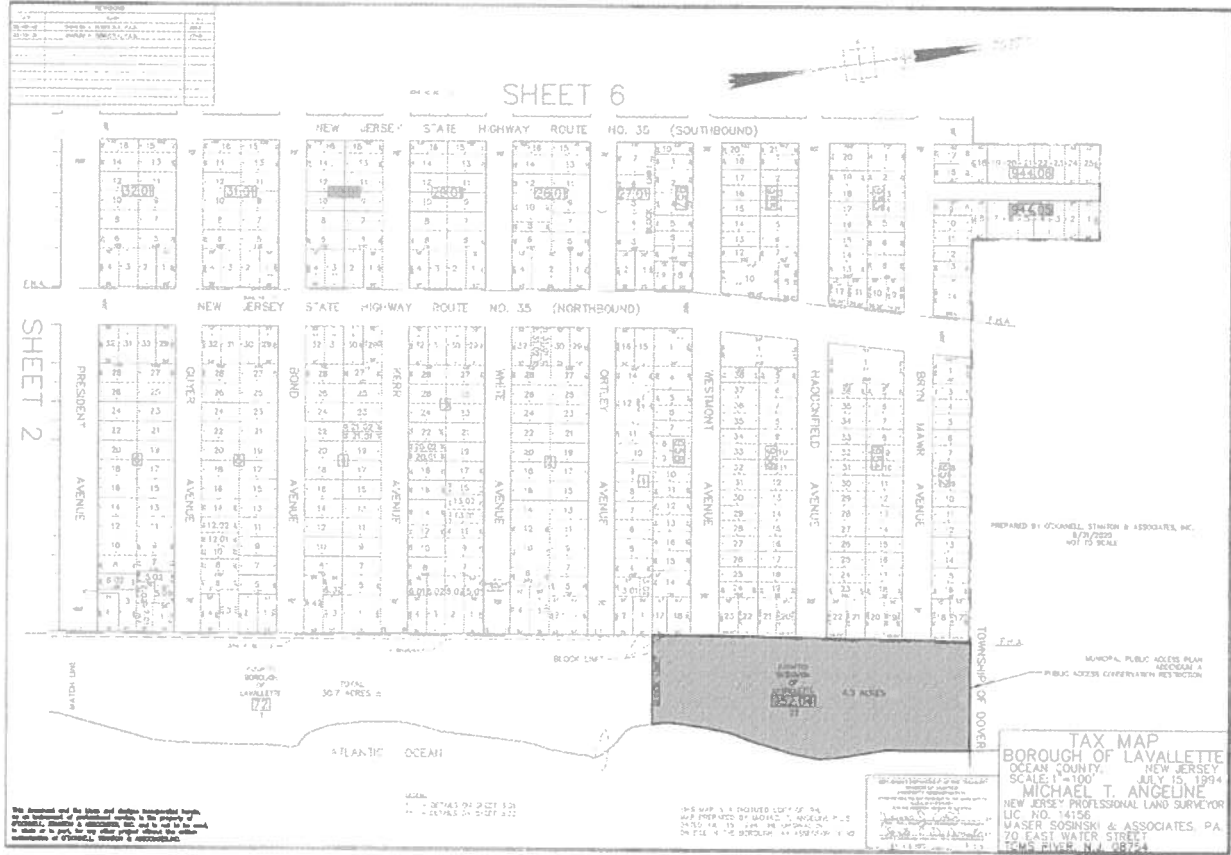

NOTARY PUBLIC OF NEW JERSEY

JOYCE A. HORNUNG
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 12/17/2022

ADDENDUM A
Borough of Lavallette
Approximate Street End Descriptions

Beginning at the southeast corner of the right-of-way of Westmont Avenue and extending approximately 100 feet south, turning eastward and extending approximately 500-feet to the Atlantic Ocean shoreline, turning northward and extending approximately 800-feet to the Borough Boundary line with the Township of Toms River, turning westward and extending approximately 500-feet to the Block Boundary Limit line of Block 952, turning southward and extending approximately 800-feet along the Block Boundary Limit Lines of Blocks 952, 954, 956 and the northerly half of 958 and the easterly edges of the rights-of-way of Bryn Mawr, Haddonfield and Westmont Avenues in between those Blocks, and stopping southeast corner of the right-of-way of Westmont Avenue.

ADDENDUM B
Borough of Lavallette
Tax Map Sheet 3 Exhibit



ORDINANCE 2019-09 (1199)

**ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY,
DESIGNATING THE BOROUGH OF LAVALLETTE PUBLIC WORKS DEPARTMENT TO INSTALL AND
MAINTAIN ALL SIGNS ASSOCIATED WITH THE MUNICIPAL PUBLIC ACCESS PLAN**

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; and

WHEREAS, installation and maintenance of public access signage is a requirement of N.J.A.C. 7:7-16.9(r).

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Lavallette, County of Ocean, State of New Jersey, as follows:

1. the Public Works Department is named as the entity responsible for all signage in the Borough of Lavallette.
2. the Public Works Department is responsible for placement and maintenance of signage for public access.
3. this ordinance shall take effect in accordance with applicable law.

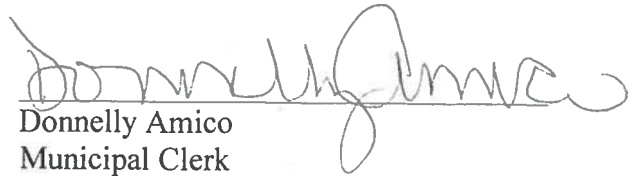
NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2019-09 (1199)

**ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY,
DESIGNATING THE BOROUGH OF LAVALLETTE PUBLIC WORKS DEPARTMENT TO INSTALL AND
MAINTAIN ALL SIGNS ASSOCIATED WITH THE MUNICIPAL PUBLIC ACCESS**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey on August 19, 2019. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Lavallette Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey, on September 9, 2019, at 7:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein shall be given the opportunity to be heard concerning said Ordinance.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are posted in the Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey.


Donnelly Amico
Municipal Clerk

LeCibero	Illoved	Second	Aye	Nay	Abstain	Absent
Sorowski			/	/		
Filippone	✓		/	/		
Zaloni			/	/		
Stoddill		✓	/	/		
Finter		✓	/	/		
Lamb			/	/		