
Mantoloking Borough

Municipal Public Access Plan

Submitted by:
Borough of Mantoloking
202 Downer Avenue
Mantoloking, New Jersey 08738

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Approved by the New Jersey Department of Environmental Protection:
{Date of NJDEP Approval}

Adoption by the Borough
{Date of Municipal Adoption}

Prepared By:
Mott MacDonald
3 Paragon Way
Freehold, New Jersey 07728
732.780.6565

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

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Introduction

The intent of this document is to provide a comprehensive public access plan for Mantoloking Borough which lays out their vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with the New Jersey Coastal Zone Management Rules and in collaboration with the New Jersey Department of Environmental Protection (NJDEP) and has been approved by the NJDEP. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility and potential funding opportunities for Mantoloking Borough.

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

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

Influenced by Roman civil law, the tenets of public trust were maintained through English Common Law and adopted by the original 13 colonies. Following the American Revolution, the royal right to tidelands was vested to the 13 new states, then to each subsequent state, and has remained a part of public policy into the present time. Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey.

The NJDEP adopted new rules governing public access on November 5, 2012, that enable municipalities to develop and adopt MPAPs to govern public access within their municipality. This MPAP consists of an inventory of public access locations, plus plans to preserve and enhance access based on community needs and State standards.

On June 5, 2012, representatives from Mantoloking Borough met with NJDEP staff to begin the public access planning process. This plan was then developed in collaboration with the NJDEP, Borough Planning Board, the Borough of Mantoloking Municipal Public Access Plan Committee, Mantoloking Environmental Commission, Mantoloking Beach and Dune Committee, Mott MacDonald, LLC, and community groups that participated. The Mantoloking Municipal Public Access Plan was approved for submission to the NJDEP per the June 10, 2016, Memorandum attached herewith in Appendix 6. Upon receiving approval from the NJDEP on *{date}*, the MPAP was incorporated into the Land Use Element of the Master Plan by resolution on *{date}*. Incorporation into the Master Plan, and final approval of this MPAP by the NJDEP, was recognized by Public Notice in the NJDEP Bulletin. All public access decisions made within Mantoloking Borough will be consistent with this plan.

Authority for Municipal Public Access Plans

The authority for a municipality to develop a MPAP is derived from the Coastal Zone Management Rules. The premise of the authorization of Municipal Public Access Plans is that public access to tidal waters is fundamentally linked to local conditions. Municipalities have a better awareness and are more responsive to these conditions than a broader State “one size fits all” mandated public access plan.

The voluntary development of a MPAP by Mantoloking Borough enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. The MPAP will be incorporated into the Land Use Element of the municipality's Master Plan, in accordance with the Municipal Land Use Law (N.J.S.A 40:55D). The MPAP, as an official component of the municipal Master Plan, informs and/or identifies public access requirements or goals associated with any proposed development or redevelopment project.

Upon approval of the MPAP by the Department and incorporation into the Master Plan, Mantoloking Borough will be responsible for ensuring that public access to tidal waterways along the municipality's shorelines is provided in accordance with this plan. For each new public access project, Mantoloking Borough will provide NJDEP with a letter confirming its consistency with this MPAP. Any permit issued by the NJDEP will reflect this and ensure that public access requirements are satisfied in accordance with this plan. Per Coastal Zone Management Rules, Mantoloking Borough is required to submit a progress report on plan implementation to NJDEP within five (5) years from date of plan adoption.

The sections of this plan as indicated below are prescribed by the Coastal Zone Management Rules. See Appendix 1.

State of New Jersey Public Access Goals

Through the New Jersey Coastal Zone Management Rules, the State of New Jersey establishes a broad set of coastal protection goals, including the following specifically addressing public access:

- Effectively manage ocean and estuarine resources through sustainable recreational and commercial fisheries, as well as through the safe and environmentally sound use of coastal waters and beaches;
- Provide meaningful public access to and use of tidal waterways and their shores;
- Preserve public trust rights to tidal waterways and their shores;
- Preserve and enhance views of the coastal landscape to enrich aesthetic and cultural values and vital communities;
- The enhancement of public access by promoting adequate affordable public facilities and services;
- Create and enhance opportunities for public access to tidal waterways and their shores, on a non-discriminatory basis;
- Maintain all existing public access to, and along tidal waterways and their shores;
- Provide opportunities for public access to tidal waterways and their shores through new development;
- Provide public access that does not create conditions that may be reasonably expected to endanger public health and safety, damage the environment, or create significant homeland security vulnerability.

Mantoloking 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 Borough.

I. Municipal Public Access Vision

A. Overview of Municipality

1. Municipal Description

The Borough of Mantoloking is located on the Atlantic Ocean Coastline in Ocean County, New Jersey, comprised of approximately 0.40 square miles of barrier island that lie within the flood plains of the Atlantic Ocean and Barnegat Bay. The Borough is bounded on the north by the Borough of Bay Head, on the south by the Township of Brick, on the west by the waters of Barnegat Bay and on the east by the Atlantic Ocean. The geography of Mantoloking's barrier island setting consists of tidal waters forming on its western and eastern borders, with approximately 2.2 miles of oceanfront and approximately 3.0 miles of bay shoreline.

Mantoloking has long been identified as a summer home community, with most of the Borough consisting of single family detached homes that are used primarily as vacation residence although recent demographics indicate an increase in all year-round residency. The Borough is zoned as residential with three (3) lots used as existing non-conforming business use and ten (10) lots shown as public use. The homes are single family and typically of standard wood frame construction with various architectural styles. However, with the adoption of the prevailing Land Use Ordinance, dimensions for rebuilt and constructed homes are regulated as to preserve the nature of the Borough. The Borough is essentially fully developed with further development limited to lot in-fill, minor subdivisions, and reconstruction which is governed by the above-mentioned Ordinance and NJDEP regulations. The Borough is primarily composed of more empty-nester residents, couples who no longer have children living at home, as the number of senior citizens and families with school aged children have dropped in recent years.

Despite its development status, Mantoloking has preserved a large portion of the natural vegetation-covered dunes protecting its beaches. Visitors follow paths over the dunes, emerging at the bathing area. The dune system is a critically important and integral natural and man-made resource of the community that provides: (a) a protective buffer dissipating coastal storm energy; (b) a bank of sand to replenish the beach system during coastal storm events; and (c) an extensive and diverse habitat for local plants and wildlife adapted to the dune ecosystems. Accordingly, the stewardship of the dunes is not only recognized as a model for community protection and coastal dune enhancement, but also is critical to the protection of the Borough. The Borough's dunes are protected and managed under a strict comprehensive dune ordinance.

Mantoloking's municipal economy is highly dependent upon resistance to flooding. Accordingly, efforts to minimize flooding are critical to the financial stability of the Borough. The Borough's tax base depends upon home and property, and local flooding and flood damage can severely diminish property values. In an effort to protect and preserve the Borough's upland, the Borough has spent a significant amount on coastal protection to alleviate flooding from both its Atlantic and Bayside shorelines. With each planned improvement the Borough stresses conformance to the American Disabilities Act (A.D.A.) requirements and has developed a firm relationship with the New Jersey Department of Environmental Protection (NJDEP), United States Army

Corps of Engineers (USACE), United States and Fish, Game and Wildlife Service (USFGW), New Jersey Endangered and Nongame Species Program (ENSP) and Federal Emergency Management Agency (FEMA) which has been invaluable in addressing hazard mitigation and enhancement projects. As part of the Borough's annual self-evaluation Mantoloking sets goals to enhance and implement conformance to the National Flood Insurance Plan (NFIP), Community Rating System (CRS) repetitive loss reduction plan and has had marked success in meeting its goals and reducing damages to municipal and residential property with anticipated future reductions to local flood insurance rates.

The Borough is a typical barrier island community bounded on the east by the Atlantic Ocean and on the west by Barnegat Bay. As a barrier island the Borough acts as a haven for rare, protected, and endangered species. Specifically, the Borough's beaches are potential Sea Beach Amaranth habitat and piping plover nesting areas, and the land mass acts as a barrier to protect the back bay area for rare birds and other marine creatures including various fish and shellfish. The Borough's shore attracted recreational activities are essentially water-oriented consisting of bathing, boating, fishing, surfing, shelling and other related activities. These activities are supported by providing public access as indicated in Section 2. Public Access Description (below) as they reinforce the intent of the State's public access goals, which are provided on page 4 of this document, with a confirmation statement from the Borough immediately following said section.

2. Public Access Description

Public Access in Mantoloking Borough is provided by the municipality and consists of a variety of access points and facilities including beach access ramps, beach walkways, seasonal bathroom facilities, kayak and self-propelled small watercraft landing and launch area, public walkways to bayside and oceanside public access areas, etc. Mantoloking Borough protects and ensures public access through dedicated rights-of-ways and easements, ordinances, beach badges with support fees, community clean-ups, and yearly inspections. The overall goal of this MPAP is to establish Mantoloking Borough's plan to maintain and enhance all existing public access locations to and along tidal waterways and their shores. A map depicting the location of the access points and facilities along with a spreadsheet that gives a more detailed summary of the amenities provided at each location is located in Appendix 3.

3. Mantoloking Borough Municipal Public Access Plan Map

The MPAP map shows all the public access ways, parking areas, public bathroom facilities, tidal waterways within and abutting the municipality and all lands held by the municipality. The Map depicts:

Public Access Ways:

Provide views of, or access to, waters of both the Atlantic Ocean and Barnegat Bay;

Parking Areas:

Parking has been classified into 3 general categories: no parking anytime; unrestricted limit with no parking between indicated hours (on map); or 4-hour limit between 9:00 AM to 5:00 PM with no parking between indicated hours (on map). There are presently no charges or fees for parking anywhere within the Borough.

Public Bathrooms:

ADA compliant seasonal bathrooms are available during the recreational season from mid-June through mid-September and situated throughout the Borough. Their availability is limited to the times the beaches are guarded; 10:00 AM to 6:00 PM.

The map depicting the location of these facilities along with a spreadsheet that gives a more detailed summary of the amenities provided is located in Appendix 3.

B. Municipal Public Access Goals and Objectives

The current Borough Master Plan, as originally adopted in 1979 and reexamined in 1988, 1995, 2001, 2007 and 2018 does not specifically mention Public Access as defined per NJDEP regulations. However, through the adoption of the Municipal Public Access Plan, as provided herewith, as part of the Land Use Element of the Plan, right of public access shall be recognized and addressed.

The elements of the Plan will be to provide enhanced public access yet preserve and conserve the existing character of the Borough by protecting public and private open space areas; protecting environmentally sensitive areas; and maintaining a coastal lifestyle through bathing, boating and water-based activities.

In addition to those goals outlined within the Master Plan, by the adoption of the MPAP and the State required goals below, Mantoloking Borough establishes the following as goals specifically for public access:

- All existing public access shall be maintained to the maximum extent practicable;
- Maintain safe and adequate access locations for fishing;
- Provide clear informative signage for access locations;
- Maintain public parking along Borough streets where presently allowed to the maximum extent practicable;
- Improve existing public access ways to meet ADA compliance to the maximum extent practicable;
- Provide safe and adequate access so that needs of residents and visitors are met;
- Provide seasonal restrooms to support all State and County approved public recreational bathing facilities and maintain cleanliness and accessibility, seven (7) days per week during the summer season; and
- Potentially create a bayside public pocket park through acquisition of a portion of the Mantoloking Yacht Club property adjacent to Downer Avenue if this property comes up for sale and is affordable through Borough funds and/or possible potential supplement funding assistance of NJDEP/State Green Acres Program or other funding sources.

II. Existing Public Access

A. Public Access Locations

The Mantoloking Borough Municipal Public Access Plan Map identifies an inventory of all public access locations within Mantoloking Borough. Whether they are currently: Restricted; Utilized; or Un-utilized along with their respective improvements, and available activities, all of which are provided in Table 1 with detailed information for each location. Both may be found in Appendix 3.

Utilized - meaning this location is used by the public and provides official or unofficial public access.

Restricted - meaning the location poses known or likely public health and safety or environmental damage concerns.

Un-utilized - meaning this location contains no improvements and receives little or no use by the public.

B. Improved Public Access Locations

Mantoloking Borough Municipal Public Access Plan Map provides an inventory of the existing public access locations that provide access to Public Trust lands and waters. See Table 1 which provides detailed information on each location which may be found in Appendix 3.

The Map and Table identifies:

- Existing public access improvements including those that are essentially handicap accessible and also if compliant with the Americans with Disabilities Act (ADA) requirements.

C. Limitations to Public Access

The following limitations to public access in Mantoloking Borough currently exist:

- Lack of significant public lands adjacent to tidal waterways;
- Lack of public lands for parking lots;
- Lack of public land for permanent public restrooms;
- State Highway traffic and dedicated bike lane creates unsafe parking conditions on the west side of Route 35.

1. Temporary Restrictions

Since “Super Storm” Sandy, the Borough has invested considerable effort reconstructing its ocean and bay access facilities to pre-storm conditions. One of these projects was the USACE Manasquan Inlet to Barnegat Inlet shore protection project which called for construction of a beachfill with a dune from Point Pleasant Beach to the border of Island Beach State Park, NJ. This project increased the size of the Borough’s beach and dune system while providing upgrades to the existing access locations with such amenities of improved ADA and vehicular access for safety,

emergency response, and home security. When this Project is subject to periodic renourishment, which is based on a four (4) year renourishment cycle, or repair, upon the need based on a Federal Declared Disaster, the beach will be subject to partial incremental closures based on the repair schedule.

The Borough also maintains its beach and dune system through their existing NJDEP Beach and Dune Maintenance Permit (GP2). As maintenance activities not subject to the USACE Project are being completed, those sections of the beach are temporarily restricted for use until the repairs are complete and public safety is restored.

A beach badge is required to enter the beach from the third Saturday in June through Labor Day from 10:00 AM to 6:00 PM. Beach badges are available for purchase per the following schedule:

- a. April 1 through the third Saturday in June, Police window at Borough Hall, 10:00 AM to 3:00 PM - Monday through Thursday; 10:00 AM to 2:00 PM - Friday;
 - b. Third Saturday in June at the sales shed located at Downer Avenue, between the firehouse and Borough Hall, 7 days a week, 10:00 AM to 6:00 PM.
 - c. Badge Prices*:
 1. Seasonal
 - \$85 – from April through Memorial Day
 - \$95 – June through August
 - \$50 – August through Labor Day
 2. Daily Badge Prices - \$12
 3. Ages 12 and under are at no cost
 4. Water dependent activities (surfing, fishing kayaking and paddle boarding) are at no cost
- (* - prices reflective as of this writing, subject to change, prevailing prices are incorporating within Ordinance Section 10-3.2 each year)

2. Permanent Restrictions

Of the access points within the Borough, none create conditions that endanger public health and safety or create significant vulnerability to homeland security. Some may have temporary restrictions based upon environmentally sensitive issues, but these are monitored and regulated accordingly.

III. Community Needs Assessment

Mantoloking Borough continually performs community needs assessments for access by various committees reviewing methods to supplement/enhance existing public access and the need to provide additional access. The collective efforts of these committees offer opportunities or suggestions to further enhance water orientated activities and access while also providing an understanding of such needs that are a reflection of the entire community due to variety of the members affiliated with them (government officials, both elected and administrative, and members of the general public). Since it is extremely difficult to obtain land for increased public use and access as there is limited land available for purchase due to the “built out” nature of the Borough, these various committees are challenged to initiate such efforts but will incorporate improvements to the best of their ability as further described throughout the body of this Plan and consistent with Borough Ordinances.

This method of assessment was initiated in the late 1970’s when the Borough’s land use ordinance was revamped, and the present zoning plan and map and land use bulk standards were adopted. At that time, the planning board and Borough Council found the present public access appropriate with no need or opportunity to expand access points in the Borough. However, a conscious decision was made to retain the privately owned Mantoloking Yacht Club property as an existing non-conforming use in a residential zone to limit future subdivision and over development protecting the shore area adjacent to the Bay. During these discussions the Borough expressed interest to obtain a portion of these lands adjacent to Downer Avenue for public use should the land come up for sale and be potentially affordable to the Borough. Acquisition of a portion of the yacht club lands would also allow the Borough to expand public access to the Bay in this area. Otherwise the discussion of acquisition of land by the Borough has been restricted to lands adjacent to the Borough Hall, fire house and public works facilities for Municipal use not open space, as the present land use area for the facilities is inadequate for their future needs and use, not for open space. Unfortunately, the land value in the Borough is significant and seemingly unaffordable by the Borough under its existing budget and financial resources.

It has been determined by the Borough that the present access plan as presented herein meets the needs of the Borough at this time and foreseeable future but will be subject to improvement and or modification as found necessary or desired as identified in this plan. This shall be completed by collaboration with the various Borough agencies, boards, and committees with assistance of the NJDEP.

IV. Implementation Plan

Mantoloking Borough has created an Implementation Plan composed of Priorities, Preservation of Public Access Locations, Signage, Proposed Access Improvements and Facilities, and Municipal Tools for Implementation as described in the following section:

A. Priorities

Mantoloking Borough developed the following priorities:

- Maintain Existing Public Access, inclusive of modifications as completed under the USACE project;
- Planned Enhancement to Public Access Locations and/or Facilities
 - Increase reliability of handicap accessible access to bayside and oceanside access locations;
- Annual inspection and maintenance of access locations and signage;

B. Preservation of Public Access Locations

Mantoloking Borough has developed the following preservation and conservation actions and measures:

One key element and major objective of the MPAP is that public access be preserved in perpetuity, through the use of dedicated public rights-of-way and access easements/restrictions. The Borough does not have a Recreation and Open Space Inventory (ROSI). The reason for this requirement is to grant the rights in perpetuity for the public to utilize public access areas that are not protected in another manner. This includes the street ends that allow the public to access the beach or any tidal waterways. The intent of the easement over those street ends that provide public access is to preserve the public's ability to utilize those areas and prevent any right-of-way, or other public access area, from being vacated or sold in the future. Accordingly, the Borough passed a Deed of Dedication and Perpetual Public Access Easement that provides public access to all of the Borough's tidal waterways. A copy of the Deed of Dedication and Perpetual Public Access Easement inclusive of a detailed description of the access points is provided in Appendix 4.

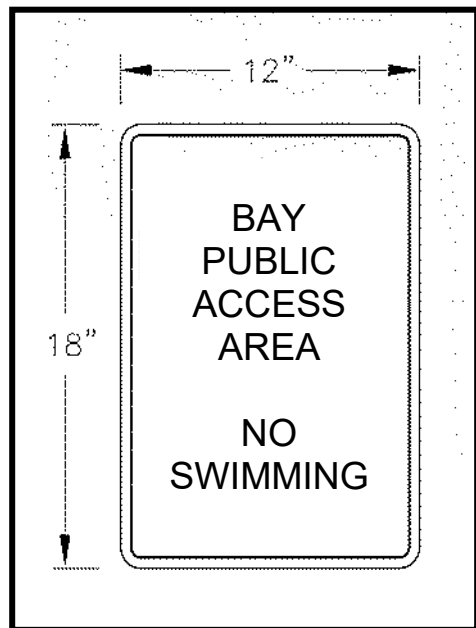
C. Signage

Mantoloking Borough has previously provided the following signage:

Below are the signs that are posted at the beach access locations throughout the Borough.



Ordinance No. 684, amending Chapter 30 Land Use Regulations, was adopted on April 16, 2019, which outlines the importance of access signage and the responsible parties for implementation of and maintaining signage at the waterways. As it is required that public access to tidal waterways and their shores shall be clearly marked, the Department approved public access signs will be installed at each public access way. The Borough will coordinate with the NJDEP for the development of the access signs and signage will be provided at all ocean and bay access locations. The adopted Ordinance is provided in Appendix 5.



D. Proposed Access Improvements and Facilities

As mentioned previously, the USACE Manasquan Inlet to Barnegat Inlet shore protection project's initial construction was completed within the Borough of Mantoloking. The Manasquan Inlet to Barnegat Inlet project plan called for construction of a beachfill and dune from Point Pleasant Beach to the border of Island Beach State Park, NJ. This project has increased the size of the Borough's beach while providing upgrades to the existing access locations with such amenities as improved ADA and vehicular access.

Mantoloking Borough has proposed the following access improvements and facilities:

- Provide amenities to the existing access ways pedestrian walking surfaces, inclusive of boardwalks or Mobi-matting on top of the beach access path walking surfaces, signage on beach side of walkways and benches at bayside access points;
- Elimination of stairs at various beach access locations replacing them with handicap accessible friendly ramps;
- Various street ends on the bayside only have minimal improvements and the access is visual only with water side accommodations. The municipality provides accommodations to these locations to protect bayside street end users such as the installation of benches and surface enhancements and ADA depressed curbing and landscaping along with maintenance or improvements to existing bulkheads or revetments;
- Production and installation of access location signage as referenced in Section C – Signage to more easily locate bayside access points;
- Purchase of beach wheelchairs and protective enclosures to house same;
- Installation of safety gates at access locations that intersect with the NJDOT Route 35 highway that will prevent access users (especially kids) from inadvertently running into traffic;
- Pet waste disposal stations;
- Beach side refuse containers and pick up at beach access points; and
- Add additional public parking and bathrooms where feasibly needed as expressed by public demand and comply with NJDOH regulations.

E. Municipal Tools for Implementation

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

1. Maintenance Tools

Maintenance of the access locations will be conducted by the Borough's Public Works Department. Maintenance of the beach and dune system will be conducted by the Borough's Public Works Department under the Borough's existing General Coastal Permit and will continue to be maintained.

2. Enhancement Tools

The enhancements mentioned within this Plan, when adopted, will be implemented by the Borough.

3. Development Tools

The proposed improvements mentioned within this plan, or included in future plan revisions, when adopted, shall be considered by the Borough.

F. Implementation

Mantoloking Borough has created an Implementation Schedule as follows:

1. Existing Maintenance

Maintenance schedules and routines will be determined by the Department of Public Works and will be subject to modification based upon need. Funding in support of the maintenance of existing access is determined annually in the Public works Budget. Such activity will be supported by the adoption of the MPAP and existing Borough Ordinances.

2. Enhancements to Existing Locations

Enhancement activities will be conducted on an as needed basis as determined by the various Committees and Boards enacted by the Borough in conjunction with the Municipal Public Access Plan Committee. Funding for the projects indicated in this report will be achieved through normal Borough operations or capital improvement budgeting or securing state and federal grants. Application for grants will remain a tool for implementation of improvements and enhancements. Coordinated planning with other Borough planning elements, specifically the Master Plan, Flood Mitigation Plan, Beach Management and other related plans, and CRS program shall remain an integral part of this process. Enhancements may also be affected by the application of funds dedicated through Coastal Area Facility Review Act (CAFRA) permit conditions through appropriate NJDEP approvals.

3. Proposed Locations and Facilities

The Borough is fortunate to have a significant number of readily available public access points to the Atlantic Ocean and Barnegat Bay for use by its residents and the general public. As the Borough acknowledges the continued maintenance and updating/enhancement of its existing access locations is a necessity, proposed new locations and facilities are not its primary objective.

G. Army Corps of Engineers Requirements for Shore Protection Projects

Mantoloking Borough has met the USACE Requirements as follows:

Due to requirements of the Army Corp of Engineers for public access and parking to Mantoloking's beach and waterways in conjunction with the on-going shoreline protection project, the Borough provides parking along the Route 35 Northbound shoulder between Lyman Street and Herbert Street during daylight hours. The Borough of Mantoloking has coordinated all activities and associated approvals from the New Jersey Department of Transportation to provide parking accommodations in this section.

H. Additional Steps (NA)

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

Mantoloking Borough's MPAP will be reviewed for consistency with other specific Regional and State Plans if developed in the future. Presently there are no specific regional access plans developed for the Borough

VI. Resolution of Incorporation

Mantoloking Borough has approved a resolution for the incorporation of the MPAP into the Borough Master Plan. See Appendix 2 for the *draft* resolution.

APPENDIX 1
Municipal Public Access Plans
Required Sections per N.J.A.C. 7:7-16.9

1. (e) 1 Statement describing overall **goal of the MPAP** and the **administrative mechanisms** (for example, conservation restrictions, easements, ordinances) that either are already in place, or that shall be put in place to ensure that the municipality will meet public access goals

2. (e) 2 Statement of **Consistency with...Master Plan**

3. (e) 3 Public access **needs assessment** that evaluates:
 - existing access locations and capacities
 - practical limitations (esp. parking and bathrooms)
 - alternatives to address any limitations determined to exist
 - need for additional locations

4. (e) 4 **Digital Map and Inventory** identifying...:
 - tidal waterways within municipality and adjacent lands held by municipality
 - existing and proposed public access ways
 - proposed public access facilities
 - identified facilities compliant with ADA

5. (e) 5 **Implementation strategy**
 - forms of proposed public access responsive to needs assessment (i)
 - comprehensive list of specific public access projects and initiatives with implementation schedule (ii)
 - proposed tools to implement the plan, including (iii)
 - i. adoption or amendment of municipal ordinances
 - ii. uses of monetary compensation (Public Access Fund), if any
 - proposed modifications to existing plans, ordinances & programs to implement MPAP (iv)
 - proposed compliance with USACE requirements for shore protection projects [see 7:7-16.9
 - cost of implementing, constructing and maintaining the access facilities proposed in the plan and specifies how this cost will be funded (vi)
 - implementation schedule (vii)
 - ordinances in place/to be adopted re signage requirements (viii)
 - measures to permanently protect public access per MPAP (ix)
 - examples/models of easements/restrictions for permanent protections (x)
 - draft resolution incorporating DEP-approved MPAP into a MP element (xi)

APPENDIX 2
Model Resolution for Incorporating MPAP into Master Plan

Resolution # _____

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the *Mantoloking Borough* Municipal Public Access Plan was submitted to the Borough Council and reviewed at the regular meeting of *{date}*, and

WHEREAS, the governing body has approved the plan as submitted,

NOW, THEREFORE, BE IT RESOLVED by the *{municipality governing body}* of *Mantoloking Borough*, the "*Mantoloking Borough* Municipal Public Access Plan," a copy of which is attached, is hereby approved.

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

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

Municipal Clerk

**APPENDIX 3
Maps and Table**

Map - Mantoloking Borough Municipal Public Access Plan Map

Table 1 - Mantoloking Borough Public Access Location Amenities

Appendix 3 - Maps and Tables

Table 1 - Mantoloking Borough Public Access Location Amenities

ID	SIGNS	PARKING	AMT	STREET	ACCESS	BADGE	SWIMMING	FISHING	SURFING	PLAY-GRD	PARK	PIER	BOAT-LNCH	MARINA	FOOD_DRINK	REST-RM	SEATS	H_C	SHORE-LINE	TYPE
	Yes	Cost			Utilized	Yes	Guard	Restricted	Restricted	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Ocean	Physical
	No	No Cost			Restricted	No	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Bay	Visual
		No			Un-utilized		No	No	No										River	Water
A-1	Yes	No Cost	30	East Ave/Carrigan Pl	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-2	Yes	No Cost	30	East Ave/Williams Pl	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	Yes ¹	No	No	Ocean	Physical/Water
A-3	Yes	No Cost	30	East Ave/Newman Pl	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-4	Yes	No Cost	30	East Ave/Stephans Pl	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-5	Yes	No Cost	30	Lyman St (Ocean)	Utilized	Yes	Guard	Unrestrict	Unrestrict	No	No	No	No	No	No	Yes ¹	No	No	Ocean	Physical/Water
A-6	Yes	No Cost	34	NJ 35 (Between BLK 23 Lots 10, 11)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-7	Yes	No Cost	20	NJ 35 (Between BLK 23 Lots 26, 27)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-8	Yes	No Cost	12	NJ 35 (Between BLK 23 Lots 33, 34)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-9	Yes	No Cost	15	NJ 35 (Between BLK 23 Lots 43, 44)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-10	Yes	No Cost	8	NJ 35/Rt 528 (Herbert St)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-11	Yes	No Cost	21	Downer Ave (Ocean)	Utilized	Yes	Guard	Unrestrict	Unrestrict	No	No	No	No	No	No	Yes ¹	No	Yes ²	Ocean	Physical/Water
A-12	Yes	No Cost	22	Princeton Ave (Ocean)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-13	Yes	No Cost	0	NJ 35/Albertson St (Ocean)	Utilized	Yes	Guard	Unrestrict	Unrestrict	No	No	No	No	No	No	Yes ¹	No	No	Ocean	Physical/Water
A-14	Yes	No Cost	0	NJ/35 South; Between BLK 41 Lots 11, 12 (Ocean)	Utilized	Yes	At Own Risk	Unrestrict	Unrestrict	No	No	No	No	No	No	No	No	No	Ocean	Physical/Water
A-15	No	No Cost	56	Albertson St (Bay)	Un-utilized	No	At Own Risk	Unrestrict	No	No	No	No	Yes	No	No	No	No	No	Bay	Water
A-16	No	No Cost	11	Princeton Ave (Bay)	Un-utilized	No	At Own Risk	Unrestrict	No	No	No	No	Yes	No	No	No	No	No	Bay	Water
A-17	No	No Cost	30	Arnold St	Un-utilized	No	At Own Risk	Unrestrict	No	No	No	No	Yes	No	No	No	No	No	Bay	Water
A-18	No	No Cost	77	Downer Ave (Bay)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	Yes ¹	No	No	Bay	Visual
A-19	No	No Cost	77	Old Bridge St	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	No	No	Bay	Visual
A-20	No	No	0	Barnegat Ln (Between BLK 22 Lots 43, 44)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	Yes	Yes	Bay	Visual
A-21	No	No	0	Barnegat Ln (Between BLK 22 Lots 33, 34)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	Yes	Yes	Bay	Visual
A-22	No	No	0	Barnegat Ln (Between BLK 22 Lots 23, 25)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	Yes	Yes	Bay	Visual
A-23	No	No	0	Barnegat Ln (Between BLK 22 Lots 10, 11)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	Yes	Yes	Bay	Visual
A-24	No	No	0	Lyman St (Bay)	Utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	No	No	Bay	Visual
A-25	No	No Cost	20	Bergen Ave	Utilized	No	At Own Risk	Unrestrict	No	No	No	No	Yes	No	No	No	Yes	No	Bay	Water
A-26	No	No Cost	60	Lagoon Ln (South)	Un-utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	No	Yes	Bay	Visual
A-27	No	No Cost	37	Lagoon Ln (North)	Un-utilized	No	No	Unrestrict	No	No	No	No	No	No	No	No	No	Yes	Bay	Visual

SIGNS: Location provides signage identifying the location as a point of public access. (Yes/No)

PARKING: Parking Provided. (Charge = there is a charge for public parking; No Charge = there is no charge for public parking; No = no public parking provided)

AMT: The amount of parking spots available.

STREET: Street end that the public access located.

ACCESS: Utilized - meaning this location is used by the public and provides official or unofficial public access; Restricted - meaning the location poses known or likely public health and safety or environmental damage concerns; Un-utilized - meaning this location contains no improvements and receives little or no use by the public.

BADGE: Indicates if a badge is required for access. (Yes/No)

SWIMMING: Indicates if swimming is permitted. (Guard= a guard is provided at times; At Own Risk= No guard is provided; No= Swimming is not allowed)

FISHING and SURFING: Indicates if fishing/surfing is allowed at this location. (Unrestricted= Fishing/surfing is allowed at all times with no restrictions; Restricted= There exists a form of restriction of fishing/surfing as noted)

PLAYGRD, PARK, PIER, BOATLNCH, MARINA, FOOD_DRINK, RESTRMS, SEATS: Indicates if the associated amenity is provided. (Yes/No)

H_C: Indicates if the location is handicap accessible although not necessarily ADA Compliant. (Yes/No)

SHORELINE: Indicates what shoreline this location inhabits. (Beach, Bay, or River)

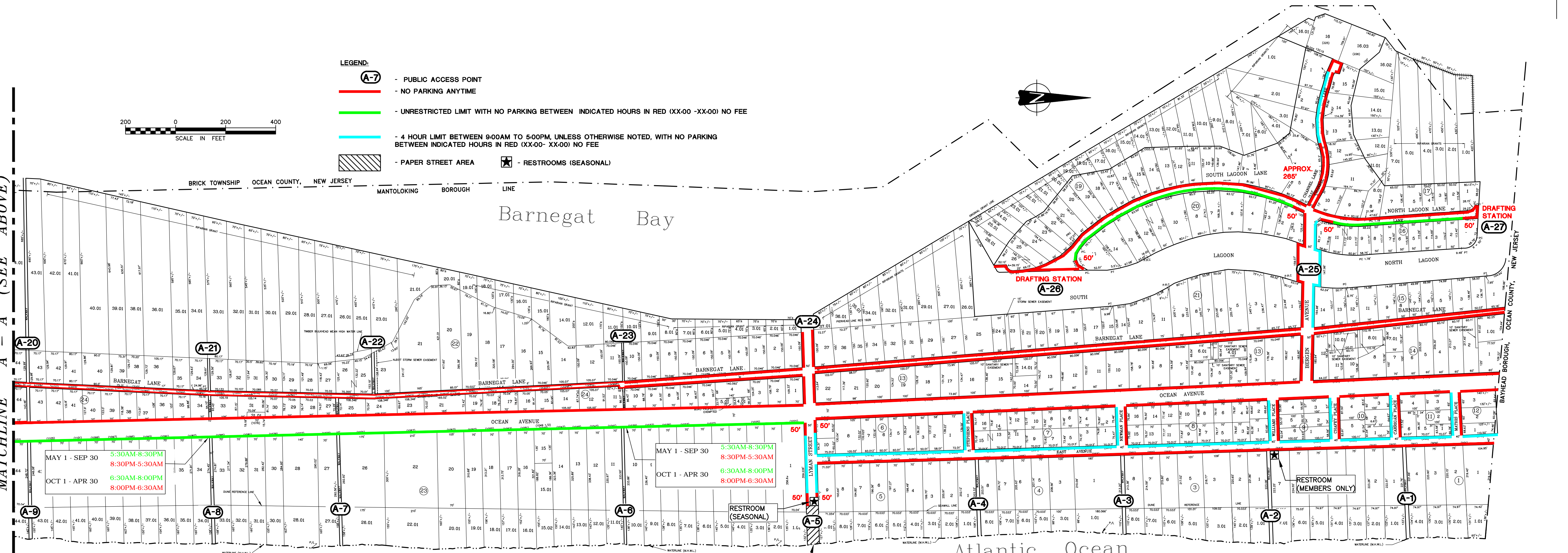
TYPE: Indicates the type of access. (Physical, Visual only, Water)

NOTE ¹ = Restroom facilities are provided in accordance with the following schedule: East Ave/Williams Pl - available to members only (membership available to residents and non-residents), seasonal (mid-June through mid-September); Lyman St - seasonal (mid-June through mid-September), 7 days a week, 10am to 5pm; Downer Ave (mid-block between the ocean and bay) - seasonal (mid-June through mid-September), 7 days a week, 10am to 5pm; NJ 35/Albertson St (Ocean) - seasonal (mid-June through mid-September), 7 days a week, 10am to 5pm

NOTE ² = ADA Compliant

\\FRE-DATA\WA\PROJECTS\MANTOLOKING BOROUGH PUBLIC ACCESS PLAN WITH PARKING INFORMATION - 3-21-19.DWG 03/21/2019

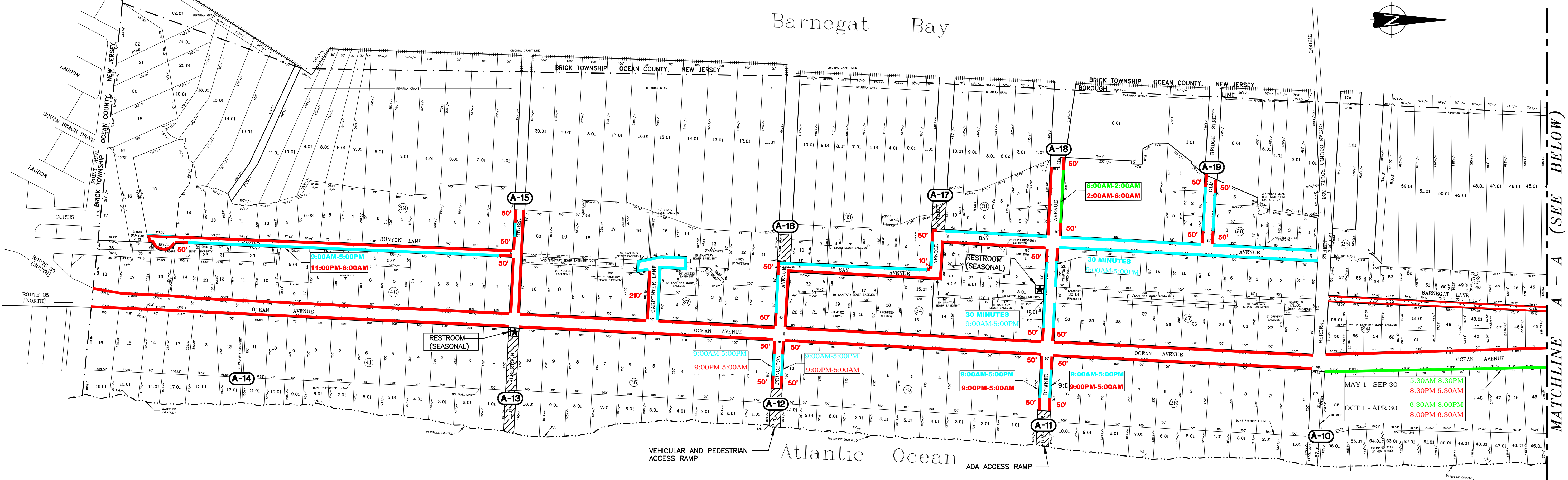
MATCHLINE A - A (SEE ABOVE)



NOTE: INFORMATION PROVIDED ON THIS PLAN IS FOR GENERAL REFERENCE ONLY. REFER TO BOROUGH ORDINANCE CHAPTER VII TRAFFIC SECTION 7-12, FOR MORE SPECIFIC REQUIREMENTS. BOROUGH ORDINANCE WILL OVERRIDE DISCREPANCIES BETWEEN THIS PLAN AND THE BOROUGH ORDINANCE AS ADOPTED.

VEHICULAR AND PEDESTRIAN ACCESS RAMP

- LEGEND:**
- A-7 - PUBLIC ACCESS POINT
 - NO PARKING ANYTIME
 - UNRESTRICTED LIMIT WITH NO PARKING BETWEEN INDICATED HOURS IN RED (XX:00-XX:00) NO FEE
 - 4 HOUR LIMIT BETWEEN 9:00AM TO 5:00PM, UNLESS OTHERWISE NOTED, WITH NO PARKING BETWEEN INDICATED HOURS IN RED (XX:00-XX:00) NO FEE
 - PAPER STREET AREA
 - R - RESTROOMS (SEASONAL)



MATCHLINE A - A (SEE BELOW)

**BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY
MUNICIPAL PUBLIC ACCESS PLAN
ACCESS & PARKING MAP**

M
MOTT MACDONALD
Certificate No. 24CA28016600

ROBERT C. MAINBERGER
Professional Engineer - NJ Lic. No. 24GE04195900

Robert C. Mainberger Date 3/21/2019

Job No.	304005
B/O	1
Total	1

Drawn	AD'S	Checked	RCM	Approved	RCM	Date	3/21/2019
Designed	FXB	Checked	RCM	Approved	RCM	Date	
Drawn	AD'S	Checked	RCM	Approved	RCM	Date	
Designed	FXB	Checked	RCM	Approved	RCM	Date	

Contract No. -

APPENDIX 4
Deed of Dedication and Perpetual Public Access Easement
(Pending NJDEP execution and follow-up recording at the County level)



Ms. Jill Aspinwall
Supervising Environmental Engineer
State of New Jersey
Division of Land Use Management
401 East State Street
7th Floor West
PO Box 420
Trenton, NJ 08625

Our Reference
406842

**Borough of Mantoloking
Municipal Public Access Plan
Deed of Dedication and Perpetual Public Access Agreement-
Processing and Endorsement**

November 6, 2019

pw:\mott-use-pw.bentley.com:mott-
use-pw-14\Documents\406842-
Mantoloking 2019 Coastal
General_MPAP
2019\Correspondence\Government
_Private\2019-11-06 Aspinwall -
Easement Endorsement.docx

Dear Ms. Aspinwall:

Pursuant to the progression of the Borough of Mantoloking's Municipal Public Access Plan (MPAP), the Borough passed a Deed of Dedication and Perpetual Public Access Easement as authorized through Ordinance No. 695 to provide perpetual public access to all of the State's tidal waters.

3 Paragon Way
Freehold NJ 07728
United States of America

T +1 (732) 780 6565
F +1 (732) 577 0551
www.mottmac.com

This document has been approved in content and format by your office per previous correspondence. Accordingly, on behalf of the Borough of Mantoloking, please find attached four (4) copies of this Easement as endorsed by the Mayor on behalf of the Borough of Mantoloking in accordance with Ordinance No. 695. We are requesting that the Department sign these documents and kindly return two (2) to our office so we may record them with the Ocean County Clerk's Office. Once recorded, we will incorporate the Easement into the Borough's MPAP and submit that document to the NJDEP for further processing and approval.

Should you have any questions or require any additional information regarding the above or attached, please do not hesitate to contact our office.

Very truly yours,

Mott MacDonald, LLC

Robert C. Mainberger, P.E., CME
Senior Vice President
T 732.780.6565 F 732.577.0551
robert.mainberger@mottmac.com

cc: Anthony M. Agliata, PP, LLA, Ocean County Planning Director (with attachments)
Mayor E. Laurence White
Borough Council
Municipal Public Access Plan Committee

ADOPTION OF ORDINANCE NO. 695

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

WHEREAS, the Borough is the owner or easement holder of certain tracts of land identified as public accessways to tidal waterways; and

WHEREAS, as part of the Municipal Public Access Plan, which the Borough is required to file with the New Jersey Department of Environmental Protection, the Borough identified several public access ways to tidal waterways, and is required by NJDEP rules to dedicate the lands via a Perpetual Public Access Easement; and

WHEREAS, the Borough wishes to grant a perpetual deed of easement, a copy of which is attached hereto and made a part hereof as "Schedule A," across the subject property to the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the governing body does hereby authorize the dedication of a Deed of Dedication and Perpetual Public Access Easement to the State of New Jersey attached hereto as Schedule "A."

SECTION 2. That the Mayor and the Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary to facilitate the transfer of the above-mentioned easement in a form acceptable to the Borough Attorney.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4 If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance No. 695 was introduced and passed on first reading at the Regular Council Meeting of the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, held on the 17th day of September, 2019, and that a public hearing was held thereon at a Regular Council Meeting of said Mayor and Council at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, New Jersey on the 15th day of October, 2019, at which time and place said ordinance was passed on second and final reading and became effective as of that date.


Beverley A. Konopada, RMC, CMR
BOROUGH OF MANTOLOKING

DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS is made this day of _____ BY AND BETWEEN THE BOROUGH OF MANTOLOKING, a Municipal Corporation whose address is 202 Downer Ave , Borough of Mantoloking , 08738 _____ Referred to herein as Borough or "Grantor," And the STATE OF NEW JERSEY hereinafter referred to as the "State" or "Grantees",

WITNESSETH

WHEREAS, Grantor is the owner or easement holder of certain tracts of land, located in the Borough of Mantoloking, County of Ocean, State of New Jersey, identified as public access ways located at See attached Table 1 (list of access points and ID #s : A-1 through A-27) as identified in Table 1- Mantoloking Borough Public Access Location (attached , access ways descriptions) and shown on the attached Borough of Mantoloking Municipal Public Access Plan (dated 3-21-2019) consistent with the official tax map of the Borough of Mantoloking, 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 Mantoloking, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

WHEREAS, access to tidal waterways at Mantoloking, 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 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 and other locations shown on the attached chart identified as Table 1 - Mantoloking Borough Public Access Location (attached with access ways descriptions: A-1 through A-27) and Mantoloking's Municipal Public Access Plan (MPAP) (attached, dated 3-21-2019) consistent with the official 2019 tax map of the Borough of Mantoloking, 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 Mantoloking, 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 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 Borough 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 Borough 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 Borough.

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 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 Borough of Mantoloking, Property Owner and/or Easement Holder/

Grantor



E. Laurence White, Mayor

Date:

10/17/19

Witnessed by:

Dynne A. Hazelb

NOTARY PUBLIC OF THE STATE OF NEW JERSEY

Accepted by the _____ (State) _____, GRANTEE

By: _____

Date: _____

Witnessed by:

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 10/17/19, E. Laurence White, Mayor 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; and

- 3) Holds the requisite ownership interest and authority to execute this Deed of Easement on behalf of the Borough of Mantoloking.

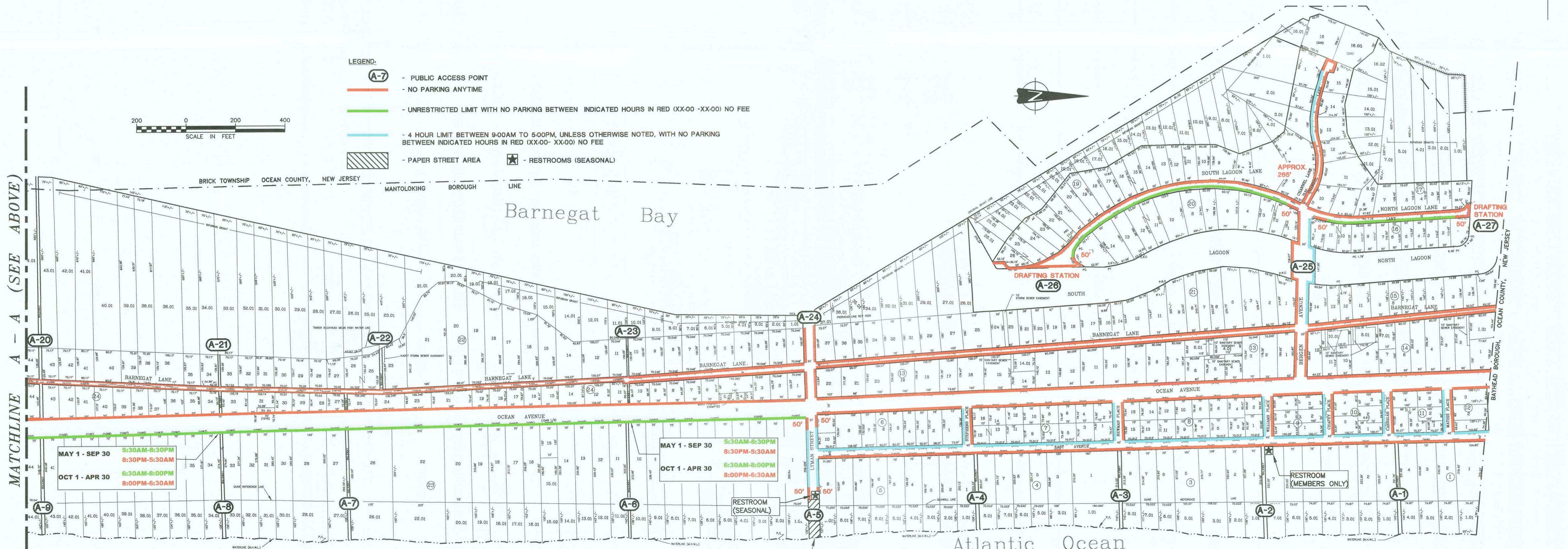
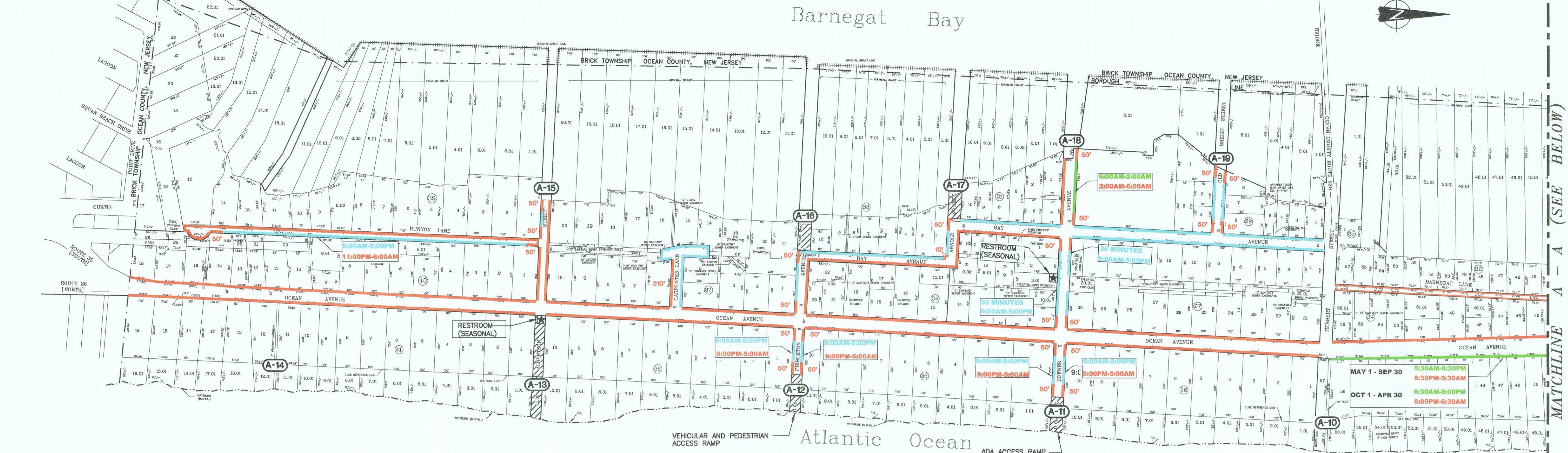

NOTARY PUBLIC OF NEW JERSEY

BEVERLEY A. KONOPADA
NOTARY PUBLIC OF NEW JERSEY
Commission # 2450163
My Commission Expires 9/26/2024

Table 1 - Mantoloking Borough Public Access Locations Preserved under Deed of Dedication and Perpetual Public Access Easement with the NJDEP

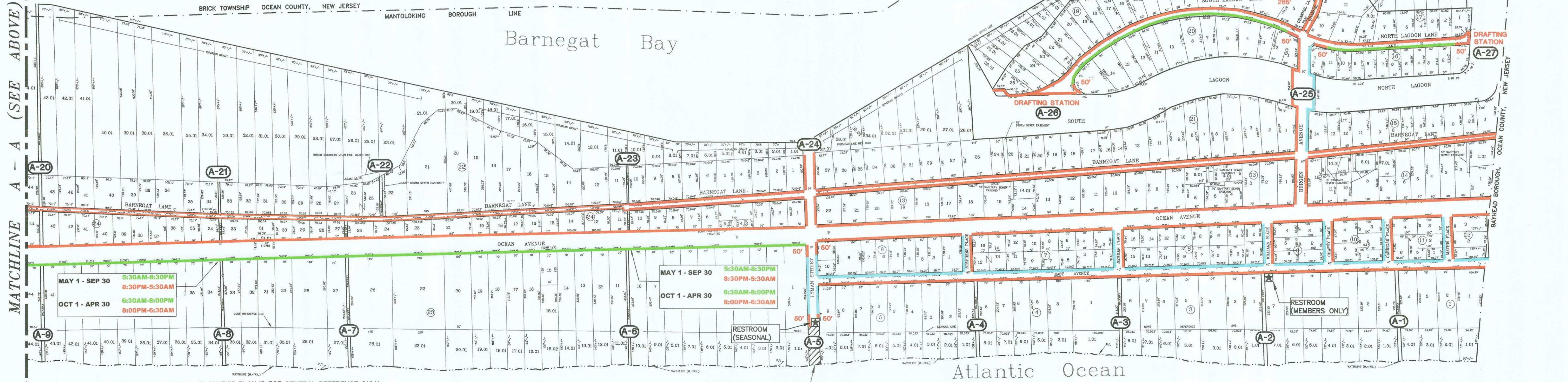
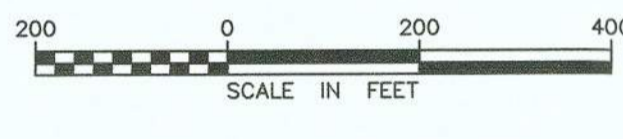
Municipal Public Access Plan (MPAP) Map ID Number	General Location	Description
A-1	East Ave/Carrigan Pl	10 foot wide Right-of-Way from East Avenue to beach
A-2	East Ave/Williams Pl	10 foot wide Right-of-Way from East Avenue to beach
A-3	East Ave/Newman Pl	10 foot wide Right-of-Way from East Avenue to beach
A-4	East Ave/Stephans Pl	10 foot wide Right-of-Way from East Avenue to beach
A-5	Lyman St (Ocean)	50 foot wide Right-of-Way from East Avenue to beach
A-6	NJ 35 (Between BLK 23 Lots 10, 11)	10 foot wide Right-of-Way from NJDOT Route 35 to beach
A-7	NJ 35 (Between BLK 23 Lots 26, 27)	10 foot wide Right-of-Way from NJDOT Route 35 to beach
A-8	NJ 35 (Between BLK 23 Lots 33, 34)	10 foot wide Right-of-Way from NJDOT Route 35 to beach
A-9	NJ 35 (Between BLK 23 Lots 43, 44)	10 foot wide Right-of-Way from NJDOT Route 35 to beach
A-10	NJ 35/Rt 528 (Herbert St)	10 foot wide easement from NJDOT Route 35 to beach
A-11	Downer Ave (Ocean)	50 foot wide Right-of-Way from NJDOT Route 35 to beach
A-12	Princeton Ave (Ocean)	40 foot wide Right-of-Way from NJDOT Route 35 to beach
A-13	NJ 35/Albertson St (Ocean)	40 foot wide Right-of-Way from NJDOT Route 35 to beach
A-14	NJ 35 South; Between BLK 41 Lots 11, 12 (Ocean)	6 foot wide easement from NJDOT Route 35 to beach
A-15	Albertson St (Bay)	40 foot wide Right-of-Way from Runyon Avenue to Barnegat Bay
A-16	Princeton Ave (Bay)	40 foot wide Right-of-Way from Bay Avenue to Barnegat Bay
A-17	Arnold St	50 foot wide Right-of-Way from Bay Avenue to Barnegat Bay
A-18	Downer Ave (Bay)	50 foot wide Right-of-Way from Bay Avenue to Barnegat Bay
A-19	Old Bridge St	50 foot wide Right-of-Way from Bay Avenue to Barnegat Bay
A-20	Barnegat Ln (Between BLK 22 Lots 43, 44)	10 foot wide Right-of-Way from Barnegat Lane to Barnegat Bay
A-21	Barnegat Ln (Between BLK 22 Lots 33, 34)	10 foot wide Right-of-Way from Barnegat Lane to Barnegat Bay
A-22	Barnegat Ln (Between BLK 22 Lots 23, 25)	10 foot wide Right-of-Way from Barnegat Lane to Barnegat Bay
A-23	Barnegat Ln (Between BLK 22 Lots 10, 11)	10 foot wide Right-of-Way from Barnegat Lane to Barnegat Bay
A-24	Lyman St (Bay)	50 foot wide Right-of-Way from Barnegat Lane to Barnegat Bay
A-25	Bergen Ave	Bergen Avenue Right of Way adjacent to lagoons between Block 16, Lot 12 and Block 15, Lot 14 on the North side of Bergen Ave and between Block 20, Lot 1 and Block 21, Lot 1 on the South side of Bergen Avenue to Barnegat Bay/Lagoons Waterline
A-26	Lagoon Ln (South)	Lagoon Lane Right of Way area between Block 19, Lot 25 and Block 20, Lot 16 and extension to Barnegat Bay South Lagoon Shoreline
A-27	Lagoon Ln (North)	Lagoon Lane Right of Way area between Block 17, Lot 1 and Block 16, Lot 1 and extension to Barnegat Bay North Lagoon Bulkhead/Shoreline

\\PRE-DATA-W\PROJECTS\MANTOLKING BOROUGH\PUBLIC ACCESS PLAN WITH PARKING INFORMATION-3-21-19.DWG 03/21/2019



LEGEND:

- A-7 - PUBLIC ACCESS POINT
- NO PARKING ANYTIME
- UNRESTRICTED LIMIT WITH NO PARKING BETWEEN INDICATED HOURS IN RED (XX:00 - XX:00) NO FEE
- 4 HOUR LIMIT BETWEEN 9:00AM TO 5:00PM, UNLESS OTHERWISE NOTED, WITH NO PARKING BETWEEN INDICATED HOURS IN RED (XX:00 - XX:00) NO FEE
- PAPER STREET AREA
- RESTROOMS (SEASONAL)



NOTE: INFORMATION PROVIDED ON THIS PLAN IS FOR GENERAL REFERENCE ONLY. REFER TO BOROUGH ORDINANCE CHAPTER VII TRAFFIC SECTION 7-12, FOR MORE SPECIFIC REQUIREMENTS. BOROUGH ORDINANCE WILL OVERRIDE DISCREPANCIES BETWEEN THIS PLAN AND THE BOROUGH ORDINANCE AS ADOPTED.

MATCHLINE A - A (SEE ABOVE)

MATCHLINE A - A (SEE BELOW)

BOROUGH OF MANTOLKING OCEAN COUNTY, NEW JERSEY	
MUNICIPAL PUBLIC ACCESS PLAN ACCESS & PARKING MAP	
Job No. 304005	No. 1
B/O 1	Total 1
ROBERT C. MAINBERGER Professional Engineer - NJ Lic. No. 24GE04195900 <i>Robert C. Mainberger</i> Date 3/21/2019	
MOTT MACDONALD Certificate No. 24CA28016600 3 Paragon Way Freehold, New Jersey 07728	
Drawn A.A.O'S	Checked RCM
Approved RCM	Date 3/21/2019
Designated P&B	Revision
Date	Revision

Contract No. -

APPENDIX 5
Municipal Public Access Sign Ordinance

ADOPTION OF ORDINANCE NO. 684

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 30 ENTITLED "LAND USE REGULATIONS."

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 signage associated with Public Access locations associated with the Borough's Municipal Public Access Plan is a requirement of N.J.A.C. 7:7-16.9(r).

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-6.14, entitled "Signs" so as to add subsection f. which shall be entitled "Public access signs" and which shall read as follows:

f. Public Access Signs.

i. The Chief of Police shall be responsible for the Borough's adherence to the signage requirements of the Municipal Public Access Plan.

ii. The Public Works Manager shall be responsible for the placement and maintenance of the public access signage.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

CERTIFICATION

I, Beverley A. Konopada, Municipal Clerk of the Borough of Mantoloking, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true copy of Ordinance No. 684 passed by the Borough Council of the Borough of Mantoloking, at the Regular business meeting held at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, New Jersey, on Tuesday, April 16, 2019, at which time a quorum was present.


Beverley A. Konopada
Municipal Clerk

131
BOROUGH OF MANTOLOKING

APPENDIX 6
June 10, 2016 Memorandum

MEMO

To George C. Nebel, Mayor
From Councilman Chris Nelson,
Municipal Public Access Plan Committee Chairman
Date June 10, 2016
Subject Municipal Public Access Plan
Approval for Submission to NJDEP
CC Municipal Access Plan Committee:
Peter Strohm, Esq., Councilman
Ed O'Malley, Esq. Borough Municipal Attorney and Resident
Stacy Ferris, Chief of Police
Robert Mainberger, PE (Coastal Advisor)
Larry Plevier, PE (appointed Municipal Engineer)
Frank Bruton, CFM (appointed CRS Coordinator)
File: Mantoloking 366722 - Municipal Public Access Plan

Mayor Nebel:

Public access to the shore and tidal waterways is required under the Coastal Permit Program and Coastal Zone Management rules. The public's right to access tidal waters and their shorelines, embodied in the Public Trust Doctrine, has existed prior to the inception of the State of New Jersey and continues to this day. The Public Trust Doctrine is the principle that certain resources, in this case tidal waters and shorelines, are preserved for public use and that the government is required to maintain them for the public's reasonable use. Accordingly, Municipalities, since they best understand their local conditions and priorities, are encouraged to develop a Municipal Public Access Plan (MPAP) which lays out a vision for providing, protecting and enhancing their public access.

The premise of the authorization of a MPAP is that public access is linked to local conditions. The development of a MPAP enables Mantoloking to better plan, implement, maintain and improve its public access locations. Also, the Plan will satisfy various NJDEP permitting requirements both for the Borough and property owners as the public access requirement for those Permits will be met.

You should also be advised any development within the Borough's boundary that requires a Coastal Area Facility Review Act (CAFRA) or Waterfront Development permit and would also be required by the NJDEP to provide onsite public access or contribute to enhancement of public access as a condition of that permit, permit applicants are potentially allowed by the NJDEP to contribute to a fund to enhance public access in lieu of access. Since the State is requesting donations as a parameter for the approval of active permit applications, it is recommended that the Borough prepare a Resolution for the formation and adoption of a Municipal Public Access Enhancement Fund at their earliest opportunity. The donations collected in the Fund will be used towards proposed enhancements to the existing and proposed public access locations identified in the MPAP as well as any soft costs (engineering, bid, permitting, etc.) and construction costs associated with same.

Through the efforts of this Committee, a draft of the Borough's MPAP has been finalized per comments of our latest meeting; June 7, 2016. In order for the Plan to be considered as official, it requires approval by the NJDEP to ensure it complies with State regulations and is later incorporated into the Borough's Land Use Element of the Master Plan. Accordingly, this Committee approves the June 2016 Municipal Public Access Plan and recommends submission of same to the NJDEP for approval.

Very truly yours,
Councilman Chris Nelson

Reference Section 1
Municipal Goals, Elements and Policies

40:55D-2. Purpose of the act

It is the intent and purpose of this act:

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

Master Plan Elements - Required

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

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

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

Reference Section 2 Potential Needs Assessment Approaches

Simple Process

Create committee to handle needs assessment (temporary planning board sub-committee)
Review Inventory of existing facilities
Prepare list of local and regional stakeholders
Engage stakeholders and request input on potential needs being addressed and not being addressed
Compare needs with existing facilities
Hold public review of comparison at Planning Board meeting for general public input.
Record and review input at mtg.
Review opportunities for municipal improvements, non-municipal improvements and existing facilities in surrounding communities.
Prepare report on needs assessment for use in MPAP with suggestions on possible solutions.

Extended Process

Create committee to handle needs assessment (MPAP committee with members of Planning Board and or other municipal boards, residents, non-residents and associations)
Review Inventory of existing facilities
Prepare list of local and regional stakeholders
Expand committee as needed to incorporate critical stakeholder groups
Hold public forum and engage stakeholders for input on potential needs being addressed or not being addressed
Consider online survey of needs through survey monkey or constant contact distributions
Compare needs with existing facilities
Hold public review of comparison at Planning Board meeting for general public input.
Record and review input at mtg.
Review opportunities for municipal improvements, non-municipal improvements and existing facilities in surrounding communities.
Prepare report on needs assessment for use in MPAP with suggestions on possible solutions

NOAA Coastal Service Center

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

Online self-guided course for conducting needs assessments