

MUNICIPAL PUBLIC ACCESS PLAN

***Township of Middle,
Cape May County, New Jersey***



***Submitted for Approval:
February 2019
Rev. August 2019
Rev. January 2020
Rev. April 9, 2020***

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

***Adoption by the Township
{Date of Municipal Adoption}***

Prepared by



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Financial assistance provided by: The Coastal Management Act of 1972, as amended, administered by the Office of Coastal Management, National Oceanic and Atmospheric Administration (NOAA) through the New Jersey Department of Environmental Protection, Coastal Management Office.



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Theron "Ike" Gandy,
Deputy Mayor

James Norris,
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The original of this document has been signed and sealed pursuant to N.J.S.A. 45:14A-12.

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1.0 INTRODUCTION

1.1 Intent

The intent of this Municipal Public Access Plan ("MPAP") is to provide a comprehensive public access plan for the Township of Middle ("Township") which lays out the Township's vision for providing access to tidal waters and shorelines along Middle Township's borders. This MPAP was developed in accordance with N.J.A.C. 7:7-1.1 Coastal Zone Management Rules, in accordance N.J.A.C. 7:7-16.9 Public Access 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 Middle Township.

1.2 Background

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.

New Jersey Governor Phillip Murphy signed legislation revising rules governing public access on May 3, 2019. Municipal public access plans developed and adopted by municipalities outline public access within each individual 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.



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1.3 The MPAP Planning Process

1.3.1 Plan Endorsement

In November 2004, the Township commenced the regulatory process under the State Planning Act¹ to have its Zoning, Land Development and related planning policies and regulations certified by the Office of Planning Advocacy ("OPA") and the State Planning Commission. Such certification, known as Plan Endorsement, signifies that a municipality's policies and regulations related to growth and land use are consistent with the New Jersey State Development & Redevelopment Plan ("State Plan"), and confers on municipalities special status as relates to permitting and development.

In December 2005, the Township formally submitted a Petition for Initial Plan Endorsement to OPA. After staff review and recommendation to the State Planning Commission, the Township's Petition was approved.

Working cooperatively, the Township and OPA developed an Action Plan and entered into a Memorandum of Understanding ("MOU") regarding future Township actions in furtherance of the Endorsed Plan. In December 2006, the Township adopted Resolution No. 574-06, entering into the MOU with OPA. Since then, the Township has actively worked to achieve the action items agreed-upon as part of the MOU.

1.3.2 Master Plan and Open Space & Recreation Plan

The MOU outlined a number of actions the Township was to take in furtherance of the Endorsed Plan. These actions included the conduct of a General Reexamination of the Township's Master Plan and preparation of an Open Space & Recreation Plan Element for incorporation into the Master Plan.

As to the Reexamination of the Master Plan, the Planning Board adopted the 2010 Reexamination Report on July 22, 2010. This report: (i) provides comment on the significant progress made in addressing two major land use issues identified in the 2003 Master Plan, these being the development of homes on uplands adjacent to environmentally sensitive areas and development of areas without sewer service; and (ii) provides recommendations per Master Plan Element, some of which include, for the purposes of this Plan, working with Cape May County to expand the existing bike path and the call for the encouragement of programs of preservation by other agencies to provide for greater areas of unfragmented open space extending from Beaver Swamp State Wildlife Areas to the multiple drainage basins.

Middle Township's Open Space and Recreation Plan (OSRP) was adopted by the Planning Board on April 25, 2013. This document serves several functions in that it: (i) articulates goals and policies for the enjoyment of the numerous recreation amenities found within the Township, (ii) comprehensively identifies the Township's public and private recreation amenities, and (iii) sets forth site-specific recommendations for the addressing of needs to enable enhanced opportunities for the enjoyment of each site.

¹ N.J.S.A. 52:18A-203



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In the promotion of providing access to tidal waters and shorelines, the OSRP calls for the support of nature tourism and its positive effect on the local and regional economy, in part, through the taking advantage of the natural resources of the Township, including water access; and the development of public access points along the Delaware Bay to be more accommodating to visitors and residents, while maintaining the critical wildlife habitat.²

The overarching recommendation of the OSRP is that the Township enhance opportunity for public access to waterways through (i) the improvement of amenities as identified through the public process for Shellbay Pier, Avalon Manor Fishing Pier, Reeds Beach, and Norbury Landing, (ii) installation of improvements at Cooks Beach, Goshen Landing, and Nummy Island, provided any future development respects and preserves existing wildlife habitats and plant life, and (iii) opportunities that exist for access to waterways over privately held lands, such as marinas and other locations.

1.3.3 Approval and Master Plan Incorporation

On November 12, 2013, Township representatives met with NJDEP staff to begin the public access planning process and continued to liaison informally with NJDEP as the MPAP was being developed. This MPAP is based on recommendations: (i) contained within the Township's Open Space and Recreation Plan, (ii) suggestions advanced by the Township Business Administrator and staff, and (iii) ideas gleaned from liaison with NJDEP staff. Subsequent to preparation, the MPAP was presented to the Middle Township Planning Board ("Planning Board") and approved for submission to NJDEP.

It is the intent of Middle Township, pending receipt of NJDEP approval, to incorporate the MPAP with the Open Space and Recreation Plan Element of the Township's Master Plan, pursuant to Planning Board action, as required under the Municipal Land Use Law. N.J.S.A. 40: 55D-1 et seq.

Incorporation into the Master Plan, and final approval of this MPAP by the NJDEP, will be recognized by public notice in the NJDEP Bulletin. Pursuant to the aforementioned local and NJDEP approvals, all public access decisions made within Middle Township will be guided by and consistent with this MPAP.

1.4 Authority for Municipal Public Access Plans

The authority for a municipality to develop a MPAP is derived from the Coastal Zone Management Rules, N.J.A.C. 7:7. 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 Middle Township enables the Township to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. The MPAP will serve, in part, to inform and/or identify public access requirements associated with any proposed development or redevelopment project.

² Middle Township, Cape May County, New Jersey, Open Space and Recreation Plan(OSRP), April 2013, pp. 10-11.



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Upon approval of the MPAP by NJDEP, the Township 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, the Township will provide NJDEP with a letter confirming its consistency with this MPAP. Any permit issued by NJDEP will reflect such consistency and ensure that public access requirements are satisfied in accordance to the MPAP.

Pursuant to N.J.A.C. 7:7-16.9(h)4, the Township is required to submit a progress report on MPAP implementation to NJDEP within five (5) years from date of adoption and every five (5) years thereafter.

1.5 State of New Jersey Public Access Goals³

Through the Coastal Zone Management Rules, the State of New Jersey has established a broad set of coastal protection goals. As 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.

³ N.J.A.C. 7:7-1.1(c). (Exhibit 1).



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Additional goals not specifically stated in 7:7-1.1(c) but which relate to public access include:

- Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
- Provide clear information signage for access locations.

This Municipal Public Access Plan, which embraces and reflects these goals, will serve to preserve, protect, and enhance the public's ability to access the public trust lands which surround Middle Township.

2.0 MUNICIPALITY OVERVIEW AND ACCESS VISION

2.1 Municipal Overview and Description⁴

Middle Township, Cape May County, New Jersey ("Township") is a rural community with valuable natural, cultural and historic resources that serve both residents and visitors to the region. In addition to vast open space and many recreational facilities, the Township's diverse commercial corridors and developed areas include Cape May County's only college⁵, its only hospital⁶ and the County seat.⁷

The Township is physically located in the center of the County, and therefore hosts a tremendous number of travelers through its unique collection of hamlets, villages and Town Centers. As a tourist destination, the Township experiences significant increases in population, traffic and economic activity during the summer tourist season.

The Township's development policies and regulations encourage the preservation of land as well as active and passive, private and commercial recreational uses. Significantly, the Township boasts:

- In excess of 30 miles of coastline along the Delaware Bay and Inter-coastal Waterway
- Twenty-one (21) recreation and open space facilities, including the nationally recognized Cape May County Zoo.
- Diverse and distinct ecosystems including salt and freshwater wetlands, upland and wetland forests and the internationally renowned Delaware Bay ecosystem, one of the largest and most biologically diverse estuaries in the nation.

⁴ Source: Middle Township, Cape May County, New Jersey: Open Space and Recreation Plan. Terenik Land Use Planning (April 2013)

⁵ Cape May County Campus of the Cape Atlantic Community College in the Cape May Courthouse section of the Township.

⁶ Cape Regional Medical Center in the Cape May Courthouse section of the Township.

⁷ Cape May Courthouse.



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- Considerable Federal, State, County, municipal and nonprofit preserved open space, including 4,800 acres of the Cape May National Wildlife Refuge.
- Water access along the entire east and west borders.
- Significant (quantity and quality) historic structures.

Further, 50% of the Township's incorporated area is wetlands and other 20% is floodplains, waterways or other open water bodies.

Major water bodies within or adjacent to the Township include:

- Delaware Bay
- Great Sound
- Jenkins Sound
- Grassy Sound
- Richardson Sound, and
- Approximately 20 tidal creeks.⁸

Major Township-owned facilities providing waterway access are Shellbay Pier, Avalon Manor Fishing Pier, Reeds Pier, and Norbury Landing.

2.2 Municipal Public Access Vision

Middle Township's vision for enhanced public waterway access, is rooted in the below policy statements, which have been developed from field observation and analysis of existing and proposed public access points to waterways. These policy statements are consistent with recommendations contained in the Township's Open Space and Recreation Plan:

- a. Scope of improvements should be tempered by (i) the condition of existing infrastructure, and in particular, roadway infrastructure, (ii) effect on proximate residential development, as well as, (iii) effect on indigenous natural systems.
- b. Installation of improvements should be phased to coincide with the installation of supporting infrastructure.
- c. Future improvements are to be context sensitive, to mean, the improvements are to incorporate, and be sensitive to, the character of the area where being proposed.
- d. Location, arrangement, and materials of proposed improvements are to be viewed through the lens of resiliency, the thrust of which being the extent to which improvements incorporate features to mitigate storm damage.

⁸ OSRP (2013), p. 65.



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- e. Where found necessary due to either natural or manmade constraints, the reasonableness of allowing existing conditions to remain intact so to serve as a limiting feature as to intensity of use should be evaluated.
- f. To maximize opportunity for public access to waterways, opportunity for access is to be a consideration in the review of private sector development proposals.
- g. The long term durability of public improvements should be improved through a program of preventative maintenance.
- h. Wayfinding signs direct the Township's visitors to points of public access is a necessary ingredient of this plan; as such, all signs required by the State of New Jersey and signs for the convenience of the public will be posted. Incorporate signage into design documents.
- i. Interpretative signs should be utilized in locations where their placement enhances the public's experience of the natural resource, to which they refer, as they promote an appreciation for the significance of these resources through the information they provide.
- j. Public access to waterways is to benefit all of our citizens, necessitating the provision of accessible routes of access, consistent with the state's accessibility guidelines.
- k. Sanitary facilities for the convenience of the public are necessary and will be provided, at least on a seasonal basis, where deemed appropriate.
- l. Governing body review of condition of public access to waterway facilities and opportunities is necessary to assure Middle Township keeps pace with the access to waterways needs of the public; as such, the Township will make this concern a periodic discussion item on the governing body agenda.
- m. Sites potentially eligible for nomination to the State of New Jersey Register of Historic Places, which occur within existing or possible future points of waterway access must be preserved. The State of New Jersey owned navigation aid to oystermen found at Pierces Point, on Beach Road, is of local significance and may be eligible for nomination to the State's Register, necessitating Township liaison with Historic Preservation Office within the New Jersey Department of Environmental Protection.

2.3 Public Access Vision Consistency with Master Plan

Enhanced public access to waterways as advanced under this MPAP is consistent with Middle Township's Master Plan. Consistency with same is achieved, when it is considered that:

- a. The benefits of enjoyment of the outdoors is an expression of an overarching goal of the Middle Township Master Plan of improving quality of life through sound land use planning.



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- b. The increase in tourism as a result of enhanced waterway access is in concert with the economic goal of promoting a balanced, diverse and strong economic tax base, and the ancillary objective of supporting existing coastal development and the water-based recreation industry as a component of the Township's economy.
- c. Enhanced waterway access is an expression of the recreation goal of providing both active and passive recreation facilities and programs to serve Township residents, and the ancillary objectives of planning for and providing active recreation facilities and programs that meet the needs of current Township residents and, as well, identifying and planning for future recreation uses consistent with forecasted growth.

2.4 Public Access Vision Consistency with State Development and Redevelopment Plan

Under the State Development and Redevelopment Plan (SDRP), significant areas of the Township, west of Route 47, which generally parallel the Delaware Bay, are classified as Environmentally Sensitive Planning Area (PA5). Lands having this classification are characterized by "watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands."⁹ The primary thrust of the PA5 classification is the protection of environmental resources and accommodation of growth in Centers.

Middle Township's MPAP is consistent with aspects of the SDRP's Recreation, Economic Development, and Natural Resource Conservation policy objectives established for the PA5 area in that:¹⁰

- a. Through the call for enhancements to existing points of public access and call for limited future development, the plan mirrors the thrust of the Recreation Policy of promoting access to public lands; and is also consistent with Economic Development Policy of promoting appropriate recreational and natural resource-based activities in the Environs that are responsive to the needs of the surrounding region and supportive of the travel and tourism industry;
- b. Through the call for context sensitive development and development having as little an area of disturbance as practicable, the plan is consistent with the Natural Resource Conservation Policy of protecting and preserving natural systems and sensitive natural resources, to include natural landscapes of exceptional value, scenic vistas, and other significant environmentally sensitive features. In this regard, the plan is also consistent with the Land Use Policy theme for development/redevelopment in the Environs, which emphasizes the maintaining and enhancement of the natural resources of the area.

⁹ The New Jersey State Development and Redevelopment Plan, adopted March 1, 2001, p.215.

¹⁰ Ibid., pp. 218-219.



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The thrust of this plan is also consistent with the below intentions of the Parks and Natural Areas classification of the SDRP, of:

- a. Providing for the protection of critical natural resources;
- b. Providing public recreational and educational opportunities; and
- c. Ensuring the maintenance of associated facilities.¹¹

3.0 PUBLIC ACCESS NEEDS ASSESSMENT

3.1 Public Access Locations

3.1.1 Improved Public Access Locations

Improved public access to waterways locations include:

- Avalon Manor Fishing Pier
- Shellbay Pier
- Norbury Landing
- Bidwell Jetty at Reeds Beach
- Bennys Landing

Descriptions of existing conditions and access needs to enhance waterway access are as indicated below.

Avalon Manor Fishing Pier. The Avalon Manor Fishing Pier is Township owned and is found at the end of Old Avalon Boulevard, which in turn is accessed from Avalon Boulevard. The only improvement is the fishing pier, which is situated next to a private boat marina. The pier suffers from structural issues and encroaches onto private property. The Township has undertaken an improvement project, to rebuild the existing pier. Construction is slated to be completed by May 31, 2020. The project will include fish cleaning stations and benches. The project received all required permits from NDEP Land Use and Tidelands. The permit numbers are 0506-15-0020.1 :

Tidelands- TD 1160001

Land Use- CZM 150001 and WFD 150001

¹¹ The New Jersey State Development and Redevelopment Plan, p. 227.



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There is a temporary closure affecting the site. The bulkhead supporting the access road to the pier has suffered a major collapse, causing the pier to become inaccessible. A new bulkhead is currently being designed. The pier is classified as a utilized site¹² and itself is currently being redesigned.



View of Collapsed Bulkhead Looking onto Pier

¹² Utilized site means the location is used by the public and provides official or unofficial public access.



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Factors which limit public enjoyment of the pier include (i) a lack of directional signage to the facility, (ii) lack of dedicated parking, (iii) lack of handicap accessibility, and (iv) lack of restroom facilities. An additional issue limiting enjoyment relates to the conflict that results from anglers casting to the south and boaters using the abutting marina.



View from Pier to End of Old Avalon Boulevard

Apart from addressing the above mentioned limiting factors, consideration should be given to re-designing the pier in the manner suggested in the Township's Open Space and Recreation Plan, which calls for a pier of L-shape construction that would result in more frontage along the water and serve to alleviate the conflict with marina boaters.

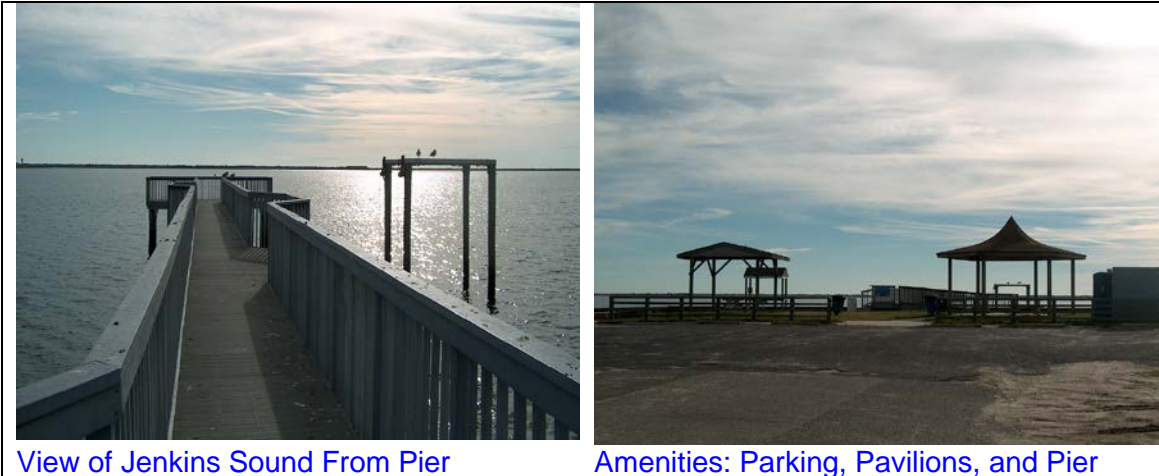
Shellbay Pier. Shellbay Pier is a Township owned facility which is found at the end of East Shell Bay Avenue. The facility, part of the Carol Nicoletta Park, boasts an expansive, well maintained pier; three pavilions, temporary restroom facilities in the form of a port-o-pot, a small parking area abutting the pier, as well as, informal parking along each side of East Shell Bay Avenue, within the facility area. Provision is made for handicap accessibility by way of a reserved accessible stall and ramp allowing for access to the pier.



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Parking is free and the only restriction relates to the hours of operation, posted as being 5:00 A.M. to 9:00 P.M. The pier is classified as a utilized site; apart from fishing, the site affords opportunity for crabbing, wildlife viewing, and picnicking.

The most limiting factor impacting public enjoyment of the pier relates to a lack of directional signage to the facility.



View of Jenkins Sound From Pier

Amenities: Parking, Pavilions, and Pier

Overall, the site is in excellent condition; the site would however benefit from a re-striping of the parking lot area and reroofing of the northerly most pavilion.

Norbury Landing. The site known as Norbury Landing is found at the southwest corner of the Township and provides access to the Delaware Bay. The Township owned site is more specifically situated at the westerly terminus of Millman Boulevard, immediately west of the intersection with Delaware Avenue. While current improvements relating to this public access point are limited to two small aluminum benches and an interpretative sign providing information on horseshoe crabs, the site is currently being redesigned.



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Norbury's Landing looking Southwest to Delaware Bay

There are no permanent or temporary restrictions affecting the site. The landing is classified as a utilized site, which affords opportunity for surf fishing, wildlife viewing, and vistas of the Delaware Bay.

Factors which limit public enjoyment of the landing include (i) a lack of dedicated parking, (ii) lack of handicap accessibility, and (iii) insufficient seating area.

Apart from addressing the aforementioned limiting factors, the site would benefit from additional interpretative/educational signs and accommodation for the launching of canoes and kayaks.





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Norbury's Landing looking West to Delaware Bay

Bidwell Jetty at Reeds Beach. The jetty, which is Township owned, is found at the northerly terminus of North Beach Avenue at the confluence of Bidwell Creek and the Delaware Bay, and affords opportunity for Delaware Bay fishing, as well as, wildlife viewing. There are no ancillary improvements; in this instance to mean, that there are no signs, directional or interpretative/educational, and no restrooms. A small, informal parking area is available at the end of North Beach Avenue, which is at least 100 yards from the foot of the jetty. The route of travel from the parking area to the jetty is not handicap accessible.



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There are no temporary or permanent restrictions. The site does appear to be only sparingly utilized, which may result from a lack of public awareness, the distance of the area from North Delsea Drive, and the narrowness of the Beach Avenue cartway, which is approximately 15 feet, making two-way circulation difficult.



Narrow Cartway leading to Bidwell Jetty and Reeds Beach: North Beach Avenue



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For greater utilization of the jetty area, consideration should be given to providing directional signage along North Delsea Drive and Reeds Beach Road, the placement of interpretative/educational signs along the path from the parking area to the jetty, provision of seasonal temporary restroom facilities, and modifications to enable handicap accessibility. Care should however be taken to not over promote the site until improvements are made, in particular, to North Beach Avenue, to assure the roadway can sustain an increase in traffic likely to result from greater public use.

Middle Township previously applied for Cape May County Open Space funding to underwrite the costs of an ambitious design, which envisioned a delineated gravel or clam shell parking area, the construction of a gazebo at the Delaware Bay end of the jetty, the construction of a ramp, ancillary beach restoration, milling and overlay of the terminus of North Beach Avenue, as well as the placement of a bench and porta-potties. Unfortunately, no funding was received for this project.

Bennys Landing. This landing is found at the end of Bennys Landing Road, which road is accessed from Bayberry Drive, approximately 0.8 miles from the landing area. The landing, which is classified as a utilized site, is Township owned and affords spectacular views of Jenkins Sound. A small residential development is located proximate to the landing area. The landing area sustained Superstorm Sandy damage, which was readily apparent by the deteriorated condition of the bulkhead, the abutting concrete area, and the brickwork supporting the landing's two benches.



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View of Jenkins Sound from Benny's Landing

Middle Township approved a plan for reconstruction; which called for the removal of all broken concrete, as well as, removal of the existing timber bulkhead, to allow for installation of a new vinyl bulkhead, the pouring of new concrete in place of the broken concrete, placement of a van-accessible stall and ramp, and steel cable fencing. Costs of improvements were approximately \$330,000.00 and construction was completed in 2015.



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Severe Superstorm Sandy Damage at Benny's Landing

Factors limiting public enjoyment relate to the remoteness of the area and the lack of public awareness. Given the proximity of the residential development and the small area of the amenity, this plan does not call for any more intense a use of the area than has historically occurred. To complement the current use, the Township will add a fish cleaning station, bike rack and benches.

3.1.2 Points of Public Access to Waterways Lacking Improvements

Points of waterway access lacking supporting improvements and for which only minimal improvements should be considered include the following sites:

- Nummy Island
- Kimbles Beach
- Cooks Beach
- Highs Beach
- Goshen Landing
- Avalon Blvd.

Nummy Island. This island is found along Ocean Drive between Stone Harbor and North Wildwood. The island is a popular location for “birders”, fisherman, boaters and



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jet skiers, who use the limited beach area proximate to Ocean Drive as a launch area. However, the launch area encroaches on a neighboring privately held parcel.



View Looking West From Ocean Drive on Nummy Island

The area is undeveloped other than for a gravel drive entrance to a small area of beach. Parking for those wishing to visit Nummy Island is limited to informal parking on the swath of grass area along Ocean Drive. Given the specter of vehicles in the grass area backing opposite the flow of traffic to launch small boats or jet skis with the potential for traffic conflict as well as encroachment from the launch area onto privately owned land, only minimal improvements should be made to limit the intensity of use. The site is classified as utilized. The placement of interpretative signs should be considered to educate the public and promote appreciation of the value of this resource.



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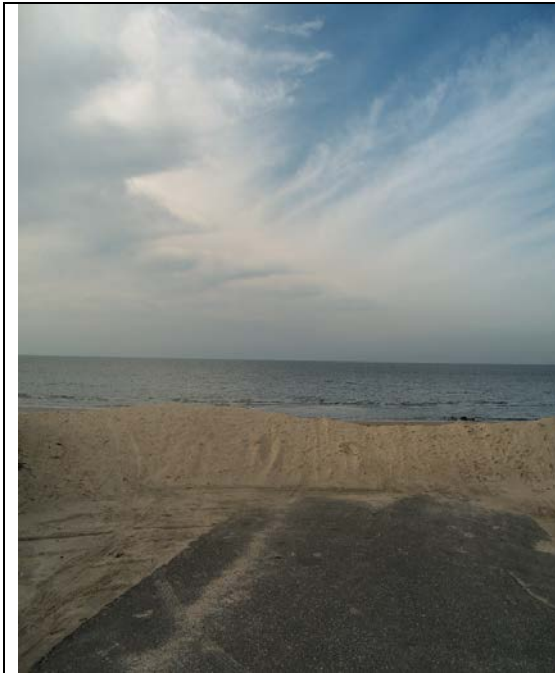


Unimproved Access From Ocean Drive on Nummy Island

Kimbles Beach. This beach is found at the terminus of Kimbles Beach Road, which road connects with Delsea Drive at a point approximately 1.2 miles from the beach and affords views of the Delaware Bay. The entirety of Kimbles Beach Road is paved; the need for surface course repair is however evident at the roadway terminus. The cartway has an approximate width of 16 feet. Access to the beach occurs at a point where there is found a cluster of residential development. The beach is also bounded immediately to the north by a National Wildlife Refuge area. There are no amenities at the site.



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Kimbles Beach looking West



Sign at Kimbles Beach looking West

The site does appear to be only sparingly utilized, which in all likelihood results from a lack of public awareness, the distance of the area from North Delsea Drive, and the narrowness of the cartway, which impedes two-way circulation. There is limited opportunity for informal parking at the terminus of the street and there are no restrictions as to use of the site, other than those imposed by the seasons.

The area is classified as un-utilized,¹³ to mean, the location has no improvements and receives little or no use by the public. Any improvements to the area, including parking, benches, handicap accessibility, etc., for the convenience of the public needs to be carefully considered given the proximity of the wildlife refuge area, and narrowness of the cartway, providing access to the area.

Cooks Beach. Cooks Beach is found along the Delaware Bay at the westerly terminus of Cooks Beach Road, which connects with North Delsea Drive at a point approximately 1.0 miles from the beach. There are no improvements at this location other than for the deteriorated remnants of a pier at the water's edge. The most limiting feature that needs to be addressed, concurrent with the promotion of enhanced access to the area, is the instances of expansive and severe surface course deterioration of both paved and compacted gravel areas of the access road.

¹³ Un-utilized means the location contains no improvements and receives little or no use by the public.



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Remnants of Pier at Cooks Beach

The area is un-utilized as it provides no improvements and is only sparingly utilized; However, over time, this area could be an area for fishing, boating/kayaking, wildlife viewing, and enjoyment of spectacular views of the Delaware Bay, with the installation of much needed roadway repair. This area is in private ownership and will be evaluated for future improvements referenced above.



View Looking Southwest at Cooks Beach



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Highs Beach. This beach is found at the terminus of Highs Beach Road, which road connects with Delsea Drive at a point approximately 1.0 miles from the beach and affords views of the Delaware Bay. The entirety of Highs Beach Road is paved; the cartway has an approximate width of 20 feet. Access to the beach occurs at a point where there is found a cluster of residential development. The beach is also bounded immediately to the South by the Rutgers Cape Shore Shellfish Research Laboratory. The site is classified as utilized and there are no amenities at the site.



View Looking West from the Beach toward the terminus of Highs Beach Rd.

Goshen Landing. Goshen Landing is an unimproved area that is found at what would be the westerly terminus of an unimproved extension of Goshen Landing Road at the Goshen Creek. The access roadway intersects with North Delsea Drive approximately 0.8 miles from the Creek, which is a tributary of the Delaware Bay. The area is remote and at this time cannot be accessed by automobiles. The site is classified as unutilized.



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End of Improved Section of Goshen Landing Road

To promote public access to the area, an improved roadway must be provided as well as the placement of signs at appropriate locations on Delsea Drive.

With limited, context sensitive improvements, the Goshen Creek Landing area could be an area for the launching of boats, kayaks, and afford opportunity for fishing, and wildlife viewing. The Township will evaluate the possibility of adding a kayak launch facility.

Avalon Blvd. Undeveloped access points under bridges provide public access for a variety of uses including launching of boats, kayaks, fishing, and wildlife viewing. Access points and parking are largely within the right-of-way, unpaved and informal. Given the specter of vehicles in the grass areas adjacent to the dirt cartway, only minimal improvements should be made to limit the intensity of use. The site is classified as utilized and there are no amenities at the site.



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View to Northeast of Unimproved Access along Intracoastal Waterway- Avalon Blvd.



View to Southeast of Unimproved Access along Tidal Waterway- Avalon Blvd.

3.2 Other Potential Points of Access to Waterways

Other potential points of public access to waterways, while not publicly held, but nonetheless advanced by this MPAP include the State owned parcel, at Pierce's Point, having thereon, a potentially historic structure; and privately held lands.



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Pierces Point. The State of New Jersey owns a parcel at Pierces Point, having a street address of 105 Beach Avenue (Block 19, Lot 12). The parcel is dimensioned at 40' x 125' and is undeveloped other than for a nondescript structure resembling a large tripod. The site is situated in mid-block of a developed residential area and affords views of the Delaware Bay. Local lore indicates that the structure was used by oystermen to locate oyster beds and is purportedly the last such structure in New Jersey. Based on its construction, it is also possible that it may have, at one point in time, been used as a support structure for a lighted navigation aid. Given its significance, presuming it being the last such structure of its type in New Jersey, an interpretative sign should be placed. Further investigation of the historic use of the site is necessary to confirm the use of the structure and determine eligibility for nomination to the State's Register of Historic Places. Necessary maintenance repairs to the structure have recently been completed to preserve the wooden timbers, and a small sign posted identifying the site as Pierces Point public beach access.



105 Beach Ave Pierces Point



105 Beach Ave Pierces Point

Privately Held Lands. This MPAP endorses the possibility of public access to waterways over privately held lands throughout the Township. This being the case, opportunity for public access over privately held lands will be explored in conjunction with the development review/approval process. Opportunity for access to waterways is also afforded through the use of marinas and other means such as the rental of docks, often a feature of residential development along waterways. Representative of these types of opportunities is the pattern of development found about the Grassy Sound area.

Grassy Sound is the expanse of water viewed looking south from the intersection of Ocean Drive and North Wildwood Boulevard, for which there are three points of improved access, just to the north of North Wildwood Boulevard. Each of the sites are privately held and occur in areas of residential development. On the west side of the Sound, there is a private boardwalk reserved for use by residents of the area, many of whom have docks. On the east side of the Sound, at the terminus of Old North Wildwood Boulevard, there is found the Grassy Sound Marina. For users of the marina,



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the site provides on-site parking and restroom facilities. The only restriction on use relates to the seasonal nature of the marina.



View Looking South From North Wildwood Boulevard- Grassy Sound



Private Boardwalk: West Side Grassy Sound



Grassy Sound Marina



Grassy Sound - Ocean Drive Sign

Also on the east side and just to the north of, and paralleling Old North Wildwood Boulevard, is a compacted dirt and gravel driveway, which leads to a residential development. Many of the units have docks; it is unclear however as to whether or not any of the slips are available for rent by the public as the driveway is constructed on a



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parcel privately held by one of the homeowners and not to be used without permission of the owner. The Township will enter into discussions regarding potential public access, however given the private property ownership this potential will be limited if at all.



Private Road- Grassy Sound

4.0 COMMUNITY NEEDS ASSESSMENT

4.1 The Process

The public access needs, described in the previous section, results from field observation as well as from the process employed in the preparation of the Township's 2013 Open Space and Recreation Plan (OSRP), for which Middle Township performed a community needs assessment that included public access to waterways. As part of the OSRP, there was extensive public participation, including:

- Interviews with twenty-five (25) stakeholder groups;
- A public survey with 188 responses;



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- A field trip to visit seven (7) sites;
- Fifteen (15) press releases and corresponding news articles;
- Two (2) public meetings; and
- Frequent website updates to detail plan progression, concepts, and survey results.

In sum, preparation of the OSRP revealed that the public's primary access needs are currently being met and no time frame regarding proposed improvements can be provided at this time. The parcels described herein offer a variety of amenities including public access to the inter-coastal waterway, public access to the Delaware Bay, with opportunities for fishing, crabbing, bird watching and passive recreation. Notwithstanding same, there are recommendations for public access improvement as described in Section 3.0 above.

5.0 IMPLEMENTATION STRATEGY

5.1 Priorities

The repair of the surface course deterioration at the terminus of Kimbles Beach Road is a priority; the extent of work necessary to remediate the existing condition should be scoped in 2019. Of less urgency, but also a priority, is the repair of the surface course of Cooks Beach Road to improve access to Cooks Beach, which due to the extensive need for repair will, in all likelihood, require a phased approach, pursuant to engineering review.

The assuring of handicap accessibility at all improved public access to waterways points, other than at Shellbay Pier, which is fully handicap accessible; remains a high priority. Another high priority includes the placement of way finding signs to all of the sites bordering the Delaware Bay, as many of the existing access roads are obscured by dense vegetation and not clearly marked.

It should be noted that the improvements recommended herein do not have an impact on any evacuation routes. Funding opportunities or the set-aside of municipal funds will need to be considered. Township owned properties not already under conservation, will be considered for ROSI inclusion or conservation unless other uses of activity are anticipated for these sites. Any future public access signage will be maintained by the Township Department of Public Works and appropriate signage regulations drafted.

5.2 Preservation of Existing Public Access

Middle Township Department of Public Works will continue to maintain and improve, as recommended herein, all improved public access to waterways points. Improvements to unimproved public access to waterways points will be sensitive to the capacity of these areas to accommodate anticipated intensity of use. Where found applicable, proposed improvements to all public access to waterways points will be consistent with the requirements for protection of shore areas, as promulgated by the Army Corps of Engineers. All Public Access points shall be preserved through a ROSI designation or Deed of Dedication, please refer to Appendix 3.



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5.3 Public Access Signage

The Township will prepare and install public access signage at all improved locations including:

- Avalon Fishing Pier
- Shellbay Pier
- Norbury's Landing
- Bidwell Jetty
- Reeds Beach
- Benny's Landing

The Township is currently seeking funding for improvements to currently "unimproved" access points, including Norbury's Landing. Once improved, these sites will be signed.

5.4 Proposed Facilities

All the current improved and unimproved access points are maintained, to a certain extent, by the Township, if owned by the Township of Middle. Construction Projects to improve the facilities are in various stages as follows:

- Avalon Fishing Pier – Currently being rebuilt and expect to be completed by May 31, 2020.
- Norbury's Landing – Concept Plans are complete and the Township is currently seeking funds to complete the contemplated project.
- High Beach – Currently in Concept Planning Phase.



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6.0 RESOLUTION OF INCORPORATION

The New Jersey Department of Environmental Protection (NJDEP) approved this MPAP on _____, 2020.

The Planning Board of Middle Township, via adoption of Resolution No. _____, on _____, 2020, incorporated this NJDEP-approved MPAP into the Open Space and Recreation Plan Element of the Middle Township Master Plan. The draft resolution is provided in Appendix 4.



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APPENDICES

- Appendix 1 Draft Planning Board Resolution Incorporating
MPAP into Middle Township Master Plan**
- Appendix 2 Map: Middle Township Improved and
Unimproved Waterway Access Points
Recommended for Enhancement**
- Appendix 3 Public Access to Waterways:
Existing Conditions Spreadsheet**
- Appendix 4 Sign Ordinance and Proposed Amendment**
- Appendix 5 Conservation Easement**
- Appendix 6 Norbury's Landing Concept Plan**



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**RESOLUTION INCORPORATING MUNICIPAL PUBLIC ACCESS PLAN (MPAP) INTO THE
MIDDLE TOWNSHIP MASTER PLAN**

Resolution # _____

APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the document entitled Municipal Public Access Plan ("MPAP"), Township of Middle, Cape May County, New Jersey was reviewed by the Planning Board of the Township of Middle, pursuant to N.J.S.A. 40:55D-28.a, "Preparation;Contents;modification" on _____, 2020, for incorporation into the Middle Township Master Plan, and

WHEREAS, the Planning Board of the Township of Middle recognizes the need to make the MPAP an authorized component of the Middle Township Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Middle that the document entitled *Municipal Public Access Plan, Township of Middle, Cape May County, New Jersey*, is hereby adopted and made a part of the Open Space and Recreation Plan (OSRP) Element of the Township Master Plan.

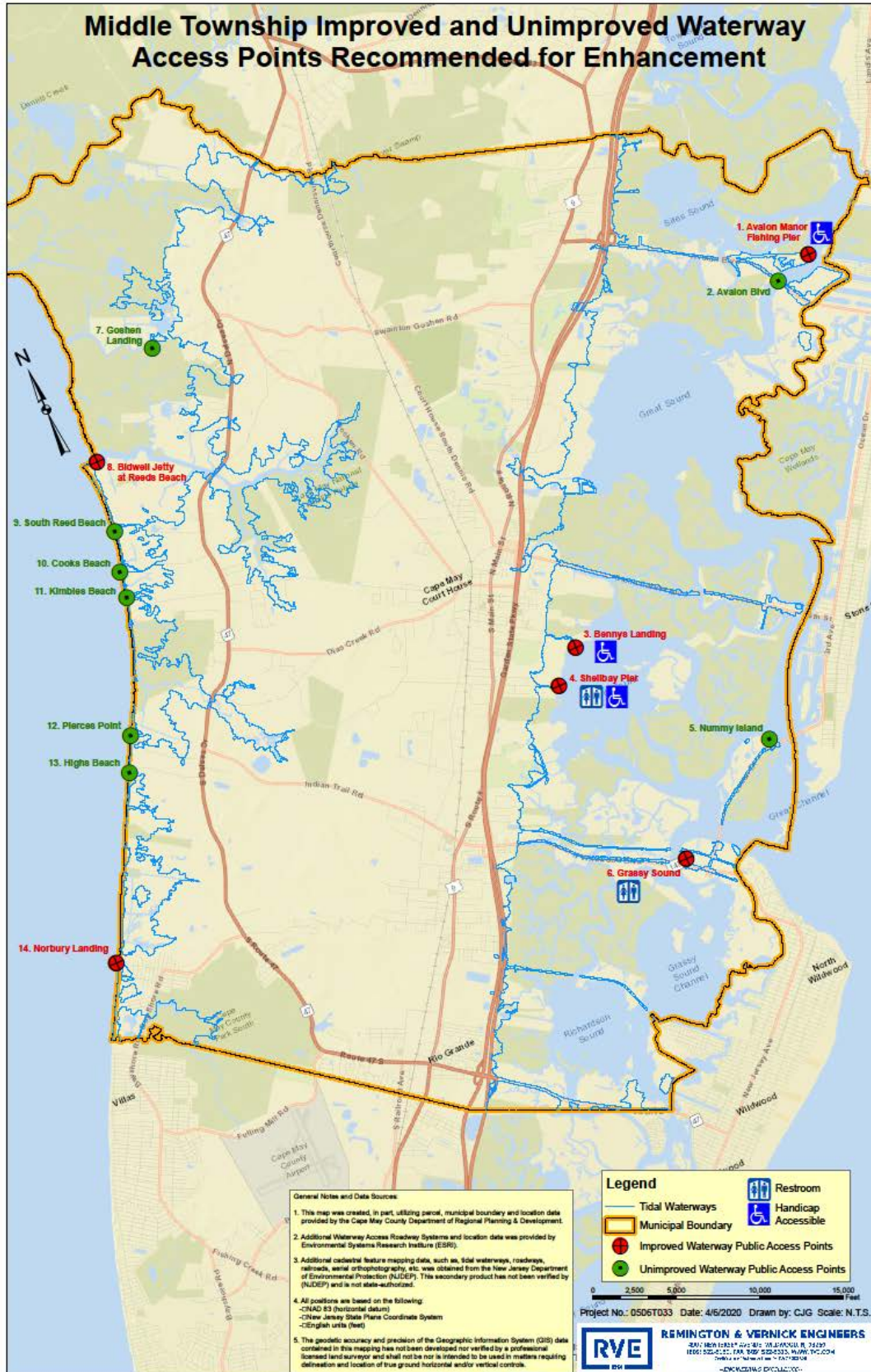
I hereby certify the foregoing to be a resolution adopted by the Planning Board of the Township of Middle at a meeting held on _____, 2020.

Planning Board Chair

Planning Board Secretary



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**Middle
Township
Public
Access**

ID	SIGNS	PARKING	NUM_PARKING	STREET	BADGE	SWIMMING	FISHING	SURFING	PLAY-GRD	PARK	PIER	BOAT-LNCH	MARINA	FOOD-DRINK	REST-RM	SEATS	H_C	SHORE-LINE	ACCESS_TYPE
1	N	N	0	Avalon Manor Fishing Pier, 701 Old Avalon Blvd.	N	N	Y	N	N	N	Y	N	private	N	N	N	Y	inter-coastal	physical
2	N	N	0	Avalon Blvd., Avalon Blvd.	N	N	Y	N	N	N	N	N	N	N	N	N	N	inter-coastal	physical
3	N	N	0	Bennys Landing, Bennys Landing Rd.	N	N	N	N	N	N	N	N	N	N	N	Y	Y	inter-coastal	visual
4	Y	No charge	7	Shellbay Avenue Pier, East Shellbay	N	N	Y	N	N	Y	Y	N	N	N	Y	N	Y	inter-coastal	physical
5	N	N	0	Nummy Island, Ocean Drive	N	N	N	N	N	N	N	N	N	N	N	N	N	inter-coastal	physical
6	Y	No charge	12	Grassy Sound, Old North Wildwood Blvd.	N	N	N	N	N	N	N	Y	private	N	Y	N	N	inter-coastal	physical
7	N	N	0	Goshen Landing, Goshen Landing Rd.	N	N	N	N	N	N	N	N	N	N	N	N	N	bay tributary	visual
8	N	N	0	Bidwells Jetty at Reed's Beach, 301 Beach Ave.	N	N	Y	N	N	N	N	N	N	N	N	N	N	bay	physical
9	N	N	0	South Reeds Beach	N	N	y	N	N	N	N	N	N	N	N	N	N	bay	physical
10	N	N	0	Cooks Beach, Cooks Beach Rd.	N	N	N	N	N	N	N	N	N	N	N	N	N	bay	physical
11	N	N	0	Kimbles Beach, Kimbles Beach Rd.	N	N	Y	N	N	N	N	N	N	N	N	N	N	bay	physical
12	N	N	0	Pierces Point, 105 Beach Ave.	N	N	N	N	N	N	N	N	N	N	N	N	N	bay	physical
13	N	N	0	Highs Beach, Highs Beach Rd.	N	N	N	N	N	N	N	N	N	N	N	N	N	bay	physical
14	N	No charge	5	Norbury Landing, Millman Blvd.	N	N	Y	N	N	N	N	N	N	N	N	N	N	bay	physical



PROPOSED AMENDMENT TO ORDINANCE 210 SIGNS

Add the following Sections

210-10 Public Access Signs

- A. Public Access Signage shall mean signs provided at public area to clearly direct the public to points of access to tidally flowed waterways.
- B. The Municipality shall provide public access signage at all public access areas to clearly identify where public access is permitted and where public access is prohibited.
- C. The Township's Public Works Department will be responsible for the maintenance of all public access signage.

Current Sign Ordinance is:

Chapter 210. Signs

[HISTORY: Adopted by the Township Committee of the Township of Middle 12-5-1991 by Ord. No. 799-91. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. **215**.

Subdivision of land and site plan review — See Ch. **218**.

Zoning — See Ch. **250**.

§ 210-1. Purpose.

The intent of this chapter is to provide temporary signage for commercial businesses to identify special events. By permitting temporary signage, the control and enforcement of such signage will be enhanced. The regulation of signs under this chapter is intended to ensure that the proposed signage is compatible with current surrounding land uses, creates a more attractive economic and business climate within the commercial and industrial area of the township, protects and enhances the physical appearance of all areas and reduces the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.

§ 210-2. Categories of special events enumerated.

The following categories classify types of occasions that would enable businesses to utilize temporary signs:

- A.
Grand openings.



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- B.
Anniversaries.
- C.
Promotional events.
- D.
Transfers of sale.
- E.
Holidays.

§ 210-3. Number of events restricted.

Each individual business would be permitted four temporary sign permits per year using the special event categories listed above.

§ 210-4. General restrictions.

- A.
Flags.
 - (1)
Each business or industry is encouraged to display or promote any national, state, municipal or nationally recognized foreign flag. The multiple use of such flags should be limited. No more than three poles should be used to fly such flags, and at all times the flag should be flown to follow the Etiquette of Stars and Stripes as per the National Department of Americanism.
 - (2)
Nothing contained herein shall be deemed to apply to the American flag. The American flag may be flown or displayed without limitation.
- B.
Each business or industry will be permitted two temporary signs per event. The signs may be either freestanding or attached to the building and must be located on the property that the permit is issued to. All temporary signs must be constructed and located in conformance with standards set forth in Chapter **218**, Subdivision of Land and Site Plan Review. All freestanding signs must be located out of the sight triangle to maintain pedestrian safety.
- C.
The total aggregate square feet for all temporary signs shall not exceed 32 square feet. The maximum square feet for any temporary sign shall not exceed 32 square feet.
- D.
Each special event permit shall be limited to a period of seven days.
- E.
Special provisions for businesses located in shopping centers. Each business located within a shopping center shall be permitted temporary signage subject to the approval of the owner of the premises. The number of temporary sign permits shall be limited to four times per year. Each business shall be permitted one sign attached to the front facade. The size of the sign shall be calculated at 1/2 square foot per linear foot of store front, not to exceed 50 square feet.



§ 210-5. Design standards.

A.

No sign is to be located so as to, by reason of its position, size, shape, content or color, be confused for, obstruct, impair, obscure or interfere with any traffic control sign, signal or device.

B.

No signs, unless publicly owned, shall be placed within or extend into or over any public right-of-way or easement.

C.

No sign or any part thereof shall be located closer than 10 feet to any lot line and no greater in height than 25 feet.

D.

To determine the square footage of any sign, the measurements shall include the entire display, together with all spaces between letters and/or symbols, and any artwork, framing or other work clearly a part of the display area of the sign, but not including the supporting structure. No sign shall contain more than two sides visible from any street. Unless otherwise prohibited, all signs may be double-faced with the maximum area applying to each side individually. Signs that require post or pylons whose surface is being used for advertising purposes shall include these surfaces in the total sign area.

E.

Signs erected flat against the side of a building shall not extend above the height of the vertical wall or cornice to which they are attached, nor may they obstruct, project over or occupy any window surface required for light and/or ventilation.

F.

All signs shall be of a character and composition harmonious with the area of the township in which the sign is located.

§ 210-6. Construction standards.

All signs are to conform to the structural requirements of the New Jersey Uniform Construction Code. Freestanding signs shall be supported by posts or pylons constructed of concrete, steel, treated wood or other suitable materials or combination of the same. Posts or pylons are to be securely anchored into the ground so that the sign will withstand high winds. No guy wires or bracing is permitted. Signs attached to structures are to be securely anchored by means of nonrusting metal hardware. All signs shall be maintained in a safe, secure and proper painted condition.

§ 210-7. Prohibited signs.

The following signs are prohibited in all districts:

A.

Animated or moving signs or signs using blinking, flashing, vibrating, revolving, flickering, tracer and/or sequential lighting, except clocks and temperature gauges.



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- B.
Signs using red, yellow or green lights which would be mistaken for or interfere with the operation of any traffic control signals.
- C.
Signs using neon lights or any other material which sparkles or glitters.
- D.
Roof signs. No sign may be constructed which attaches to or projects above the roofline.
- E.
Signs on a motor vehicle or trailer that are designated to be parked for advertising purposes.
- F.
Signs advertising the real estate has been sold.
- G.
Signs on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature, whether on public or private property.
- H.
Signs which contain statements, words or pictures of any obscene character or nature.
- I.
Signs which advertise, identify or pertain to any business no longer conducted or product no longer sold on the premises where the sign is located.
- J.
Signs containing advertising which is untruthful.
- K.
Strings of banners, pinwheels and other similar attention-getting devices.
- L.
Manufactured plastic or metal portable/rollout signs with interchangeable letters.

§ 210-8. Permit issuance.

- A.
No permit for temporary signs shall be issued if present sign standards are not met on the property in question.
- B.
A permit fee of \$50 shall be required for each temporary sign permit.
[Amended 5-3-2010 by Ord. No. 1349-10]

§ 210-9. Violations and penalties.

- [Amended 5-3-2010 by Ord. No. 1349-10]
If the provisions of this chapter are not adhered to by any person or business, whether operating in the Township of Middle or not, that person or business or business shall be subject to a fine of \$100 per day for each day the violation occurs.



DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT is made this _____ day of _____ BY AND

BETWEEN

THE Township of Middle, a Municipal Corporation whose address is 33 Mechanic Street, Cape May Court House, New Jersey 08210, referred to herein as Grantor,

AND

THE Township of Middle, a Municipal Corporation of the State of New Jersey whose address is 33 Mechanic Street, Cape May Court House, New Jersey 08210, 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 Township of Middle, County of Cape May, State of New Jersey, and/or identified as Addendum A on the official tax map of the Township of Middle, 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 Township of Middle, New Jersey are valuable economic resources to the municipality and the State of New Jersey; and

WHEREAS, access to tidal waterways at Township of Middle, 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 Township of Middle 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 in Addendum A on the official tax map of the Township of Middle, 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 Township of Middle, their representatives, agents, contractors and assigns to:

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



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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 Township of Middle 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:

- 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.
- The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
- 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.
- 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.
- 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.
- Structures no part of the project are not authorized.



MUNICIPAL PUBLIC ACCESS PLAN
Township of Middle,
Cape May County, New Jersey

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.

Witnessed by:

Township of Middle, Grantor

Timothy C. Donohue, Mayor

STATE OF NEW JERSEY

SS:

COUNTY OF CAPE MAY

I certify that on _____, 2020 Timothy C. Donohue, Mayor of the Township of Middle, personally appeared before me and acknowledged under oath, to my satisfaction, that this person:

- Was the Grantor of this Deed;
- Was authorized to and did execute this Deed as Authorized Signatory of the entity named in this Deed;
- Made this Deed for the full and actual consideration as set forth herein;
- Executed this Deed as the act of the entity.

NOTARY PUBLIC OF NEW JERSEY

Easement Accepted by:

State of New Jersey

STATE OF NEW JERSEY

SS:

COUNTY OF _____

I certify that on _____, 2020 _____, _____ of the State of New Jersey, personally appeared before me and acknowledged under oath, to my satisfaction, that this person:

- Was the Grantee of this Deed;
- Was authorized to and did execute this Deed as Authorized Signatory of the entity named in this Deed;
- Made this Deed for the full and actual consideration as set forth herein;
- Executed this Deed as the act of the entity.

NOTARY PUBLIC OF NEW JERSEY



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ADDENDUM A
Public Access Sites

ID	STREET	Street Location	Description
1	Avalon Manor Fishing Pier, 701 Old Avalon Blvd.	Old Avalon Blvd	Located at the end of Old Avalon Blvd. Use Exit 13 off the GSP, head East on Avalon Blvd. and then turn Left onto Old Avalon Blvd to the end.
2	Avalon Blvd., Avalon Blvd.	Avalon Blvd. County Route 601	Located at the intersection of Avalon Blvd and Ingram Thorofare. Use Exit 13 off the GSP and head East on Avalon Blvd. approximately 1.9 miles. There is an additional access point approximately 0.5 miles east at the next tidal creek
3	Benny's Landing, Benny's Landing Rd.	Benny's Landing Road	Located at the end of Benny's Landing Road. Starting from the intersection with Bayberry Drive, head Southeast on Benny's Landing Road approximately 0.4 miles to the location
4	Shell Bay Avenue Pier, East Shell Bay Ave.	Shell Bay Avenue	Located at the end of East Shell Bay Avenue. Starting from the intersection of Bayberry Drive head Southeast on East Shell Bay Avenue approximately 0.6 miles to the location.
5	Nummy Island, Ocean Drive	West Ocean Drive; County Route 619	Located on the Northwest end of Nummy Island. From Route 147 Head North on West Ocean Drive approximately 1.7 miles to the location
6	Grassy Sound, Old North Wildwood Blvd.	Old North Wildwood Blvd. County Route and State Hwy 147	Location is the intersection of State Hwy 147 (North Wildwood Blvd)and Grassy Sound. From GSP, Head Southeast on Hwy 147 approximately 2.1 miles
7	Goshen Landing, Goshen Landing Drive	Goshen Landing Drive	Located at the end of Goshen Landing Drive. From State Hwy 47 head West on Goshen Landing Drive approximately 0.8 miles to the location



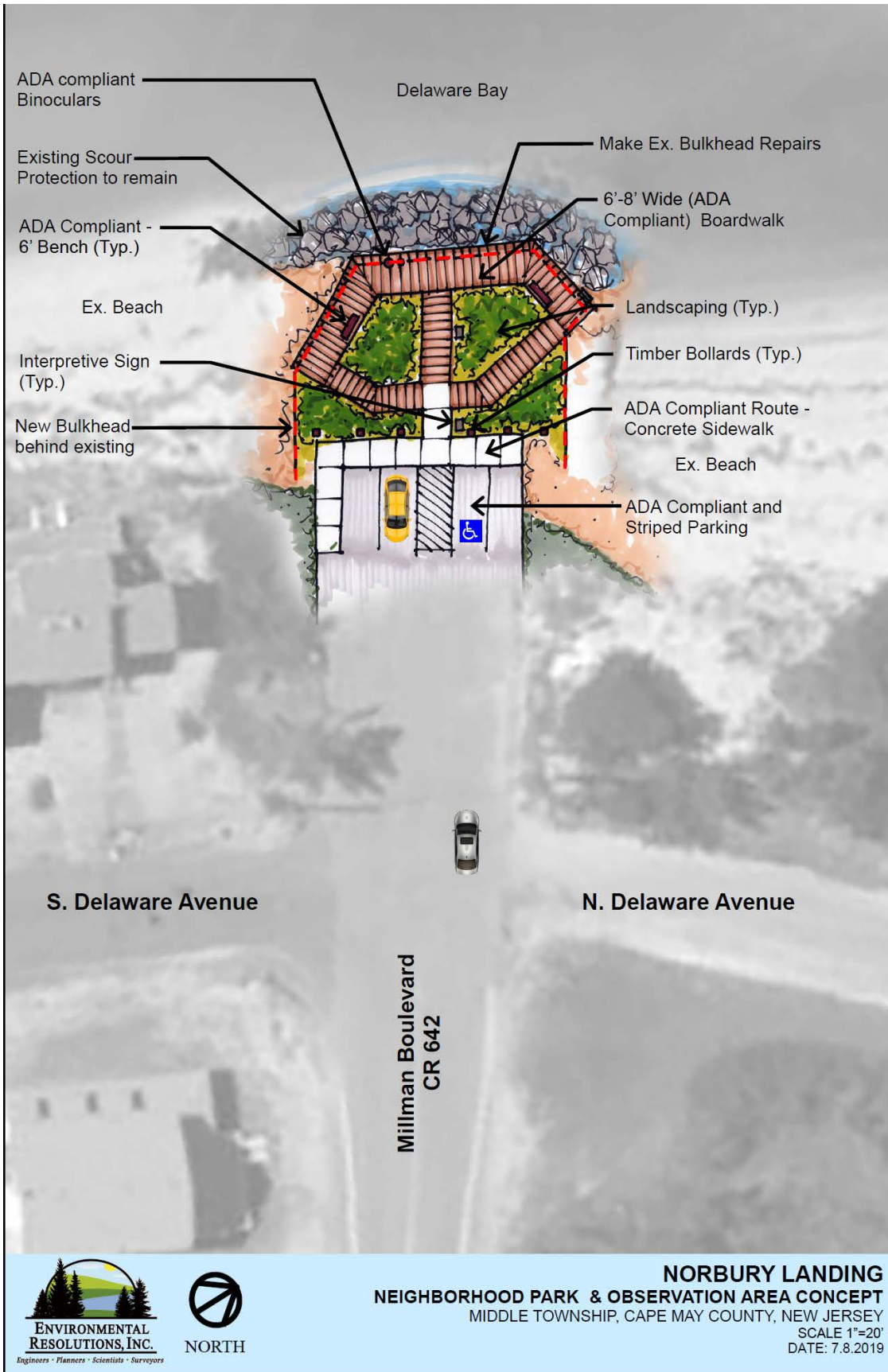
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8	Bidwell's Jetty at Reed's Beach, 301 Beach Ave.	Beach Avenue	Located at the North end of Beach Ave. From State Hwy 47- Head Northwest on Reeds Beach Road for 1 mile then turn right on North Beach Ave. Travel approximately 0.8 miles to the location
9	South Reeds Beach	Beach Avenue	Located at the South end of Beach Ave. From State Hwy 47- Head Northwest on Reeds Beach Road for 1 mile then turn left on South Beach Ave. Travel approximately 0.8 miles to the location
10	Cooks Beach, Cooks Beach Rd.	Cooks Beach Road	Located at the end of Cooks Beach Road. From State Hwy 47 head West on Cooks Beach Road approximately 1.0 mile to the location
11	Kimbles Beach, Kimbles Beach Rd.	Kimbles Beach Road	Located at the end of Kimbles Beach Road. From State Hwy 47 head West on Kimbles Beach Road approximately 1.2 miles to the location
12	Pierces Point, 105 Beach Ave.	Beach Avenue	Located at 105 Beach Ave. From State Hwy 47 head Northwest on Pierces Point Road for 0.9 miles and turn right on Beach Ave. Location is 240 ft on the left.
13	Higs Beach, Higs Beach Rd.	Main Street	Located at the end of Higs Beach Road. From State Hwy 47 head West on Higs Beach Road approximately 0.8 miles to the location
14	Norbury Landing, Millman Blvd.	Millman Blvd. County Route 642	Location is the end of Milman Blvd (County Route 642). From the intersection of Bay Shore Road and Milman Blvd take Milman Blvd Northwest approximately 0.5 miles to the location.

SEE ATTACHED TAX MAPS



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